London School of Economics and Political Science

The 'Power of Process':

The Impact of Process Management on Multilateral Negotiations

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Abstract

Multilateralism has repeatedly proven slow to address the critical challenges of our times. Negotiations on climate change in the UNFCCC process failed dramatically in Copenhagen in 2009, as did those on trade in Seattle in 1999 and on biosafety in Cartagena in the same year, to name only a few prominent fields. Ensuing negotiations made progress with the Cancún Agreements on climate in 2010, the Doha Development Agenda on trade in 2001, and the Biosafety Protocol in 2000. Countries lost precious time and resources through the initial collapses. *So, why did these negotiations first fail, while they later succeeded under similar political circumstances?* International Relations theory has largely focussed on the structural factors of interest and power to explain these outcomes. Yet, as structures often remained constant short- to mid-term and outcomes varied nevertheless, scholarship has increasingly paid attention to process, from the agency of bureaucracies and individuals to discourse analysis.

This thesis connects to this trend towards non-structural explanations, and intends to refine and complement them. In the tradition of regime theory, it eventually proposes a comprehensive negotiation framework that paints a holistic picture of negotiation dynamics to answer *whether and how the process management of a multilateral negotiation by the organizers, such as the host government and the UN, alters the probability of agreement*. It compares the in-depth case pair of the above-mentioned climate negotiations with case pairs from trade and biosafety. The project draws on data from 62 in-depth interviews with chief climate and trade negotiators, senior UN officials, and seasoned observers to discover what drove delegations in their final decision on agreement. It is complemented by participant observation at climate and trade summits between 2010 and 2012. The thesis finds that with process management, organizers hold a powerful tool in their hands to influence multilateral negotiations.

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Preface

Recent attempts to advance international regimes have created a puzzle for the traditional scholarship in the field of International Relations (IR). It could not fully explain why the long-awaited UN climate change summit in Copenhagen ended without official agreement in 2009, while it succeeded only one year later in Cancún. Over 120 heads of state and government had travelled to Denmark to attend one of the largest summits ever but failed to achieve a historic comprehensive agreement on the global challenge of climate change that could cost the world dearly. Similarly, the first salient trade negotiations after the creation of the WTO broke down in Seattle in 1999, and were successfully launched only in 2001 in Qatar as the Doha Development Agenda. What factors drove these events? Or, why did the biosafety negotiations to address the international handling of Living Modified Organisms collapse in 1999, before they reached the Cartagena Protocol in 2000? In all of these cases, fundamental power and interests constellations appeared to be constant in the brief time between the summits. So, these principal variables of neorealism and liberal institutionalism offer scant explanation for the initial failures and ensuing agreements, and leave us with a research puzzle: did the summits in Copenhagen, Seattle, and Cartagena then possibly not (only) break down due to clashing interests or lack of support by powerful countries, but to ineffective process management? As a lead UNFCCC-Secretariat official suggested in an anonymous interview for this thesis in May 2011: "The reason the Copenhagen Accord was not formerly adopted was bad process management."

This dissertation will address the research puzzle created from these attempts by states to reach international cooperation. It thereby aims to contribute to the understanding of multilateral negotiations as a key step towards attaining such cooperation. The central question of this dissertation is *whether and how the process management of a multilateral negotiation by the* *organizers, such as the host government and the UN, alters the probability of agreement*. In short, is there a 'power of process'? The work is embedded in the larger question that has intrigued scholars of regime formation for decades: "What are the determinants of success or failure in efforts to form regimes dealing with specific issues" (Osherenko and Young 1993, 2)? Better understanding the dynamics triggered by process management should add a missing piece to the knowledge of how multilateral negotiations evolve and conclude with varying degrees of success. This could complement the analysis of the structural factors of interests, power distribution, and problem structure.

The *literature review* in Chapter 1 shows that the mainstream structural IR theories of neorealism and liberal institutionalism have largely neglected process factors when explaining the behaviour of states with regard to *international cooperation*, and thereby left a research gap on process and multilateral negotiations. It sketches how rational choice-based game-theoretical approaches do not capture the full picture of such a sequence of negotiations. The chapter further details that some fields of IR (and beyond) have partially addressed negotiation process as a variable, such as strands of regime theory, constructivism, and those approaches that study the agency of bureaucracy and individuals, be they non-state actors such as the UN Climate Secretariat or be they a Foreign Minister and the supporting bureaucracy of a state that hosts a multilateral negotiation. This is where the thesis is located within the greater field of IR research on international cooperation, without an exclusive base in *one* theoretical corner. The entire point of the approach taken here is to combine process insights from across these schools.

Having outlined the general understanding on the emergence of international cooperation by IR, Chapter 2 begins by *zooming in on specific elements of the latest scholarship on the role of process in multilateral negotiations*, which examines whether and how process can make the decisive difference. This scholarship builds the foundation upon which the novel comprehensive negotiation framework of this research is constructed. The ensuing section on the specific *hypotheses on the management of a multilateral negotiation process* details these roots in contemporary academic thinking. For instance, does the type of discourse between negotiators have any effect on the negotiation outcome? The selection of this process element is based on constructivist discourse literature and general negotiation theory on arguing and bargaining as two ideal types of negotiation. In addition to the literature, exploratory interviews and observation at the UN climate summit in Cancún in 2010 inform the hypotheses on process.

Having provided this background of recent process research and having fleshed out the hypotheses, Chapter 2 further describes the *case selection and method of the within and cross-case analysis* to answer the research question. The study concentrates on the three case pairs of the above-mentioned negotiations on climate, trade, and biosafety. All three negotiations were of high political importance: climate delegates negotiated about a first-ever comprehensive global agreement on climate change; trade negotiators discussed the launch of a new post-GATT trade round; and biosafety talks addressed the rapidly expanding business with Living Modified Organisms. They dealt with highly complex global challenges and opportunities, and negotiated in global fora. All case pairs were situated in similar temporal circumstances between 1999 and 2010 of a post-Cold War and post-US hegemonic era with emerging developing countries as China or Brazil, and so their overall contextual conditions are comparable. The potential salience of details of the negotiation process demands the possibility of interviewing most key players in person for this research and hence suggested relatively recent cases. Moreover, the opportunity for participant observation and access to a wide range of actual participants of the climate case pair made the UN climate negotiations during the Danish and Mexican Presidencies in 2009 and 2010 an ideal focus case. Negotiations on trade and biosafety became secondary case pairs. *Within* each case pair, the process management of negotiations by the organisers of the first case is contrasted with that of the successive negotiation. The comparison *across* regimes then ensures maximal external validity of the findings. The chapter concludes by *conceptualizing 'process management'* in multilateral negotiations in detail so it can be tested in varying circumstances. Its key elements became transparency and inclusiveness, capability of the organizers, authority of the lead organizer, and the negotiation mode of arguing and bargaining.

The thesis then turns to its empirical heart with the following chapters on UN negotiations on climate change during 2009 and 2010. Chapter 3 provides the *background to the focus case pair*. It first offers a brief account of climate negotiations since the signing of the UN Framework Convention on Climate Change in 1992, and an overview of the complex UN climate negotiation structure. It then tells the story of climate negotiations during 2009 and 2010. These chronologies are mostly based on first-hand evidence from semi-structured interviews with delegates, organizers, and observers, as well as participant observation at the time, and complemented by the detailed accounts of the *Earth Negotiations Bulletin*.

Chapter 4 takes on the primary task of this research by testing the comprehensive negotiation framework proposed by this thesis against empirical evidence. It *compares the process management of the Danish and Mexican Presidencies and the UNFCCC-Secretariat* during the UN climate negotiations in 2009 and 2010. Among the key organizers in 2009 were Climate and Energy Minister Connie Hedegaard and Prime Minister Lars Løkke Rasmussen as successive Conference Presidents from Denmark and UNFCCC Executive Secretary Yvo de Boer. The Mexicans followed in 2010 with Foreign Minister Patricia Espinosa as Conference President and new UNFCCC Executive Secretary Christiana Figueres. The scope conditions for a decisive impact of process management by the organizers are met for both years: interests overlapped only narrowly in the beginning of both Presidencies, so an outcome was possible but not at all certain; next, negotiations were consensus-based, so mere majorities would not be sufficient to conclude a deal. The dissertation uses new evidence from interviews and participant observation, which was collected mostly at climate negotiations between 2010 and 2012. The database resulting from this field work contains 55 in-depth, semi-structured interviews on climate negotiations with senior delegates from key countries, high-level UNFCCC officials, and chief organizers of the Danish and Mexican Presidencies, complemented by participant observation at the climate summits in Cancún, Durban, and Doha.

Chapter 4 then scrutinizes in four extensive sub-chapters the key process management variables of 1) transparency and inclusiveness, 2) capability of the organizers, 3) authority of the lead organizer, and 4) the negotiation mode of arguing and bargaining. A *two-step analysis* examines the role each variable played during the negotiations. The first step checks the *correlation* between a process factor and the respective negotiation outcome. For example, the process during the Danish Presidency was much less transparent and inclusive than during the Mexican one. This process factor correlated negatively and positively with agreement as a negotiation outcome, as Copenhagen collapsed without adoption of the compromise proposal, while Cancún succeeded in attaining the Cancún Agreements. Beyond correlation, the second step of the analysis examines through meticulous *process tracing* whether and how a process factor, here transparency and inclusiveness (or the lack of it), contributed to the negotiation outcome. All four process management variables are studied through this two-step analysis of correlation and process tracing, based on solid and original empirical data.

Having examined process management as one core part of the negotiation framework, I proceed to evaluate *alternative explanations* in Chapter 5. After correlation and process tracing of the hypothesized process variables, this adds the missing element to probe causality and maximizes the internal validity of the findings. The dissertation thereby takes up the traditional structural IR theories outlined in the literature review at its outset, and scrutinizes to what extent they can (and seek to) explain the differences in negotiation outcomes. As indicated at the beginning, hegemonic theory proves less able to explain these results, as power structures barely changed between both years. Further, the interests of countries generally provide the context in which delegates negotiate. In the climate case, they allowed the reaching of an agreement as they narrowly overlapped at the outset. Yet, the constellation of underlying political, economic, and environmental interests altered very little between 2009 and 2010, so how can they explain the difference in outcomes? Besides, what role was played by the increased risk that the UN climate process would be abandoned as negotiation forum should no agreement be reached again? Additional drivers beyond structure may also come into play, such as the possibility of using the compromises from the earlier summit in Copenhagen as 'stepping stone' for Cancún, to name only one. The chapter on alternative explanations concludes the analysis of the comprehensive negotiation framework of the climate case pair, which is the focus of this dissertation.

The aim of the next two chapters is to discover to what extent the negotiation framework holds in comparable multilateral negotiations. Do we find its external validity? The trade and biodiversity case pairs in Chapters 6 and 7 respectively serve as such a cross-case comparison to assess the application of findings beyond climate negotiations. Chapter 6 covers *negotiations on the launch of a new trade round*. The spectacular breakdown of Seattle in 1999 was followed by the successful agreement on the Doha Development Agenda in 2001 in Qatar. As for climate change, the chapter compares the process management of the organizers of both years: the US and Qatari host governments and the respective WTO-officials at the time, with Mike Moore as WTO Director-General. Again, the analysis within each case first examines the correlation of the four process management variables with the respective negotiation outcomes, before it traces the specific steps of the negotiation process and searches for alternative explanations. Highly varying process management of the hosts notwithstanding, political pressures after the terror attacks of 9/11 also appear as promising explanatory factors.

The case pair of *biosafety negotiations* in Chapter 7 serves as the final cross-case comparison for the negotiation framework. The confirmation of the hypotheses in a third regime would significantly support the approach suggested by this thesis. The expanding trade in Living Modified Organisms demanded states to act, yet negotiations for a biosafety agreement collapsed at the Cartagena summit in 1999. They only reached a successful conclusion in Montreal in 2000. The chapter contrasts process management until 1999, led by Danish negotiation Chair Veit Köster and the Biodiversity Secretariat head Zedan, with that by Colombian Chair Juan Mayr and Zedan post-Cartagena until 2000. Correlation of their varying process management with outcomes is followed by process tracing and alternative explanations. Among the latter, the formation of a new negotiation coalition is one example of an additional factor.

Chapter 8 offers the *final conclusions of this research*. It first synthesizes the results by comparing the process management of organizers across the three case pairs by each process variable and its alternative explanations. This exercise reveals intriguing similarities between the cases, up to verbatim quotes of how process influenced the decision of parties to agree. After this empirical and theoretical summary, the chapter highlights the *two intended contributions of this dissertation*. First, the dissertation *supports and refines particular strands of process theories based on extensive, first-hand data*; it thereby strengthens the position of 'process' relative to 'structure' in IR theory. Second, it *provides a novel comprehensive negotiation framework*, which integrates structural and process explanations, to better understand the emergence of international cooperation; the framework includes the detailed paths of effect on the outcome. Process management may finally offer an additional element for future research in this important field of

IR. Overall, this thesis hopefully contributes to facilitate international cooperation on today's global challenges and opportunities.

1. Literature review: Neglect of process management of multilateral negotiations

This dissertation aims to narrow the research gap on the role of process management in multilateral negotiations. A wide array of IR literature has dealt with international cooperation and regime building, for which negotiations often form a crucial step. Yet, the literature review will show how scholars have mostly focussed on structural conditions, such as interest and power, to explain cooperation. They have largely neglected process variables. This is somewhat different for regime theory and constructivism, as well as theories on the agency of bureaucracies and individuals, who have partially considered the role of process. This review mainly addresses IR scholarship, and only partially non-IR negotiation analysis. Based in management research, the latter studies a different negotiation setting (e.g. Sebenius 1992; Thompson 2009), and can be applied only very selectively. Multilateral negotiations in turn have their own peculiarities (Depledge 2005, 6-7): states are different from other negotiating parties with their heterogeneous domestic constituencies on whose behalf they negotiate; global negotiations are not only among two or several states but comprise nearly the entire world; finally, they are repetitive 'games' as further negotiations of all kinds occur among states, as the climate, trade, and biosafety cases show. Let us begin with a review of how traditional, structural IR theories explain international cooperation, which will illuminate how little they have considered the process management of multilateral negotiations.

1.1. Neorealism

Focus on power

Realism, as one of the principal schools for explaining the behaviour of states in international relations, focuses on the global strife for power and its distribution among states. Generally, realism takes a long-term, structural view on the international system of states, and is thus mostly silent on process issues. Simply speaking, it looks at a different level (systemic) and actors (states understood as rational, unitary agents) with a longer time horizon in its analysis, when compared to process management approaches. Let us illuminate this difference by revisiting realism's approach to international cooperation in broad strokes. In its modern 20th century version, it has evolved into several neorealist variances. Early realists positioned the concept of power against more utopian explanations of foreign policy, as elaborated by E.H. Carr (e.g. Carr 2001). Realists grounded the Hobbesian struggle for power in the condition of human nature (e.g. Morgenthau 1954). Later, neorealists shifted towards a more structural perspective of the international anarchic system, where power differences within the system of states became the determining variable (e.g. Waltz 1979). Through this shift to structure, they also moved further away from the detailed analysis of foreign policy processes. Broadly speaking, some neorealists today underline the centrality of relative gains of power to explain international cooperation, while others emphasize more the need for a hegemon to create regimes. For both approaches, process does not really matter.

Why are *relative gains in power so crucial for states* according to neorealists? Their central assumption is that states are the only relevant unit of international relations. States derive their key interests of survival and autonomous action from the anarchic nature of the system. Therefore, the ultimate aim of foreign policy is the accumulation of power by which a state maximizes its ability to unilaterally ensure its survival. Hence, the primary international ordering principle is the distribution of power between the states, which determines the decision of states to cooperate. In consequence, one essential criteria for a state is to what extent it can increase its power *relative* to other states (e.g. Grieco 1988). Grieco further refines that the smaller the existing power difference the more sensitive a state is regarding relative gains or losses. This stands in contrast to neoliberal institutionalism which interprets interests such that absolute rather than relative gains matter for engagement in cooperation.

In consequence of this state-centric view, most neorealists hold that non-state actors, such as international organizations, are powerless and have negligible significance as causal drivers of international regimes (e.g. Mearsheimer 1994). They have no role to play as independent actors in international politics and are hence not considered autonomous units. Instead, states have full control over the development of regimes, and the organizations within them. So, the willingness of states purely decides on the existence and shape of cooperation, and is a mere reflection of their striving to maximize power. Some neorealists, however, concede that once equal power gains allow for a potential collaboration, information and implementation mechanisms of international institutions can overcome the remaining obstacle of the fear of cheating (Grieco 1988b).

Besides, numerous neorealists stress *hegemonic power* as a determining factor for international cooperation. To what extent is this concept applicable for our cases, given that realists have traditionally understood power predominantly in military terms (Baldwin 1993), and thus applied it in security studies? Military dominance, for instance, gives a hegemonic state sufficient power of deterrence to produce stability. This is a public good, which smaller states would not be able to produce by themselves. The hegemon can thereby create a security regime that less powerful states would accept voluntarily or are – at the extreme – coerced into (Olson 1965). Hegemonic stability collapses once the power distribution changes.

Yet, the concept has also been applied in the economic realm (Gilpin 1981; Hasenclever, Mayer et al. 1997, 88). Power is then measured in economic terms, such as market size, gross domestic product, and trade surplus. Hegemonic countries then influence through economic incentives or threats. The creation of the post-war global economic order through the Bretton

Woods agreements illustrated this mechanism, as it was largely dominated by the US and UK as economic superpowers. Moreover, power could play out in environmental cooperation, which has been growing in importance given the rapidly expanding resources consumption. Today's major environmental challenges are often global, such as the destruction of the ozone layer, climate change, and biosafety. Given the close link between environmental and economic issues, political-economic clout could also influence environmental cooperation. Such leadership has been identified for Germany as European economic hegemon, for instance, in contrast to other environmentalist states with smaller economies such as Denmark, which is less successful in providing such leadership (Falkner 2005, 589). In climate negotiations, the reduction of greenhouse gases is as much influenced by environmental as by economic considerations, such as the costs of climate change and its countermeasures. So, some argue that only the size (i.e. power) of the European market allowed establishing a European Trading System for carbon emissions (Busby 2009, 92). Yet, the argument continues that the absence of other large economies, such as the US or China, from such a scheme undermines the effectiveness of such leadership in an economically non-hegemonic, multi-polar world.

Critique

To what extent then does power explain the existence and shape of international cooperation, which originates from multilateral negotiations? For *hegemonic stability*, the explanatory capacity of power largely depends on the policy field. The distribution of military power in the security realm is of pivotal influence on the behaviour of states. As the goal is the maximization of one's security, the difference of relative power vis-à-vis other states is usually a sound determinant of state action. Yet, military preponderance alone is not a sufficient indicator for other fields, such as global economic policy. Odell for instance has shown in a set of ten economic negotiations that in a largely constant political-military power structure, negotiation approaches and results varied nonetheless, and depended, for example, on market conditions instead (Odell 2000, Ch. 3). He further argued that economic cooperation does not only depend on structural economic power, but on subjective factors such as the beliefs and biases of negotiators (Odell 2000, Ch. 4 and 5). Finally, political-economic power only marginally explains environmental cooperation. If a hegemon uses its full political capital to push for global environmental regulation, it is hard to imagine it not succeeding (Touval 2010, 86). Yet, power does not capture the full picture (Young 1994), as the mere existence of a hegemon does not explain environmental cooperation. Rather, domestic interests and institutional structures often determine whether a hegemonic state takes on an environmentally-friendly or –sceptic stance, as the behaviour of the US suggests (Falkner 2005, 589).

Furthermore, several environmental negotiations have produced outcomes that ran contrary to the position of a dominating country. For instance, parties adopted the Cartagena Protocol on Biosafety against US opposition (Falkner 2009, 114). A recent compilation of cases has observed such cooperation without a hegemon in the past two decades from the creation of the International Criminal Court to the Anti-Personnel Landmine Ban Convention (Stiles 2009). This undermined the validity of the hegemonic stability approach across most areas of international politics. Instead, the liberal rational choice argument goes, groups of more activist middle-power countries ('k-group') can reach a critical mass, which successfully drives cooperation. This is especially true for club (rather than public) goods, for which cooperation can be achieved without hegemonic contribution (Stiles 2009, 6-8).

Apart from the questionable application of hegemonic power across all policy fields, the neorealist focus on *relative gains* also has limits in explaining international cooperation. This approach can hardly account for why UN negotiations failed in Copenhagen in 2009, while they succeeded in Cancún only one year later. In this short time lag of one year, the power distribution between countries barely changed, and prospective gains (and losses) from the proposed outcomes had not substantially altered. So, relative power considerations scarcely explain the change of behaviour between Copenhagen and Cancún. This will be assessed in detail later on, but there are initial doubts that it explains this sequence of negotiation outcomes. Relative gains concerns might instead be more useful for assessing the long-term level of cooperation. Continuing the climate example, the fear of losing relative economic power might have led to a stalemate in the deepening of the UN climate regime. Many countries, such as China or the US, would each not want to constrain their economies relatively more than their competitors.

In conclusion, realism takes a long-term view on the international system in which the struggle for power by unitary states determines their attitude towards international cooperation. Realism does, therefore, only scarcely consider negotiation processes and their management, as the negotiations often concern shorter time horizons and the process itself occurs on a more detailed, micro-level of analysis. This is not to say that power considerations have not always been an important factor for international cooperation. However, it seems doubtful that power alone is a sufficient explanation for state behaviour: economic and environmental regimes have been created without hegemonic consent, such as on biosafety in Montreal, and even a hegemonic position has not been enough to attain cooperation for a superpower, such as on climate change in Copenhagen. So overall, the thesis will consider power as a contextual factor. Prima facie though, power seemed to be constant across all case pairs studied here, *while* outcomes differed. If this turns out to be true, process management as the varying factor seems a promising variable to complement structural approaches.

1.2. Liberal institutionalism and regime theory

Focus on interests

Interest-based theories are rooted in liberal institutionalism. They rest on the assumption that international regimes can influence the behaviour of states, not just vice versa. So aside from power structure, increasing interdependence and expanding international regimes provide a framework for state action. This reduces the uncertainty about the behaviour of other countries and so the "shadow of the future" (e.g. Keohane and Nye 1977; Keohane 1984). States have an interest in such cooperation. It reduces their costs of transactions when operating internationally, increases the chances of implementation, and thereby reaps *absolute* gains for all. Contrary to the realist argument, neoliberals hold that states do not oppose cooperation only because other states achieve relatively more gains (Hasenclever, Mayer et al. 1997, 4). This neoliberal understanding of state behaviour thus leaves broader room for the creation of regimes. It is influenced by a microeconomic view of states as rational actors that purely follow their preferences to satisfy their interests. Accordingly, cooperation largely depends on the global structure of interests on a particular issue. As with neorealism, this argument is largely structural, and so the strands of liberal institutionalism scarcely deal with process issues, such as the management of a multilateral negotiation and the detailed sequencing of international cooperation. Building on these shared views of institutional liberalists this section first discusses various game-theoretic constellations on the international level, then opens the black box of the state to account for the domestic level, before it finally details the approach of regime theory. Of these three approaches, only domestic level accounts and regime theory partially consider process in their explanations.

The rationalist, microeconomic strand of liberal institutionalism has frequently made use of *game theory* to explain cooperation (Rapoport 1960; Schelling 1960; Iklé 1964), though other schools have also applied game theory. Its scholars focus on interests and pay-offs as underlying parameters. The theory characterises negotiations as varying kinds of 'games' with states as central 'players', which rationally assess their interests and pay-offs at the outset of the negotiations. From this analysis, they derive their negotiation position and strategy to maximize their gains. The positions of all players create an objective-rational zone of possible agreement. Theoretically, the respective game set up predicts the strategies of actors and the negotiation outcome.

Using the game theoretical concept, many global problems of international cooperation have the structure of the thought experiment Prisoners' Dilemma for neoliberal scholars. Interests would generally lead states to cooperate. Yet, they do not trust each other to adhere to agreements but instead to double-cross the other party (Keohane 1984). Such a strategic situation has often been assumed for multilateral negotiations (Schelling 1960). Applied to climate negotiations, the strategic assessment could include economic, environmental, security, political and moral interests. Depending on the calculations, the possible pay-offs of parties could suggest a strategy of not cooperating in reducing emissions. Instead, the defecting country prefers that others produce a stable climate thereby minimising its own mitigation costs (Busby 2009; Grundig 2009; Harstad 2009). In the end, no country can be excluded from the benefit of the public good of a stabilized climate. If all parties follow this defection strategy however, climate change would simply accelerate. But who would voluntarily mitigate first, at initially high economic cost, when others may defect?

Neoliberals argue that countries can overcome this dilemma. Cooperative, reciprocal behaviour can be the benefit-maximizing strategy in a longer-term, iterative relationship between two players (Axelrod 1984). This insight was later expanded to situations of multiple participants. Since there was little direct reciprocity in a setting of multiple players, the evolution of norms became necessary to reduce defection (Axelrod 1986). Comprehensive agreements and regimes with strong implementation mechanisms can make defection less likely. These examples suggest that cooperation is still possible despite the collaboration problem of the Prisoner's Dilemma.

Scholars have identified additional strategic situations, such as the coordination problem. In the so-called 'Battle of the Sexes' it is best for both parties (here: the couple) to cooperate, from which they both envision more gains than from non-cooperation (Stein 1983). Yet, they need to decide on the kind of cooperation, as this determines the distribution of the potential gains amongst each other. Depending on this decision, parties receive diverging levels of pay-offs. As both parties gain, the likelihood of coordination is higher than in the Prisoner's Dilemma. Nevertheless, it still requires a decision on pay-off distribution. At this point, neorealist-driven thinkers introduced the "exercise of state power" into the 'Battle game' to explain which distribution was chosen and whether it achieved Pareto optimality (Krasner 1991, 340). Yet, whether climate negotiations, for instance, are a problem of collaboration or coordination depends on numerous, not-so objective assumptions on climate change.

Finally, recent studies have refined the overall game theoretical insight on reciprocity as driver of cooperation (Zartman and Touval 2010). One author emphasized not just the "shadow of the future" as an influencing factor, but also that "of the past". In other words, trust between states generated from previous experience is also a key to enable cooperation (Stanger 2010). Reciprocity is further enabled through the evolutionary principle of "kinship". Translated to states, kinship emerges from the sharing of ideas, identities, and goals (Zartman and Touval 2010, 230). They may rally against a jointly perceived threat, be it an outside enemy or an existential problem. The absence of a shared notion of a situation, and hence of "imagined kinship", reduces chances of a cooperation, as the weak support for the Kyoto Protocol demonstrated (Zartman and Touval 2010, 231). The perception of equality can also initiate kinship as it yields prestige and status to smaller states vis-à-vis the more dominating, larger ones

(Zartman and Touval 2010, 234). This hints at fairness of the negotiation process as the salient factor for cooperation, to which we come back later. Yet, the state is usually not a unitary actor, so neoliberals looked further onto the domestic level.

Two-level game

Liberal-institutional scholars have investigated the political dynamics within a state, which underlie the determination of preferences. In this area of research, process issues have partially entered their analysis. They have disaggregated multilateral negotiations into a two-level game to analyse the process of how states generate negotiation positions on a national level, and how this is used back on the international level (Putnam 1988, 434). This abandoned the realist notion of the state as a unitary "black box". The domestic distribution of power, preferences, and coalition formation shape positions domestically ("Level II"), before a state enters the international negotiation arena ("Level I") (Putnam 1988, 442). This national process determines the win set of a country, defined by its target and reservation points for the negotiation. Eventually, the degree of overlap between the win-sets of countries determines the likelihood of agreement. The argument has been repeatedly tested with indications to relax some of its hypotheses (Moravcsik 1997), recently for instance with the case of the non-ratification of the Kyoto Protocol by the US (Hovi, Sprinz et al. 2012). However its general explanatory power for the process of the interplay between the two levels still seems to hold.

Overall, this theory does not only take a systemic look to explain the behaviour of states. Below the international level, the domestic one forms a second, important layer. There, the influence of interest groups, political coalitions and others stakeholders contribute significantly to a country's negotiation position, e.g. on the emission reduction targets in climate policies (e.g. Falkner 2005; Grundig 2009; Harstad 2009). The situation of the US at the UN climate negotiations in Cancún in 2010 is a case in point. The institutional set up of the US political system required the ratification of any binding commitment. At the time, the Republican-controlled House of Representatives in the US Congress would have hardly allowed the Democratic Administration (and its climate negotiators) to agree on far-reaching emission mitigation commitments. This reduced the overlap of win-sets with other, more ambitious negotiation parties (Putnam 1988, 448).

The understanding of this two-level dynamic eventually also explains attempts by negotiating countries to restructure the win-set of the other side (Putnam 1988, 454). Countries regularly also target the domestic constituencies of their counterparts to alter the internal dynamics of preference forming. Actors are constantly playing on both levels, in their own as well as in the worlds of their negotiation counterparts. Even the multilateral negotiations themselves can change the domestic discourse and hence preference in an issue area, when the balance of opinion is fragile and is easily tipped by an additional factor (Putnam 1988, 454).

Regime formation and development

Regime theory has taken the purely payoff-driven account further by looking at and beyond interests as the determining factor for regime formation. Regime scholars thereby also started considering process as an explanatory variable, albeit mostly on the margins of the analysis. This study understands regimes as "sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge" (Krasner 1983, 1). An international organization is one kind of actor within such a regime. The literature on regime theory follows two directions. The strand of regime formation and development studies the circumstances under which regimes are created and their central actors. This "institutional bargaining" differs from other international negotiations as parties negotiate about forming an institution to address an international problem (Young 1989, 359). Special circumstances are that there is usually no majority voting and the regime is only formed by consent. Further, the issue variety and complexity is often such that parties only gradually reduce the 'veil of uncertainty' on near- and long-term pay-off structures during the negotiations (Osherenko and Young 1993, 227).

The second direction of regime theory addresses the more prescriptive question of how future negotiations and institutions should be designed. With regard to the climate regime, for example, researchers discuss the switch to multi-track climate treaties, which leave the comprehensive UNFCCC process behind (Barrett 2007). Others defend the existing framework as the still the most appropriate form (Depledge and Yamin 2009). Finally, some deliberate on the creation of a permanent environmental organisation (Biermann, Pattberg et al. 2009). As the key research question of this thesis addresses how process management influences negotiations and the formation and development of regimes, it is more closely related to the first strand of regime research.

Let us now reiterate the evolution of this branch over the past two decades as context for this thesis.[1] This will show how regime theory has partially integrated process issues in their analysis. Scholars first studied regime formation and described it as a "process of interactive decision making" (Osherenko and Young 1993, 13). Comparing power, interest, knowledge, and global context, they remained in neoliberal territory when finding 'interest' to be the most salient factor. Yet, they argued that the exact pay-off structure is often unknown in circumstances of complex and uncertain future developments. Therefore, interest alone is an insufficient factor, and regime formation also depends on the process circumstances of negotiations. They tested ten conditions of environmental regime formation and found three as particularly important (Osherenko and Young 1993): effective individual leadership, equity of the proposal, and existence of focal points. Process factors with less certainty were integrative (rather than distributive) bargaining and the availability of effective compliance mechanisms. They called for further research into the interaction between "social driving forces (that is power, interest, and knowledge) and crosscutting factors (that is leadership and context)" (Osherenko and Young 1993, 251) – a suggestion to which this dissertation responds.

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[1] Young broadly distinguishes three phases (Young 2010): The 1990s defined the primary terms of the theory and studied the beginning and rise of regimes. The late 1990s and 2000s shifted to regime effectiveness and performance in the respective policy area (also: O'Neill, Balsiger, et al. 2004, 163). Young, for instance, now turned to the institutional dynamics of a regime by shedding light on the determinants of the patterns of change of institutions (Young 2010).

The IR Handbook stocktaking on "diplomacy, bargaining and negotiation" still states the lack of research into the process and dynamics of multilateral negotiations in 2002 (Jönsson 2002). It shows that the major shortcoming of game theory (the assumption of rational, unitary actors in more or less static strategic settings) had stimulated research on the context and process of negotiations. Jönsson lays out six fields of research beyond game theory: culture (e.g. encounters between high- and low-context cultures), asymmetrical distribution of power (e.g. the notion that weaker states could sometimes be more successful in negotiations than stronger states), negotiating for side-effects (e.g. for some parties negotiations could be merely for communication, contact-building, information gathering, and propaganda), issue context and institutional embeddedness (e.g. that the specificity of issues and actors matter), mediation and multilateral negotiations, as well as negotiation dynamics. Accordingly, especially the last two fields need further investigation to better understand multilateral negotiation processes: there is "need to look more at the process ('the how') as scholars have so far more focused on the conditions of regime creation ('the why')" (Jönsson 2002). This is the goal of the dissertation.

These conditions of regime creation and development are also the underlying forces in regime effectiveness, argued Underdal (Underdal 2002). He finds that effectiveness correlates largely with the level of collaboration of states in a regime. Collaboration is less likely the more malign a policy problem is. This is related to "problem-structuralism", which makes cooperation dependent on the kind of problem (Czempiel 1981; Rittberger and Zürn 1990). Regime development is more frequent in certain policy domains (e.g. economic more than security issues), and conflict types (e.g. conflict about interests more than underlying values). Besides problem structure, Underdal finds greater problem solving capacity of an institution to enhance collaboration.

This problem solving capacity is determined by the "institutional setting (the rules of the game), the distribution of power among the actors involved, and the skill and energy available for the political engineering of cooperative solutions" (Underdal 2002, 21). Decision rules (e.g. majority voting, unanimity) form the core of the institutional setting, with consensus as a major obstacle to building regimes. However, its negative impact can be reduced by the "creative use of selective incentives, differential obligations (including loopholes), and promotion of voluntary overachievement by pusher countries (leading to two- or multiple-track cooperation schemes)" (Underdal 2002, 24). The distribution of power connected to the interests of the power-holding actors is a further factor alongside the institutional setting. Yet, this negotiation structure is not a satisfactory explanation when negotiation situations are highly complex and ambiguous. In that case, "skill and energy" are needed. Underdal understands such leadership as the "political engineering of international cooperation" with tools such as the design of substantive solutions, of institutional arrangements, and of actor strategies (Underdal 2002, 33). This thesis will build upon this notion of "skill and energy" for process management.

More recently, Young turned from regime creation to the patterns of regime change and so its later development, detecting five patterns from "progressive development" (regime deepening) to "collapse" (Young 2010, 8). Accordingly, the endogenous regime character and its exogenous biophysical and socioeconomic setting determine the pattern of change. More precisely, the extent of "alignment" between regime character and setting is decisive (Young 2010, 13). In the climate regime for instance, the inflexible UNFCCC regime is not aligned with its volatile setting of climate change. This leads to very limited change ("arrested development" pattern). Yet, this approach is again largely structural, as it explains little of the process of how to change the regime. The variables mainly describe statically which structural alignment leads to which change pattern. Yet, how is the rigidity of the regime itself changed? Young resorts to power, interests, and ideas (Young 2010, 182), but sheds little light on the management of the negotiation process, which the thesis aims to enhance.

Odell in turn was among the first to explicitly call for an integration of structural and process variables in IR (Odell 2000, 19). He described the salience of the negotiation process for the field of economic cooperation. Based on the analysis of ten bilateral economic negotiations, he states "that variations in this process make a significant difference to outcomes" (Odell 2000, 2). Using the method of difference, he contrasts a case pair for each process hypothesis, so one hypothesized cause and effect can vary while other variables are held constant (Odell 2000, 21). Odell criticizes the overemphasis of structure by political economy scholars. On process, he argues that a continuum of multiple negotiation strategies and outcomes exists beyond the mere juxtaposition of cooperation and defection (Odell 2000, 183). The variables of market conditions, negotiators' beliefs, and domestic politics determine the choice of strategy between integrative and distributive behaviour, or often the mix of both (Odell 2000, 3, 31). The outcomes are a distribution of gains and losses between negotiating parties (Odell 2000, 38). He finally calls for the further study of the process in multilateral negotiations (Odell 2000, Ch. 9). This thesis strives to integrate Odell's insights on integrative and distributive bargaining, and complement it with process management factors.

In a recent overarching approach to explain the slow advancement of international climate cooperation, Keohane and Victor consider interests, power, information, and beliefs as factors (Keohane and Victor 2011). They regard climate change politics as a 'regime complex' with multiple forums that lack clear hierarchy. Accordingly, functional, strategic, and organizational factors cause the current stalemate. It is functionally hard to coherently address the diversity of these problems, strategically difficult to align states given their heterogeneous interests (and scarce convergence of powerful states), and organizationally challenging to change an emission reduction path already taken by a group of countries. Also the account of Keohane and Victor looks more at structural determinants and pays less attention to negotiation process factors, where this thesis comes in to explain, for instance, why the climate negotiations in Cancún reached an agreement, while they did not in Copenhagen. A similar, more overarching approach is the research of the Global Governance Project, which concentrated, inter alia, on new rule-making across a fragmented global environmental governance and on novel actors beyond the state, such as civil society but also international bureaucracies (for an overview of results: Biermann and Pattberg 2012). Yet again, the project did not specifically analyse the dynamics of multilateral negotiations as still the key forum of most regimes, and how they can be influenced by organizers as autonomous actors.

One of the latest compendiums of environmental regime creation summarizes current views on central drivers echoing the differentiation into structure, process, and institutional provisions (Mitchell 2010, Ch. 5). Regarding structure, past regime research studied a series of issues. The number of actors alone seemed an ambiguous factor. In the past, some bilateral negotiations have failed, while large negotiations have sometimes succeeded. Further, interests are, of course, important but are rarely fixed for a negotiation, contrary to what rational choice usually suggests. Next, the "magnitude of international concern" alters the likelihood of agreement, reminding of the problem structure argument by others, and depends on the cost-benefit calculation of countries (Mitchell 2010, 117). The salience of scientific input is reiterated, yet also the difficulty of considering its insights when interests are strongly opposed (Mitchell 2010, 119). Finally, existing institutions in an environmental issue area, dense interdependence between countries, and growing problem awareness are further structural aspects that increase the chances for cooperation. Mitchell overall though joins the many scholars who have doubts about structure as the main determinant of agreements (Mitchell 2010, 118).

This thesis connects to various elements of Mitchell's process section. He fleshes out how the diffusion of knowledge in negotiations, such as through NGOs, epistemic communities and others, can change the perception of countries' interests (Mitchell 2010, 124). The eventual aim of the negotiations then is "generating mutually acceptable goals and policies" which states reach through "compromises and 'horse-trading'" (Mitchell 2010, 125). "Good diplomacy" is one essential facilitator in this process, which gets states to engage in integrative bargaining. This negotiation mode uncovers interests that underlie positions and looks for solutions that trade on these differences. This finally leads to an objective "zone of possible agreement" where the win-sets of the parties overlap sufficiently to agree on a proposal (Mitchell 2010, 126). He concurs with constructivists that in case of unclear interests and complex issues, states are open to interest formation through constructive discourse (Mitchell 2010, 128). Finally, leadership by those with a stake in the specific outcome, such as international organizations and occasionally single states, can often create the decisive momentum for the successful conclusion of a negotiation (Mitchell 2010, 129, 130). While structural leadership is closely connected to power, intellectual and entrepreneurial leadership is the manifestation of the skill and energy that individuals from states or international organizations contribute to enable agreement.

Further authors have analysed recent environmental negotiations by focussing on a variety of single factors, yet without adding up to a distinct debate in one area of regime theory. For instance, they described the positions of individual countries (such as China at the Copenhagen climate summit), context factors, and negotiation sequencing. Dimitrov correlates a series of individual occurrences with the eventual failure of Copenhagen in 2009, e.g. the announcement of a "deal" by US President Obama before the final plenary had even looked at the proposal of only a few powerful countries (Dimitrov 2010). Or, Bodansky provides an account that describes the Copenhagen summit and outcome, without highlighting the impact of specific variables of influence (Bodansky 2010). Haas offers an extensive list of contextual factors as elements of failure in the climate process, such as the weak institutional set up with a small Secretariat, scarce financial support for developing countries, and insufficient domestic pressure in some key states (Haas 2008). Overall, they take a less comprehensive look at the negotiations to assess which structural and process factors altered the likelihood of agreement. Finally, recent studies have emphasized climate negotiations as such, but mainly considered countries (and their delegations) to be key players and looked at their factors of bargaining success, or more specifically at individual countries and coalitions (Michaelowa and Michaelowa 2012).

Critique

As indicated throughout this section, this thesis generally connects to liberal IR theory. Yet, it also departs from several of its strands. One shortcoming of pure interest-based theory is that allegedly objective 'game' dynamics can change significantly with the more subjective definition of pay-offs, such as assumptions of vulnerability and scope of items to include in cost-benefit calculations (see also: Pittel and Rübbelke 2008). So, the original aspiration of the clear-cut explanation of a negotiation 'game', which uses the rational interests of states, is blurred through arbitrary elements, which can distort the theoretical outcome.

A related problem is that game theory mostly concentrates on the initial pay-offs to explain negotiation behaviour. If interests converge or collide, an agreement can be reached or not. It does not capture the many situations where pay-offs and positions are not clear up front and are formed in the course of a negotiation. This is especially true for negotiations on very complex issues with an ambiguous preferences (Mitchell 2002, 505). In these cases, it can be the negotiation process that determines whether parties uncover a zone of agreement. A poorly managed process may also move parties into antagonistic behaviour and destroy any chance of an agreement. As real people (that do not fit one standard-rational definition of a theoretical model) negotiate on behalf of states, they can be influenced also on a personal, emotional level by the circumstances of a negotiation process. Negotiation positions might thereby not just be rationally calculated on a drawing board up front, but might be influenced by the way the process is managed.

One of the most prominent game theorists wrote along these lines when he stated that game theory clarifies the basic strategic situation of a negotiation, yet only an analysis of process, such as discourse and the way of framing issues, offers a comprehensive explanation of negotiations (Rapoport 1966, 259). Others argued in a similar vein, when they acknowledged a good explanation of the "demand side" of cooperation and regimes, yet regretted the lack of substantiating "when and how the demand is actually met" (Hasenclever, Mayer et al. 1997, 56). More recent studies have refined the structural mechanics of games, and included subjective notions of kinship, such as through the perception of equality to explain cooperative behaviour (Zartman and Touval 2010). These subjective elements will be taken up later in this thesis. Putnam's less formalistic approach of the two-level game theory is less affected by game theoretical shortcomings. He adds the salient domestic facet to explain the behaviour of states in multilateral negotiations. Putnam, however, does not include process management dynamics, so the latter can complement his two-level game approach.

Regime theorists have widened the perspective on the evolution of international cooperation beyond the limited structural account of pay-offs and interests. Thus, they reached the greater complexity required to paint a fuller picture of negotiations. Yet, while this widens the lens onto comprehensive structural accounts, many still only marginally look at the actual functioning of the negotiation process below macro-level conditions. Some nonetheless took process into account. Osherenko and Young designed an overarching structural-process model (Osherenko and Young 1993). Some others also fleshed out structural factors and specific process variables (e.g. Jönsson 2002; Underdal 2002; Mitchell 2010). I will elaborate on these in more detail below, when I discuss the specific elements of process management. Overall, this thesis connects to the comprehensiveness approach and to selected elements of regime scholarship on the creation and further evolution of regimes.

In sum, the analysis of international cooperation based on the interests of states by most strands of liberal institutionalism considers the effect of process management on multilateral negotiations only on the side. Therefore, this dissertation rather connects to the work of regime theory and goes beyond 'interest' to understand the key process variables that also influence the evolution of negotiation positions, and hence eventually (non-)cooperation as final outcome. As we have seen, a few specific elements in recent regime theory already hint in this direction.

1.3. Constructivism

Focus on roles and ideas

In the past twenty years, numerous theorists have adopted a more reflectionist than rationalist view to explain international politics and cooperation. They have investigated the process how structure constitutes actors, yet also vice versa (Barnett 2005, 262). This approach brought IR theory closer to the study of process issues. Reflectionist scholars vary between a moderate and outright rejection of established rationalist approaches. On one side, *highly critical ideational scholars* doubt the pure rational choice-motivated behaviour of states and argue that they aim to fulfil subjectively constructed *roles* (e.g. Wendt 1987). States are constituted only through a subjective concept of an international society of states and its institutions. Their relations are ruled by an ever-changing understanding of international institutions consisting of rules and norms. From this, states infer their identity and role, and deduce their expected behaviour in international politics. The continuous interpretation of rules and norms by states in turn alters them over time, so that a dynamic of mutual influence is created. For instance, the change in identity of a group of states towards a 'collective identity', like in the European Union, could explain emerging cooperation beyond the mere basis of power and interests (Wendt 1994).

A seminal stocktaking of international cooperation theories used the description of 'strong cognitivism' for this highly critical approach which rejects the consequentialist view of rational utility-maximization as the explanatory driver of the behaviour of states (Hasenclever, Mayer et al. 1997, 155). Others qualify them as 'sociological models' (Stiles 2009, 9). The key point remains, that states follow a "logic of appropriateness" that strives to bring their action in line with the behaviour expected from their role (March and Olsen 1989). It stems from a "sense of obligation" to adhere to international agreements, especially those perceived as highly legitimate (Franck 1990). Some scholars tied this approach back to rationalist thinking. Busby reasoned that European, Canadian, and Japanese leadership on the Kyoto Protocol to curb emissions was motivated by reputational concerns as "good global citizens", or by the role of a successful host to negotiations, like the Japanese in Kyoto. Yet, he also shows that this thinking could be attributed to the potential material benefits states might reap from such prestige (Busby 2009, 81, 86).

On the other side, *a more moderate strand of reflectionist scholarship* is *constructivism*. It mostly acknowledges the interest-driven rationality of decision-making. Yet, it takes a less systemic-structural and more process-oriented perspective. Constructivists highlight the process of how these interests are shaped by *discourse and ideas* (e.g. Haggard and Simmons 1987; Haas 1992; Goldstein and Keohane 1993). Accordingly, discourse affects ideas also on an international level. Ideas, understood as "causal and normative beliefs held by individuals", then influence the actors of international politics (Hasenclever, Mayer et al. 1997, 139). Ideas could eventually transform their views so that their international political behaviour changes.

The influence of ideas manifests itself in different ways (for the following: Hasenclever, Mayer et al. 1997, 142). For instance, they can serve as common focal points of the negotiations of a regime; as values and norms that are widely accepted and become a form of institution in themselves; and as knowledge-induced changes of goals and means in complex situations where 'learning' actually changes the perception of a state's interests. One way of spreading such knowledge is through an epistemic community, which is a "network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain" (Haas 1992, 3). Civil society advocacy groups also influence negotiations through idea diffusion, when they present their policy suggestions to delegates and to the wider public (Stiles 2009, 12). This influence of ideas on the preferences of states does not only occur on the level of multilateral negotiations. Universally discussed ideas and norms diffuse into domestic debates within states, alter people's perception of issues, and hence their preferences. In the end, they flow back onto the international stage as the changed position of a negotiating country (Risse-Kappen 1995). National and international discourses are thus interwoven.

Regarding these different strands of reflectionist scholarship, this thesis concurs that perceived roles also influence states in their behaviour in international society. Yet, the focus of this research is the extent to which process management has an impact on the outcome. In order to investigate this part of the picture in more detail, constructivism on the moderate side of reflectionist theories seems more promising as it revolves around immediate and concrete influences of discourse and ideas on international negotiations. It takes less of a meta-level view of international society. In the following, I will first outline the concept of discourse modes in negotiations, and the debate on their role in multilateral negotiations.

Discourse modes in negotiations

How can ideas influence the preferences and positions of countries, and eventually the negotiation outcome? This mechanism is still regarded as underexplored (O'Neill, Balsiger et al. 2004, 163). As discourse is one entry point into the negotiation process for an idea, the analysis of negotiations from the perspective of the mode of discourse and its impact on positions has been one approach to shed light on this question. Scholars distinguish between the modes of bargaining and arguing. In pure terms, bargaining implies the "exchange of demands, threats, and promises" between parties to distribute potential negotiation pay-offs whereas arguing means "deliberative and truth-seeking behaviour" to convince someone else in an open-ended discourse (Ulbert, Risse et al. 2004, 2). The underlying assumption is that arguing facilitates the reaching of an agreement whereas bargaining reduces the chance of a compromise.

The argument borrows widely from the Habermasian Theory of Communicative Action (Habermas 1984), which is contrasted to *rational* action. Habermas bridges the explanatory gap in rational action theory between the willingness to cooperate and the eventual actual cooperation. According to him, parties have to reach a common definition of a situation and its relevant norms to get from their interests to action. They achieve that by proposing and evaluating arguments. This mechanism however is contingent on their openness to such a discourse. In that discourse, parties claim validity with regards to their 'speech acts', 'moral rightness', and the 'authenticity of their speakers'.

Conditions and impact of discourse modes

The discourse analysis of a series of multilateral negotiations, such as that of the International Criminal Court (ICC), shows that arguing influenced a negotiation outcome through the change of parties' perception of an issue and their related interests, and in consequence their negotiation position (Ulbert, Risse et al. 2004, 34). The study revealed that both modes of arguing and bargaining often occur in combination during all phases of multilateral negotiations: from agenda-setting to the type and quality of a final agreement. If certain conditions are not met however, parties stay in a bargaining mode. With regard to climate change for example, the lack of a common perception of a "fairness of burden-sharing" is conceived of as a salient obstacle to regime progress. In that case, the situation of an ideal discourse type is not granted. Finally, despite their finding of a positive impact of arguing on reaching an agreement on the ICC, Ulbert and Risse could not produce reliable evidence on the conditions and exact functioning of such an influence. Nevertheless, they collected indications for such conditions, e.g. the importance of "previously agreed-upon principles… [as] points of references", or the presence of persuasive knowledge brokers.

A later study also found a general applicability of Communicative Action Theory in multilateral negotiations, yet acknowledged its character as a Weberian ideal type, which could never be fully observed in reality (Deitelhoff and Muller 2005, 168, 178). Among other problems, it proved empirically hard to distinguish a negotiator's genuine internal motivation to argue in search for the best solution from the argument-disguised, mere bargaining. Nevertheless, they approximated three overall conditions so that arguing would occur and have an effect on the outcome in international negotiations (Deitelhoff and Muller 2005, 172): 1) an overlap of lifeworlds of negotiators in that they share some common experience and background; 2) the existence of ideal speech situations approximating the Habermasian type in the setting of international institutions with sovereign states; 3) the third condition of publicity of the negotiations remains ambiguous in international negotiations. Public scrutiny motivates parties to propose substantive arguments. Yet, it also deters parties to concede a position publicly as they would risk losing face. Finally, they add two arguing-enhancing factors: uncertainty about facts, and the resonance of an argument brought forward by an authoritative figure. The fact that a person with widely-accepted moral authority argued for something proved rather important in their research.

Could we link the discourse mode to the individual world view of negotiators (Hopmann 1995)? A neorealist perception by delegates that relative gains are decisive may lead to more bargaining. In contrast, when states strive for absolute gains, as neoliberals argue, we may observe more arguing, which aims to "problem-solve". So, the cognitive mindset with the world view of individual negotiators may influence in which mode they conduct a specific negotiation (Hopmann 1995, 38). A de-classified document about a White House discussion on the US reaction to the Soviet Union's behaviour in the Horn of Africa during the Carter Administration illustrated well how approaches of foreign policy makers diverged within the same government (Hopmann 1995, 36).

Regarding the impact of discourse mode, Hopmann holds that bargaining reduces agreement chances in most multilateral negotiation situations, as they have an only marginal overlap of interests, multiple and complex issues, multiple parties with diverging interests, and high tensions with essential interests at stake (Hopmann 1995, 44). Agreement requires arguing instead. Such "creative problem solving" can be facilitated by issue framing and packaging, jointly held principles, third parties' good offices, and effective management of group complexity (Hopmann 1995, 45) – tools which organizers can also use.

Critique

Studies now have increasingly merged rational and constructivist approaches. Preferences would not be "exogenous and fixed" at the outset of a negotiation, determining the structure of the strategic setting (Hopmann 2010, 110). Rather, an open-ended, non-conflictive negotiation style would enable changes in the attitudes and ideas of states. This would eventually alter their rational preferences, which are hence influenced by the negotiation process itself. Other scholars also combined arguing with rational choice, and went even further (Grobe 2010). Accordingly, arguing does not change preferences but the fact base, with new knowledge on causes and effect. The position of an actor hence alters within his pre-determined set of preferences (Grobe 2010, 6). Arguing is held as a "functional persuasion" rather than a persuasion based on the sincere search for truth as traditional constructivists hold (Grobe 2010, 22). The more recent approaches have in common that they explicitly combine constructivist thinking on ideas and discourse with the neoliberal views on preferences, which this thesis shares.

One problem for traditional constructivists is that it is empirically hardly possible to observe the motivation of delegates behind their discourse mode. Did they argue for functional reasons, or were they truth-inspired? Risse and Kleine therefore concentrated more on the conditions of arguing and studied in which cases arguing-induced preference changes occurred (Risse and Kleine 2010). They studied negotiations on producing a proposal for a European Union Constitutional Treaty, and detailed the conditions of discourse modes during the failed European intergovernmental conferences and the successful European Convention. Accordingly, three institutional negotiation characteristics drove discourse choices (Risse and Kleine 2010, 720). The more uncertain actors were about their negotiation roles and hence preferences, the more open they became to arguing. The public setting of a negotiation also influenced the extent of arguing. Finally, the ability of neutral expert authority to give input on the negotiation enhanced arguing. This thesis, though, focuses more on the crucial question of whether and how arguing makes agreement likelier than bargaining at all.

To conclude, constructivism has moved the field of IR closer to the study of process and away from a purely structural analysis. It suggests an impact of different kinds of discourse (and negotiation modes of arguing and bargaining) on reaching agreement in multilateral negotiations. According to its scholars, it falls short of establishing certainty on the conditions of arguing. The research question of this dissertation though focuses on the influence of discourse mode on advancing negotiations, and will therefore complement current research on impact. It will only marginally address the conditions of discourse mode to see whether organizers have any lever over the choice between arguing and bargaining.

1.4. Agency of bureaucracies and individuals

Focus on selected agents

We have now examined how variants of the three main schools of IR explain multilateral cooperation. It became clear that only some of them pay attention to the role of the negotiation process. Let us now move to more specialized strands of research on bureaucracies (international and national ones in an international role) and on individuals for achieving international cooperation. The scholarship on *international bureaucracies* (e.g. the UN Climate Secretariat) connects to transnational studies. With regard to *national administrations* (e.g. on the agency of a Foreign Minister as Conference Chair), it is related to bureaucratic theory and Foreign Policy Analysis, which deconstructs decision-making in national administrations. The study of the role of the *individual as agent in IR* has been prominently framed as First Image (or level) analysis since Waltz (Waltz 1959). Vis-à-vis the three traditional IR approaches, it is partly rooted in neoliberal thinking (in its rational analysis of the interests of the agents), and partly in regime theory (in its comprehensiveness of explanatory factors). So, this fourth section of the literature review does *not* present *one cohesive, single* school. Their common differentiation from the previous three 'grand' theories though is their level of analysis. The focus now is on the agency of national and international bureaucracies and individuals, and not on the overall structure of international society or the state as unitary actor.

Scholars argued that international and national bureaucracies, as well as individuals as agents, can influence the progress of negotiations within given structural conditions (Mitchell 2002, 506). This body of micro-level theory can be considered rationalist. It doesn’t intend to deny the merits of the traditional account of power, interest, and ideas, but widens its perspective by explicitly including agents who are not nation-states and who act as autonomous units. Methodologically, they are independent variables. The behaviour of these actors during the negotiation could profoundly influence the specific form of a negotiation process. Therefore, this micro-level view seems fruitful to better understand all key actors with agency (beyond the state as a unitary agent) in the management of the process. Agency implies "a degree of conscious or unconscious choice, the ability to reflect on the situation at hand, and the capacity to use reflexive knowledge to transform situations and to engage in learning as a result" (O'Neill, Balsiger et al.

2004, 163). National administrations as hosts of multilateral negotiations, the UN treaty Secretariats, and their respective officials have such agency when they facilitate agreements. What still seems to be missing, according to the same authors, is a further operationalization of these agency theories to make them more amenable to empirical testing, a task this dissertation aims to take up.

The UN and its subsidiary bodies are considered among the most influential of the institutional actors and have attracted many researchers (O'Neill, Balsiger et al. 2004, 157). Furthermore, the role of numerous outstanding individuals has been analyzed, such as UNEP Executive Director Mostafa Tolba on the ozone treaty at Montreal (Tolba 1998), Raúl Estrada on the climate change Kyoto Protocol (Depledge 2005), or Arthur Dunkel, GATT-Director-General on the WTO agreement (Stiles 1996). As Mitchell put it: "In many negotiations, the roles of individual leaders and of unexpected and unpredictable focusing events…are central to our understanding of why the negotiations succeeded…" (Mitchell 2010, 188). The importance of single actors, such as a negotiation Chair, is also underlined by practitioners such as Swedish ambassador Bo Kjellén. He describes, for example, the salience of the Chair's coordination of a "Group of Friends of the Chair" to assist in facilitating, and the Chair's preparation of a final negotiation text (Kjellén 2010).

Bureaucracies

With this general understanding of agency and the specific actors in mind, let us turn to more specific arguments on the role of institutions, which are theoretically situated in bureaucratic theory and Foreign Policy Analysis. Early works go as far back as those by sociologist Max Weber (Weber 1946), who began research on the functioning of bureaucracies. Later studies argued that an autonomous impact of bureaucracies on international relations exists (Allison

1971; Barnett and Finnemore 1999, 707). Following the increased research on the role of non-state actors over the past two decades ('transnationalism'), I will first discuss recent *research on international bureaucracies*. A large-scale comparative project on nine environmental bureaucracies showed that international bureaucracies have a role as actors in their own right, not just as a constraint on states' actions in international politics (Biermann and Siebenhüner 2009). The project explained the variance in influence that multiple bureaucracies had on the development of their respective regimes, as bureaucracies were comparable in their mandate, resources (staff, financial means), and institutional functions (Biermann and Siebenhüner 2009, 10), earlier thought of as key variables.

Accordingly, the structure of the political problem (i.e. the extent of cost and salience), people's activities, and organizational procedures are the main factors explaining this variance (Biermann and Siebenhüner 2009, 337). Depending on their shape, bureaucracies can exert influence in varying degrees as knowledge brokers (cognitive), negotiation facilitators (normative), and capacity builders (executive) (Biermann and Siebenhüner 2009, 47). These authors find the institutional design to be less crucial (e.g. resources, competences). In their own words, "much variation in the autonomous influence of international bureaucracies can be traced back to differences in these organizational cultures, the 'software' within bureaucracies that are otherwise similar in their legal mandate, resources, and general function" (Biermann and Siebenhüner 2009, 8). The project elaborates on the conditions and type of influence as negotiation facilitators. Bureaucracies can normatively affect negotiations through agenda setting and proposals for negotiation texts (Biermann and Siebenhüner 2009, 322). With regard to climate for example, the study concludes that the UNFCCC-Secretariat did not have "autonomous political influence" (Busch 2009, 248), as strict neutrality was essential to its work. Yet, it did facilitate negotiations through technical advice (e.g. text preparation, consensus options), organization (e.g. time management), and logistics (e.g. last minute rooms). Overall, this thesis builds on the project's finding that activities of bureaucracies can be crucial to regime development.

The role of treaty Secretariats in negotiations was also scrutinized by Bauer and Busch (Bauer, Busch et al. 2009). Secretariats can leverage their "cognitive and normative" power in the process of the negotiations – yet, they found that the influence varies with each regime (Bauer, Busch et al. 2009, 187). Comparing nine environmental regimes, the Secretariats of the biodiversity and of the desertification regimes turn out to have more impact than that of climate change. They cite the "structure of the underlying problem [perception of high vs. low stakes politics], bureaucratic authority and leadership" as key explanatory variables for the extent of Secretariat influence (Bauer, Busch et al. 2009, 188).

Finally, some also argue that formal leaders of negotiations such as the Chair and Secretariats must be looked at jointly to assess their influence as they are strongly interdependent (Depledge 2007). Both actors fulfil distinct but complementary functions. The Secretariat provides the expertise on the negotiation issues and on the process. The Chair in turn takes up this knowledge, and develops negotiation and procedural options based on that. Parties would solely accept the Chair's authority in doing this as the Secretariat is often only authorized to play a neutral, passive role, especially in the climate regime. According to Depledge, the effectiveness of the Chair in influencing the negotiations therefore depends on this interplay between Chair and Secretariat. This leads us to the second section on the impact of single actors, such as the Chair.

Individuals

The second strand of literature on agency beyond the state as unitary actor concentrated on the *influence of individuals in a formal leadership role.* In the case of this dissertation, it would be the Chair or President of an international negotiation, the head of a treaty Secretariat, or the host country head facilitator, for example. Research on the impact of individuals on international relations in general has had its place in IR theory (and especially security studies) for some time as the First Image explanation with the individual in focus, made as an extensive argument on the three levels by Waltz (Waltz 1959; Byman and Pollack 2001; Nye 2005, 69-74). The state is the Second Image explanation, and the international system of states the Third Image (or first, second, and third level of analysis).

A study on the negotiations of the Cartagena Protocol on Biosafety of 2000 provides rich evidence on the first level explanation. It underlines several aspects of the negotiation process (Bail, Falkner et al. 2002), and of the importance of the individual Chair. This became especially evident towards the end of the negotiation process at the Cartagena and Montreal negotiations in 1999 and 2000 (for the following: Falkner 2002, 15-22). In Cartagena, Veit Köster, Chair of BSWG-6 had eventually produced a single text to facilitate the compromise finding between parties but dramatically failed to have it accepted by expert negotiators. Juan Mayr, Colombian Minister of the Environment and Chair of the ensuing high-level summit, then took a leading process role and introduced new formats of negotiation groups on the remaining, crucial issues (Bail, Falkner et al. 2002, 514). Despite these efforts, the conference failed. Further changes were made to the process in the following year, making it among other things much more transparent and inclusive, which received wide support from negotiators (Falkner 2002, 19). The protocol was eventually accepted in Montreal in 2000.

In this Biosafety study, the perspective of the Chair of these Biosafety Working Group negotiations was delivered in a first-hand account by the seasoned practitioner Veit Köster (Köster 2002). He describes the myriad tasks of a Chair to facilitate the process without interfering into the substance. Yet, when the process is no longer perceived as fair, the conference suffers from a serious backlash. This happened when Chair Köster, in his own words, "gavelled my draft through" on the last day of the Biosafety Working Group negotiations, only a few days before negotiations at the high-level summit broke down (Köster 2002, 58).

The centrality of formal leaders was also the result of an in-depth study on the role of process in climate negotiations (Depledge 2005). Accordingly, there are several specific challenges to these kinds of multilateral negotiations, such as their complexity, power inequality of the parties, differing delegation capacities, non-transparency, and competitive bargaining (Depledge 2005, 26). Organizational negotiation variables may address these challenges. Following Young's notion of "decision variables" (Young 1994, 152), the study only investigates factors that can be determined collectively by the parties and the institutional organizers, such as the Conference President or the UNFCCC-Secretariat, and not those individually decided by the states. Among these process variables are the characteristics of the organizers (e.g. skilful interpretation and application of process rules by the organizers, strong process-oriented leadership through the presiding officer), process measures (e.g. transparency and efficiency balance, active text management), and process changes (e.g. 'learning organization', cautious process innovation) (Depledge 2005, Ch. 15). She finds the degree of capability of the presiding officers, such as the Conference President, the Chairs of the subsidiary bodies and of the informal issue-specific groups, to be the most important variable (Depledge 2005, 35).

The role of formal leaders was also studied for trade negotiations. Odell considers the Chair as influential, even in a strong member-state driven organization such as the WTO, through "observation, formulation", and even "manipulation" (Odell 2005). These activities might have a profound impact on the chances of an agreement. This is echoed in a recent article that sees Chairs as "policy entrepreneurs" (Blavoukos and Bourantonis 2011). It assumes that despite their neutrality, Chairs "invest…personal or in-country-resources" in the hope of a "future return" of some kind (Blavoukos and Bourantonis 2011, 5). They test three conditions beyond a Chair's personal traits which possibly increase their leverage: their mandate, resources (information and political capital), and formal constraints (decision-making rules). They find that one of the most salient variables is the political capital of a Chair. The greater it is, the more leverage the Chair has to steer a process in a certain direction (Blavoukos and Bourantonis 2011, 20).

On the European Union, Kleine dissected the process of the creation of a European Constitutional Treaty into its several phases from agenda-setting, rule-finding, to eventual substantial design, in order to investigate the role of the Chair in this chain of development (Kleine 2007). She finds that Valéry Giscard d´Estaing's leadership as Chair was demanded due to information asymmetry and other factors, and supplied by him especially in the first two stages. The later part of the negotiations was of a more intergovernmental character, where key preferences were clarified and negotiated. Overall, the study adds another piece to the picture of the Chair's influence.

A new comparative analysis across the EU, trade, and environmental negotiations by Tallberg finds that formal leadership can play a salient role in international negotiations. Chairs in particular can influence the outcome of negotiations under certain conditions based on their "informational and procedural assets" through agenda management, brokerage, and representation (Tallberg 2010, 243). In consequence, Chairs could enhance efficiency and affect the distribution of pay-offs. He judges this dynamic as an important additional variable to the traditional IR literature that "conceives of the parties as formally equivalent, and outcomes as determined by differences in power capabilities, preference intensities, and domestic constraints" (Tallberg 2010, 261). Tallberg underlines four conditions for the influence of a Chair: demand for leadership by the states, failure of leadership by other leaders that are alternatives to states, decision rules with sufficient leeway for a Chair to steer negotiations, and a chairmanship design that allows rotations so states are not overly concerned with the power of a Chair (Tallberg 2010, 260). Given this conscious delegation of power to the Chair, he qualifies the approach as rational choice institutionalism. He warns though that findings are hard to generalize since Chairs' roles are heterogeneous across organizations and time. Let us now address some of the criticisms brought forward against this research.

Critique

A strong critique of the supposed influence of international organizations and individual policy entrepreneurs was raised by Moravcsik studying the role of the European Communities' bureaucracy in the European integration process (Moravcsik 1999). He looks at "informal supranational entrepreneurship" focusing only on supranational bureaucracies, and not nation-states acting in their role as multilateral negotiation hosts. It is informal since entrepreneurs have no legal or material incentives at their disposal. Rather, it works through the power of the argument, i.e. information and ideas that these individuals possess asymmetrically more than the negotiating states. They act through three mechanisms of agenda "initiation, mediation, and mobilization [of domestic support]" (Moravcsik 1999, 272). According to him however, their autonomous impact is of less importance than widely held. Rather, nation-states mostly provide entrepreneurial leadership themselves when needed.

Yet, this argument might be valid for coherent, supranational organizations as the EU. As he himself concedes, transaction costs are higher and the mediating leeway of international bureaucracies and individual policy entrepreneurs wider in the complex and chaotic setting of global negotiations (Moravcsik 1999, 300). For instance, negotiating new climate emission reductions, adaptation measures, funding, technology transfers, and many more issues among nearly 200 nations requires more facilitation expertise than the European integration steps analyzed in his study. Further, he treats facilitators of the host country differently and affirmatively mentions as agreement enabler mechanisms such as the EC's rotating Council Presidency in the case of the European Monetary Union (Moravcsik 1999, 292). Finally, the question of this thesis *how* the influence of these individual agents exactly plays out remains salient, regardless of the independent variable being facilitating nation-states or autonomous, international bureaucracies.

To conclude, there has been strong growth in the research on the extent and kind of influence of key organizing bureaucracies and individuals in leadership positions on multilateral negotiations. Scholarship has increasingly affirmed that these agents play a key role on the way to cooperation. This thesis connects to the work on agency beyond unitary states, such as by transnationalism, bureaucratic theory, and Foreign Policy Analysis, and intends to further deepen the understanding of the influence of institutions and individuals on multilateral negotiations.

1.5. Conclusion

The review of scholarship on global cooperation revealed that most research in the field of IR has so far neglected the role that process management can play for reaching an agreement in multilateral negotiations. Traditional research has mostly focussed on structural conditions of power and interests for global cooperation instead. Nevertheless, some theories have increasingly turned to process and offer connection points for this thesis. To name only a few, regime theory has acknowledged the need for a comprehensive framework to explain global cooperation and researched on multiple specific process elements; constructivist thinkers have started to investigate the conditions and impact of different discourse modes on negotiations; and recent scholarship on international institutions and individuals has acknowledged these actors as occasionally salient agents of change. Thus, there are several strands to which this thesis can connect. In the next chapter, I will show in which way I intend to contribute to this cautious move into the research gap left by traditional scholarship, and which specific elements of the current literature have informed the main variables in the focus of this dissertation.

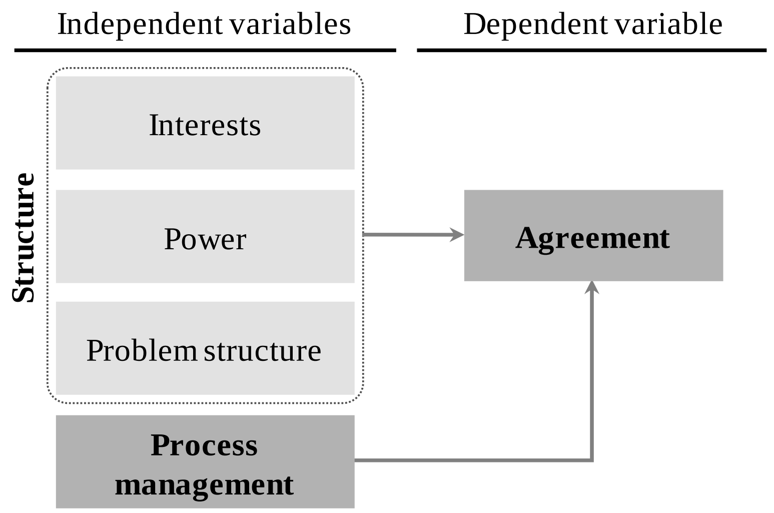
2. Analytical framework and methodology

This chapter provides the analytical framework and methodology of how this thesis aims to contribute to the current trend in scholarship, which increasingly considers the impact of process on multilateral negotiations. It derives the basis for constructing a comprehensive negotiation framework from the recent strands of literature and from exploratory interviews at the climate summit in Cancún in 2010. It then details the approach of the within-case and comparative analysis, specifies the hypotheses for a comprehensive negotiation framework, introduces the data collection, and eventually operationalises the concept of process management. This last section elaborates how this work intends to support, refine, and complement particular process elements of existing scholarship.

2.1. Framework construction

The following construction of the analytical framework builds on a trend in recent IR scholarship on international cooperation, which has shifted its focus from structure to process. These insights are used to draft a *comprehensive negotiation framework that integrates structure and process variables*. The literature review on the emergence of international cooperation *in general* in Chapter 1 had demonstrated the traditional focus of most IR theories on structural variables, such as power, interests, and problem structure. I will now highlight those scholars who have pointed out that the negotiations themselves, i.e. the process of how to arrive at multilateral cooperation, have been neglected leaving numerous questions unanswered (e.g. Mitchell 2010, 200; Touval 2010, 78). Conflict and peace studies researched process more closely showing a substantial impact of process on outcome (e.g. Irmer and Druckman 2009). The field of security however has a distinctively different dynamic of actors, interests, and power. Its insights are only partially transferable to other regimes (Irmer and Druckman 2009, 230). The latest international cooperation research has increasingly urged combining the several strands of explanations abandoning overly parsimonious IR approaches (Zürn and Checkel 2005, 803; Stiles 2009, 16; Mitchell 2010, 4; Keohane and Victor 2011). It builds on regime theory's finding from broadly conceptualized studies that only a multivariate approach accumulates sufficient explanatory power (Figure 1) (Efinger, Mayer et al. 1993; Osherenko and Young 1993).

Figure 1: Process management as additional independent variable



The following account of this *trend to include process in an overarching explanatory approach elaborates the base upon which this framework is constructed*. For the Cartagena Protocol on Biosafety for instance, constructivism best explains the process of interest formation through national and international discourse driven by civil society. At the same time, rationalist theories on the structure of the problem as limited public good and on modified non-hegemonic leadership capture salient additional aspects (Falkner 2009, 117). So, no school alone accounts for the entire outcome. Similarly, Bayne and Woolcock argue that the different theories each explain part of economic diplomacy, yet no single one captures the whole picture (Bayne and

Woolcock 2011). Trade scholar Odell also advocates for the integration of negotiation analysis, international political economy, and constructivism: "Our knowledge about IO [international organisation] negotiations is separated into three literatures that are poorly integrated, and it is still primitive in many ways" (Odell 2010, 628). Earlier authors on the European Single Market showed how ideas served as focal points for states to reach an agreement adjusting previously-defined preferences (Garrett and Weingast 1993). A recent environmental politics study acknowledges constraints by structures yet underlines that within these constraints there is "room for political skill and energy" that influences the "whether", "when", and "what" of an agreement (Mitchell 2010, 5, 123).

Two examples *further detail the origin of the comprehensive approach* of this analytical framework. It first relates to Odell, who compares the trade negotiations of Seattle in 1999 and Doha in 2001 (Odell 2009). While Seattle failed to start a new trade round, Doha succeeded two years later. He argues that structural factors such as economic power and payoffs remained largely unchanged in the new round. He attributes the difference in outcome more to negotiation strategies and process (Odell 2009, 274). The failure of Seattle made agreement a priority for countries in order to rescue the negotiation process. Delegates thus shifted from distributive to integrative strategies, the argument goes. This change facilitated compromise as parties mutually reciprocated towards more integrative behaviour. The kind of mediation (e.g. the boldness of a single negotiation text, or the transparency and inclusion of the process (Odell 2009, 289)) increased chances of an agreement in case of consensus-based decision making. He echoes the criticism towards game theory. Precise preferences were often unknown and changing during a negotiation (Odell 2009, 280).

Second, the analytical framework connects to Hopmann, who also calls for the combining of structure and process: "Preferences and processes become mutually constitutive and preferences are constructed and modified through the negotiation process itself" (Hopmann 2010, 106). Crucial process factors for him include "mutual trust between the parties" (induced by process fairness), "joint framing of the issue" (fostered by arguing), "how they manage the endgame" (influenced by trust building), and "whether a third party is available" (the organizers of major multilateral negotiations) (Hopmann 2010, 104-105). So process reduces defection in a cooperation dilemma.

Finally, other studies focussed less on comprehensiveness and more on *selected process specifics*. For instance, one overall 'lesson learnt' from environmental negotiations since the 1992 Earth Summit is that chairpersons and negotiators realized how much "trust-building techniques... facilitated consensus building" (Chasek, Wagner et al. 2012, 260). Or, Touval studied the number of issues and parties, decision rules, and the ambiguity of outcomes (Touval 2010, 81-84). The analysis assesses the impact of process on efficiency, effectiveness, and political-moral goals (e.g. constraining a hegemon). Yet, it explains less the process levers available to the organizers rather than the states, such as choosing smaller negotiation fora.

The *hypothesis and operationalisation of the concept of process management* detail the specific strands to which this research connects later in this chapter. As discussed for each body of literature, this will mostly be process approaches of the agency of institutions and individuals, and discourse theory. Exploratory interviews with delegates and organizers of negotiations, and participant observation of the climate negotiations, provided a theoretical-empirical filter to choose structure and process variables out of the myriad options. Overall, this thesis joins the IR trend to integrate theories of international cooperation and negotiation but focuses more on process as the under-researched explanation: why and how did some negotiations succeed or fail, despite similar structural circumstances? Let us now specify the hypotheses for such a comprehensive negotiation framework.

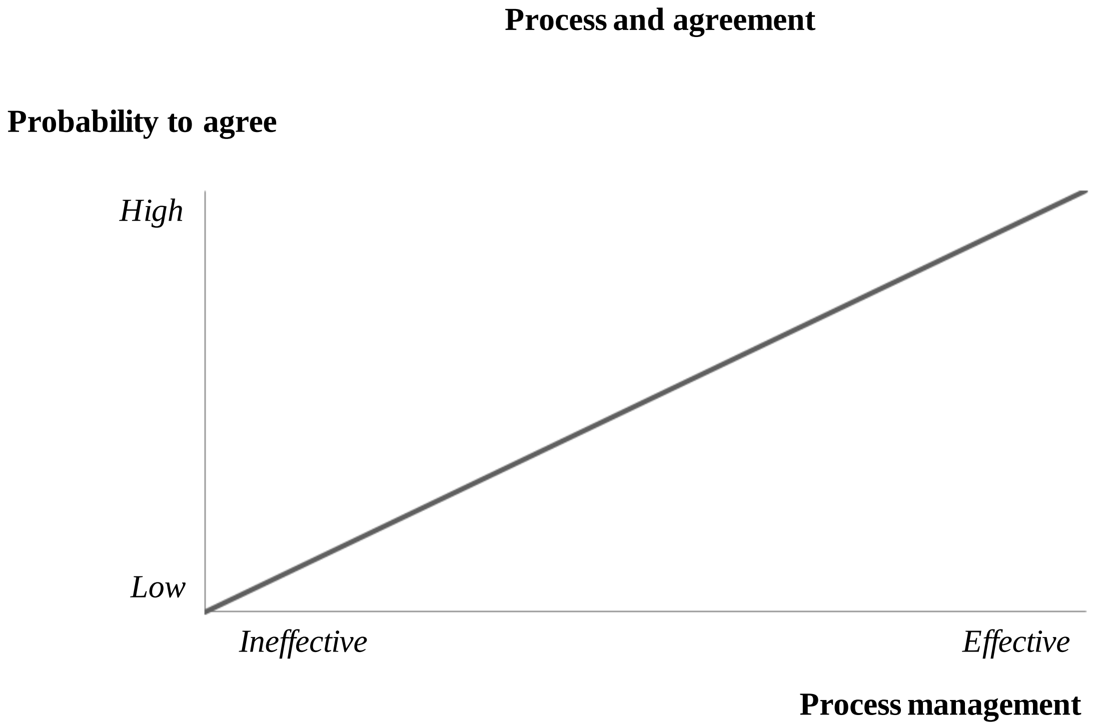
2.2. Hypotheses for a comprehensive negotiation framework

This thesis intends to narrow the gap in current research in understanding *whether and how the process management of a multilateral negotiation contributes to reaching an agreement*. The study thereby aims at a probabilistic causal explanation of negotiation outcomes. It does not establish deterministic causality, where specified values of independent variables lead to specified changes in the dependent variable with certainty. Social systems such as multilateral negotiations are too complex for a deterministic quantitative-statistical approach (Mitchell 2010, 12). Probabilistic causality argues that an independent variable can alter the likelihood of the dependent variable. This helps to explain multilateral negotiations, and enhances our understanding through describing the properties of process management.

Process management and outcome

We now turn to the dissertation's hypotheses on the influence of process management and on their relation to the structural variables of interests, power, and problem structure. The first set of Hypotheses 1.1 and 1.2 addresses whether process exerts any influence on outcome. *Hypothesis 1.1 holds that process management of a multilateral negotiation by the organizers alters the probability of an agreement (Figure 2).*

Figure 2: Process management alters the probability of an agreement (Hypothesis 1.1)



Hypothesis 1.2 takes this further: *Effective process management by itself is insufficient and unnecessary for a negotiated multilateral agreement. Effective process management is necessary for an agreement however when interests initially overlap only narrowly and decision-making is consensus-based. This overall constellation (process; interests; decision rule) is unnecessary but sufficient for reaching agreement (Figure 3)* (George and Bennett 2005, 26). So, the kind of interest constellation and the decision rule serve as *scope conditions* and can maximize the influence of process management.

Figure 3: Relation of interests and process management (Hypothesis 1.2)

		Initial interests		
		Converge	Partial overlap	Collide
Process management	Ineffective	Agreement	**No agreement** Climate Change Danish Presidency	No agreement
	Effective	Agreement	**Agreement** Climate Change Mexican Presidency	No agreement

Hypotheses 1.1 and 1.2 depart from pure structural theory as the latter doesn't seem to capture the full picture of negotiations. The hypotheses build on the fundamental distinction of regime theory, especially between structure and process. The above-mentioned framework of Osherenko and Young illustrates this well (Osherenko and Young 1993; similar: Underdal 2002). Let us now *detail the components of Hypotheses 1.1 and 1.2*. The duration of one *multilateral negotiation* phase is defined for each case, e.g. the entire year of the Mexican Presidency of the UNFCCC negotiations in 2010 before and during the Cancún summit. The *organizers* are the lead officials of the host country and of the treaty Secretariat. *Process management* includes factors primarily influenced by the organizers, and not by negotiating countries. This distinction parallels Young's 'decision variables'. The process influence of negotiating countries (e.g. by coalition building) is often itself dependent on their interests and power (Young 1994, 152). It

would thus not add explanation but blur the process variable. Instead, the analysis of alternative explanations accounts for their potential process impact.

Negotiated agreement is the dependent variable. Past research defined the variable of negotiation outcome in many ways, such as "outcome efficiency" and "failure or success" of negotiations. Yet, this may often be too blurry and subjective. For instance, it is contested whether the Copenhagen climate summit was a failure or success. Or, how could we judge whether a negotiated outcome was "efficient" in its degree of Pareto Optimality? This may be possible in less complex settings, such as when Moravscik analysed negotiations on the integration of the European Union (Moravcsik 1999, 271). Yet, climate negotiations are probably among the most complex multilateral negotiations. An attribution of weights to preferences on the countless issues and for most of the over 190 countries involved would be an artificial simplification. It pretends false precision for the dependent variable of negotiation outcome. Instead, the key question is whether parties reach an agreement by consensus. Numerous scholars used a similar dependent variable, such as Bernauer analysing the link between "scientific consensus" and "negotiated outcome" in environmental negotiations (Bernauer and Mitchell 2004, 95; see also: Odell 2009; Albin and Young 2012).

Hypothesis 1.2 has *two conditions*: first, a *structure of initial interests* that neither mostly converge nor mostly collide (Figure 3). In this case of a narrow initial overlap of interests, agreement requires effective process management to facilitate converging positions. Organizers can, for instance, widen the agreement zone by creating new options or lead parties to redefine their preferences. In contrast, largely aligned parties agree independent of process management, while even a perfect process cannot convince parties to act against their interests.[2] Here, interest-based theories often fully suffice to explain cooperation behaviour. Process, however, fosters agreement in an ambiguous outset and "avoids unnecessary failure"[3]. Second, *consensus-based decision-making* greatly enhances the role of process management. Otherwise, parties reach mere majorities more easily through coalition building and by neglecting dissenting countries not needed for an agreement.

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[2] Tallberg hints at a similar condition for the influence of the Chair in the Tokyo Round trade negotiations (2010, 254).

Hypotheses 2.1 and 2.2 address *how* process impacts on outcome. *The process management of a multilateral negotiation comprises four elements: transparency and inclusiveness, capability of organizers, authority of lead organizer, and negotiation mode of arguing and bargaining. Each element alters the probability of an agreement (Hypothesis 2.1).* I will now elaborate how recent scholarship on regimes, agency, discourse, and fair process, together with exploratory interviews in Cancún, generated the elements of Hypothesis 2, before the last section of the methodology chapter operationalises them in detail. To be clear: this research considered *myriad other variables*. Each of the 62 climate and trade negotiation expert interviewees was queried on the influence of variables in addition to those hypothesized. Their answers are analysed under alternative explanations and may well rise to importance. Nevertheless, a controlled comparison demands to focus on a selection of variables. Those included in the framework stood out clearly from scholarship and the exploratory research phase.

a. Transparent and inclusive process

Practitioners, such as lead negotiators and organizers of the climate and biosafety negotiations, stressed the salience of transparency and inclusiveness of the process (Köster 2002; Mayr 2002).

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[3] Observer(2)-08.12.2010, similar: AWG/SB-Chair(3)-07.12.2010. Interview location is always omitted for anonymity.

Regime scholars from environment to trade echoed this observation (Odell 2009, 284; Müller 2011; Davenport, Wagner et al. 2012, 45, 53). A study on WTO negotiations in Cancún and Geneva in 2003 and 2004 found process influence on an agreement through procedural justice comprised of transparency, fair representation, fair treatment (e.g. inclusion in deliberations by the organizers), and voluntary agreement (Albin and Young 2012, 46-48). Delegates expect respect for ground rules of UN diplomacy, although climate, trade, and biosafety negotiations are less institutionalized than EU decision making for instance (e.g. for economic diplomacy Woolcock 2011, 15-17), and thus have less detailed provisions on the required kind of negotiation process (cf. Chapter 3.2 'negotiation structure' section). *Taken together, we therefore hypothesize that transparency and inclusiveness of the process regarding other negotiators is one core element of process management.*

b. Capability of the organizers

Concerning theories on the role of *agents*, this research connects to the notion of salience of effective leadership (Osherenko and Young 1993). Underdal's finding on the skill and energy of advocates of cooperation reflects similar thinking (Underdal 2002). According to him, the design of substantive solutions, institutional arrangements, and actor strategies all facilitate negotiations. A large comparative project mirrored this emphasis on institutions (Biermann and Siebenhüner 2009). They influence as knowledge brokers, negotiation facilitators, and capacity builders. The growing role of treaty Secretariats, including their process facilitation, was recently also judged as a key development in multilateral environmental negotiations since the 1992 Earth Summit (Jinnah 2012). *Hence, the capability of organizers is a hypothetical core element of process management.*

c. Authority of the lead organizer

Several scholars have lately focused on *individual leadership* more specifically. Depledge found, in the most in-depth study of the climate negotiation process so far, the presiding officers of the negotiations to be the most important variable compared with myriad other process factors (Depledge 2005). Others add the Chair's political capital as a key driver (Blavoukos and Bourantonis 2011), which also relates to his authority. The Chair has leverage to observe, formulate, and manipulate even in the strong institutional setting of the WTO (Odell 2005). For him, picking the situation-appropriate tool for the right level of restraint or proactive leadership seems crucial (e.g. on manipulation: Odell 2005, 441-445). Similarly, Tallberg brought evidence inter alia from trade negotiations on the importance of brokerage by the Chair, who uses informational and procedural assets (Tallberg 2010). The concept of authority of the lead organizer and how it impacts the fulfilment of his role ties into this understanding of the Chair. The consensus-requirement of many multilateral negotiations in particular places abundant responsibility on a Chair to facilitate and to eventually declare such consensus, notwithstanding that the decision flows from an iterative process with the parties. The President must decide at one point in the turbulence of a final negotiation night whether parties have reached an agreement. *The third hypothetical process element therefore is the authority of the lead organizer.*

d. Negotiation mode of arguing and bargaining

The ideational strand of cognitivism on the shaping of interests and positions through *ideas* informs the last process element (Deitelhoff and Muller 2005). The negotiation mode of *arguing (or problem-solving, integrative bargaining)* may facilitate such idea generation, paving the way towards agreement (Hopmann 1995; Ulbert, Risse et al. 2004). In addition to constructivists, various schools have underlined the importance of arguing and bargaining, inter alia regime theory (Osherenko and Young 1993, 13; Mitchell 2010, 117), conflict research (e.g. Wagner 2008), and management negotiation literature (e.g. Sebenius 1992; Thompson 2009). Recently, scholars studied how organizers of climate negotiations influenced the negotiation mode by creating informal, trust-building settings (Chasek 2011). Overall, scholarship indicated an effect of arguments on preferences, additional to the exogenous factors of power and interests (Mitchell 2010, 116). *Thus, negotiation mode may be a final core element of process management.*

Let us now move on the final hypothesis. *Hypothesis 2.2* on the path of the causal effect states that *process management alters the probability of an agreement by 1) helping parties to reach an objective agreement zone, and by 2) altering their willingness to agree.* Organizers can foster reaching an *objective zone of possible agreement*, where the proposal is superior to parties' best alternatives to a negotiated agreement ('ZOPA' and 'BATNA' in negotiation literature, e.g. in Sebenius 1992; Thompson 2009). Taking the example of negotiation mode, organizers facilitate new proposals through an arguing-conducive setting where parties uncover joint preferences. There may not have been real difference in goals but only misinterpretation due to erroneous communication (Zartman and Touval 2010, 4). Despite unchanged underlying interests, the new options may then better satisfy all sides. So, "intellectual and entrepreneurial leadership" can move parties to the agreement zone (Mitchell 2010). Here, theories on discourse and interests jointly explain negotiation dynamics (Hopmann 2010, 110).

Process management alters the willingness to agree. Creating a proposal inside an objective agreement zone may be insufficient. Reaching agreement requires more than the mere converging of interests from rational players (Young 1989, 356). Often, parties define the utilities by including all sorts of non-material and even individual considerations (Hopmann 2010, 99).

For example the feeling of an identity of parties as a common "we" might contribute to the willingness to agree (Adler and Barnett 1998, 32). The perception of negotiations as a cooperative exercise may foster a common identity (Hopmann 2010, 109). Such conciliatory behaviour can create the trust needed for an outcome alongside an objective overlap of interests (Jönsson 1993, 206). Or, delegates may find equal treatment through a fair process essential (Müller 2011, 3). The notion of equality in a negotiation can then create "imagined kinship" and thereby reciprocal behaviour (Zartman and Touval 2010, 233). In sum, process management addresses social- and individual-psychological concerns and thereby alters the subjective buy-in by delegates. *Process management thus hypothetically works on an objective and subjective level.*

Structural variables

Besides process, the framework accounts for the structural variables of interests, power, and problem structure. The *interests of countries* strongly influence the reaching of an agreement and, as discussed, their initial constellation is one condition for the impact of process (Figure 3). Chapter 1 broadly discussed the literature on the many sources of interests. Key factors to define preferences are of a domestic nature, such as influence by business and civil society, and by the structure of political institutions. All three regimes concerned fundamental interests of most countries, such as climate change with far-reaching environmental, economic, societal, and even security ramifications. The thesis examines any changes of interests responsible for the variance in outcome, which may also arise from the dynamic between a first and second negotiation round. This is not to overestimate the role of process.

Countries' interests also shape the *negotiation process* itself. Delegates use process means to obstruct negotiations, e.g. by claiming legitimacy concerns only when they disapprove of the substance. As interests of countries drive this use of process, it probably provides only minor explanatory value. Yet, countries may vary negotiation strategies despite constant interests. For instance, the tactics of the EU were allegedly more successful in Cancún than in Copenhagen. While EU interests remained the same, the new approach might have increased agreement likelihood. This research accounts for countries' varying process tactics under alternative explanations.

The *interests of the organizers* in being successful facilitators affect their process management (Blavoukos and Bourantonis 2011). Given the expected neutrality on substance, the hosts seek reputational gains from a negotiation success in their country, like Japan with the Kyoto Protocol (Busby 2009, 86). Or, the Cancún climate summit could "give a profile to Mexico which it didn't have until then".[4] This enhances soft power and countries fulfil their hosting role, as expected by rational and cognitivist theories. Supporting international organizations cater to their self-interest by deepening 'their' regime (e.g. Biermann and Siebenhüner 2009).

Finally, this thesis examines *the role of power and problem structure* for an agreement. Mirroring the discussed recent scholarship on cooperation without the hegemon power distribution seems only moderately significant. There is a potential influence of the worry over relative gains and losses of countries. Yet for all regimes studied, the different dimensions of power (such as military, political, economic) appear fairly constant and thus have difficulty in explaining outcome variance. The *problem structure* is similar for the climate, biodiversity, and trade regimes. They address highly complex policy areas of salient economic, environmental, and even security importance. The challenges remain unaltered in the respective time periods, marginalizing this variable for the thesis.

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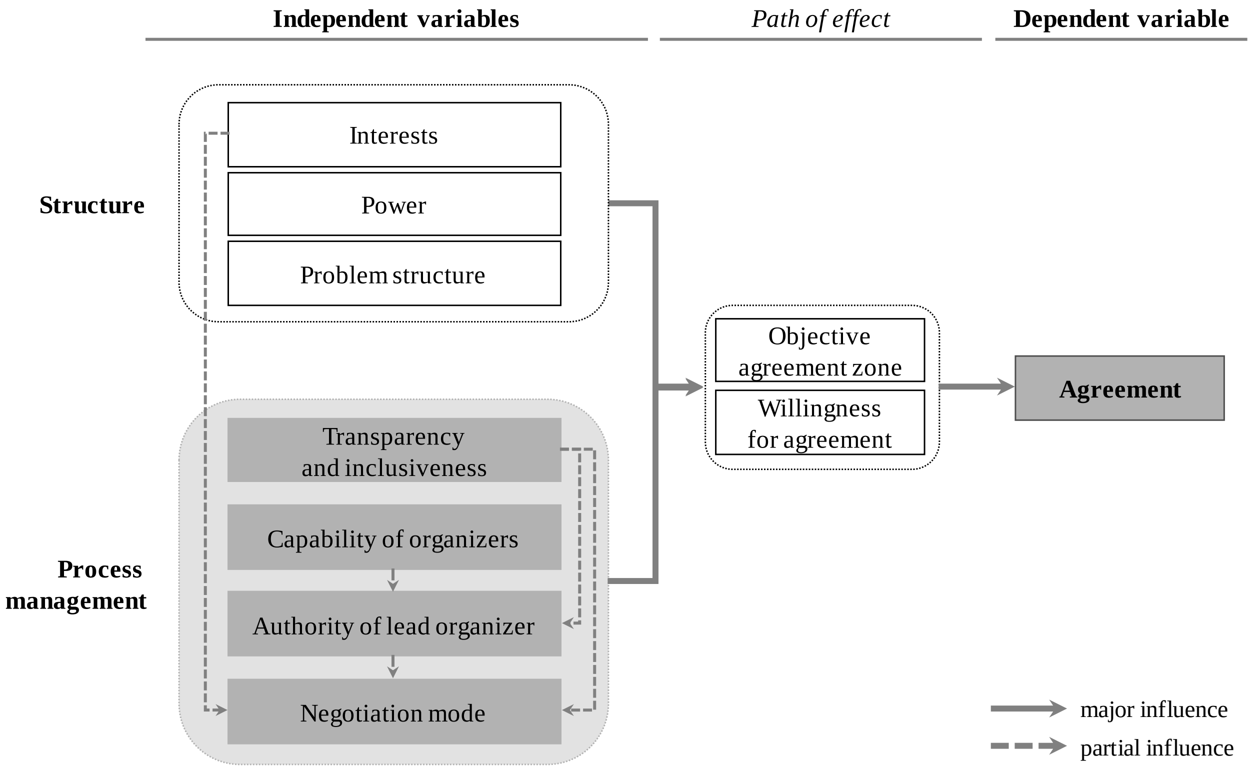
[4] BASIC(5)-15.06.2011, similar: Mexico(4)-16.06.2011

We now have a detailed understanding of the hypotheses for a comprehensive negotiation framework (Figure 4). In the following, I will elaborate on the methods which will be applied in order to probe this framework through several negotiation cases across regimes.

Figure 4: The negotiation framework integrates structure and process


Independent variables
Path of effect
Dependent variable
Structure
Interests
Power
Problem structure
Process management
Transparency and inclusiveness
Capability of organizers
Authority of lead organizer
Negotiation mode
Objective agreement zone
Willingness for agreement
Agreement
major influence
partial influence

2.3. Within-case and comparative analysis

Selection of method and correlation

This thesis uses *a combination of qualitative methods* to approximate the probabilistic causality between process management and negotiation outcomes. With this choice, it mirrors the methodology of research in similar fields, as compiled in a recent volume on environmental regimes (Mitchell 2010, 13-17). I will first examine the correlation between process management and the outcome of climate negotiations during the Danish and Mexican Presidencies. This answers whether we potentially have an impact on the outcome. Process-tracing then illuminates the individual steps in the alleged causal chain (the '*how*'), and thus strengthens the notion of probabilistic causality established in the preceding correlation (the '*whether*'). A comparative analysis with two case pairs of biosafety and trade negotiations finally probes the climate findings for their external validity and generalization. Only this combination of methods reliably investigates the complex dynamics of social systems.

In contrast, a *purely quantitative approach* is unfeasible as numerical data on process variables is not available in the necessary detail and extent. Regarding detail, the measurement of cause and effect in negotiations is extremely difficult as social dynamics and concepts are often hardly quantifiable. Further, the number of cases in a research project of this scope is too small for statistical methods. A reliable analysis of the chosen comparative approach demands sufficient depth within each case, which requires immense time resources. For the same reasons, the quantitative-qualitative middle-ground of the *qualitative comparative analysis (QCA)* is also not feasible (Bennett and Elman 2006). For QCA, negotiation questions were more specific (e.g. effect of discourse types) than a *general* assessment of process influence. We also lack sufficient data to quantitatively determine the value of individual process variables on the continuous scale of a fuzzy set. Finally, QCA requires over a dozen cases, prohibiting the meticulous process-tracing needed for this research question.

The thesis chooses *a pair of cases for its in-depth study* of climate negotiations to benefit from the 'before-after' research design (George and Bennett 2005, 166). Naturally, multilateral negotiations often continue over several years. The Uruguay Round in the GATT negotiations, for instance, lasted eight years until it was signed off in Marrakesh in 1994, with an additional four years from 1982 to 1986 for negotiations on the launch (WTO 2011). Climate change negotiations have been proceeding for two decades now. One way to define cases would be by agreement phase, e.g. the negotiations on the Convention (UNFCCC) or on each commitment period of the Kyoto Protocol. However, the analysis of the differences in process management *by organizer* needs to clearly delineate the period of each Presidency. For its case pair on the UNFCCC climate negotiations, the thesis hence selects the subsequent years of the Danish and Mexican Presidencies in 2009 and 2010.[5] Politically, they stand out as major events in the recent history of the climate regime.

The *'before-after' design* divides a longitudinal case into two sub-cases. One variance through an intervention (like an altered process) can then be better assessed for its impact on the outcome as the political structure of power and interest may have remained fairly constant between subsequent negotiation rounds. The dependent variable of negotiation outcome altered between 'no agreement' and 'agreement'. Scholars used a similar methodology for analysing the role of process in trade negotiations (Odell 2009, 282).

To determine the value of the process variables, the dissertation translated the hypotheses into *observable implications*, specified later in the operationalisation (King, Keohane et al. 1994, 28). These are observations of the occurrence of expressions of the variables that would have to be made if a hypothesis was true. For example, the variable 'authority of the lead organizer' and its influence on outcome could be observed in interviews with negotiators. They would express that they granted the Conference President full authority to state consensus in a final plenary. They would further provide indications that they accepted the decision also due to this established authority. In addition, we could indirectly observe the attitude through expressions of authority acceptance at negotiations. Academic literature and media serve as additional sources.

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[5] After a summit (COP), the incoming Presidency takes over operational control of the negotiation process leading up to the next COP in their home country. The official, legal Presidency only starts with the COP-opening in their home country and lasts for one year. Yet, it is the preparatory year towards the COP where the incoming Presidency exercises significant influence. For example, Mexico had the official Presidency from the opening of COP-16 in Cancún to the opening of COP-17 in Durban. Its core activities occurred between the end of COP-15 in Copenhagen and the end of COP-16 in Cancún. This is the period this thesis therefore concentrates on.

Exploratory interviews and participant observation in Cancún proved useful to elicit these implications to refine the questionnaire (cf. Appendix II).

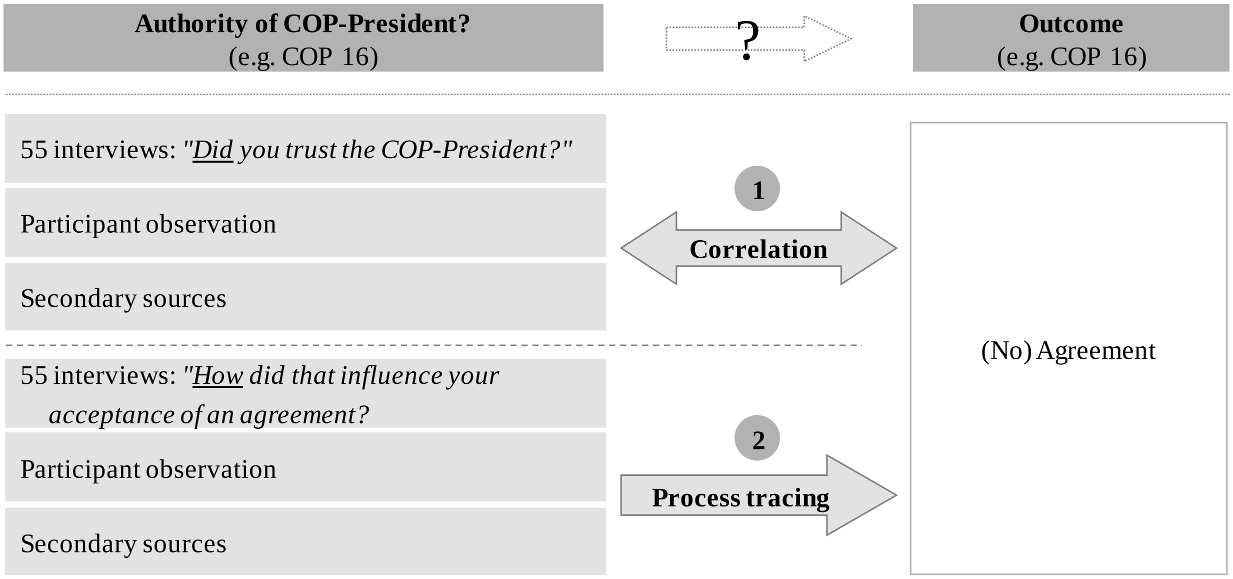
The *value of variables* is not defined as continuous to avoid illusionary precision. We cannot measure 'transparency' of a complex process such as climate negotiations in percentages, for instance. Most processes are also neither fully transparent or not, rendering absolute terms inappropriate. The thesis thus uses a modified binary qualification, which assesses the variable as "mostly" or "hardly" transparent for instance. This acknowledges the nuanced social reality without pretending false accuracy. Having established correlation, we move to process-tracing.

Process-tracing

The within-case method does not only ask for the observation of hypothesized implications but reconstructs a historical narrative of the causal chain (Bennett 2004, 22, 35; also: Bernauer and Mitchell 2004, 96). The method approximates probabilistic causality between process management and negotiation outcome as dependent variable through 'thick' narratives of negotiations (Figure 5). The guidance by hypotheses ensures an analytical rather than a descriptive account. Counterfactuals serve as a helpful triangulation for the hypothesized causalities. Scholars have conducted comparable studies in similar ways, asking how negotiations would have proceeded in the absence of arguing, for instance (Ulbert, Risse et al. 2004, 20).

What is hardly possible through a process-tracing that takes equifinality of several variables seriously is to determine only a few *clear points of bifurcation* in the account of long-lasting and complex multilateral negotiations. In an ideal world, one would wish to determine the few points on the way where the chain of events 'went left, not right' because of *one* element of process management. As Bennet and George underline, we can usually not reiterate causal chains in linear causality as too many factors work simultaneously (George and Bennett 2005, 212). Any account, therefore, is already selective (see also: diverging factual views on the Framework Convention negotiations in Rio in 1992: Mintzer and Leonard 1994). As many seasoned negotiators pointed out: "Such negotiations are hard to read".[6] So, one must carefully trace selected (but still numerous) causal paths that probably *jointly* increase the likelihood of an agreement.

Figure 5: Probing a process variable through correlation and process-tracing


Authority of COP-President?
(e.g. COP 16)
?
Outcome
(e.g. COP 16)
55 interviews: "Did you trust the COP-President?"
Participant observation
Secondary sources
1
Correlation
55 interviews: "How did that influence your acceptance of an agreement?
Participant observation
Secondary sources
2
Process tracing
(No) Agreement

One stylistic caveat deserves attention: a detailed correlation analysis followed by meticulous process-tracing looks at similar facts through two different methodological lenses for each process variable. This work therefore revisits similar circumstances twice in one chapter. Nevertheless, the analysis strictly distinguishes between facts that substantiate *correlation* in the first part (e.g. 'intransparent negotiation process' is associated with 'no agreement' in Copenhagen), and those facts in the second part that establish *causality* through process-tracing

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[6] EU/EU-country(8)-05.05.2011, also: Umbrella-Group(1)-20.04.2011

(e.g. 'intransparent negotiation process' decreased the 'probability of agreement'). Separating these two steps maximizes methodological soundness, but may appear partially repetitive to the cursory reader.

The search for *alternative variables* is the last salient element of process-tracing (George and Bennett 2005, 217). Can we explain the outcomes with structural factors, such as power, interest, and problem structure? Does the research uncover variables additional to structure, such as the ability to use the preparatory work of Copenhagen in the later success of Cancún? Alternative dependencies may eventually complement (or even rule out) process variables. This last section examines the equifinality within one case pair. Overall, correlation and process-tracing eventually ensure its internal validity.

Comparing across regimes

The final step compares the climate change findings to other multilateral negotiations to examine their external validity and allow for their generalization (Bernauer and Mitchell 2004, 84). A small number of cases with many variables suggest the comparative method (Lijphart 1971; Della Porta and Keating 2008). Thus, numerous regime scholars conducted comparative and focused case studies (Osherenko and Young 1993). 'Comparison' enabled testing against other cases and 'focus' allowed sufficient detail to understand complex process dynamics. This dissertation uses the negotiations on trade in Seattle and Doha in 1999 and 2001 and on biosafety in Cartagena and Montreal in 1999 and 2000 to externally probe the climate findings. The three case pairs seem comparable with possibly largely constant structural circumstances and some shifts in process management. This prima-facie notion is thoroughly scrutinized in this study but serves as an indicator at the outset of the investigation. The trade and biosafety cases follow the same methodology of correlation and process-tracing using the 'before-after' design of subsequent negotiations. Let us now discuss this case selection in more detail.

The case pair of the *trade negotiations on the launch of the Doha round* covers the negotiations that culminated in the 3rd and 4th Ministerial Conferences in Seattle and Doha. The breakdown in Seattle in 1999 was followed by negotiations at the WTO headquarters in Geneva and the agreement in Doha in 2001. The content of both negotiation phases towards Seattle and Doha was economically salient and contested: whether and how to launch a new round of trade liberalization as well as a review and refinement of existing trade rules. The selection of older cases would not have accounted for the increased multilateral complexity of myriad parties and countless issues of the late 1990s.

The choice of this case pair may entail a *selection bias* risking a systematic error of results. In the trade case pair, the *dependent variable* of the negotiation outcomes takes on the same value as in the climate negotiations pair (King, Keohane et al. 1994, 129). There, agreement in Cancún followed the breakdown of Copenhagen. Success came after initial failure in both regimes. However, this is not a case of lacking variation on the dependent variable. The outcome alters *within* each case pair between breakdown and agreement. Thus, the dependent variable is not constant. Another bias would be to select only cases where *dependent and independent variables* take on the shapes as expected by the hypothesis (George and Bennett 2005, 24). Yet, this does not apply here. We can only determine the shape of the myriad variables (from process to structural and other alternative explanations) after the evidence is collected and analysed. Their variance can support or falsify the hypothesis. We thus cannot find any selection bias.

A last potential methodological pitfall is that the sequence of breakdown and agreement always contains the *impact of a failure and of issue maturation* on the ensuing negotiation. Should we therefore also consider the reverse pattern of breakdown following agreement?

Several reasons advise against such an approach. In the alternative sequence, parties proceed to the next negotiation phase after successfully resolving the first part. In this following phase, they would fail to agree. For instance, the successful launch of the new trade round in Doha in 2001 was followed by a spectacular breakdown at the 5th Ministerial Conference in Cancún in 2003. Yet, the content of negotiations varied significantly: Doha addressed the start of a new round, while Cancún aimed at first substantial decisions within the already launched negotiations.

Given these differences, Doha and Cancún do not constitute a controlled comparison within one longitudinal negotiation case. A 'before-after' comparison requires a similar negotiation goal that allows for constant interests of parties vis-à-vis the main negotiation elements, alongside the potential variation of process during the second negotiation phase. The 'before-after' design of such most-similar cases would therefore only apply in the failure-success pattern, not vice versa (George and Bennett 2005, 81). Finally, process-tracing ensures that rivalling explanations, such as the pressure to succeed after initial failure, are accounted for.

Having established the trade case, we now turn to the choice of *negotiations on a Biosafety Protocol*, a landmark in the evolution of the biodiversity regime that attracted political and academic attention. The case pair of the preparatory negotiations and summits of Cartagena in 1999 and Montreal in 2000 fits the failure-success sequence. The focus on a short time period possibly reduces the variance of structural factors. As the outcome alters, changed process variables indicate their impact. The setting of the late 1990s is well suited as the global political context is comparable to the chosen trade negotiations and, by and large, to the climate talks a decade later. The biosafety negotiations have the least complex problem structure. However, the multitude of environmental, trade, and development interests still make them a comparable negotiation challenge.

Similar *questions of bias and negotiation sequence* emerge as for the climate and trade cases. Again, there is no selection bias as the dependent variable varies within each case pair, and the values of the independent variables are only determined using the collected evidence. Further, the failure-success sequence alters the dependent variable in the same way as for climate and trade. However, we can only hold the negotiation goal largely constant when failure precedes success. For instance, the Montreal negotiations reached the Biosafety Protocol. Any negotiation afterwards would *no longer* deal with creating a Protocol but with whatever the next step would be. The altered negotiation goal (and substance) affects a different set of interests of parties. It then seizes to be a longitudinal case in a 'before-after' research design (George and Bennett 2005, 81). In such a most-similar case design, the compared cases only differ by one event while maintaining their core setting constant otherwise. This therefore excludes a complete new negotiation. As discussed, this analysis also cautiously accounts for the implications of the negotiation sequence, such as the effect of a failure on a successive round.

To summarize, this thesis constructs an analytical framework building on specific strands of process literature and on exploratory interviews at the Cancún climate summit. It then assesses the correlation of the framework variables for the Danish and Mexican climate negotiation Presidencies. Next, process-tracing approximates probabilistic causation. The comparison of the Danish and Mexican climate Presidencies through the 'before-after' research design further strengthens the internal validity of the framework established through correlation and process tracing. Finally, the application to the biosafety and trade case pairs probes the external validity and generalization. This combination of qualitative methods provides a solid basis to answer the research puzzle.

2.4. Data collection

Climate change negotiations

Expert interviews and participant observation yielded the empirical data to identify key process factors and reconstruct climate negotiation dynamics. The data collection began with *observation and exploratory interviews* with lead negotiators and organizers at the climate summit in Cancún in 2010 to refine the literature-derived hypotheses and generate new approaches. *Semi-structured* interviews are the most appropriate technique for 'elites', who often possess greater topic expertise than the interviewer (Burnham 2008, 240). The open questions allow for (surprising) findings (why did you not get an agreement in Copenhagen?), while the guided section (how transparent were the negotiations?) ensures comparability of variables across interviews. After a refinement, interviews tested a more specified set of hypotheses (cf. Appendix II) at the intersessional negotiations in Bonn and at COP-17 in Durban, with former Danish Presidency members in Copenhagen, and other interviewees in person or by telephone between spring 2011 and spring 2012.

Climate interviews total 55, lasting one hour on average (cf. interview list in Appendix III). While the literature stipulates no standard quantity, the number exceeds the 20-30 considered as minimum for expert interviews (Burnham 2008, 234). Interviewees are politicians, officials, and observers from media and NGOs (Table 1). They include close to all lead representatives of the *Danish and Mexican Presidencies*, inter alia one COP-President and all chief advisers. On the *UNFCCC side*, the current and former Executive Secretaries and their lead officials participated, as did the *facilitators* of the main working groups of Copenhagen and Cancún (e.g. AWG-LCA Chair). Respondents from *parties* are usually lead delegates from all major negotiation groups. They reflect the wide range of perspectives, such as from the US to Bolivia and from India to the EU.

Table 1: Interviews on climate negotiations with lead organizers, head negotiators, and observers (2010-2012)

Organizers, facilitators, observers	**N=26**	**Negotiation groups**	**N=29**
Danish Presidency	7	ALBA (Bolivia, Cuba, Ecuador, Nicaragua, Venezuela)	2
Mexican Presidency	5	BASIC (Brazil, South Africa, India, China)	5
UNFCCC-Secretariat	7	EIG (Liechtenstein, Mexico, South Korea, Switzerland)	1
Chair of an Ad-Hoc Working Group (AWG) or Subsidiary Body	4	EU Commission, or EU-member state	11
Observers	3	G-77 (non-ALBA/BASIC developing countries)	5
		Umbrella Group (Australia, Canada, Japan, New Zealand, Norway, Russia, Ukraine, US)	5

Note: N=number of interviewees. ALBA: Bolivarian Alliance for the Peoples of Our America; EIG: Environmental Integrity Group

Let us consider *one caveat*. Interviews reflect the perspective of delegates and organizers. As most still work in public policy, they have incentives to shape the discourse of current climate negotiations and the interpretation of past ones. For instance, was Copenhagen a success? Did the Mexican Presidency organize a transparent process? Respondents may not have revealed their entire knowledge of events or even spread misleading information. Agreement at a summit could also bias interviewees as they may conceive of organizers in hindsight as more capable.

This research *responded to the potential biases in multiple ways* to still reach a full and balanced picture. Creating a large and diverse set of nearly 60 interviews is one salient remedy. The quantity and diversity of the data from all major and adversarial coalitions should capture all principal viewpoints. When the biases are politically motivated among conflicting coalitions, the respective reverse directions of opinion reveal these biases, so this research considers them diligently. This becomes evident when comparing interview results, for example, where gaps left by one interview are complemented well by other interviews. Together, they add up to the most complete picture possible. Or, biases from one side are uncovered by more neutral sides, such as on the process and content expertise of the lead organizers. The ability to analyse the evidence in the databank by institutional origin of respondent allowed the systematic checking of biases on each answer category. For instance, did all Danish organizers find a high capability of the Danish Presidency? The results are discussed for each process variable below. Surprisingly, there is often consensus on essential questions across adversaries, such the transparency and inclusiveness of a process. Participant observation, interviews with long-standing observers, and secondary sources on the process triangulate responses as an additional remedy. Finally, anonymity and detailed hand-written notes instead of tape recording reduce the intentional bias of answers (Burnham 2008, 239).

Overall, primary data from interviews can mean more relevant and reliable information than secondary material from existing studies. For instance, the decision to agree is hypothetically also based on the *willingness* by the delegation. This willingness may stem from the participant's *subjective* assessment of process factors, such as its transparency and inclusiveness, and the authority of the lead organizer. Data on these kinds of questions is most reliably collected directly from the negotiators and organizers involved. How could other sources give more authentic answers about the (internal) perceptions of these people? These caveats notwithstanding, interviews are best suited to gather data for these specific research questions, combined with participant observation and secondary sources.

Participant observation is used for the principal case of climate negotiations, and partially on trade. Its results generate hypotheses and triangulate interview data (Burnham 2008, 232; Gusterson 2008). The author attended the three climate summits in Cancún, Durban, and Doha between 2010 and 2012 (COP-16, 17, and 18). The academic observer position for the London School of Economics allowed for the observation of all plenary sessions and of open informal negotiations during the 2010 and 2011 negotiations. The neutrality as an observer during the first two summits ensured detachment of the research object with minimal bias and maximized candidness of interviewees. At the Doha climate summit, the author observed as researcher on a national European delegation. It provided unique access to closed-door preparations and negotiations, and thus allowed a first-hand, authentic verification of previous responses on negotiation dynamics. In sum, this dissertation contributes to the study of International Relations by offering abundant and original, first-hand material on cooperation in the salient field of climate change.

Trade and biosafety negotiations

The evidence for the controlling case pair of *trade negotiations* relies on a wealth of secondary sources, such as meeting reports from the WTO and observer organisations as well as academic literature containing rich primary material (e.g. Jawara and Kwa 2003). The literature, for instance, includes an extensive first-hand account by then-WTO Director General Mike Moore (Moore 2003). Selected interviews with trade negotiators and WTO officials and participant observation at the 8th Ministerial Conference in Geneva in 2011 complement the secondary sources. Despite their small number of N=7, interviewees yielded rich data as they included high-ranking WTO officials, and senior negotiators from various countries (Table 2 and interview list in Appendix V). Respondents had good knowledge of the cases as they participated in, or were close to, the trade negotiations of 1999 and 2001. Tailored to this research design, questions paralleled the climate negotiation questionnaire to ensure comparability across regimes. Granting anonymity, all but one interview was conducted in-person to maximize candid responses.

Nevertheless, the scope of the controlling trade and biodiversity cases is limited, so the data allows for indications but not always a detailed filling of each negotiation framework variable.

Table 2: Interviews on trade negotiations with lead organizers and head negotiators (2011-2012)

Organizers	**N=2**	**Negotiation groups**	**N=5**
WTO	2	ACP	1
		EU-member state	2
		G-10	2

Note: N=number of interviewees. ACP: Group of African, Caribbean and Pacific Countries; G-10: Mixed group of advanced developed and developing economies

The *biosafety case pair* data stems primarily from the largest in-depth study on this milestone of the biodiversity regime (Bail, Falkner et al. 2002). The editors ensured a broad range of perspectives with first-hand contributions by over 50 participants and analysts, such as the accounts of the Chairs of the preparatory negotiations, Veit Köster, and of the Cartagena and Montreal summits, Juan Mayr. This rich evidence and additional secondary sources allow saving financial and time resources for the main case pair of climate change and, to a lesser extent, for trade with its selected interviews and participant observation in Geneva. While the biosafety study does not substitute for the over 60 climate and trade interviews, it is still a sufficiently detailed source to extract the data of interest for the negotiation framework.

2.5. Operationalisation of process variables

The final methodological step is to operationalise the hypothesized process management elements. The conception of process management broadly followed the Social Science Concepts approach and terminology (Goertz 2006, Ch. 2). Process management forms the *basic level* of the concept, and consists of the four elements identified from literature and interviews for the *secondary level* (e.g. transparency and inclusiveness). We now focus on the *third level*, which describes the *indicators* for the shape of each secondary process element (e.g. transparency of the negotiation text development, inclusion in small group negotiations).

Transparency and inclusiveness

Let us start with *transparency and inclusiveness* (Figure 6).[7] The first indicator of *transparency* is information management on small group negotiations. They form an integral part of large multilateral negotiations to reduce the complexity of issues and parties. As they often consist of only 20 to 60 delegates, negotiations become less transparent for thousands of excluded delegates. Since they frequently address core issues, information management on small group work becomes vital.[8] Transparency varies with how well organizers inform non-participants about the small group's mandate, schedule, and participants. The second indicator of transparency is the handling of potential compromise text. After endless negotiations, this text is meant to satisfy key positions of as many countries as possible to enable agreement. Given its importance, how broadly organizers inform about the origin, evolution, and conclusion of compromise text is a further vital factor. Transparency thirdly depends on how diligently organizers inform about overall negotiation progress and schedule. At a summit, thousands of negotiators are scattered over myriad formal and informal groups for two weeks. Hardly anyone has an overview of all key moves. Information by the organizers on overall negotiation progress and next steps becomes essential.

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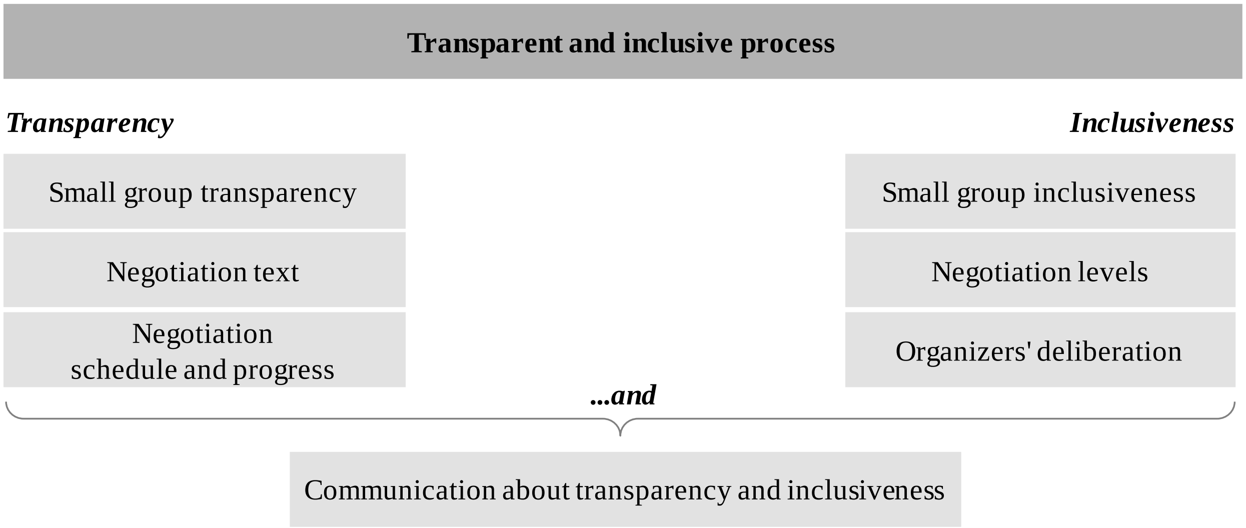
[7] This process element refers to *all* negotiating parties, as major powers often enjoy more transparency and inclusiveness.

[8] UNFCCC-Secretariat(1)-28.04.2010

Small group negotiations are also the first indicator of *inclusion*. Countries want to participate in the salient small groups or be at least represented by countries of their coalition. This renders the small group selection process decisive. Second, negotiations occur across several professional levels, from experts up to heads of state and government. The integration of levels affects how expert negotiators and politicians perceive their inclusion. Third, organizers engage in extensive deliberation on parties' positions and solutions when facilitating compromise. How broadly do they reach out to countries in the run-up to negotiations to consider their views? The extent of strategic 'branding' of a negotiation as transparent and inclusive serves as final indicator, influencing parties' perception.

Figure 6: Indicators for transparency and inclusiveness


Transparent and inclusive process
Transparency
Inclusiveness
Small group transparency
Negotiation text
Negotiation schedule and progress
Small group inclusiveness
Negotiation levels
Organizers' deliberation
...and
Communication about transparency and inclusiveness

These indicators assess transparency and inclusiveness in relative terms by contrasting two negotiations in the same field, like Copenhagen and Cancún. A binary way qualification is unfeasible as complex multilateral negotiations are rarely fully transparent and inclusive (or not): "Parties never know all that happens"[9]. A small group that excludes thousands of negotiators can never be considered fully transparent and inclusive. Nonetheless, informing diligently about the group's details and allocating membership through an accepted process enhances its transparency and inclusiveness.

Capability of organizers

One central tenet of this thesis is that the organizers of the negotiation process play a vital role in reaching an agreement. On an *institutional level,* the host country's bureaucracies in charge of the Presidency and the respective treaty Secretariat are pivotal in accompanying negotiations. Within these institutions, *individuals in key positions* are the Executive Secretary of the treaty Secretariat, a (usually) host country minister as Conference President and a senior official of the national administration as his lead advisor. The latter is sometimes not clearly determined and so it has to be interpreted who plays this role in a given negotiation. This may change during a longer process, as during the Danish Presidency.

Naturally, these organisations do not manage a multilateral negotiation with only a few people. Among others, the Chairs of key working groups (e.g. AWG-LCA or AWG-KP at the climate negotiations) and their treaty Secretariat counterparts also fulfil salient facilitating functions.[10] Despite their obvious contribution, interviews and scholarship on Chairs have yielded that the Conference President, the host lead advisor, and the treaty Secretariat Executive Secretary are the primary agents among organizers with the widest responsibility and leverage for facilitation. Therefore, this research uses a narrow definition of individual organizers.

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[9] UNFCCC-Secretariat(4)-17.05.2011

[10] AWG/SB-Chair(1)-30.11.2010, EU/EU-country(1)-20.01.2010. Success in Copenhagen was so direly needed that the AWG-LCA Chair invited parties' submissions to the LCA-text not only as groups but individually during 2009.

The evidence revealed four indicators for the *capability of these institutional and individual organizers* (Figure 7). The first is the fit to the specific negotiation circumstances in cultural, and organisational or personal terms. Cultural fit applies to institutions and individuals, such as their style of communication. Organisational fit refers to institutions, such as clear internal responsibilities, and personal fit to individuals, such as high empathy.[11] The second indicator is process expertise, such as the extent of multilateral negotiation experience. The third dimension is content expertise, like knowledge on climate change. Organizers' alignment as fourth indicator assesses the relations between the Presidency and treaty Secretariat.

All four indicators are again not binary, but relative to each other. For instance, alignment does not mean idealist harmony but implies a comparatively low degree of conflict between organisers. Alignment varies with alternating Presidencies.[12] "There is always tension between the orderly way the Secretariat would go about negotiations and the new approaches by the hosts. At COP-15, this was less harmonious than in other COPs."[13]

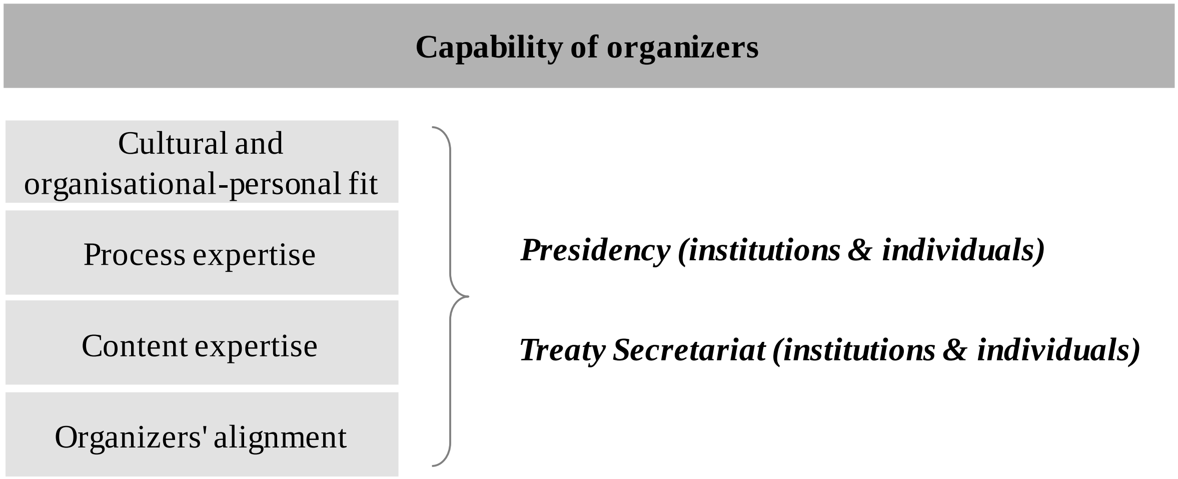
As a result, countries were forcefully defending their text parts so it took three meetings to make the text workable (AWG/SB-Chair(4)-14.06.2011). The succeeding AWG-LCA Chair was hence commended for her active pushing for a shorter text despite the risk of violating the party-driven-process principle (Umbrella-Group(3)-14.06.2011).

[11] EU/EU-country(6)-16.03.2011 suspected that facilitation may in part be influenced by gender, e.g. in climate negotiations with a more "ego-driven" male style by Rasmussen and de Boer, versus Espinosa and Figueres.

[12] UNFCCC-Secretariat(3)-08.12.2010

[13] UNFCCC-Secretariat(2)-04.12.2010

Figure 7: Indicators for capability of organizers


Capability of organizers
Cultural and organisational-personal fit
Process expertise
Content expertise
Organizers' alignment
Presidency (institutions & individuals)
Treaty Secretariat (institutions & individuals)

There is one *methodological caveat* as a major source for assessing the capability of these institutions and individuals are the interviews with negotiators, UN officials, and observers. The input is therefore subjectively coloured by the respondents' opinion about someone's capability. Three approaches alleviated this concern. First, answers are triangulated through an additional empirical basis of a form of participant observation. The author gathered a first-hand impression through in-person, one-on-one interviews with each of the eight assessed individuals of the Presidency and the UN of 40 to 120 minutes each.[14] This direct exposure enhanced the author's understanding also on a subjective, cultural-personal side. This additional source provides higher authenticity for interpreting the interview data. Second, responses will not be directly used to determine whether an institution or individual *was* capable or not in a specific role. Rather, objective circumstantial facts from interviews, observation, and secondary material indicate the level of capability indirectly. On an individual level, for instance, information on the degree of prior multilateral experience of a Conference President reveals process expertise. Third, the wide range of interviewees triangulates responses from different negotiation groups and rivalling factions inside the organizing institutions, for instance assessments from the adversarial teams of the Prime Minister and the Climate and Energy Ministry.

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[14] Except for Prime Minister Rasmussen (who rejected two interview attempts during 2011), and for Foreign Minister Espinosa whom the author observed during the two-week summit in Cancún.

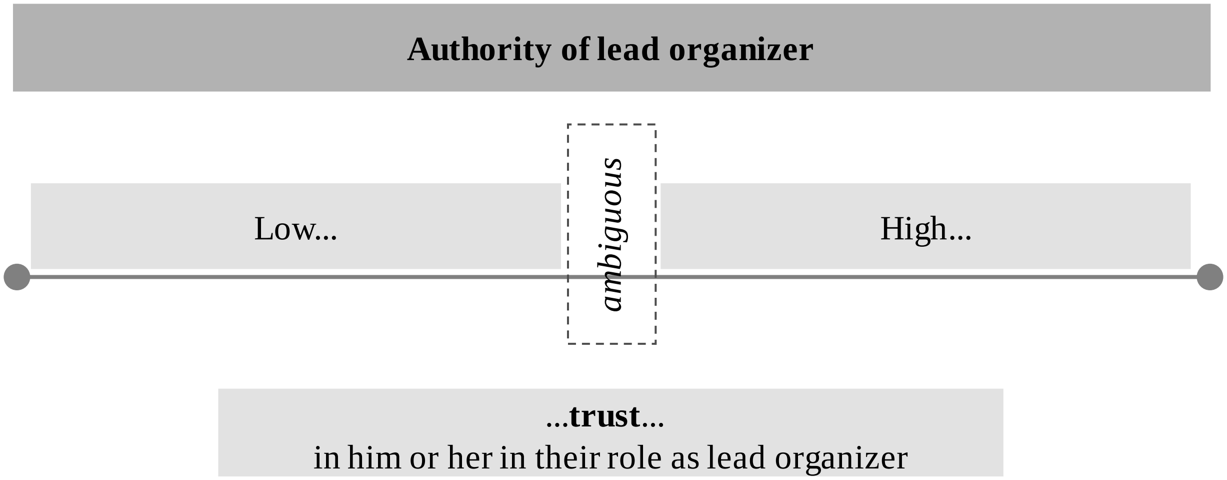
Authority of the lead organizer

Authority of the lead organizer is indicated if *delegates accept him or her widely*. This is the case *when the large majority of key negotiators overall trusted the lead organizer in his or her negotiation role*. Evidence from interviews with negotiators and Secretariat officials indicates the level of acceptance. The diversity of the sample of all negotiating groups and organizers close to the process balances any bias towards the lead organizer.

As a Conference President always faces some opposition, a large majority of opinion leaders trusting the President suffices. Their verdict on a lead organizer heavily influences other delegates and is hence a crucial indicator. Many of them have long experience in, high influence on, and good insight into climate negotiations. This research checked for key delegates in each interview, and thereby successively covered most of them in around 60 interviews. Their views on the authority of lead organizers feed the database.

Trust is a continuous concept with gradual variances between delegates. Yet, a precise scale of trust would be inconceivable as the level of trust is understood very subjectively. This thesis therefore interprets the answer in each interview broadly in a binary way. The lead organizer is then either overall trusted, or not (Figure 8). In cases of ambiguous evidence, the data point is recorded as 'undecided'. Finally, interviews with seasoned observers, participant observation and secondary sources serve as complementary indicators for the level of authority.

Figure 8: Indicator for authority of lead organizer


Authority of lead organizer
Low...
ambiguous
High...
...**trust**...
in him or her in their role as lead organizer

Finally, the process variables interact with each other. Many negotiators base their trust in the lead organizer on their perception of capability and the transparency and inclusiveness of the process. A former COP-President put it in a nutshell: the President "needs to know what he talks about. He needs to be trusted and to be neutral."[15] Thus, the quality of work is often the foundation of legitimacy, like Espinosa's in Cancún.[16] An inclusive process further bolsters authority: "It helped for Espinosa that the Mexicans had an open-door policy during the preparation time and the COP itself. Everyone appreciated this."[17] This interaction however does not render "authority" redundant, as the causal influence may work through different paths. Capability and fair process can directly impact on a process, but also indirectly by enhancing the authority of the lead organizer. Yet, authority may not solely depend on capability and fair process. So, the causal chain between authority and agreement may therefore differ from the direct routes of capability and fair process, and agreement.

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[15] EU/EU-country(5)-17.02.2011
[16] Mexico(4)-16.06.2011, similar: EU/EU-country(6)-16.03.2011
[17] Umbrella-Group(2)-02.06.2011

Negotiation mode of arguing and bargaining

Negotiation mode is expressed in the type of discourse and its underlying assumptions and goals. It takes on the ideal type forms of arguing and bargaining at two ends of a continuum (Figure 9). *Arguing* is indicated by a constructive discourse open to a change of minds based on facts and logical insights in order to find a joint solution. It reveals the underlying interests of the parties to a large extent. Such openness lets ideas enter the process through delegations or civil society and to subsequently change the perception of parties' interests. As alternative terms for arguing, negotiation research speaks of *problem-solving or integrative bargaining*. This research uses arguing as the most widely used term by IR theories. Yet, it aims at integrating the arguing and bargaining concepts of IR with negotiation analysis.[18] The thesis includes *integrative bargaining* under arguing: parties may still bargain, but in an interest-revealing way that trades on differences and allows a win-win outcome. Arguing is thus understood as broader than in an ideal Habermasian sense or by strict IR constructivist theory.

In contrast, parties *bargain (also positional or distributive bargaining)* for the distribution of a fixed set of gains and burdens of an assumed zero-sum situation, e.g. distributing a given amount of 'carbon space' in the atmosphere among parties.[19] They merely state their positions without a willingness to engage in open-ended solution finding. The claim of a restrictive mandate without flexibility beyond these boundaries also indicates bargaining.[20] Strictly speaking, conciliatory tone and eventual compromise are not strong indicators for arguing, as parties could still have bargained and split a 'fixed pie'. Further, parties often reach a compromise through ambiguous language. While not really solving an issue, they leave the eventual interpretation of obligations to each country.[21] Acknowledging these difficulties, the indicators are carefully applied to parties' behaviour.

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[18] See also discussion by Odell (e.g. 2009, 277). In his extensive interdisciplinary work on trade negotiations, he distinguishes between integrative and distributive (and mixed) strategies, similar to integrative and positional bargaining. Odell proposes that integrative negotiation strategies increase agreement chances. He delineates his approach from constructivism (281). As this thesis focuses on *organizer*-influenced variables, it rests more on the constructivist side and does not deepen Odell's approach of *party* strategies.

[19] Denmark(1)-02.12.2010: as routinely argued by China. A text-book example illustrates this well: two people want to use the one lemon they have. When they can't agree on who should get it, each receives one half (zero-sum bargaining). Revealing the interests underlying their positions, they would have found that one only wanted the lemon's juice to make lemonade while the other only needed the lemon's skin for baking cookies (win-win arguing, or integrative bargaining).

The analysis of negotiation mode distinguishes between preparatory and summit *negotiation phases*, and for the climate in-depth case also between different *groups* (entirety, including informal smaller group meetings; major powers of BASIC, US, and EU; specified subgroups of MEF, Greenland/Petersberg Dialogues, or Cartagena Dialogue). It excludes talks fully outside the regime process, acknowledging they may be occasionally influential. For instance, when the EU and China exchange intensively on emission trading systems in a bilateral setting, it advances mutual understanding benefitting the formal process.[22]

Figure 9: Indicators for negotiation modes of arguing and bargaining

	Negotiation mode	
	Arguing (or problem-solving; integrative bargaining)	Bargaining (or positional / distributive bargaining)
Discourse type	• *Exchange on underlying interests* • *Open to change of mind; facts & logic*	• *Exchange on mere positions* • *Closed; highly mandate-constrained*
Discourse assumption and goal	• *Win-win game* • *Joint solution possible*	• *Zero-sum game* • *Distribute assumed fixed gains & burdens*

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[20] AWG/SB-Chair(1)-30.11.2010

[21] BASIC(1)-04.12.2010, or the COP-16 AWG-KP-compromise on the Kyoto Protocol continuation granting the footnote to Russia and Japan against a second commitment period (UNFCCC-Secretariat(2)-04.12.2010).

[22] EU/EU-country(10)-16.08.2011

Let us draw attention to *two further considerations*. First, this *analysis of discourse* differs from commonly known approaches (cf. literature discussion). It does not scrutinize the words and sentences of a negotiation by using its protocols or participant observation. This is nearly impossible for a research question that addresses specifically the politically most decisive issues and turning points of a negotiation. The most salient negotiations are closed to outside observers and do not produce any written record. So, the study draws on interview responses of participants of these crucial negotiations. They provide indications on the prevalence of a negotiation mode across different phases and groups.

Second, this research explicitly studies *process variables organizers can influence*. Does negotiation mode fall in this category?[23] Naturally, *delegations and individuals* choose their negotiation style according to their preferences and strategies.[24] On the personal level, some even witness a tendency to move straight to bargaining: "People like to fight. It's conflict-driven."[25] It may also depend on their level of preparation. Greater topic familiarity allows for more arguing[26] where parties engage in a dialogue in which they feel confident to argue without holding on to their pre-defined positions.[27] Groups of countries created settings like the MEF or the Cartagena Dialogue for climate change, which have a more intimate atmosphere to induce frank exchanges.[28] Moreover, the attendance of similar-minded parties without the interference of hardliners enabled constructive solution finding.[29]

This thesis assumes however that the kind of negotiation process *organizers* create also impacts on the negotiation mode of countries. Interviews and participant observation point towards several drivers. The stress level of negotiators seems one overarching theme. If delegates feel comfortable with and trust the organizers and chairs as neutral they are less stressed and prone to argue open-mindedly. In case of massive doubts, many negotiators perceive it safer to close up and stick to their positions.[30] A striking example was the final plenary of the Montreal Protocol ozone negotiations. Parties trusted Conference President Tolba so much that they fully switched to arguing, exchanging frankly on bottom-lines and underlying interests.[31] Next, proximity to the decision moment seems to increase stress and reduce arguing. In Track II-type settings[32] like the Petersberg Dialogue on climate that organizers initiated outside the official negotiation process no outcome needs to be found yet.[33] Negotiators often switch back to bargaining though once the 'real' negotiation begins. The Mexican Presidency hence emphasized the open-ended nature of these informal meetings and did not ask for specific outputs.[34] As mentioned before, the non-public set up induces open exchange on their interests and a "real content discourse".[35] The less crowded atmosphere lowered negotiators' stress levels and allowed for easier communication.[36] The pressure of a summit in turn lets delegates bargain again and not "have a seminar" to persuade each other.[37] Yet then, too, smaller informal groups can offer a forum for frank exchange, in contrast to the presentation of well-known positions in plenaries.[38]

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[23] EU/EU-country(9)-26.05.2011, UNFCCC-Secretariat(2)-04.12.2010
[24] AWG/SB-Chair(2)-04.12.2010
[25] Umbrella-Group(3)-14.06.2011
[26] AWG/SB-Chair(2)-04.12.2010
[27] EU/EU-country(10)-16.08.2011
[28] EU/EU-country(4)-27.01.2011
[29] EU/EU-country(11)-10.12.2011

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[30] AWG/SB-Chair(4)-14.06.2011

[31] Observer(1)-06.12.2010: "Parties communicated rather openly… ‘what is your bottom line, why, and what can I do to change it?'"

[32] AWG/SB-Chair(3)-07.12.2010

[33] BASIC(1)-04.12.2010

[34] UNFCCC-Secretariat(5)-14.06.2011

[35] G-77(1)-04.12.2010: "The style of negotiations is completely different behind closed doors", UNFCCC-Secretariat(3)-08.12.2010

[36] EU/EU-country(3)-03.12.2010

[37] UNFCCC-Secretariat(2)-04.12.2010

[38] Denmark(2)-16.06.2011, also: G-77(3)-19.07.2011 on the arguing-atmosphere in the smaller concentric circles in Cancún.

Bilateral meetings for instance, often initiated by the organizers, serve to openly exchange information, like the UK-Brazilian minister-led bilateral meetings on mitigation in Cancún.[39]

A less exclusive process reduces arguing among *all* parties. Instead, organizers can also foster arguing by creating higher trust between delegates through a more transparent and inclusive process (myriad further references to social psychology: Albin and Young 2012, 40). In short, organizers can influence the negotiation mode through the use of appropriate fora before and during a summit, the right level of transparency and inclusiveness, and trust-based authority of its leadership.

The negotiation mode delegates choose is also influenced by *drivers more exogenous* to negotiators and organizers, such as negotiation phase and issue. The following outlines a rough pattern of which *negotiation phase* seems to favour which mode. Negotiations often begin with an exploratory phase that has more elements of arguing, for instance the exchanges on the IPCC Summary for Policy Makers, as foundations of the negotiations.[40] At summits, bargaining often takes over when proposals start spelling out concrete rights and obligations.[41] Depending on the depth of prior arguing, it could then also be integrative bargaining (hence, arguing) about well-known concepts.[42] Many longstanding climate negotiators are deeply stuck in their issues and react defensively on tight deadlines.[43] So, they are testing red lines[44] and leave any compromise to the political level towards the end.[45] Whether the political compromise in the end is based on true arguing or a simple bargain of the 'division of the pie' is hard to tell.[46] The eventual resolution in the last negotiation phase is, however, often achieved through arguing by politicians, who long for a public success.[47] In sum, we may *broadly* observe a pendulum during one Presidency which starts on the arguing side and swings to bargaining towards a COP, before it (sometimes) returns to arguing in the end.

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[39] UNFCCC-Secretariat(3)-08.12.2010
[40] UNFCCC-Secretariat(2)-04.12.2010
[41] EIG(1)-09.08.2011
[42] Umbrella-Group(3)-14.06.2011
[43] EU/EU-country(3)-03.12.2010
[44] G-77(3)-19.07.2011
[45] AWG/SB-Chair(4)-14.06.2011: "Negotiators themselves are more bargainers than anything else."
[46] AWG/SB-Chair(3)-07.12.2010, EU/EU-country(3)-03.12.2010

The *type of issue* may also influence the negotiation mode. Parties tend to argue about technical issues, and bargain about political ones. Arguing seemed to prevail at technical issues of climate negotiations (e.g. details of REDD+)[48], while bargaining was reported on political issues (e.g. mitigation).[49] Countries often have committed to a position on a political issue in public, and then defend it through bargaining.[50] So 'posturing' often prevails in a big plenary with the highest political levels.[51] Yet, there is overall mixed evidence on the influence of issues on negotiation mode. Increasing complexity of climate negotiations may favour arguing as it becomes harder to define a clear quid pro quo.[52] At the same time, with less understanding of a highly complex issue (like LULUCF in climate negotiations), parties rather defend one position by positional bargaining.[53] Further, an argumentative dynamic can occur over the long run with sufficient time for parties to learn.[54] The myriad perceptions of the problem are then assimilating which eases arguing with better mutual understanding.

In sum, we find mixed evidence for the influence of phases and issues on negotiation mode. Yet, this thesis does not claim to show the exact conditions for arguing or bargaining. This is an area of study in its own right and an extensive research question. Importantly though, abundant indications show that negotiation mode *also* depends on the organizers, and is thus a process management variable within the scope of this research.

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[47] AWG/SB-Chair(4)-14.06.2011
[48] Umbrella-Group(1)-20.04.2011
[49] Umbrella-Group(5)-27.07.2011, EU/EU-country(1)-20.01.2010
[50] BASIC(3)-08.07.2011
[51] Umbrella-Group(1)-20.04.2011
[52] Observer(2)-08.12.2010
[53] EU/EU-country(10)-16.08.2011
[54] UNFCCC-Secretariat(2)-04.12.2010: e.g. George W. Bush's rejection of the Kyoto Protocol but simultaneous MEF launch noting that their understanding on climate change "has come a long way".

2.6. Conclusion

This chapter laid out how this thesis intends to narrow the research gap on process management in multilateral negotiations. Connecting to recent trends in scholarship, such as approaches on regimes, agency, and discourse, and based on exploratory data collection, it suggests a comprehensive negotiation framework to probe the hypothesis that process management changes the probability of agreement. In those cases where negotiations require consensus and where interests initially only narrowly overlap, process may even be a necessary part of this unnecessary but sufficient conjunction of conditions. The secondary hypothesis describes *how* process management impacts on outcome. I apply a combination of qualitative methods to test the primary and secondary hypotheses, and to maximize internal and external validity. Three case pairs of climate, trade, and biodiversity negotiations probe the negotiation framework for a correlation of process management and outcome across regimes. Within each case pair, evidence from interviews, participant observation, and secondary sources trace the key steps in the chain of events. The next chapter provides the background for the in-depth climate case, which is at the heart of this dissertation. Based on unique first-hand evidence from 55 climate negotiation insiders, it tells the chronology of the 2010 and 2011 climate negotiations, which culminated in the historical summits of Copenhagen and Cancún.

3. Background of climate negotiations

This chapter lays the empirical foundation for the ensuing theoretical analysis of the climate negotiation case pair. It first sketches climate negotiations since the 1990s and outlines their general structure to better understand the later discussion of their dynamics. Data from 55 expert interviews and participant observation at the Cancún summit then allow a detailed account of negotiations during the Danish and Mexican Presidencies and the 15th and 16th Conferences of the Parties (COP-15 and COP-16) in Copenhagen and Cancún.

3.1. Climate negotiations so far

Climate negotiations have been evolving over two decades. They addressed the constitution of the regime, created the Kyoto Protocol and have since been discussing the design of a future regime (for the following also: Depledge 2005, 3). The UN General Assembly initiated the process in 1990, and the UN Conference on Environment and Development in Rio ("Earth Summit") adopted the *UN Framework Convention on Climate Change* two years later. At the first COP in 1995, developed countries agreed on specifying emission reduction targets in a Protocol to the Framework Convention (Berlin mandate). In 1997, most developed countries committed in the *Kyoto Protocol* at COP- 3 in Japan to reduce emissions by, on average, 5.2% between 2008 and 2012 (compared to the 1990 levels). The Protocol allowed flexible implementation to achieve cost-efficient mitigation. Developed countries could set up an emission trading system, and reduce emissions through projects in developing countries counting towards their own reduction commitments (Clean Development Mechanism) and through projects carried out jointly by and in developed countries (Joint Implementation).

The ensuing negotiations prepared the *implementation* of the Kyoto Protocol until it came into force in 2005 (after Russia's ratification, it comprised more than 55% of 1990 emissions of developed countries). COP-4 in Buenos Aires in 1998 left parties seriously dissatisfied with the process, like COP-2 in Geneva (Depledge 2005, 3). Meant to resolve remaining questions from Kyoto, it ended with a two-year Buenos Aires Plan of Action for further negotiation. After the technical next COP in Bonn, negotiations collapsed during the Dutch Presidency at COP-6 in The Hague in 2000. Observers attributed the failure inter alia to process management by the Dutch Presidency and to strong political disagreements between the parties (Grubb and Yamin 2001; Depledge 2005). After process changes and with a greater spirit of compromise in a second round of a 'COP-6 bis' in Bonn in July 2001, parties successfully agreed to further specify implementation mechanisms. This resulted in the Marrakesh Accords at COP-7 in Morocco that same year. Meanwhile newly elected US-President George W. Bush decided that the US as largest emitter would not ratify the Protocol. Subsequent negotiations of COP-8 in 2002 to COP-10 in 2004 addressed questions of adaptation financing, technology transfer to developing countries, and other issues – but did not augment the ambition for emission reductions.

Since coming into force in 2005, parties have negotiated for the *time after the first commitment period of the Kyoto Protocol* in 2012. Since then, the Conference of the Parties to the Convention is coupled with the Conference of the Members to the Protocol. The Montreal Action Plan from this COP-11/CMP 1[55] marked the beginning of this discussion and established the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) to address this set of questions. The next milestone marked the Bali Action Plan at COP-13 in 2007. This road map to negotiate a post-Kyoto regime entailed two negotiation tracks for members of the Convention and of the Protocol. So the additional Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) emerged next to the existing AWG-KP. Countries agreed to negotiate a new agreement with commitments for developed and developing countries within two years.

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[55] For more convenient reading, this work will from now on usually only refer to COP and not COP/CMP, or COP/MOP.

The positive momentum got lost by COP-15 in Copenhagen in 2009. Parties adopted a passive negotiation attitude after Bali. At the COP in Poznań, Poland, no one conceded ground before the summit in Denmark. Many negotiators commented on these two years as lost time without real negotiations. Copenhagen then became the highest profile summit in history, including 120 heads of state and government. However, parties could not find consensus within these intense two weeks and merely took note of the Copenhagen Accord, which had been crafted last minute by an exclusive circle of the US and emerging powers. Although countries eventually adopted the Cancún Agreements at COP-16, the latter were not legally binding as once envisioned in Bali. So, parties drafted the Durban Platform in 2011 to negotiate a binding agreement by 2015, taking effect by 2020. Since then, they have made very little progress, and most non-European countries did not join the second commitment period of the Kyoto Protocol in Doha at COP-18. Before turning to negotiations during the Danish and Mexican Presidencies, an outline of the climate negotiation structure helps to better understand the following negotiation analysis.

3.2. Negotiation structure

The structure of climate negotiations can be described by its stages, fora, and rules (for a detailed account: Yamin and Depledge 2004), which shows similarities to other multilateral negotiations. Throughout the year of a climate Presidency, *preparatory consultations* precede the COP. They are not considered official negotiations but begin to advance discussions on difficult areas and tremendously influence later developments, as they inter alia already engage in discussing draft texts. The Presidency can initiate consultations on contested issues that can be critical for later success given the only short two weeks of a COP. During 2010, for instance, the Presidency and the UNFCCC-Secretariat organized 13 consultations among countries before Cancún, not even counting numerous bilateral meetings and talks between groups of countries. The Presidency and the Secretariat also develop the agenda, and parties or the COP-Bureau can request changes before it is finally adopted by consensus at the COP opening.

The two-week summit of a COP entails a technical and political phase. The more *technical expert negotiations* last for seven to ten days. Delegates negotiate in several major groups. First, the plenary sessions of the COP and CMP are used for organizational matters and political statements, as well as for the final decision on a COP-proposal. It is usually not the place for substantive negotiations due to its large size, openness to the public, and the rigidity of procedural rules (Yamin and Depledge 2004, 450). Next, four groups broadly structure negotiations: for Copenhagen and Cancún, it was the two Ad Hoc Working Groups on Long-term Cooperative Action and on the Kyoto Protocol (AWG-LCA and AWG-KP). They largely addressed the issues of highest impact, like emission reductions. Finally, the Subsidiary Body for Implementation (SBI) and that for Scientific and Technological Advice (SBSTA) deal with implementation and technical advice.

These major groups meet regularly during a COP and are facilitated by selected delegates as chairs. They split up into dozens of informal working groups on myriad sub-issues (and often into yet another layer, known as informal consultations, or 'informal informals'). This is where the actual negotiations under these working groups are held closed to the public. Parties then make text proposals reflecting their positions. The chair compiles them in one document, highlights the differences between the positions and possibly issues a 'chair's text' as a compromise at some point.

The more *political negotiations*, or high-level segment, starts with the arrival of ministers and occasionally heads of state and government in the second COP-week. Less restricted in their negotiation mandate, they are better equipped to compromise in the final rounds. Ministers often even chair negotiations on crucial outstanding issues and negotiate for their countries bilaterally in varying circles. These salient political activities are not prescribed by fixed rules. The high-level segment culminates in the final night with a round-the-clock search for compromise, often in small exclusive circles chaired by lead organizers and politicians. Finally, the summit ends with a closing plenary session and the decision on an agreement.

The most crucial fora though are often beyond the official negotiation structure, such as negotiations in an exclusive *small group* (or Green Room, Friends of the Chair). They are usually set up by the organizers and key delegates. These selected representatives of the main coalitions negotiate few issues, but essential make-or-break ones, throughout the summit. The reduced complexity of less participants and issues significantly facilitates negotiations. Second, countless confidential *bilateral negotiations* are ongoing before and during a summit. Parties meet in conference offices of delegations, in corridors, and restaurants to resolve essential issues. Third and entirely *outside the UN process*, parties negotiate in multiple other fora, such as the Major Economies Forum on Energy and Climate (MEF) and the G-8 or G-20.

Formal and informal rules guide UNFCCC negotiations. The key provision has proven to be the decision-making rule. As parties have never agreed on majority voting (Draft Rule 42), the current unwritten rule requires consensus for substantive decisions (Sabel 1997). This has repeatedly stirred turmoil in closing plenaries with diverging interpretations of the regulation. In Kyoto, Raúl Estrada reached consensus despite dissenting countries (e.g. Depledge 2005). Or, Mexican COP-President Patricia Espinosa gavelled consensus in Cancún despite the explicit objection of Bolivia. With this understanding of the history and structure of climate negotiations, the chronologies below now give a detailed account of negotiations during the Danish and Mexican Presidencies in 2009 and 2010.

3.3. Chronology during the Danish Presidency

The original idea and internal preparations by the later Danish Climate and Energy Ministry date back to 2005 (Meilstrup 2010, 114)[56]. In March 2007, parties gave the Presidency for COP-15 to Denmark. This chronology of negotiations under the operational auspices of the Danish Presidency stretches from the closing of COP-14 in Poznań, Poland, on December 13, 2008 until the last day of COP-15 in Copenhagen on December 19, 2009.

Preparatory negotiations in 2009

Myriad preparatory negotiations within[57] and outside the UNFCCC process were held in 2009 in the run-up to the COP. After COP-14 in Poland, the *AWGs reconvened in Bonn* from March 29 to April 8. The mood was quite positive: "The year started with high expectations that a deal would be sealed closing the next Kyoto period. Maybe this was naïve."[58] For the first time, the more climate-friendly Obama administration represented the US. Both AWGs were working towards a negotiation text to be ready for the next Bonn session in June. The AWG-LCA was meant to identify elements for such a draft text. Yet, despite some progress in "consolidating ideas…all delegates were quick to point out that not only is there a surplus of issues on the table, but also substantive disagreement..., especially with regard to specifying targets in a shared vision and whether the role of the Convention in finance and technology transfer should be more action-based or advisory" (IISD 2009a, 13). The AWG-KP largely discussed mitigation and related issues and eventually mandated incoming Chair John Ashe to produce texts on both of these areas. Developing countries however were largely dissatisfied with the very low mitigation ambition after 2012 by Kyoto parties (IISD 2009a, 2). So the outlook for June seemed to be that "everyone acknowledges that the AWG-KP is in for some rough times" (IISD 2009a, 13).

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[56] Denmark(5)-12.08.2011
[57] See for the account of UNFCCC meetings the comprehensive IISD's Earth Negotiations Bulletin.
[58] G-77(4)-22.07.2011

From June 1 to 12, parties convened for "*Bonn II*". The AWG-LCA expanded a 50 page draft by its Chair, released shortly before the conference, into a very comprehensive text of 200 pages.[59] A facilitator[60] commented that it turned into a "compendium made of negotiation positions instead of a joint text"[61]. The antagonistic mood between parties became evident when "they were all looking for *their* parts in later drafts [of the LCA-text]. Even the attribution of the text parts to the authoring country was still included. It took three entire meetings to take them out."[62] Among other issues, parties fought over the legal form of a future LCA-agreement. While many developed and highly vulnerable developing countries favoured a legally-binding form, larger developing countries were opposed. Analysts at the time increasingly saw the need for political vision and guidance and counted on upcoming non-UNFCCC summits like the G-8 and MEF for this (IISD 2009b, 24). Countries seemed too far apart for a legally-binding outcome at COP-15.[63]

The AWG-KP continued negotiations on mitigation without major progress at Bonn II. One struggle was over whether to fix new individual and aggregate reduction targets or new quantification rules first. Parties could eventually not even agree on a mandate for their chair to prepare a text to amend the Kyoto Protocol at the COP. So a concluding analysis echoed the result of the AWG-LCA: "[M]any suspect…that significant political hurdles must be overcome to reach agreement under the AWG-KP in Copenhagen" (IISD 2009b, 24).

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[59] FCCC/AWGLCA/2009/8 and then in the end: FCCC/AWGLCA/2009/INF.1

[60] "Facilitators" are chairs of the negotiation working groups (e.g. the AWG-LCA or AWG-KP in the UNFCCC negotiations), key hosts (e.g. the COP-President or a lead official), and senior treaty Secretariat officials (e.g. the UNFCCC Executive Secretary).

[61] Mexico(3)-15.06.2011

[62] AWG/SB-Chair(4)-14.06.2011

[63] Umbrella-Group(3)-14.06.2011

In between the regular sessions, the Danish Presidency organized numerous informal meetings for a more candid dialogue between key parties. One such non-public gathering by 30 ministers and heads of delegations was the *Greenland Dialogue* in Illulissat, Greenland from June 30 to July 3. It was the 5th time since its initiation in 2005. It was an important meeting for the Presidency as it "got ministers started to really talk politics".[64] The most tangible outcome was a political confirmation of the 2-degree goal and a call for continued political consultation before the COP (Hedegaard 2009).

The US-sponsored *Major Economies Forum* on Energy and Climate (MEF) was another series of five meetings between April and October. The MEF met at leadership level for the first time at the *G-8 Summit* in L'Aquila, Italy, from July 8 to 10. It proved to be an important milestone on the way to Copenhagen. After very tough, line by line all-night negotiations in Rome just before the start[65] and hard negotiations between China and the US[66] the MEF confirmed the 2-degree goal, receiving great public attention (MEF 2009, 2). This was the first time on a leadership level despite the previous resistance by China and India.[67] The agreement was a breakthrough[68] and was one basis of the later Copenhagen Accord.[69] The US saw it as an important step to a new, bottom-up structure, which became one element of the Accord.[70] The G-8 had been the first meeting with newly appointed Danish Prime Minister Lars Løkke Rasmussen. He found "his [G-8] colleagues…frustrated with the UNFCCC process... A common understanding emerged that a potential outcome, designed by the presidency, ought to be tested in bilateral meetings on the level of heads of state" (Meilstrup 2010, 124).

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[64] Denmark(2)-16.06.2011
[65] EU/EU-country(10)-16.08.2011
[66] Denmark(3)-11.08.2011
[67] Umbrella-Group(2)-02.06.2011
[68] EU/EU-country(10)-16.08.2011
[69] Denmark(3)-11.08.2011
[70] Umbrella-Group(2)-02.06.2011

The next UNFCCC meeting "*Bonn III"* from August 10 to 14, revealed a sense of urgency. The AWG-LCA produced complementary material such as reading guides to the rearranged 200 pages of negotiation text.[71] The latter stayed nearly unchanged with 2,000 brackets (IISD 2009c, 1) resulting in its nickname "the brick". The AWG-KP made no concrete progress either, discussing "top-down" versus "bottom-up" approaches. With several non-papers as a result, Chair Ashe stated that "we will have to work twice as hard in Bangkok in six weeks" (IISD 2009c, 7). In a media briefing on the last day, Yvo de Boer warned that "at this rate, we will not make it" (UNFCCC-Secretariat 2009).

The meetings outside the UNFCCC process moved forward on their way towards a political agreement for COP-15. On September 22, the *UN Secretary-General* hosted a *high-level event* on climate change for more than 100 heads of state and government in New York. Many participants supported the 2-degree goal and a 50%-emission reduction below the 1990-levels by 2050 (Ban 2009). On the fringes of the high-level event, Rasmussen received an informal mandate by Ban Ki-moon and several leaders to begin "testing a compromise proposal with a number of leaders from both developing and developed countries" (Meilstrup 2010, 124). The emerging text was supposed to combine both AWGs as one final COP-15 document (Meilstrup 2010, 125). In parallel, the ministerial Greenland Dialogue in New York advanced on key issues. Indian Environment Minister Jairam Ramesh presented constructive suggestions on MRV, which later formed the core part of the Accord.[72] Overall however, tactics seemed to increase at the

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[71] FCCC/AWGLCA/2009/INF.2

[72] EU/EU-country(10)-16.08.2011

Greenland Dialogue with the approaching COP-15.[73] Briefly afterwards, *G-20 leaders* met from September 24 to 25 in Pittsburgh. The leader's statement contained climate change, yet without any specifics on mitigation or financing. They reaffirmed their general commitment though "to increase significantly and urgently the scale and predictability of finance" at the *G-20 finance minister* meeting in St Andrews in November (G-20 2009).

From September 28 to October 9 the *AWGs* got together in *Bangkok* in the official UNFCCC process. Positions were further clarified but the overall bones of contention in the AWG-LCA remained mitigation and finance. Developing countries worried that the principle of "common but differentiated responsibilities" was being watered down for mitigation. At the same time, some saw "'extremely positive' signals coming from key developing countries such as Brazil, China and India" given ambitious national mitigation plans (IISD 2009d, 19). Nevertheless, many still saw a low-carbon economy as a risk.[74] On finance, developed countries still put no specific numbers on the table. Eventually, the LCA-text was hardly manageable after Bangkok. "[W]e had come back with a monster with 200 pages full of brackets."[75] The AWG-KP did not advance either. They could neither agree on further mitigation steps nor on a framework architecture, i.e. whether the Protocol would continue separately or be merged with new LCA-obligations (IISD 2009d, 19). Overall, the EU, the Umbrella Group, and the G-77 seemed deeply divided,[76] and observers were concerned about the "distrust and entrenched positions" at this point of negotiations (IISD 2009d, 19).

The resumed AWGs meeting in *Barcelona* from November 2 to 6 did not lead to any real progress either, despite the display of constructive openness by ministers in another Greenland

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[73] EU/EU-country(9)-26.05.2011
[74] EU/EU-country(8)-05.05.2011
[75] G-77(4)-22.07.2011
[76] BASIC(2)-16.06.2011

Dialogue just one week earlier[77]. Analysts now observed the downplaying of expectations and that the "meeting amplified…divergent interests, polarization, frustration and mistrust between developed and developing countries" (IISD 2009e, 17). Negotiators across the board were disappointed as a legally binding agreement seemed increasingly out of reach.[78] "I even used points of order because the way of discussion was not conducive to getting to an outcome."[79] The AWG-LCA did neither fully clarify the options for Copenhagen nor streamline the text. It ended with further non-papers on the key elements of the Bali Action Plan mandate as annex to the meeting report[80] (IISD 2009e, 15). The Green Fund draft illustrates the antagonism. The same ideas were listed one after another just because they were from different parties.[81] LCA-Chair Zammit Cutajar eventually acknowledged that Copenhagen would lead to several COP-decisions but not a legally-binding outcome. The AWG-KP kept the battle lines of the previous sessions.

Between the Bangkok and Barcelona meetings, simmering Danish power struggles now fully erupted among the teams of Prime Minister Rasmussen, headed by Bo Lidegaard, and of Climate and Energy Minister Connie Hedegaard, led by Thomas Becker. Allegations over mishandled travel expenses made Becker resign on October 16. The Presidency lost the person who had the idea of hosting the COP in Denmark, convinced the Danish government in 2005, and briefly later got Brazil to transfer its hosting right as it had been in line for COP-15 (Meilstrup 2010, 115). The promise to Brazil and other developing countries was to conduct a Presidency unbiased to developed countries, to work towards a legally-binding agreement, and to ensure strong financial assistance.[82] The Danish Presidency lost a well-known, trusted person with Becker's resignation.

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[77] Denmark(3)-11.08.2011
[78] Umbrella-Group(4)-04.07.2011
[79] Mexico(3)-15.06.2011
[80] FCCC/AWGLCA/2009/14
[81] Mexico(3)-15.06.2011

After the exit of their principal rival, the preference of the Prime Minister's team for a political agreement was quickly followed. Rasmussen now downscaled ambitions, publicly advertising the option of 'one agreement, two steps' at an international meeting of parliamentarians in *Copenhagen*, on October 26 (Meilstrup 2010, 125), an idea that had been shared by the US and Rasmussen's team for a while. A political agreement of COP-15 would soon be followed by a legally-binding one. Most parties thereby became aware that another kind of agreement was not possible at Copenhagen: "It also helped to lower expectations. No one else had dared to say it before."[83] This was a blow against the Climate and Energy Ministry and Hedegaard, who was supposedly furious about the announcement.[84] It aggravated the internal Danish strife, which reflected the general deep divisions over the goal of the negotiation: "At that point there was no way to get consensus on what parties want: a full completion of the Bali Roadmap, or a reduced scope with work left over after Copenhagen."[85]

Officials from the Climate and Energy Ministry recall that "[‘phone] calls from all over the world…asking 'what the hell is this?'" came after Rasmussen's announcement: parties were disappointed that the Danish promise to work towards a legally-binding deal was no longer kept.[86] In the following weeks, Rasmussen spread this approach, such as at an ASEAN-US summit in Singapore on November 15 in the presence of Obama and other leaders (New York Times 2009a). The two-step approach left developing countries nervous (Meilstrup 2010, 127). They had been unsatisfied since COP-13 in Bali that their commitments in the LCA-track should be pinned down simultaneously to, and not later than, those of developed countries in the KP-track.[87]

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[82] Denmark(5)-12.08.2011
[83] Mexico(3)-15.06.2011
[84] Denmark(5)-12.08.2011
[85] BASIC(3)-08.07.2011
[86] Denmark(5)-12.08.2011

The *pre-COP* in Copenhagen with 40 ministers tried to give a last push to the dynamic of the negotiations from November 16 to 17. Hedegaard and de Boer applauded the "very good spirit" in the final press conference and reported the affirmation of the 2-degree goal (Hedegaard and De Boer 2009). The day before, the US and Chinese Presidents had even declared at a bilateral to aim for a COP-15 result with immediate operational effects. At the same time, the Hedegaard team remained nervous due to the two-step strategy and bilateral Danish talks about a compromise proposal by the Presidency (Meilstrup 2010, 127). Selected countries saw a draft version of such a 'Danish text' at the pre-COP (IISD 2009, 28).

One week before COP-15, a *small group* of 20 to 30 countries met informally in *Copenhagen* to assess the potential Presidency compromise. At the demand of the US, China, and Russia - and despite Hedegaard's objection for fear of leakage - the text was sent out to participants before the meeting (Meilstrup 2010, 127). Rasmussen's team was very positive about the reaction of countries to the draft recalling that the "spirit was great".[88]

Expert-level negotiations at COP-15

Finally, after one year of preparatory negotiations *COP-15/MOP-5* opened in *Copenhagen* on Monday, December 7 to last until Saturday, December 19. It was originally meant as an endpoint to the negotiations guided by the Bali Roadmap towards a comprehensive, new climate deal. Yet, the preceding behaviour already shed bad light on its prospects: these "were two years without any sense of urgency between the parties."[89] Many found that negotiations "only really started in Copenhagen itself"[90] and characterized negotiations before as "superficial" and "philosophical".[91] At this point, hopes for the "big bang" of a comprehensive deal were only dim. Public interest in the summit was bigger than ever. Forty thousand representatives of countries, civil society, and media had applied for registration. As the venue of the Bella Center held only 15,000, thousands waited long hours in the cold outside to register with many eventually left outside (IISD 2009, 28).

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[87] EU/EU-country(10)-16.08.2011

[88] Denmark(4)-12.08.2011, similar: EU/EU-country(2)-20.11.2010

Inside the Bella Center, countries started negotiating in the principal subsidiary bodies outlined above, with the AWGs dealing with the key political issues. From December 8 onwards, the AWG-LCA negotiated on all elements of the Bali Action Plan, such as mitigation, finance, and technology transfer. The one contact group split into multiple informal drafting groups. Starting the same day, AWG-KP Chair Ashe stressed to focus on the amendments to the Kyoto Protocol and especially post-2012 emission reduction targets and flexibility mechanisms (IISD 2009, 19).

Also on Tuesday, mistrust was aggravated by the publication of a 'Danish text' in the British newspaper *The Guardian*. It had probably been leaked by one of the few countries asked for feedback by the Presidency beforehand. China[92] or even a larger "G-77 conspiracy"[93] was suspected. Major developed countries assumed that some parties thereby wanted to undermine agreement.[94] At the time of publication, the text was an outdated version from November 29 (Guardian 2009), and its origins were from much earlier that year. The Danish Climate and

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[89] EU/EU-country(3)-03.12.2010
[90] AWG/SB-Chair(4)-14.06.2011
[91] EU/EU-country(10)-16.08.2011
[92] E.g. EU/EU-country(6)-16.03.2011, EU/EU-country(3)-03.12.2010
[93] Denmark(2)-16.06.2011
[94] Umbrella-Group(3)-14.06.2011, EU/EU-country(10)-16.08.2011

Energy Ministry had to agree to write a text for the Danish government as a working document for the negotiations that took the entire administration on board.[95]

The leaked text drastically deepened suspicion that the Presidency was holding negotiations parallel to the UNFCCC tracks to prepare a final compromise. However, several fiercely protesting countries, such as Sudan, had seen the draft at the small group meeting in early December in Copenhagen (Meilstrup 2010, 128). Many developing countries were upset by what they considered a bias towards developed countries (Guardian 2009a). The leaked version though was only the LCA-part of the 'Danish text' referring to a KP-decision in a separate document in its headline. Nonetheless, even UN officials and Danish Presidency members[96] saw a severe US-bias in the LCA-text itself. Rasmussen's team had prioritized getting the US on board. They were accused for having "spoke[n] early and lengthy to the Americans but went quite late to the developing countries".[97] De Boer and many others attributed a major impact on the COP to this leakage: "The Danish letter…destroyed two years of effort in one fell swoop" (Meilstrup 2010, 129).[98]

Negotiations stalled in the following days. Zammit Cutajar made another attempt to table a chair's text for the AWG-LCA on Thursday as a middle-ground between the leaked 'Danish text' and the former LCA-text – yet it now seemed to favour developing countries.[99] Moreover, the text was not used well on its way up the levels.[100] Ministers were soon in a disorienting position between expert negotiators and the arriving heads of state, so the usually key ministerial process became "a farce".[101] Negotiations were in an "abysmal state…It was catastrophic."[102] A

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[95] Denmark(2)-16.06.2011
[96] UNFCCC-Secretariat(1)-28.04.2010, Denmark(3)-11.08.2011
[97] UNFCCC-Secretariat(2)-04.12.2010
[98] EU/EU-country(4)-27.01.2011, EU/EU-country(8)-05.05.2011, UNFCCC-Secretariat(4)-17.05.2011
[99] UNFCCC-Secretariat(2)-04.12.2010
[100] UNFCCC-Secretariat(5)-14.06.2011
[101] UNFCCC-Secretariat(5)-14.06.2011, UNFCCC-Secretariat(1)-28.04.2010

Danish official admitted that their original strategy did not materialize: "After the first week was over, it was still 'Monday'".[103] At the beginning of the second week, there was still no sign of consensus with the same debates continuing.[104] Now, people "progressively panicked that they would not get to an agreement, which made things worse."[105]

High-level segment

The dynamics culminated in the middle of the second week with the scheduled end of the four key negotiations bodies and the beginning of the high-level segment. During the night to Wednesday, *December 16*, the AWGs held their closing plenaries. The AWG-KP's closing report revealed the prevailing disagreements on core issues.[106] According to Chair Ashe parties had made "significant progress" but couldn't agree on amendments to the Kyoto Protocol (IISD 2009, 10), for instance on new mitigation commitments for the post-2012 period. The AWG-LCA held its closing plenary in the early morning, from 4.45am to 6.50am. After year-long negotiations, parties were still so divided that they could only agree to forward the entire textual package[107] as "unfinished business" to the COP (IISD 2009, 18). Despite some progress on adaptation, technology, and REDD, the critical issues of mitigation and finance remained highly contested (IISD 2009, 27). The AWG-LCA plenary was perceived as "an awful mudslinging" and occasionally "free of any respect": "People fought like crazy... The expectation was that heads of states would rescue us."[108]

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[102] UNFCCC-Secretariat(1)-28.04.2010
[103] Denmark(1)-02.12.2010
[104] EU/EU-country(8)-05.05.2011
[105] UNFCCC-Secretariat(1)-28.04.2010
[106] FCCC/KP/AWG/2009/L.14 and 15
[107] FCCC/AWGLCA/2009/L.7 and Adds.1-9
[108] EU/EU-country(9)-26.05.2011

In the morning, the high-level segment opened with around 120 heads of state and government. It was the largest highest-level summit on one specific issue in history. Danish Prime Minister Rasmussen then took over the COP-Presidency from Climate Minister Hedegaard who became 'the COP-President's Special Representative'. The official line was that the chairing by a head of government was more appropriate given the large presence of leaders. The change deepened the divide inside the Danish Presidency. The team around Hedegaard feared a lack of support for the Prime Minister since many parties associated the leaked 'Danish text' with him (Meilstrup 2010, 130). Moreover, the Climate Minister "hoped that there was more collaboration. Yet, there were more and more people from the Prime Minister's team invading space, people that had never done anything on climate change." Many parties were puzzled by the switch[109], "not knowing what this meant."[110] A G-77 negotiator doubted the official reason in harsh words ("this is bullshit") and suspected that Hedegaard was "taken out" for political reasons.[111]

In the COP-plenary, Hedegaard had still announced putting forward a compromise proposal later that day "based substantially on the two texts forwarded by the AWGs" (IISD 2009, 4). This had been the Danish "Plan B" for a potential stalemate at the beginning of the high-level segment (Meilstrup 2010, 130). There was an "explosion" by many countries as an immediate reaction.[112] They had not been able to see the texts beforehand and insisted that the work of both AWGs, produced over a long time and just now with an "overnight marathon", was the only legitimate base for negotiations. Others welcomed the compromise proposal as the only way out given the short time left and the state of the AWG texts (IISD 2009, 28). Rasmussen held informal consultations throughout the day and night on how to proceed (IISD 2009, 4), with negotiations on substance essentially suspended. In the reconvened plenary that evening, many G-77 countries expressed their worry that the process was neither transparent nor inclusive. AWG-LCA-Chair Zammit Cutajar then forwarded the LCA-report and texts to the COP-plenary (IISD 2009, 4). It was a far from completed and workable text for leaders to negotiate with.

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[109] Mexico(3)-15.06.2011
[110] Denmark(2)-16.06.2011
[111] G-77(2)-13.06.2011
[112] UNFCCC-Secretariat(5)-14.06.2011

In the Thursday noon plenaries of the COP and the MOP on the next day, *December 17*, Rasmussen confirmed that remaining negotiations would be based on the documents produced by both AWGs so far. The compromise texts, "the jewel in the crown of the Danish strategy" (Meilstrup 2010, 131), prepared by the Danish Presidency and reiterated with key parties for months were never tabled. Instead, a contact group under Hedegaard was created that split into numerous drafting groups to address the critical, unresolved issues. Yet, the parallel negotiations on the expert and leader levels proved disadvantageous. After a productive start, the expert level lost momentum with the announcement that the Danish Prime Minister would conduct additional facilitation in a leaders' meeting on Thursday evening.[113] Tensions in expert working groups were high. One room even discussed whether to put another set of brackets from beginning to end in a text that was already fully bracketed.[114] Delegates reported to the contact group on their progress on late Thursday evening (IISD 2009, 5). After an intense discussion on the process forward, Hedegaard decided that the drafting groups would continue and that a "friends of the Chair" group would be established (IISD 2009, 6).

Parallel to this, the Danish Queen hosted a dinner on Thursday evening. There, Rasmussen organized support among leaders for negotiating a shorter, political agreement on the core issues in the final hours of Copenhagen (Meilstrup 2010, 131). So later that evening, a meeting of 28 heads of state and government, presided over by Rasmussen's advisor Lidegaard, began negotiating a final compromise. It broke down on a leader level around 2am. Ministers continued without success until 6.30am. Among others, representatives of all major economies, the heads of G-77 and AOSIS were present. Yet, no delegate of the Latin American ALBA-group participated, which had many non-mainstream positions.[115] The selection of this salient small group became highly contested. The Danes had nominated participants after consultations with UN Secretary-General Ban: "If we had asked the Sudanese Chair of the G-77, for instance, to nominate countries, it would not have happened."[116] When the meeting started, all participating delegates supported the process, the group's composition, and the text as a working document, according to a Danish official.[117] Outside, the selection process was heavily criticised. Countries could for instance not nominate their regional representatives for this crucial meeting.[118] Another Dane described that the selection of people "set the whole Bella Center crazy".[119] This was unfortunate as there had been some positive dynamic during the day through several major players that built up to "one possible moment". The EU had pushed its 30% goal, Hilary Clinton had declared to mobilize US$ 100 billion, and Brazil had said they would act domestically on mitigation.[120] The dynamic however vanished in the late hours of that night.

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[113] UNFCCC-Secretariat(5)-14.06.2011
[114] Umbrella-Group(3)-14.06.2011

The textual starting base for the small group was also problematic as leaders found they "could not work" with the "substandard" text from AWG-negotiations.[121] The Danish Presidency had supposedly not detailed how to merge AWG-outcomes and input from ministerial work so that "it never happened".[122] In this situation, leaders apparently told the Danish Prime Minister's team in bilateral talks at the end of the second week that "they must present something now".[123] In response, they began the Thursday night meeting with a draft of a short, political Accord rather than the comprehensive, legally binding alternative that had been negotiated for two years. A longer and more concrete version of the short draft (with the same political content) had been welcomed at the Copenhagen meeting one week before the COP.[124] The shorter text was mainly a product of the so-called 'writing team', which consisted of various Danish ministries led by the Prime Minister's team and Hedegaard's advisor group of eight international negotiators and experts.[125]

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[115] Delegations in this small group (EU/EU-country(10)-16.08.2011): Algeria, Australia, Bangladesh, Brazil, China, Colombia, Ethiopia, Sweden, European Commission, Gabon, Germany, France, Grenada, India, Indonesia, Japan, Republic of Korea, Lesotho, Maldives, Mexico, Norway, Poland, Russian Federation, Saudi Arabia, South Africa, Spain, Sudan, UK, US.

[116] Denmark(4)-12.08.2011

[117] Denmark(4)-12.08.2011

[118] EU/EU-country(8)-05.05.2011

[119] Denmark(3)-11.08.2011

[120] EU/EU-country(7)-04.05.2011

[121] UNFCCC-Secretariat(5)-14.06.2011

On this basis, heads of state and government were negotiating the text line by line, with the BASIC leaders mostly absent however.[126] The setting created stellar stress for all: "[Leaders] were not used to negotiate an agreement all by themselves. They had done line-by-line negotiations last time at the 1945 post-war meeting in Potsdam."[127] During this meeting, the UNFCCC-Secretariat did not play any significant role: de Boer was present but largely abstained from interfering in a negotiation of more than 20 heads of state and government.[128] With the takeover by Rasmussen, the Secretariat also lost much of its influence.

During the same night at 3am on Friday, *December 18,* Hedegaard's contact group of expert negotiators reconvened parallel to the leader's level to hear back from the drafting groups. Several parties now called for political guidance on the numerous outstanding issues (IISD 2009, 6). Delegates were confused and frustrated by these parallel negotiations led by Hedegaard on one side and by Rasmussen on the other. The Prime Minister worked on a compromise document behind the scenes that was scarcely linked to the large other part of the negotiations.[129]

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[122] Denmark(2)-16.06.2011
[123] Denmark(4)-12.08.2011
[124] Denmark(4)-12.08.2011
[125] Denmark(3)-11.08.2011
[126] Denmark(4)-12.08.2011
[127] EU/EU-country(10)-16.08.2011
[128] UNFCCC-Secretariat(4)-17.05.2011

Finishing COP-15

Throughout Friday, negotiation levels remained disconnected with expert negotiations largely on hold. "Many well-known negotiators were seen nervously waiting in the corridors with everyone else. Presidents and Prime Ministers, followed by their entourages and journalists, were seen rushing from one meeting to another" (IISD 2009, 28), for instance to one high-level US-Chinese bilateral.[130] Many believed until Friday afternoon that something would happen to save the COP.[131]

Meanwhile, the high-level group of 28 had continued its work from the night before in the Jacobsen Room of the Bella Center. One key problem was a struggle between the US not to commit to more mitigation than 17% below the 2005 level by 2020, and China not to allow for international controls of its emission reductions (Meilstrup 2010, 131). The mood inside the room was "horrible".[132] China was only represented by one lead negotiator, He Yafei, despite the Prime Minister's presence at the COP. Fellow heads of states in the group received this badly. French President Sarkozy even accused the Chinese of hypocrisy at one point (Rapp, Schwägerl et al. 2009). There seemed "a lack of respect" between participants and Rasmussen supposedly "allowed for a mere ping-pong between China and the US…He didn't even give the floor to Merkel, Sarkozy or the Japanese Prime Minister when they wanted to speak".[133] Apart from the small group, the sense of a G-2 negotiation between the US and China was widely shared.[134] Even the UN had been sidelined by that time. Ban and de Boer were both in the small group meeting. Rasmussen largely ignored the UNFCCC-Secretariat and was, if anything, only relating to the UN Secretary-General.[135] Furthermore, the 'New York-UN' also seemed to be on the margins.[136] "If 20 heads of states negotiate, you don't get in the way" commented a UNFCCC official.[137] So the key role among organizers was played by the Danish Prime Minister.

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[129] UNFCCC-Secretariat(2)-04.12.2010
[130] Umbrella-Group(2)-02.06.2011
[131] EU/EU-country(9)-26.05.2011
[132] EU/EU-country(9)-26.05.2011
[133] Umbrella-Group(4)-04.07.2011

During a lunch break, Obama reached out in vain to fellow leaders to assess what they needed to forge a deal. His attempts for another bilateral with China, or one with India, South Africa, or Brazil were rejected.[138] The small group meeting was resumed in the afternoon until the Chinese head negotiator asked for an interruption to consult with his Prime Minister at around 4pm (Rapp, Schwägerl et al. 2009). The circle never reconvened. Instead, the BASIC leaders Wen, Singh, Lula, and Zuma had gathered to discuss the situation of the summit in a non-scheduled meeting, for which the Indian Prime Minister even returned from the airport. They debated whether to take on more commitments and how to ensure higher support for their implementation.[139]

Having heard of the meeting when searching for the Chinese Prime Minister, Obama forced his way into the BASIC room around 7pm to seek a possible compromise.[140] All other countries, including economic powers such as the EU or Japan, and all organizers from Denmark or the UN were left outside.[141] They only gradually learnt about this last decisive negotiation. When Obama joined, the BASIC leaders were ending their meeting and about to release a press text, reported a US official.[142] Instead, US-BASIC negotiations started building on the draft Accord from the preceding small group negotiations of 28 except for two brackets on MRV.[143] Heads of state and government were drafting an agreement in a kind of emergency operation[144]. A Danish Presidency member judged from outside that "the most important which happened was to link [the main body of] the text and the Annex".[145] It implied the acceptance of this structure by China to also submit its targets equally with other countries and subject them to a text that included language on MRV. Owing to the long Western infringement of Chinese sovereignty, he said that "never before the last day of Copenhagen had the Chinese accepted that MRV would be done on their emissions…it took the active, dramatic intervention by Wen" for this.[146] China's difficulty to agree was also revealed afterwards by the lack of a clear line about interpreting the Accord.[147] The US in turn conceded on MRV. They accepted a global MRV methodology leaving their original position of always implementing international agreements in their own way.[148] Another major US concession was to approve of different intensities of MRV for developing and developed countries.[149] Last but not least, developed countries' financing promises had fulfilled a non-negotiable need of developing countries.[150]

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[134] G-77(2)-13.06.2011
[135] UNFCCC-Secretariat(4)-17.05.2011
[136] EU/EU-country(10)-16.08.2011
[137] UNFCCC-Secretariat(4)-17.05.2011
[138] Umbrella-Group(2)-02.06.2011, Denmark(4)-12.08.2011
[139] BASIC(2)-16.06.2011
[140] Umbrella-Group(2)-02.06.2011
[141] Denmark(4)-12.08.2011

A leading Danish politician blamed the Presidency for a miserable preparation. "There was no contingency plan for the unforeseen, chaotic developments of the last days, for example not even the availability of a productive meeting room when the final round of leaders met with Obama. They were cramped in a room of a few square meters only, with hardly any air left after some time had passed."[151] A senior BASIC-negotiator commended Obama for his facilitation. "I was extremely impressed by Obama: how he saw the importance of having the largest emitters of tomorrow inside an agreement. Overall, he gave a masterly performance. He got the key concerns of the big leaders on board, [also to] bring in fast start and long-term financing which was needed and essential to get."[152]

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[142] Umbrella-Group(2)-02.06.2011
[143] Denmark(4)-12.08.2011
[144] EU/EU-country(6)-16.03.2011
[145] Denmark(4)-12.08.2011
[146] Denmark(4)-12.08.2011
[147] EU/EU-country(10)-16.08.2011
[148] Denmark(4)-12.08.2011
[149] EU/EU-country(10)-16.08.2011
[150] ALBA(2)-09.12.2011

Having finished the meeting around 10.30pm, Obama made a five-minute announcement to the press before returning to the US. He started by saying that "[t]oday, we have made a meaningful and unprecedented breakthrough here in Copenhagen" (New York Times 2009). He then referred the breakthrough to the US-BASIC negotiation and acknowledged that he was "leaving before the final vote but we feel confident that we are moving in the direction of a significant accord" (New York Times 2009). Despite these caveats, most delegations were furious about the process as they had not even seen the compromise at the time of the announcement.

The proposal was forwarded to negotiations in the group of 28, while the word spread on its key elements. The Presidency also had to convince the Secretariat of the text, which was "extremely hostile" and turned into a "negotiation in itself"[153], found a senior Danish official. Tensions between the Presidency and developing countries were also high. Leading G-77 representatives said they were supposed to meet with Rasmussen to discuss the proposal. According to them, they waited for him for an hour and when Sudanese negotiator Ibrahim Mohammed Izzeldin reached out to Rasmussen "he did not want to speak to him".[154] They described this incident as "highly impolite and very uncourteous". In the following plenary,

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[151] Denmark(1)-02.12.2010
[152] BASIC(2)-16.06.2011
[153] Denmark(4)-12.08.2011
[154] On this incident: G-77(2)-13.06.2011

Hedegaard noted that they "consulted the G-77 but they didn't want it". A senior negotiator and lead Danish officials shared the latter interpretation of the incident.[155]

Finally, at 3am on Saturday, *December 19*, the COP and COP/MOP plenaries began. Rasmussen now officially introduced the "Copenhagen Accord" suggesting to parties to consult on the text for one hour and then return to the plenary. Delegates severely criticized this 'take it or leave it'-approach: "You can't do that. In these kinds of negotiations this is normally a bad idea and has to be the last resort. In Copenhagen, it came too soon and was furthermore even badly handled."[156] A heated debate followed (IISD 2009, 7-9). In particular those countries excluded from negotiating the Accord in the group of 28 countries or in the US-BASIC group heavily criticized the process. Especially Venezuela, Bolivia, Nicaragua, and Cuba of the ALBA-group raised strong objections. A developed country negotiator described how many were taken by surprise: "All their flags were the first to go up... [We] were shocked by the Bolivarians (sic) as how prepared and coordinated their attack was. We were surprised by it, and so were the Europeans".[157] Most criticism focused on process, such as the lack of transparency and inclusiveness. One extreme example of the objection to substance and of the debate's intensity was Sudan's comparison of the disastrous consequences of a temperature rise of more than 1.5 degrees, as suggested by the Accord, to the Holocaust. Nonetheless, most countries supported the compromise, among them the "spokespersons for AOSIS, LDCs and the African Group" (IISD 2009, 28) who represent highly vulnerable countries. Yet, the US and BASIC leaders could no longer use their political and rhetorical weight to advocate their compromise as they had left Copenhagen, like many of their colleagues. It could have made the decisive difference.[158]

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[155] Mexico(3)-15.06.2011, Denmark(6)-09.02.2012, Denmark(3)-11.08.2011
[156] Mexico(3)-15.06.2011
[157] Umbrella-Group(2)-02.06.2011
[158] Umbrella-Group(1)-20.04.2011

During the debate, the Danish Prime Minister committed grave procedural mistakes and largely lacked control of the plenary. It was "crazy and chaotic. Parties jumped on the stage when they tried to get the Accord accepted."[159] At one point, Rasmussen called for a vote which UNFCCC rules exclude as they demand consensus. Next, he addressed the plenary stating he was "not [to be] familiar with your procedures".[160] Combined with the ill will generated earlier by inter alia the 'Danish text', the atmosphere turned hostile towards a visibly exhausted Rasmussen. He "was mishandled by the plenary" in a "harsh and violent" way.[161] The COP-President eventually left the podium without returning. "He couldn't manage it anymore."[162] Meanwhile, negotiators had also reached their physical limits, saying that "during the last two days in Copenhagen, me and many others did not get any food or sleep from 9am on Friday to 4pm on Saturday".[163]

After five hours of this nocturnal struggle, the plenary was suspended. UN Secretary-General Ban helped to facilitate informal consultations. After reconvening at around 10.30am, parties compromised by deciding to *take note* of the Copenhagen Accord with the option for countries to associate with the Accord after the COP and to submit reduction goals by January 31, 2010 (IISD 2009, 9). Only a handful of parties had eventually maintained their objection, such as Venezuela, Bolivia, Nicaragua and Cuba. Nevertheless, the consensus-rule prevented the adoption of the Accord. The original plan of the Prime Minister's office had failed. As envisioned, a small circle of leaders agreed on a text. Yet, the team had underestimated the resistance to such a process, which eventually inhibited the "gaveling through" in the final plenary.[164] So parties only took note of the Accord and did not adopt any agreement.[165]

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[159] AWG/SB-Chair(4)-14.06.2011
[160] Cf. UNFCCC-webcast: http://unfccc.int/press/multimedia/webcasts/items/5857.php
[161] Mexico(4)-16.06.2011
[162] UNFCCC-Secretariat(7)-03.08.2011
[163] Mexico(2)-08.02.2011

On mitigation, the Accord shifted away from binding top-down emission reduction goals towards a voluntary bottom-up approach. While countries confirmed their aspiration to limit the temperature rise to 2-degrees, Annex I-countries made only voluntary pledges for 2020. These will be monitored, reported, and verified (MRV). Non-Annex-I-countries put forward emission reductions with only domestic MRV accompanied by a limited sort of oversight through international consultation and analysis (ICA). International MRV only applies in case of foreign mitigation support. A new mechanism for REDD+ to benefit from cost-efficient mitigation through preserving forests would be installed. Overall however, no emission peak year or long-term global emissions goal was specified (IISD 2009, 29). On finance, developed countries promised US$ 30 billion for mitigation and adaptation aid to developing countries between 2010 and 2012 ('fast-start'), and the mobilization of US$ 100 billion annually from public and private sources by 2020. Mechanisms were agreed for technology transfer and capacity building for developing countries to accelerate mitigation and adaptation. Finally, the AWG-LCA's and AWG-KP's mandates were extended by one year.[166] The turbulent Copenhagen summit came to a close just after 2pm on December 19.

Media, observers, most negotiators and organizers reacted very negatively to the Copenhagen outcome and its process management. Yvo de Boer "called the Accord a 'letter of intent' [while] Connie Hedegaard said it was 'disappointing'" (Meilstrup 2010, 133). The big powers "only agreed what they don't want, for example no legally binding outcome," conceded a senior Dane.[167] A leading Danish politician found that it "was the biggest diplomatic effort and undertaking in recent modern Danish history with such little to no results."[168] Another high-ranking Danish official commented that "we had the biggest chance in the world to position ourselves so positively. We are now seen as provincial, xenophobic..."[169] Many countries were disappointed that the Accord was only "on paper" without being an official UNFCCC agreement.[170] A long-standing UN official described COP-15 as "a traumatic experience" for many. "It was a combination of physical fatigue and distress over the outcome. It took months to recover from this."[171] Senior US levels "felt terrible for Denmark. They had meant it so well. It was a colossal failure and so painful. They did not deserve this. It's going to be a long time until they get over it."[172]

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[164] Denmark(3)-11.08.2011
[165] FCCC/CP/2009/11/Add.1
[166] FCCC/KP/CMP/2009/L.8

Some also identified positive elements lauding the political guidance provided by the Accord. One Danish official argued that only leaders could have achieved the "great bargain" of Copenhagen, and Cancún showed that the deal was global consensus.[173] Acknowledging its weakness from a climate science perspective, he found it was the only attainable level: "Despite the fuzz, the shouting, and the chaos, the last day in Copenhagen produced the greatest advance in climate history." A UN official commented that "we did get an agreement"[174] – regardless of the fact the COP took only note of the Accord. Some BASIC-negotiators applauded the political "agreement on the leadership level… and that an overall architecture came in."[175] One observer highlighted the finance agreement and the compromise on MRV/ICA for developing countries as important steps.[176] He further noted the domestic impact of greatly raised public awareness of climate change through Copenhagen, such as in China.[177] Parts of the US administration were perceived as satisfied with the shift from a legally-binding, top-down structure to a voluntary pledge-and-review system.[178] The continuity of this shift remains uncertain as debates at succeeding negotiations have shown. At the 2012 Doha summit, for instance, the top-down Kyoto framework was reconfirmed for a second period. After Copenhagen, 141 countries joined the Accord (UNFCCC-Secretariat 2011), representing over 90% of global emissions (Meilstrup 2010, 134).

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[167] Denmark(6)-09.02.2012
[168] Denmark(1)-02.12.2010
[169] Denmark(5)-12.08.2011
[170] Observer(3)-16.06.2011
[171] UNFCCC-Secretariat(2)-04.12.2010
[172] Umbrella-Group(3)-14.06.2011
[173] Denmark(4)-12.08.2011
[174] UNFCCC-Secretariat(7)-03.08.2011
[175] BASIC(2)-16.06.2011, also: BASIC(4)-16.03.2012

3.4. Chronology during the Mexican Presidency

Preparatory negotiations in 2010

With the closing of the Copenhagen summit on December 19, 2009, the incoming Mexican Presidency slowly started to take over operational control of the process, which they would hold until the handover to the South African Presidency after the COP in Cancún. The first salient endeavour was to restore trust among the parties. "Everybody was disappointed by the complete disaster in Copenhagen. It was terrible."[179] Shock still prevailed in the first meetings after COP-15: "It was nearly like everybody was in the mood for a psychiatrist, explaining what had happened in Copenhagen."[180]

Seeing the importance of diplomacy from COP-15, Mexican President Felipe Calderón soon decided to give the COP-Presidency to the Mexican Foreign and not to the Environment Ministry, against usual practice so far. They saw the Presidency as an "issue of chairing and negotiation skills"[181]. The designated COP-President, Mexican Foreign Minister Patricia Espinosa, was a career diplomat with deep multilateral expertise. Luis Alfonso de Alba from the Foreign Office, with comparable diplomatic experience, became Mexican chief advisor . De Boer at the UN reacted with relief and the initial brief bureaucratic conflict between the Mexican Environment and Foreign Ministries was soon settled.[182] Calderón remained involved and attended Mexican stock-taking meetings on a monthly and from August onwards on a weekly basis. Externally, he reached out to fellow leaders on climate change at G-20, MEF and comparable meetings.[183]

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[176] Observer(3)-16.06.2011
[177] Observer(3)-16.06.2011
[178] EU/EU-country(7)-04.05.2011
[179] Umbrella-Group(4)-04.07.2011
[180] Mexico(2)-08.02.2011

The Mexican Presidency hosted a series of informal, topic-specific consultations throughout the year. The first meeting was on March 18 and 19 in Mexico City on the methodology of work towards COP-16. Participants analysed COP-15 before discussing the approach for preparatory negotiations leading to Cancún.[184] Parties and organizers considered this openness on strategy and the successive meetings as critical steps.[185] Yet, as Mexico only held the incoming Presidency, many countries also criticized the unusually proactive stance of a Presidency at the first Bonn meeting: "[T]he process was still in trouble... also the Mexicans faced problems."[186] Afraid of a growing negative dynamic, the Presidency placated worries. One official described how Central American countries subsequently developed trust through Mexican visits: "We know de Alba personally. He is so nice and has always played with open cards. We trust him".[187] Dynamics improved by early summer when the informal, topic-specific consultations had become "very popular"[188], and the Mexicans were widely trusted.[189]

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[181] Mexico(1)-02.02.2011
[182] Mexico(1)-02.02.2011
[183] Mexico(2)-08.02.2011
[184] Mexico(2)-08.02.2011
[185] BASIC(3)-08.07.2011, EU/EU-country(10)-16.08.2011, Mexico(1)-02.02.2011
[186] UNFCCC-Secretariat(1)-28.04.2010

A week after the first topic-specific consultation in Mexico, a group of developed and developing countries gathered for the first "Cartagena Dialogue for Progressive Action" in Colombia from March 25 to 26. They bridged traditional dividing lines and strove for faster action than what was possible under the consensus-rule. They met again in the Maldives on July 17 and 18, and in Costa Rica, from October 31 to November 2. The dialogue continued during COP-16 to feed fresh ideas into negotiations. Also early in 2010, the UN Secretary-General's High-level Advisory Group on Climate Change Financing was initiated to present its recommendations by November, meeting several times between the end of March and COP-16.

The first official UNFCCC meeting of the Presidency was the *AWGs' session* in *Bonn* from April 9 to 11. Bonn was intended to rally parties behind a methodological approach for the preparatory work towards COP-16 (IISD 2010a, 1). The start was rough as "the first part of the year after Copenhagen was used for shock treatment."[190] One even considered it "a terrible meeting".[191] The struggle of the AWG-LCA about the text mandate for incoming Chair Margaret Mukahanana-Sangarwe reflected the heated final plenary of COP-15. Several developing countries rejected the Accord as an illegitimate base for her to draw upon. Among the critics were those excluded in Copenhagen, like Venezuela and Bolivia, but also some that had negotiated the text line by line, such as China and India (IISD 2010a, 11). Eventually, the Chair's LCA-draft for the June session could reference the Accord and the AWG-LCA report (IISD 2010a, 1), and overall, parties were more conciliatory than expected after Copenhagen (IISD 2010a, 11). As at

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[187] Mexico(2)-08.02.2011
[188] Mexico(2)-08.02.2011
[189] UNFCCC-Secretariat(1)-28.04.2010
[190] UNFCCC-Secretariat(5)-14.06.2011
[191] Umbrella-Group(3)-14.06.2011

COP-15, the AWG-KP still negotiated further mitigation commitments for Annex I countries and the relation to the AWG-LCA track. The Copenhagen Accord attempted to move Annex I and non-Annex I countries closer together in a new structure. Greater MRV notwithstanding, most developing countries defended the separate tracks.

Countries increasingly worried about the future of the UNFCCC-process. One group doubted that it could deliver the required progress and considered acting through non-UNFCCC fora, such as the Norwegian-French REDD+ initiative. At the same time, many developing countries feared the loss of influence through smaller circles (IISD 2010a, 12). Countries hence softened their negotiation style, and Mexico discouraged heads of state from attending Cancún so the COP would provide expert negotiators maximum time for compromises (IISD 2010a, 12).

The smaller setting of the *MEF* convened several times during 2010, starting in Washington in April. Yet Mexico's lower emphasis on leaders reduced its significance for climate. Furthermore, Obama's high ambition had suffered blows from the failed climate bill in the spring and from the Republican takeover of the House of Representatives in mid-term elections in the autumn. For lack of domestic support, the US focussed on MRV, which took pressure off the MEF.[192] Countering the MEF, Bolivia hosted a *World's Peoples Conference* in Cochabamba addressing multiple issues from the "first world's climate debt" to additional mitigation by developed countries (IISD 2010a, 13). De Alba joined to build trust for the Mexican Presidency among more sceptical Latin American countries.[193] Mexico concentrated on countries where they felt "attention was needed", such as Cuba, Bolivia, Venezuela, or Nicaragua, but also on African Union meetings and Asian countries.[194] Connecting to the idea of an informal meeting of environmental ministers under the Greenland Dialogue, Germany and

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[192] EU/EU-country(10)-16.08.2011

[193] Mexico(2)-08.02.2011

[194] Mexico(3)-15.06.2011

Mexico co-hosted the *Petersberg Climate Dialogue* in Bonn from May 2 to 4. Calderón expressed Mexico's strong commitment to the Presidency and supposedly reached participants with this signal.[195] Despite the meagre progress on content[196] the atmosphere was good and negotiations picked up speed.[197] Shortly afterwards, negotiators held informal consultations on climate change finance in Mexico City on May 20 and 21.

After this series of smaller, intermediate meetings, the large *Bonn* session convened from May 31 to June 11. Delegates negotiated constructively with openness for dialogue and a sincere engagement with positions (IISD 2010b, 22). The AWG-LCA discussed the newly introduced Chair's text and made some progress on finance, where the US suggested a fund accountable to the COP (IISD 2010b, 23). Developing countries however rejected a draft with the session's revisions as unbalanced in the final plenary. The AWG-KP discussed further emission reductions and flexibility mechanisms, especially in light of the submitted pledges under the Accord that fell short of keeping the science-supported two-degree goal. The impending expiry of the Protocol made parties address legal questions to ensure a seamless transition into a second commitment period (IISD 2010b, 1). At the end of the Bonn session, Christiana Figueres from Costa Rica took over as new UNFCCC Executive Secretary from de Boer, who left after a five-year-period, encompassing the Bali Roadmap and the Copenhagen Accord.

The G-20 dealt with climate change during the summits in Toronto from June 26 to 27, and in Seoul from November 11 to 13. Seoul called for a balanced outcome in Cancún that would contain the key elements of the Bali Action Plan (IISD 2010d, 2). Yet, like the MEF, none of these summits reached the level of importance for climate negotiations seen in the previous year.

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[195] Mexico(5)-07.07.2011
[196] UNFCCC-Secretariat(1)-28.04.2010
[197] EIG(1)-09.08.2011

One month later, the Presidency hosted informal consultations in Mexico City on the contested issue of mitigation.

The last *Bonn* session by the *AWGs* met from August 2 to 6. The AWG-LCA discussed the new Chair's draft.[198] Similarly to the LCA-text in advance of Copenhagen, the LCA-Chair criticised that parties again filled in their "political positions" so that the draft expanded by half from 45 to 70 pages. Some even saw this expansion as a "hostage taking" of the work (IISD 2010c, 12). The AWG-KP continued negotiations around mitigation, avoidance of a gap for the post-2012 period, and other mitigation-related issues including social and economic consequences of response measures (IISD 2010c, 1). Both groups clarified options slightly so policymakers could eventually compromise in Cancún (IISD 2010c, 12). Generally, expectations were now at a moderate level: no one "expect[ed] a legally-binding agreement in Cancún, but rather a package of implementing decisions" (IISD 2010c, 12).

The *Geneva Dialogue on Climate Finance* held by Mexico and Switzerland from September 2 to 3 was "helpful" in advancing on a further essential issue for a Cancún agreement.[199] The idea of a Standing Committee for the Green Climate Fund was presented and countries confirmed the long-term finance pledges of Copenhagen.[200] Ministers met informally on climate change on the fringe of the annual UN General Assembly meeting in New York on September 25. In contrast to the high-level meeting by Ban Ki-moon in 2009, heads of state and government were not involved, and there was less impact on the process.

China hosted the final *AWGs* meeting in *Tianjin* from October 4 to 9. The AWG-LCA built on the negotiation text produced after the August-session in Bonn[201] and generated accompanying and draft material for the COP. Parties mostly sought areas of convergence, such as REDD+ and technology, and set aside issues that could not be resolved in the remaining time (IISD 2010c, 1, 12). The AWG-KP narrowed down some options within its well-known issues (IISD 2010c, 1). Among others, the base year for mitigation and the length of a potential second commitment period were highly contested, let alone the actual emission reduction numbers (IISD 2010c, 15). The group's outcome resulted in a revised Chair's draft proposal for the COP.[202]

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[198] FCCC/AWGLCA/2010/8
[199] Mexico(2)-08.02.2011
[200] EIG(1)-09.08.2011
[201] FCCC/AWGLCA/2010/14

Overall, Tianjin made little progress, with some even judging it a "total waste of time"[203] or simply "a mess"[204]. For others, the meeting was crucial though as red lines became visible[205] with countries testing "trial balloons" to see what would fly.[206] After Tianjin, the likeliest Cancún outcome appeared to be a set of decisions in a few issue-specific areas, which left some countries concerned that it would reduce chances of a legally-binding agreement mid- to long-term (IISD 2010c, 15, 16). Some senior Mexicans welcomed slow progress in Tianjin so countries would call for a stronger Presidency: "[We] could start right away with informal consultations in Cancún."[207]

The issue-specific informal consultation on MRV and ICA in Mexico City from October 18 to 19 was an important step for converging on this central question.[208] The Presidency had intentionally placed the most contested issues towards the end to rebuild trust first.[209] A new technology mechanism was finally discussed in an informal ministerial dialogue in New Delhi from November 9 to 10. By then, all core topics had been discussed in informal consultations by the Mexican Presidency.

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[202] FCCC/KP/AWG/2010/CRP.3
[203] Mexico(3)-15.06.2011
[204] Umbrella-Group(2)-02.06.2011
[205] UNFCCC-Secretariat(7)-03.08.2011
[206] BASIC(2)-16.06.2011
[207] Mexico(3)-15.06.2011, similar: Umbrella-Group(2)-02.06.2011
[208] Mexico(5)-07.07.2011
[209] Mexico(2)-08.02.2011

Around 40 ministers and key negotiators attended the *pre-COP ministerial meeting* in Mexico City from November 4 to 5 to "smoothen negotiations" at the COP.[210] A Mexican official found that all key players got on board there, showed great flexibility, and trusted the Presidency to conduct an open and inclusive process.[211] At the pre-COP, Mexico invited ministers to Cancún unusually early for the first weekend of COP-16 to facilitate negotiations in pairs of developing and developed countries. Countries crucially accepted this methodology.[212]

Just before Cancún, the *MEF* met on a ministerial and expert level in Crystal City, US, from November 17 and 18. It asked for a "package of decisions" on the core elements of the Bali Action Plan in Cancún (IISD 2010d, 2). India provided a refined outline for a MRV/ICA solution to enable consensus between the big players. As a US official noted: "It was... critical as the US maintained that there would be no agreement without MRV, and China said there would be no agreement with MRV for all."[213] So the proposal was highly welcomed, also as a contribution from India as a major developing country making it easier for others to join.[214]

Expert-level negotiations at COP-16 [215]

After a year of intense preparations, *COP-16 and COP/MOP-6* opened in the Moon Palace Hotel in Cancún on the Caribbean Sea on Monday, November 29 to last until Saturday, December 11. With 12,000 participants it was much smaller than Copenhagen. In the opening ceremony, Mexican President Calderón stressed the "open, inclusive, and transparent" process crafted by the COP-Presidency to re-establish trust in the UNFCCC process. Delegations welcomed this approach in the first plenary, especially those that had heavily criticized the Danish process before, such as Venezuela for the ALBA countries lauding the "environment of trust and security". The organizers called on parties to be pragmatic and leave out those areas that endangered reaching any outcome, repeating mantra-like that "the perfect is the enemy of the good". In an observer briefing, a US negotiator described the goal of COP-16 as the operationalisation of issues on a concrete level, but not a comprehensive, final treaty. Despite timid optimism, there was also scepticism about reaching an agreement in the beginning[216].

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[210] AWG/SB-Chair(2)-04.12.2010
[211] Mexico(1)-02.02.2011
[212] UNFCCC-Secretariat(7)-03.08.2011
[213] Umbrella-Group(2)-02.06.2011
[214] Umbrella-Group(2)-02.06.2011
[215] Where no sources are cited, the COP-16 account draws on the participant observation of the author.

The AWGs started on Monday afternoon. The LCA-Chair presented a structure of a possible outcome[217] leaving key parts such as mitigation open for parties to focus negotiations on.[218] The Chair's conference room paper caused irritation in the run-up to the meeting as it had come without an explicit mandate by AWG-negotiators. Moreover, the omission of a few of their important positions produced major upheaval among G-77 countries: "It did not even include them in brackets, and was hence very unbalanced."[219] The LCA-Chair stressed that the comprehensive Tianjin text remained valid with her new paper only meant to facilitate discussions (IISD 2010, 9). In the following days, the AWG-LCA formed a contact group containing four drafting groups on shared vision, adaptation, mitigation, as well as finance, technology, and capacity building.

Their negotiations were complemented from day one by daily informal consultations led by Mexican lead facilitator de Alba. They started with 25 participants and rose to 70 by the time COP-16-President Espinosa chaired the informal at the beginning of the second week.[220] A few core countries were always present while others varied depending on the questions tackled.[221] In contrast to Copenhagen, not the COP-Presidency but regions themselves nominated participants.[222] Consultations were open to every country that wished to attend but had not received an email invitation. Mexicans dubbed them as "open-closed meetings" and considered them one way to "undermine obstructionists".[223] Sceptical countries, such as Bolivia, also joined and even left the room in protest that 70 participants would be too many.[224] Consultations addressed essential areas, such as mitigation and finance, which the Presidency wanted to accompany. Unsurprisingly, it became "very turbulent with heated discussions"[225] around concrete proposals but also more general ideas without a pre-defined agenda. They were facilitated by the Mexican Presidency and not only the AWG-Chairs as issues cut across both AWGs. The presence of AWG-KP Chairs then ensured the linkage to the regular working groups. A few parties questioned the mandate for this kind of Mexican facilitation, which revealed their ongoing worry that official negotiation groups would be sidelined.[226] Nevertheless, parties participated in these small group consultations.[227]

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[216] UNFCCC-Secretariat(1)-28.04.2010
[217] FCCC/AWGLCA/2010/CRP.1
[218] UNFCCC-Secretariat(5)-14.06.2011
[219] G-77(1)-04.12.2010
[220] Mexico(3)-15.06.2011
[221] AWG/SB-Chair(2)-04.12.2010

Besides, delegates soon tested common ground in bilaterals, such as the US and China on the first Thursday of the COP.[228] In addition, 20 to 30 countries of the Cartagena Dialogue met daily for a frank exchange across 'coalitions'.[229] They funnelled solutions on various questions back into official working groups, so negotiations benefited tremendously from this input.[230] In addition, the Presidency held countless bilateral meetings to gather and distribute information between delegations[231], and on balance many more informal consultations than the Danes.[232]

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[222] UNFCCC-Secretariat(2)-04.12.2010
[223] UNFCCC-Secretariat(2)-04.12.2010
[224] Mexico(3)-15.06.2011
[225] AWG/SB-Chair(2)-04.12.2010
[226] Denmark(1)-02.12.2010
[227] Mexico(3)-15.06.2011
[228] Umbrella-Group(2)-02.06.2011
[229] EU/EU-country(4)-27.01.2011
[230] EU/EU-country(10)-16.08.2011
[231] Mexico(3)-15.06.2011
[232] UNFCCC-Secretariat(4)-17.05.2011

Also contrary to Copenhagen, Calderón remained outside the public spotlight and worked his network on only very few key issues.[233]

High-level segment

On *Saturday*, December 4, the Presidency arranged an informal plenary to take stock of COP-16 after one week. The AWG-LCA Chair issued her second draft text capturing the state of negotiations.[234] Chair Mukahanana-Sangarwe saw some progress but also backward steps and urged parties to redouble their efforts. Espinosa underlined once more that no Mexican text was being prepared and negotiations would continue in a transparent and inclusive manner. This permanent reassurance was one key point of the Mexican strategy.[235] She also pointed out the need for political guidance and vaguely announced that ministers would be integrated in the negotiations, another elementary part of their strategy[236]: Mexico had therefore asked ministers to arrive unusually early on the weekend in the middle of the COP to facilitate negotiations throughout the entire second week. In the subsequent debate, many negotiation groups welcomed the new LCA-text and the process so far. At the same time, several ALBA countries but also a few others criticized the process. They stressed the need for a "party-driven process", parties' "ownership of the text", and that "ministers should only guide but not substantively engage in negotiations".

In an unusual move, the COP-Presidency invited parties on *Sunday*, December 5, to an informal plenary. Apart from the new AWG-KP Chair's text, the Mexicans now laid out more concrete plans for the second week, also on the inclusion of ministers in the negotiations. So, pairs of ministers from a developed and a developing country eventually facilitated negotiations on one core issue of the Bali Action Plan each, such as mitigation and MRV. They complemented the work of the AWGs' drafting groups and became a key factor for building agreement.[237] The Mexicans continued to inform all countries and observers in regular informal stocktaking plenaries on the status of negotiations in all these groups to explicitly ensure transparency.

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[233] AWG/SB-Chair(4)-14.06.2011
[234] FCCC/AWGLCA/2010/CRP.2
[235] Mexico(2)-08.02.2011
[236] Mexico(2)-08.02.2011

The high-level segment officially started on *Tuesday*, December 7. As planned, only a moderate number of 22 heads of state and government, and so around 100 less than in Copenhagen, attended the COP (IISD 2010, 27). From UN Headquarters, Ban Ki-moon was present. In contrast to COP-15, expert and ministerial negotiations continued to feed into the process including during the high-level segment. Their progress was reflected in the third AWG-LCA's draft and a revised AWG-KP proposal by the Chair on *Wednesday*, December 8.[238] In the morning stocktaking plenary, LCA-Chair Mukahanana-Sangarwe underlined that significant progress was still needed on mitigation and MRV as the new text was still full of options and brackets. The enhanced trust generated by the Presidency should allow parties to concentrate on substance, and "not too much on process". Espinosa then reiterated her "full commitment" that consultations "remain open and inclusive… No group, small or large, can take decisions on behalf of anyone else… everyone is needed".

Negotiations continued in minister-facilitated circles and AWGs all day and during the night from Wednesday to *Thursday*, December 9. At this point, the AWG-KP agreed on a few issues for a second commitment period of the Kyoto Protocol, such as 1990 as base year with an optional reference year, the maintenance of emissions trading and project-based mechanisms (IISD 2010, 13). Essential aspects such as further mitigation commitments remained unresolved.

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[237] UNFCCC-Secretariat(7)-03.08.2011

[238] FCCC/AWGLCA/2010/CRP.3 and FCCC/KP/AWG/2010/CRP.4/Rev.2

In the Thursday evening stocktaking plenary at 9pm, ministerial consultations reported on their progress. Espinosa called for parties' flexibility stressing that an outcome was "in reach". She underlined that the number of participants was never fixed but open to everyone who had attended the consultations of the past hours. After the plenary, numerous countries were largely satisfied with the process. At the same time, a leading African delegation expressed that many did not consider the process inclusive and transparent because Chairs produced texts, so it was not a party driven process.[239] "Some parties were put off for not being invited to a smaller group session", found another delegate.[240]

Now, on late Thursday evening, the Presidency invited 50 countries to address all remaining difficult issues, while others were free to also attend. The organizers had moved this decisive last round from Friday to Thursday, so time would not run out as in Copenhagen.[241] Many considered the continuation of this open-door policy decisive.[242] The session split into break-out groups, each facilitated by three to four ministers during another long night, inter alia on shared vision and mitigation moderated by ministers from Brazil and the United Kingdom, and on finance with ministers from Australia and Bangladesh. According to one participant, "experienced people" went through "the heart of the mitigation text" to assess whether it appeared acceptable for all parties.[243] The mitigation and MRV group was probably among the most important for a compromise in that final night: "The US was brought in as they could say that all countries had MRV commitments, while developing countries could show that they received a differentiated treatment by another kind of MRV. The Japanese received their footnote on the

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[239] Informal conversation, 09.12.10
[240] Informal conversation, 09.12.10
[241] Mexico(3)-15.06.2011
[242] UNFCCC-Secretariat(7)-03.08.2011, UNFCCC-Secretariat(1)-28.04.2010
[243] EU/EU-country(6)-16.03.2011

Kyoto-LCA-track relation."[244] Importantly overall was that India agreed to the structure of the deal and that China accepted "to have some obligations at all".[245]

Finishing COP-16

By *Friday* morning, December 10, the small groups of Thursday night delivered their drafts to the Presidency, which combined these inputs and the work of the AWGs to craft the final text of the Cancún Agreements. The multiple negotiation groups across levels had been largely coordinated, facilitators asserted.[246] The plenary to circulate the final text had originally been scheduled for 8.30am. Yet, the organizers announced more time was needed to resolve the last outstanding issues. The Mexicans insisted on eradicating all brackets before publishing the final text, widely seen as salient move.[247] It became a day of uncertainty and many still doubted reaching an agreement.[248] For most negotiators outside the handful of people engaged in finalizing the text, the process eventually became opaque: "In the latest hours of Cancún, there was something blurry [about how the text was created]."[249]

The text was finally handed out at 4.30pm. Under intense time pressure, the COP-President and UNFCCC Executive Secretary had cleaned the text in person supported by their lead staff, inter alia de Alba and AWG-LCA Chair's lead Secretariat support, Halldor Thorgeirsson.[250] The extensive preceding consultations by the Presidency during the year in finding options and developing a compromise formula now paid off.[251] The organizers built on the elements from the AWG-LCA Chair's paper and the ministerial consultations with minister pairs going in and out to contribute their input.[252] In the words of a Mexican official: "We didn't need to draft but to put them together. So there was little Mexican ink in the end. It was more about finding balances".[253] The Secretariat vitally assisted in clearing all brackets and options given its much greater content expertise than that of the Presidency: "The last cleaning was done by us as the Secretariat."[254] Some negotiators claimed that major powers, such as the US and China, saw the text before its printing: "They took a high risk by showing it to only very few people beforehand."[255] Post-COP-16 discussions emerged about who had drafted the final compromise. Yet, Mexican officials rejected detailing this process when approached by negotiators in subsequent months.[256]

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[244] EU/EU-country(10)-16.08.2011
[245] Umbrella-Group(1)-20.04.2011
[246] AWG/SB-Chair(4)-14.06.2011
[247] UNFCCC-Secretariat(7)-03.08.2011, EU/EU-country(6)-16.03.2011
[248] Informal conversations, 10.12.10
[249] G-77(4)-22.07.2011
[250] Mexico(5)-07.07.2011, G-77(4)-22.07.2011, EU/EU-country(11)-10.12.2011, Denmark(2)-16.06.2011
[251] UNFCCC-Secretariat(1)-28.04.2010

Parties convened around 6pm for an informal plenary where the final draft decision text was officially tabled. At this opening, the plenary gave COP-President Espinosa a several minute-long standing ovation. Multiple interpretations emerged. Many saw it as recognition of Mexican leadership: "Even without seeing the text, they were already clapping."[257] Others perceived it more as a cathartic process ("Let's get Copenhagen out of our system") and a relief about nearing success.[258] Rare voices found that civil society organizations in the room initiated the applause on behalf of the Mexicans to influence delegations.[259] Whichever the motivation though, the clapping led to an emotional atmosphere and tears in the eyes of Espinosa. She underlined that it was not "Mexican text" but work produced by parties which today had been compiled "under her own responsibility" (IISD 2010, 15). Parties now had "limited time for a last push" (IISD 2010,

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[252] Mexico(5)-07.07.2011
[253] Mexico(3)-15.06.2011
[254] UNFCCC-Secretariat(7)-03.08.2011
[255] EU/EU-country(10)-16.08.2011, also: G-77(4)-22.07.2011, Denmark(3)-11.08.2011
[256] G-77(4)-22.07.2011
[257] Mexico(5)-07.07.2011
[258] UNFCCC-Secretariat(2)-04.12.2010
[259] G-77(2)-13.06.2011

15), so negotiators were informally trying to reach last minute changes of the text already during this informal plenary.[260]

After scrutinizing the draft Agreements parties reconvened at 9.30pm for an informal stocktaking. Right away, Espinosa and the Presidency received another standing ovation from delegates who were now more familiar with the text. The standing ovation revealed a mood that implied an agreement was in reach: "When the clapping burst out of for the Mexican Presidency under Espinosa…I knew we would get this outcome."[261] The atmosphere suddenly turned very tense as several negotiators were not let into the overcrowded room, among them Bolivia's head negotiator. The UN security chief had directed the closure. Sensing the diplomatic threat, Espinosa urged Figueres to find a way around, and it was soon reopened.[262] In particular ALBA-delegations voiced their anger about this incident and the text itself. They underlined its failure to seriously address climate change with an inadequate 2-degree-goal and demanded a return to negotiations in the AWGs. Saudi Arabia supported their call. Contrary to that, the great majority of countries, including those most vulnerable to climate change from AOSIS, Asia, or Africa, spoke fervently in favour of an adoption, as did all major powers. The Maldives underlined that it was a question of survival for numerous countries, and not only about mere economic interests. Appreciation of the process management came from myriad and diverse countries, such as Iran, Zimbabwe, Kenya and the US. They applauded its transparency and inclusiveness and underlined that Cancún had restored "confidence in the multilateral system" (IISD 2010, 16).

The AWG plenaries followed this informal plenary. After two weeks of facilitation by Chair Mukahanana-Sangarwe, the ministerial pairs, and numerous co-facilitators, the AWG-LCA presented its compromise draft decision. COP-President Espinosa commended that they had "laid the ground for the outcome" of COP-16[263] (IISD 2010, 4). The AWG-KP had not reached agreement on the future of the Kyoto Protocol but had progressed on several sub-items. This resulted in a revised Chair's proposal and draft decisions on the clarification of Kyoto Protocol issues.[264] Presidency and Secretariat had then consolidated them into the COP draft outcome. The reports of the AWGs were forwarded to the COP-plenary by 2am.

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[260] EU/EU-country(10)-16.08.2011
[261] EU/EU-country(7)-04.05.2011
[262] Mexico(1)-02.02.2011

Tension in the final plenary remained high as Bolivia claimed a grave violation of the UNFCCC rule of consensus were Espinosa to overrule its vocal objection to the draft Agreements. The plenary was "at the edge of the cliff."[265] At that point, Bolivia's ALBA allies, such as Venezuela, Cuba, and Nicaragua kept quiet, which negotiators explained was the result of "...a lot of conviction and talk behind the scenes. Mexico might have done it, as it is itself situated in Latin America and hence has a closer relation to these countries."[266] In this delicate moment of the long nightly debate of *Saturday* December 11, Espinosa gave the COP-Presidency's understanding of consensus: "Consensus requires that everyone is given the right to be heard and have their views given due consideration and Bolivia has been given this opportunity. Consensus does not mean that one country has the right of veto, and can prevent 193 others from moving forward after years of negotiations on something that our societies and future generations expect" (IISD 2010, 28). She finally gavelled down the decisions at 4.30am (Decision 1/CP.16 and 1/CMP.6). The Cancún Agreements were thereby adopted by the plenaries of COP-16 and COP/MOP 6.[267] Relieved negotiators jumped from their chairs, clapped and shouted wildly. Bolivia protested heavily pointing out that any other country could be overruled next. No other party publicly joined its objection. The delegate of another ALBA-country expressed its anger in hindsight: "They steamrolled Bolivia."[268]

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[263] FCCC/AWGLCA/2010/L.7
[264] FCCC/KP/AWG/2010/CRP.4/Rev.4, FCCC/KP/AWG/2010/L.8/Add.1/.2
[265] EU/EU-country(7)-04.05.2011
[266] UNFCCC-Secretariat(2)-04.12.2010
[267] FCCC/CP/2010/7/Add.1

The Agreements combined decisions under the Convention and the Kyoto Protocol tracks on mitigation, finance, REDD+, adaptation, and technology among others (IISD 2010, 29). Cancún finally brought much of the substance developed in Copenhagen under the UNFCCC roof, while adding substantial detail on several issues (IISD 2010, 17). On mitigation, the Agreements confirmed the Copenhagen Accord's 2-degree goal as an official COP-decision but without new emission reduction commitments by countries. Technical rules detailed reduction quantifications, together with a registry for mitigation action by developing countries. The Copenhagen provision on MRV/ICA was refined to keep track of reductions. Pledges on fast-start and long-term financing were now stamped as official COP-decisions, with more precise regulations for the Green Climate Fund. Forest-related mitigation (REDD+) had long been ripe for a decision and was adopted. Technology transfer would be enhanced by adding specifics to the Technology Mechanism. Developing countries welcomed the Cancún Adaptation Framework as progress on adaptation support. Finally, the amount of unresolved issues led to another one-year extension of the AWGs' mandates.

Mexican President Calderón lauded the Agreements in the plenary for saving multilateralism and being a next big step against climate change. Parties showed great relief with their final standing ovation: "It was an outcome that no one had expected: a comprehensive agreement with 145 paragraphs."[269] They proved that the process could deliver and so many negotiators "saw restoring faith in the process and laying to rest the ghosts of Copenhagen as the most important achievement" (IISD 2010, 29). However, there was also widespread acknowledgement that the Agreements were not sufficient (IISD 2010, 1). The lack of progress on mitigation was a central weakness since the existing pledges of the Copenhagen Accord fell far short of scientific recommendations to combat climate change (IISD 2010, 20). Moreover, no decision was taken on a second commitment of the Kyoto Protocol, or on a legal form of mitigation commitments by non-Annex I countries, such as the US and the big emerging BASIC-economies. Bolivian head negotiator Solón compared this voluntary bottom-up approach on mitigation with building a dyke where everyone contributes voluntarily hoping to reach an appropriate level by pure coincidence, with the great risk of being wrong. Others complained about vagueness and a lack of concrete ideas on finance, such as on the Green Climate Fund.[270] Its mere creation though was a key point for many G-77 negotiators: "We had looked for [this] since a long time".[271] So negotiations would continue under the South African Presidency, but for now Espinosa closed COP-16 at 6.22am on December 11, 2010, after delegates had successfully reached the Cancún Agreements.

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[268] ALBA(2)-09.12.2011

[269] Umbrella-Group(3)-14.06.2011

3.5. Conclusion

The chronologies revealed that process management by the organizers, the course of negotiations, and their outcomes largely differed. Looking at just a few examples of the many differences in process management, the Danes struggled with extreme internal clashes, while the Mexicans established clear responsibilities early on. Further, the crucial negotiation in Copenhagen occurred in a very small circle of the US and BASIC-countries, while decisive negotiations in Cancún were held in multiple small, but open-ended groups. The summits took very different courses, and parties eventually rejected adopting the suggested final proposal in Copenhagen, while they reached the Cancún Agreements one year later. Equipped with this solid empirical background, we can next analyse the drivers of the climate negotiations during the Danish and Mexican Presidencies in 2009 and 2010.

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[270] Umbrella-Group(4)-04.07.2011
[271] G-77(2)-13.06.2011

4. Negotiation process management during the Danish and Mexican Presidencies

I will now turn to the heart of the thesis, after the milestones of the Danish and Mexican Presidencies have been depicted in detail. Looking at these two years of negotiations, which were of critical importance for the stability of the world's climate, did the differences in process management have any impact on the varying outcomes, and if so, how did they influence negotiations? This chapter applies the novel data to each process variable of the comprehensive negotiation framework: 1) transparency and inclusiveness, 2) capability of the organizers, 3) authority of the lead organizer, and 4) negotiation mode. The goal is first to see *whether* one variable was associated with a particular outcome in a *correlation analysis*, and second to examine *how* it was causally connected to the negotiation outcome through *process-tracing*. This allows the assessing, refining, and complementing of particular strands of process research. So, what does the evidence reveal on the process dynamics of negotiations?

4.1. Scope conditions and negotiation outcomes

The two *scope conditions* for the largest influence of process management (in the sense of Hypothesis 1.2) are given. First, negotiations under the UNFCCC are *consensus-based* when adopting a new agreement as they do not allow for majority voting. Second, the *constellation of parties' interests* was such that they neither fully overlapped nor entirely collided at the outset of the Presidencies in the beginning of 2009 and 2010 respectively. To begin with the Danish Presidency, the lack of a complete overlap of interests became obvious at the adversarial Bonn negotiation in April 2009 (cf. chronology in Chapter 3.3). At the same time, interests did not entirely collide without any common ground. The convergence appeared sufficient for at least a moderate agreement after ambitions had been downscaled in the autumn: "The fundamentals were possible but the process was not good."[272] So, there was overall hope for an outcome at COP-15. It is fair to broadly conceive that interests at least partially overlapped at the outset so a zone of possible agreement between the parties existed. Conditions for process management were met.

The overlap of interests had only slightly altered by early 2010 when the Mexican Presidency started. Only one year had passed since the beginning of the Danish Presidency in 2009, so the fundamental interests of parties were still very similar, such as the hesitation by most countries to commit to further emission reductions and diverging interests on financing. The bitter fights of 2009 had also revealed their differences in positions. In the first meeting in 2010 "[p]eople were still shocked. They first had to digest what had happened in Copenhagen."[273]At the same time, the interest of the large majority to prevent the worst consequences from climate change by acting on mitigation and adaptation remained unchanged. Hence, it was not a complete clash without any shared interests and some parties had even moved a bit closer in their positions after one year of intense negotiations under the Danish Presidency. One additional interest for negotiations under the Mexican Presidency arose from COP-15: that of saving negotiations within the UNFCCC framework. Many parties feared that if climate negotiations moved their core activity to other fora like the G-20, they would lose any influence over the process. This became a joint interest for most countries and its impact is elaborated under structural explanations. Overall, parties' interests were slightly more overlapping in early 2010 than in 2009, yet they did not mostly converge without any role for an influence of process management.

With both scope conditions given, I will now assess the *dependent variable: the probability of an agreement*. The evaluation of the outcome of the Danish Presidency is controversial (cf. chronology in Chapter 3.3). Some considered COP-15 a success as major current and future emitters at least agreed on several policy cornerstones. Yet, the vast majority of respondents, media and public viewed the results very critically as no COP-wide agreement had been reached.

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[272] UNFCCC-Secretariat(3)-08.12.2010, similar: G-77(4)-22.07.2011, Observer(2)-08.12.2010
[273] Mexico(2)-08.02.2011

As discussed, the dependent variable does not assess the degrees of quality of an outcome. To maintain clarity in the probing of process influence, it focuses on the objective question whether an agreement as defined by UNFCCC rules was reached. Negotiations under the Danish Presidency did *not* reach an agreement as the Conference President could not state consensus in the final plenary of COP-15. Parties failed to adopt the Copenhagen Accord but took merely note of it. During the Mexican Presidency, the Conference President could state consensus in the closing plenary of COP-16 and so parties reached the Cancún Agreements. Reactions differed about the quality of the outcome (cf. chronology in Chapter 3.4). It was criticised for not delivering on core issues, such as further binding emission reductions to effectively slow climate change. The large majority of negotiators however welcomed it as an important agreement in numerous contested areas that would be developed further in subsequent years. Without engaging in a subjective interpretation of the outcome's quality, it is nonetheless significant to stress that the Cancún Agreements were not an empty shell. After all, if process management only facilitated a hollow compromise without any progress on substance, it would not have real influence on parties. So, did process management influence the outcomes of COP-15 and 16?

4.2. Transparency and inclusiveness of process

Scholars across disciplines from IR, management theory and social psychology have increasingly studied the role transparency and inclusiveness play in group dynamics. Practitioners of international politics have also repeatedly stressed its importance in negotiations across regimes in interviews for this research. Let us therefore begin with this potentially core lever of process design in the hands of the organisers of a multilateral negotiation: transparency and inclusiveness of negotiations during preparatory and summit negotiations. The following account first examines whether a transparent and inclusive process correlated with agreement during the Danish and Mexican Presidencies. In a second step, it traces if and how this process variable impacted on negotiations.

Correlation with agreement during the Danish Presidency

All interviews with negotiators, UN officials, and observers suggest that the negotiation process during the Danish Presidency was not very transparent or inclusive (Table 3): "Many delegations in Copenhagen didn't know what went on and had no role whatsoever."[274] The assessment of very low transparency was nearly unanimous with respondents spread across coalitions and organizers. Parties perceived negotiations also as not very *inclusive*. As with transparency, only a few core country delegations were always included. One BASIC-negotiator described that he "would rather call it inclusive for [his country] as we were actually part also of the small group negotiations... So we knew what was going on, others did not though and were excluded."[275] Danish Presidency officials themselves shared this non-inclusive characterization.

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[274] Mexico(4)-16.06.2011, similar: EU/EU-country(9)-26.05.2011, BASIC(2)-16.06.2011

[275] BASIC(2)-16.06.2011

Table 3: Did all parties know the crucial moves and steps before and at COP negotiations? How were parties included in the negotiations?

The respective N varies between items, so cf. footnotes.[276]	**Transparent**	**Inclusive**
Yes.	0	1
No.	39	34
Share of transparent or inclusive.	**0%**	**3%**
Undecided.	1	1

I will now detail this 'big picture' with a *nuanced analysis* of the indicators outlined above (Figure 6). Let us first assess *transparency* regarding small group negotiations, the negotiation text, and the negotiation schedule and progress. *Small group negotiations* caused tremendous havoc in 2009. Two small group settings in particular inhibited transparency in the crucial second week of COP-15: the ministerial small group meeting of 28 delegates from Thursday to Friday; and the US-BASIC round on Friday afternoon. It is internationally accepted for a small group to enter into separate negotiations.[277] However, the information for non-participating countries at COP-15 was very scarce about either of the two small groups, despite their drafting of compromises on the crucial issues: "The final meeting of [28] parties had been closed and was run by the Danes... The other parties did not even know what was going on. The final negotiations in the small room [BASIC and US] were not even known to parties at all."[278]

The presence of heads of states and government, which the Danish Presidency had pushed for, had created a dynamic that resulted in an exclusive and secretive US-BASIC negotiation. It was "probably the most unusual 'small room' ever given heads of states of the most powerful countries in the world were drafting negotiation text themselves to reach an outcome"[279] with over one hundred excluded leaders. A BASIC-negotiator conceded that this was "the worst"[280]. "People were very angry... You don't let dozens of ministers wait for hours without knowing what is happening."[281] They did not have any information on the small group's progress.[282] US-President Barack Obama's compromise announcement immediately after the small group meeting aggravated the perception of lacking transparency.[283] Excluded leaders were now confronted with a finalized 'deal'. Prime Minister Rasmussen then "basically presented it to just be approved."[284] The Presidency tried to bring some transparency back by last minute information sessions, but it was insufficient and too late. The details of the small group compromise were thus largely unknown to negotiators at the closing plenary on Friday night. A BASIC-negotiator admitted that "several delegations said in the final plenary and afterwards that they didn't know about the whole substance until the final decision."[285]

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[276] 40 interviewees covered the question on transparency (N(t)), 36 on inclusiveness (N(i)).
[277] EU/EU-country(10)-16.08.2011, BASIC(1)-04.12.2010
[278] UNFCCC-Secretariat(6)-16.06.2011

Second, the organizers undermined transparency by how they handled the *origin, evolution, and conclusion of a compromise text*. The Danish Presidency had started preparing a text early on during 2009. It was coordinated with several influential countries, as in a meeting in Copenhagen just before COP-15. Some participating delegations therefore emphasized that all major powers and groups had been included, among them China and the G-77 with its Sudanese Chair. Hence, they claimed that one could barely speak of a 'Danish' text.[286] However, the document had been developed by the Danes throughout the course of a year and didn't emerge from the majority of parties. Even from inside the Danish Presidency came the observation that the Danes "spent so much time writing the text over and over again. It was a complete crazy approach. We were going to facilitate the negotiations not write a text ourselves."[287] Information to all countries about this final coordination meeting in Copenhagen and the text was not wide enough: on the second COP-day its leakage caused an outcry among all countries not involved in preparing it. They accused the Danes of producing a secret text. It "came out of the blue"[288] for many, especially smaller nations that felt excluded: "In the year leading to COP-15, no one knew where the process was heading. When you then go to Copenhagen and see that there is a secret text, there is something fishy about what is being cooked."[289] The COP-preparation was thus widely considered a "disaster from the point of view of legitimacy and transparency."[290] It was the downside of the Danish strategy of focusing on major powers.

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[279] AWG/SB-Chair(1)-30.11.2010
[280] BASIC(5)-15.06.2011
[281] Umbrella-Group(5)-27.07.2011
[282] AWG/SB-Chair(1)-30.11.2010, Umbrella-Group(5)-27.07.2011
[283] UNFCCC-Secretariat(7)-03.08.2011
[284] Umbrella-Group(5)-27.07.2011
[285] BASIC(3)-08.07.2011
[286] Umbrella-Group(2)-02.06.2011

Third, the Danish Presidency informed delegates insufficiently about the *schedule and progress* of negotiations: "The Danes… were planning actions but did not tell you what they were going to do."[291] Even experienced diplomats found there was a lack of clarity on the process of consultations during the conference.[292] Many delegates didn't know when and where informal meetings were held. "We had no choice whether we would go to a meeting, or not."[293] These informal consultations are central though to resolve crucial issues. In sum, the process under the Danish Presidency was non-transparent given the scarce information on small groups, negotiation text, schedule and progress.

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[287] Denmark(2)-16.06.2011
[288] Mexico(4)-16.06.2011
[289] G-77(4)-22.07.2011
[290] UNFCCC-Secretariat(2)-04.12.2010
[291] EU/EU-country(4)-27.01.2011
[292] Mexico(3)-15.06.2011
[293] G-77(3)-19.07.2011

In addition to the lack of transparency, evidence suggests a low level of *inclusion* in the negotiation process, indicated by small group meetings, negotiation levels, and organizers' outreach for deliberation: "The perception that people needed to be included in the process was gravely ignored."[294] First, *small group negotiations* at COP-15 were not very inclusive. As these meetings could not encompass all delegations, it became crucial for countries and negotiation blocs to be able to decide who would represent them. Yet, given the delay in COP-15 negotiations, the Danish Presidency wanted to circumvent any stalling tactics when forming the group, for instance by that year's G-77 Chair, as one official conceded.[295] So they consulted with the UN Secretary-General and then invited countries to the small group. Negotiation blocs could thus not select their representatives for this decisive meeting. While members of the small group seemed satisfied about the group's composition on Thursday night,[296] many outside felt un-represented. This small group exclusion was regarded as a key mistake.[297]

Furthermore, the exclusion of non-mainstream delegations from the small group undermined its inclusiveness as it did not reflect the diversity of interests at the negotiations.[298] In particular the politically sensitive Latin American ALBA-group was left out, or was even "forgotten"[299] as a renowned facilitator claimed. Instead, they focused on building coalitions of states friendly to the process rather than integrating diverging countries. To be sure, inclusion requires a country's openness to cooperate. For COP-15, a lead negotiator recalled that the Danish Presidency sometimes tried to integrate non-mainstream voices more, such as the G-77 Chair, but the latter apparently rejected the invitation.[300] Nevertheless, more 'radical' voices were eventually excluded from the small group, be it consciously (a "strategic decision"[301]) or accidently.

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[294] EU/EU-country (6), 16.03.2011
[295] Denmark(4)-12.08.2011
[296] Denmark(4)-12.08.2011
[297] EU/EU-country(8)-05.05.2011
[298] BASIC(1)-04.12.2010
[299] Mexico(3)-15.06.2011

Second, the evidence shows a low degree of *integration of negotiation levels* during the Danish Presidency. Early in 2009, the Danes focused more on the participation of ministers than expert negotiators in the informal negotiations of the Greenland Dialogue.[302] The conviction around the Danish Prime Minister seemed to have grown by the G-8 meeting in July that the leader level was the only common denominator as the technical levels were in deep disagreement.[303] As a consequence, the Danish Presidency pushed for a conscious shift of levels that resulted in three isolated negotiation tracks of expert negotiators, ministers, and heads of state and government. The three tracks spoke in parallel with little mutual feedback.[304] The vast majority of expert negotiators was excluded from the ministerial and leader levels. Sidelining key chairs of working groups further aggravated the situation.[305] It became an "upstairs-downstairs problem" and the Danish Presidency assumed that any result from the leaders' level would be accepted anyway.[306] Finally, a BASIC-negotiator, a participant of the last-minute US-BASIC small group meeting, conceded that "there was no connection between the high and the low level"[307]. The agreement from the small group leader level couldn't be brought back onto the other levels of the overall process.[308]

A third aspect of non-inclusion was the limited *outreach by organizers for their compromise deliberation*. Danish Climate and Energy Minister Hedegaard and her head of COP-

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[300] EU/EU-country(10)-16.08.2011
[301] EIG(1)-09.08.2011
[302] UNFCCC-Secretariat(1)-28.04.2010
[303] Denmark(4)-12.08.2011
[304] Mexico(3)-15.06.2011, Mexico(4)-16.06.2011
[305] AWG/SB-Chair(4)-14.06.2011
[306] Umbrella-Group(3)-14.06.2011
[307] BASIC(2)-16.06.2011
[308] G-77(3)-19.07.2011

15-team, Becker, had travelled extensively reaching out to numerous countries. Yet, they were increasingly sidelined internally until Rasmussen and his COP-15-team head Lidegaard became the Presidency's most visible faces. They were considerably less known to most countries as both had joined the process much later. Moreover, Rasmussen showed little interest in broadly including countries' perspectives into the deliberation: "He thought he would not have to consult, but tell people which direction to take."[309] The focus on the US would eventually bring all others along.[310] Yet, many countries felt betrayed for not being included in the organizers' deliberation, contrary to earlier promises by the Climate and Energy Ministry.[311] Interviewees from all backgrounds reported this US focus and limited outreach.[312]

Communication about transparency and inclusiveness could not change the picture. The organizers were unable to convey the subjective notion of a transparent and inclusive process. It was an "atmosphere of lacking transparency" where "people overall felt excluded which was in sum a combination of myth and reality."[313] The defensive response by the Presidency to the text leakage added to its perception as "terrible"[314]. Eventually, the Danes had the reputation of having a closed door policy[315] and lost the communication battle.

In conclusion, information on small group negotiations, the negotiation text, and schedule and progress was insufficient during the Danish Presidency. Moreover, inclusion was low in small group negotiations, across negotiation levels, and in the outreach of organizers. Finally, the Danish and UNFCCC-Secretariat organizers failed to at least establish the perception of a transparent or inclusive process through appropriate communication. A Danish official speculated as to a reason for the approach on the Danish side of the organizers: the Presidency had a bold conviction to steer the process in a self-determined way originating in the confidence that "Denmark is the smallest superpower in the world" as former EU-politician Jacque Santer had said.[316] Low transparency and inclusiveness correlated with not reaching a COP-agreement during the Danish Presidency.

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[309] EU/EU-country(11)-10.12.2011
[310] Denmark(5)-12.08.2011
[311] Denmark(5)-12.08.2011
[312] Observer(3)-16.06.2011, ALBA(2)-09.12.2011, UNFCCC-Secretariat(3)-08.12.2010
[313] UNFCCC-Secretariat(1)-28.04.2010
[314] Umbrella-Group(4)-04.07.2011
[315] Umbrella-Group(2)-02.06.2011

Correlation with agreement during the Mexican Presidency

The analysis of negotiations during the Mexican Presidency paints another picture. The large majority of negotiators, UN officials, and observers stressed the difference in transparency and inclusiveness (Table 4). Learning from the "Danish mistakes" it was a conscious break with the previous process design.[317] Three quarters of respondents found the Cancún negotiations adequately *transparent*, while 25% were undecided or even said negotiations were not much more transparent than during the Danish Presidency. The eight respondents who did not find COP-16 transparent form a heterogeneous group comprising 'traditional' process sceptics from developing countries as well as BASIC and European negotiators, a UNFCCC official, and a Danish Presidency member. Nevertheless, the ¾ majority also shows these diverse characteristics with numerous long-term delegates. The picture is even clearer on inclusiveness. Eighty seven per cent of interviewees found it inclusive in 2010. Two deviating opinions come from countries that have always been critical of process handling. Given the diversity among the larger group cutting across all negotiation coalitions, it is reasonable to conclude that it was on the whole a transparent and inclusive process.

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[316] Denmark(5)-12.08.2011

[317] EU/EU-country(6)-16.03.2011

Table 4: Did all parties know the crucial moves and steps before and at COP negotiations? How were parties included in the negotiations?

The respective N varies between items, so cf. footnotes.[318]	**Transparent**	**Inclusive**
Yes.	26	20
No.	5	2
Share of transparent or inclusive.	**76%**	**87%**
Undecided.	3	1

Verbal analysis of interviews corroborates the numerical findings. *Small group negotiations* were more transparent in 2010. During the preparatory year, several informal meetings were held on expert negotiator and ministerial levels. The Presidency consciously reported back every time so all countries would know about the key steps taken.[319] A similar pattern was true for the COP. Not all parties could attend every informal meeting, yet they were always informed about the principal elements afterwards.[320] This regular reporting to all delegations about small group negotiations made it more transparent.[321]

The organizers also better informed delegates about the *origin, evolution, and conclusion of the negotiation text*. Before COP-16's last day, the Mexican Presidency never introduced text solely on their behalf, in striking contrast to the 'Danish text'. Any text would originate from delegations: "There were no hidden papers."[322] Of course, the organizers were closely involved in its development. Contrary to 2009, the text was more broadly coordinated to include all necessary elements for an agreement,[323] and organizers continuously informed about the textual evolution. Expert negotiations of the first week were broken up into smaller groups on core issues, chaired by ministerial pairs from a developed and a developing country. Towards the end, essential textual elements emerged from all these groups that were transparent to negotiators.[324] Finally, the UNFCCC-Secretariat and the Presidency merged the final elements of the Cancún Agreements on the last day of the COP. Upon its release in the afternoon, all parties were largely familiar with the outcome.[325] This was in marked contrast to the previous year when the final text had arisen from the US-BASIC negotiations on the last day, so upon its release late on Friday night most parties had never seen it before.

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[318] 34 interviewees covered the question on transparency (N(t)), 23 on inclusiveness (N(i)).

[319] Mexico(3)-15.06.2011

[320] EIG(1)-09.08.2011

[321] UNFCCC-Secretariat(4)-17.05.2011

[322] AWG/SB-Chair(4)-14.06.2011

Cancún was not fully transparent either. Some G-77 negotiators criticized the unclear process of finalizing the text on the last COP-day. One went as far as to judge that the "text of Cancún did not have any ownership either as there were changes made to it after negotiators had produced its elements."[326] As a consequence, countries negotiated the agenda for the subsequent year for a week at the first post-Cancún session, since "subtleties were missing that could eventually mean a lot."[327] However, it is nearly impossible to achieve complete transparency in any negotiation. "How do you do it in the end? Someone has to eventually do it [finalize the text] and find the middle ground. But then, people complain."[328] Providing a transparent origin and evolution of the text offers some leeway to conclude the drafting in the very end in a smaller circle.[329] In this sense, Cancún had a higher level of transparency than Copenhagen, despite not being fully transparent.

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[323] Denmark(2)-16.06.2011
[324] BASIC(3)-08.07.2011
[325] BASIC(3)-08.07.2011
[326] G-77(2)-13.06.2011
[327] G-77(4)-22.07.2011
[328] G-77(4)-22.07.2011
[329] UNFCCC-Secretariat(2)-04.12.2010

There was significantly more information about the *negotiation schedule and progress* in Cancún than during the Danish Presidency. Especially in COP-16's final days, the organizers repeatedly held 'informal stocktaking plenaries' where COP-President Espinosa informed delegates about negotiation progress and the schedule ahead. Seasoned UN officials underlined that this had previously only been used for sub-groups and provided a sense of wholeness about the state of negotiations.[330] "In Cancún, we knew exactly where and when things were happening."[331] Again, some uncertainty remained: at the end of Cancún's first week, delegations were unsure about the high-level segment's schedule, as the Mexicans wished to retain flexibility.[332] Their announcement at the weekend to create issue-dedicated small groups chaired by minister-pairs without any further specifications deepened parties' confusion.[333] Next, a well-connected negotiator acknowledged that even she had not known on Thursday night of week two about the recent start of several small groups crafting the final compromises.[334] Nevertheless, she stressed that the Presidency frequently reported back on progress of these multiple informals to the core small group of 50 to 60 negotiators. So, the constant usage of the informal stocktaking plenaries and the regular update of the small group still qualify it as transparent.

Inclusiveness during the Mexican Presidency was also higher. The starting point for the openness of *small group negotiations* in 2010 was the legacy of COP-15. As the Mexicans had learnt that "small secret groups didn't work"[335] parties got plenty of opportunity to contribute with meetings open to everybody.[336] The Mexico meeting in April hosted by the incoming Presidency set the tone. Officials were "very relaxed... about who would be in [a small negotiation group] or not. De Alba was much more flexible on this."[337] Politically weaker countries confirmed this open-ended nature of consultations.[338] The small groups' inclusiveness remained mostly true for the COP. Parties recall it as an "important moment" when the COP-Presidency convened around 50 people for small group consultations early on but left the door open for others to join, including the more marginalized voices.[339] Later, no one was prevented from coming despite shrinking circles of meetings.[340] While this undermined pure inclusiveness the openness of the original small core group had established trust in a general inclusiveness.[341] The Mexicans emailed invitations for these "open-closed meetings" to only a few people but the meeting remained open to anyone and thus grew to 70 later on.[342]

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[330] UNFCCC-Secretariat(1)-28.04.2010, UNFCCC-Secretariat(5)-14.06.2011
[331] G-77(3)-19.07.2011
[332] EU/EU-country(3)-03.12.2010
[333] UNFCCC-Secretariat(3)-08.12.2010
[334] EU/EU-country(9)-26.05.2011
[335] UNFCCC-Secretariat(7)-03.08.2011
[336] EU/EU-country(4)-27.01.2011

Nevertheless, as this system did not inform all parties it stirred some anger. Some delegations didn't even know the time and place of several meetings. One G-77 negotiator commented that there is nothing like "open consultations by invitation", and accused the Presidency of hypocrisy for the explanation that they lacked the negotiator's email address to send an invitation: "They could have had it… even from Google."[343] Another negotiator found little difference in the number of informal meetings at COP-15 and 16, so that "both COPs were equally not transparent" for those countries that were not inside the smallest groups, especially towards the end of the COP.[344] The text eventually came from a "hand-picked group… chosen by the Mexicans"[345]. It was a switch from the open-ended phase to the final text crafting on

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[337] Denmark(3)-11.08.2011
[338] G-77(4)-22.07.2011
[339] UNFCCC-Secretariat(2)-04.12.2010, UNFCCC-Secretariat(7)-03.08.2011
[340] G-77(3)-19.07.2011
[341] EU/EU-country(7)-04.05.2011, UNFCCC-Secretariat(1)-28.04.2010
[342] Mexico(3)-15.06.2011
[343] G-77(2)-13.06.2011
[344] EU/EU-country(10)-16.08.2011
[345] ALBA(2)-09.12.2011

Thursday and Friday by a very small group, criticized by ALBA-delegates and some European interviewees.[346] Was the 'Mexican system' for small groups not inclusive either?

It was certainly not fully so. Yet, there were some subtle, crucial differences to 2009. First, 'marginalized' delegations were consciously excluded in Copenhagen in contrast to their intentional small group inclusion in Cancún.[347] The Mexicans had engaged with the ALBA-countries from the onset as the most vocal critics of the process. A top Danish Presidency official commended Mexico for the "diplomatic masterpiece that all key figures were always on board."[348] Second, the door was "wide open"[349] and certainly not locked. One could, in principle, always join any small group session. Psychologically, this made a very important difference, as UN officials, a key working-group chair, and experienced negotiators underlined.[350] De Alba even physically opened the door so other parties could join in the first small group meeting in Cancún: "This was quite a symbol."[351] Overall, even a very critical ALBA-negotiator granted that the "Mexicans were more transparent and inclusive than the Danes"[352]. Compared to the Danes, the Mexican Presidency had reached a higher, albeit not full, small group inclusiveness.

Regarding the second criteria of inclusion, the organizers *integrated negotiation levels* more thoroughly than in 2009. Top UN and Presidency officials considered this integration as vital for the outcome[353], warning against "overstating"[354] politicians' role for reaching an agreement. The organizers avoided creating another summit of leaders. By not having a third, political leader level above the other two, they enabled a greater inclusiveness than in

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[346] Denmark(2)-16.06.2011, EIG(1)-09.08.2011
[347] EU/EU-country(10)-16.08.2011, EIG(1)-09.08.2011
[348] Denmark(2)-16.06.2011
[349] Umbrella-Group(4)-04.07.2011
[350] UNFCCC-Secretariat(5)-14.06.2011, AWG/SB-Chair(4)-14.06.2011, Umbrella-Group(4)-04.07.2011
[351] UNFCCC-Secretariat(1)-28.04.2010
[352] ALBA(2)-09.12.2011
[353] Mexico(3)-15.06.2011, UNFCCC-Secretariat(7)-03.08.2011
[354] UNFCCC-Secretariat(1)-28.04.2010

Copenhagen.[355] Ministers were closely involved in operational negotiations avoiding non-connected parallel structures. Integration began early in 2010 with several negotiator-level sessions while the Danes had started predominantly at the ministerial level. At the COP, expert negotiations had traditionally preceded those of ministers. Cancún instead integrated negotiations as developing and developed country minister pairs chaired selected expert negotiations during the high-level segment. Their mixed membership of experts and ministers ensured a strong linkage, while 'pure' expert negotiations could continue contributing despite the ministerial takeover of some issues.[356] Further, text that had been negotiated on expert levels was treated carefully by ministers: "Facilitators made sure that the text was used that had always been used."[357] The input of minister-chaired groups was returned to 'pure' expert negotiations by the end of the second week so AWG-chairs could bundle packages.[358] This integration was praised by the chairs and Secretariat, contrasting it with the Danes: it "empowered" the chairs and allowed the Secretariat to better support them.[359] No issues were ever transferred from the AWGs to the ministerial consultations without the chair's consent.[360]

Overall, the substantial exchange between levels was widely lauded as an 'organic' process where everything built on itself.[361] "At the end of the second week we had [AWG-LCA Chair] Margaret's papers elements from the negotiators' level plus the input from the ministerial level" so that Presidency and Secretariat only needed to compile them without writing their own text.[362] A chief ALBA-negotiator contradicted this, arguing that the break up into small groups meant that the final document did not come from all parties.[363] Yet, negotiation levels were much more integrated in Cancún than in Copenhagen, and inclusion is not only given with *full* participation.

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[355] EU/EU-country(8)-05.05.2011
[356] EU/EU-country(11)-10.12.2011
[357] Mexico(5)-07.07.2011
[358] UNFCCC-Secretariat(5)-14.06.2011
[359] UNFCCC-Secretariat(5)-14.06.2011, also: AWG/SB-Chair(4)-14.06.2011, UNFCCC-Secretariat(4)-17.05.2011
[360] AWG/SB-Chair(4)-14.06.2011
[361] UNFCCC-Secretariat(2)-04.12.2010, UNFCCC-Secretariat(4)-17.05.2011, UNFCCC-Secretariat(5)-14.06.2011, BASIC(2)-16.06.2011
[362] Mexico(3)-15.06.2011

The Mexicans reached out to myriad countries to *include them in their deliberation* of key negotiation issues.[364] "They created an atmosphere of inclusion where every voice would be heard."[365] Mexican lead facilitator de Alba travelled around 260 days in 2010 leading up to COP-16.[366] The outreach was wider than usual[367] with Mexico going far beyond the big players, in contrast to Denmark, which had aimed for the US and other major economies. Mexico concentrated on those countries where "attention was needed", inter alia countries that had obstructed the process in Copenhagen, like Cuba, Bolivia, Venezuela, or Nicaragua.[368] A big power negotiator praised this approach: "We were baffled by how much time they were spending with them. They did so much to outreach to parties. I doubt that the Danes went to La Paz or Caracas. Everyone had a voice."[369] Moreover, they addressed further countries that had slowed the process, such as members of the Organization of Petroleum Exporting Countries (OPEC). According to one insider President Calderón met with the Saudi Oil Minister on Thursday of COP's second week to advocate for a final agreement.[370] This was positively noted by these traditionally more sceptical delegations.[371] In the final days, when it is essential to have everyone on board, Mexico tried to speak to "absolutely all countries".[372]

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[363] ALBA(2)-09.12.2011
[364] Mexico(3)-15.06.2011
[365] EU/EU-country(7)-04.05.2011
[366] Mexico(3)-15.06.2011
[367] UNFCCC-Secretariat(2)-04.12.2010, EU/EU-country(11)-10.12.2011, Observer(3)-16.06.2011
[368] Mexico(3)-15.06.2011
[369] Umbrella-Group(2)-02.06.2011
[370] Umbrella-Group(2)-02.06.2011
[371] G-77(5)-08.12.2011
[372] EU/EU-country(11)-10.12.2011

Despite its outreach, the Presidency met with people in small circles. A G-77 negotiator, for instance, was upset that the Presidency had spoken with delegations of the Cartagena Dialogue separately from the G-77.[373] The negotiator had not been invited and complained about secrecy. The organizers' outreach for their deliberation did thus not reach complete inclusiveness. However, having all parties always present would not have allowed for frank exchange with facilitators. The general level of inclusion during the Mexican Presidency was therefore as high as it could be while maintaining effectiveness.

The *communication* on transparency and inclusiveness also differed from that of the UNFCCC-Secretariat and the Danish Presidency one year before. During 2010, the organizers used 'transparency and inclusiveness' and the assurance of 'no Mexican text' so early and continuously that participants spoke of a "mantra" and a "deep injection into people's minds"[374]. According to Presidency officials, it was part of a deliberate, strategic communication,[375] of "sending the message of inclusion in Cancún"[376]. This communication strategy achieved the desired effect. Initially-criticized concepts such as the 'closed-but-open-meetings' were eventually perceived more positively by participants.[377] So while not everything was fully transparent and inclusive, the appearance was well established.[378] It made even some of the fiercest critics approve of the process: "The meetings in Cancún were supposed to be open and transparent. Maybe they really wanted to know about countries' positions. They should have the benefit of the doubt. But the Danes didn't even want to know."[379] In summary, the Mexicans applied a more subtle, if manipulative, strategy in contrast to the straightforward but partially offensive Danish way.[380] They generated a subjective sense of transparency and inclusion.

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[373] G-77(2)-13.06.2011
[374] UNFCCC-Secretariat(1)-28.04.2010, Denmark(3)-11.08.2011
[375] Mexico(2)-08.02.2011
[376] Mexico(3)-15.06.2011
[377] EU/EU-country(10)-16.08.2011
[378] EIG(1)-09.08.2011
[379] G-77(2)-13.06.2011

The evidence along all criteria shows that negotiations during the Mexican Presidency were *objectively more* transparent and inclusive than in the previous year. Moreover, through their communication strategy, organizers achieved a perception of transparency and inclusiveness above and beyond the objective reality. In short, transparency and inclusiveness during the Mexican Presidency correlated with reaching the Cancún Agreements.

Process-tracing of transparency and inclusiveness with agreement

As correlation does not equal causation a detailed tracing of the process during both Presidencies will now show *whether and how* an agreement depends on the transparency-inclusiveness variable. We turn to the 'big picture' first. Ninety per cent of the 46 interviewees asserted that transparency and inclusiveness affected the agreement (Table 5). Respondents include senior current and former UNFCCC officials, observers, and negotiators of all major coalitions, such as BASIC, Umbrella Group, G-77, and the EU, and members of the Mexican and Danish Presidencies. One delegate summarized the dynamics of transparency *and* inclusiveness for COP-15's last day: "Not just the lack of knowledge about the process but also the lack of involvement of parties was a factor in the final night in Copenhagen." Three interviewees from Western countries argued that content was more decisive than transparency and inclusiveness. Two highly process-critical G-77 negotiators denied *any* such influence. They said that their approval of the Cancún Agreements was solely based on content. I will discuss these critiques below.

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[380] G-77(2)-13.06.2011

Table 5: Did this kind of transparency and inclusion have an influence on whether they agreed to the proposal?

N=46[381]	**Total**	**Share**
Transparency and inclusiveness *influenced* the outcome.	41	89%
Transparency and inclusiveness influenced the outcome *somewhat*.	3	7%
Transparency and inclusiveness *did not* influence the outcome.	2	4%

Four paths emerge from the evidence that show how a transparent and inclusive process influenced the probability of reaching an agreement*: 1) process and content knowledge; 2) contribution ability; 3) obstruction ability; and 4) feeling of respect*. I will now examine this *connection* between transparency and inclusiveness and reaching an agreement as the core of the causal probing. It details the comprehensive negotiation framework laid out above (Figure 10) by focusing on one process management variable (Figure 11).

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[381] 46 interviewees covered the question on the effect of transparency and inclusiveness on the outcome.

Figure 10: Overview of the impact of process management

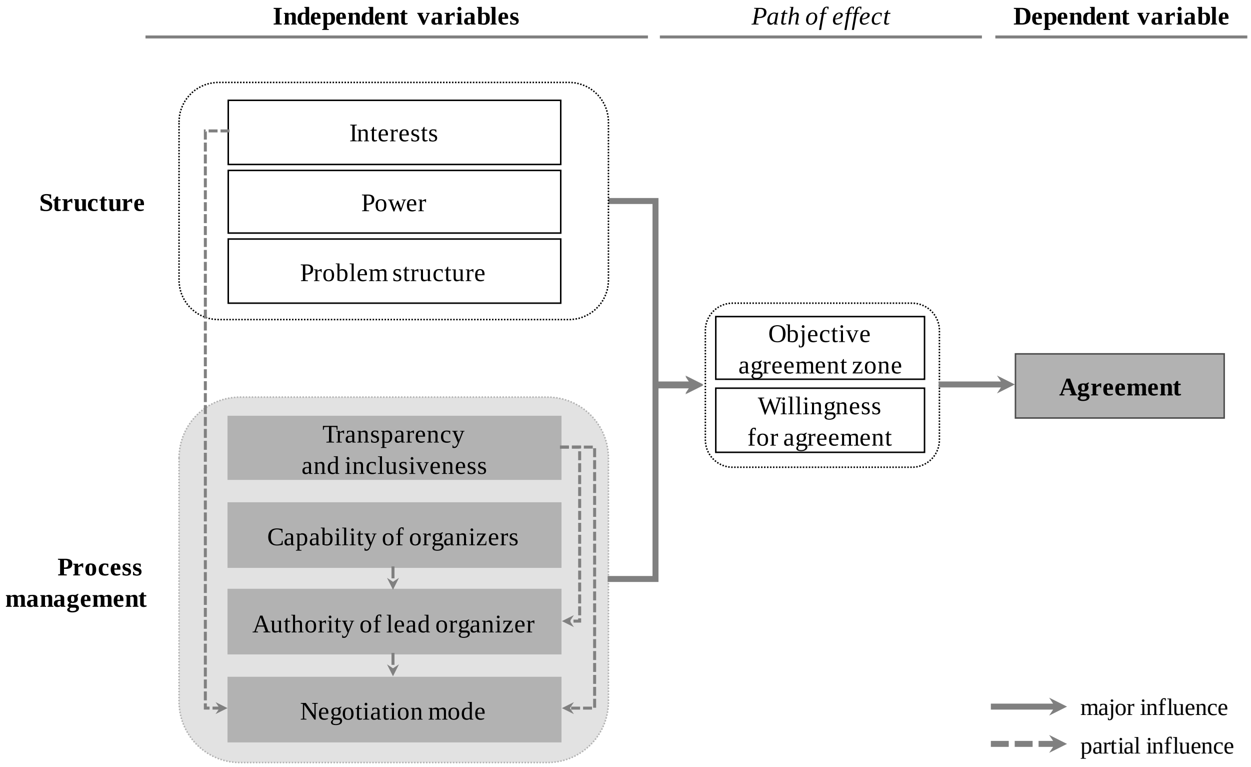
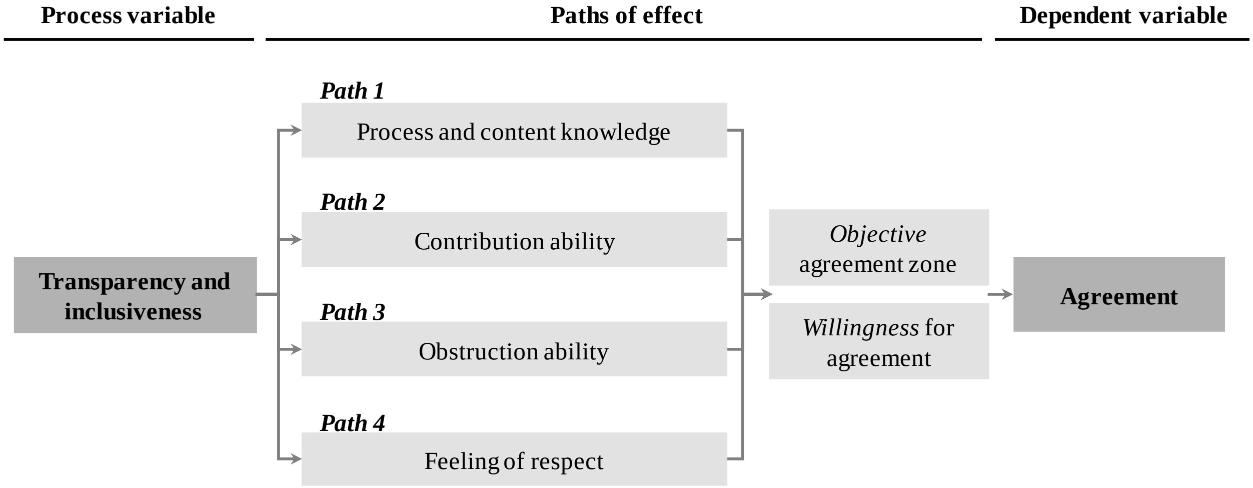

Independent variables
Path of effect
Dependent variable
Structure
Interests
Power
Problem structure
Process management
Transparency and inclusiveness
Capability of organizers
Authority of lead organizer
Negotiation mode
Objective agreement zone
Willingness for agreement
Agreement
major influence
partial influence

Figure 11: Process tracing between transparency and inclusiveness and agreement


Process variable
Paths of effect
Dependent variable
Transparency and inclusiveness
Path 1
Process and content knowledge
Path 2
Contribution ability
Path 3
Obstruction ability
Path 4
Feeling of respect
Objective agreement zone
Willingness for agreement
Agreement

Transparency and inclusiveness influence the degree of *knowledge among negotiators about the process and content of the negotiations* (Path 1). There are varying information levels about the various elements of a negotiation text and the key steps taken in such complex negotiations, such as in small groups and bilateral negotiations. Who was deciding or compromising, on which elements, under what circumstances? "You also want to understand why other concerns are included... This makes for a deeper understanding why the final agreement looks like this, which reasons and considerations are behind it. It 'makes you a part of it'."[382] This knowledge influenced the reaching of an agreement during the Danish and Mexican Presidencies in several ways.

First, process and content knowledge determine a delegation's awareness of what it is actually supposed to decide on in the COP's final days. If delegates are not sure whether the proposal is above their reservation point, they aren't able to determine whether they are in the zone of a possible agreement. From a rational decision-making perspective, they would be unable to agree. The high uncertainty may cause stalemate given a "big fear of countries to lose with serious economic and other consequences."[383] The brief time for reviewing the final texts and exhaustion by the end of a COP makes delegates hostile to any unknown text.[384] So, knowledge on the key implications of an agreement alters the willingness to agree.

By the end of COP-15, there was insufficient knowledge among most participants for taking a decision. The last minute US-BASIC compromise text was unknown to nearly all delegates. The Danish Presidency presented it at 1am in the last night granting 60 minutes to read it, which left parties furious over the lack of time to understand its content.[385] The resulting uncertainty reduced willingness to agree. What were exact gains and costs? Did the agreement fall within their defined range of outcomes? The time was too short[386], and it became safer to reject.[387] A BASIC official conceded that "undoubtedly, the fact that we knew what was on the table contributed to our agreement to the proposal,"[388] while most delegations clearly didn't know about the substance until the final decision. Negotiators emphasized that they could not agree with such insufficient insight.[389]

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[382] UNFCCC-Secretariat(6)-16.06.2011
[383] UNFCCC-Secretariat(3)-08.12.2010
[384] AWG/SB-Chair(3)-07.12.2010
[385] ALBA(1)-17.06.2011

This was in stark contrast to Cancún. Before Copenhagen, several key concepts such as pledge-and-review had been relatively freshly introduced by the US and like-minded countries[390] and talks were fast-paced throughout 2009. Many countries hesitated to quickly follow this fundamental shift, making an agreement in Copenhagen difficult.[391] On the other side, negotiations were proceeding more slowly at COP-16. This allowed delegations to better follow the progress.[392] There was a build-up of readiness of negotiators based on an improved understanding of the complex agreement, especially by smaller countries: "Parties had one year to let it sink in, to come on board, or to be pulled on board."[393] The close expert and ministerial level integration contributed to this familiarity.[394] The narrower circle of negotiators from the last Thursday to Friday had been widely accepted as there was sufficient information about its content.[395] Only "the last five pieces of the puzzle had been left out"[396] by the COP's last Friday and were finalized under the responsibility of the organizers. Overall, delegates had much firmer ground to base their decisions on: "The fact that in Cancún all knew what the President was doing and that she invited them all into the small room created confidence. People knew what happened and went along with it."[397] To imagine the counterfactual, higher transparency and inclusiveness before and during COP-15 could have provided much more background and information on the newly introduced suggestions. Copenhagen revealed much of parties' preferences for Cancún.[398] The enhanced level of information helped parties to find a compromise acceptable to all. But why should it not have been possible to accelerate this process? Learning could have been enabled much earlier than only in 2010 and allowed parties to agree in Copenhagen. Acknowledging the need to get familiar with new ideas, an "incredibly skilful" process management may still have made an agreement possible.[399]

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[386] Observer(3)-16.06.2011
[387] EU/EU-country(5)-17.02.2011
[388] BASIC(3)-08.07.2011
[389] Umbrella-Group(4)-04.07.2011
[390] Umbrella-Group(1)-20.04.2011
[391] Umbrella-Group(4)-04.07.2011
[392] Denmark(3)-11.08.2011
[393] BASIC(2)-16.06.2011
[394] BASIC(3)-08.07.2011
[395] G-77(3)-19.07.2011
[396] UNFCCC-Secretariat(5)-14.06.2011

A second consequence of lacking knowledge is the delegation's inability to fulfil its obligation as 'agent' to comprehensively report to its 'principal', the government. COP-15 infringed upon this vital delegate's duty. For lack of information, a delegation could not have truly reported back what it had agreed to. In the same vein, delegations frequently must consult their principals for permission to agree to proposals outside their mandate. This became very difficult in Copenhagen because of scarce information on the new texts. At COP-16, it was much easier for parties to report back to decision makers thanks to a significantly higher level of information.

Third, process and content knowledge influences the trust parties have amongst each other and vis-à-vis the organizers. At COP-15, the scarce information about essential negotiation steps, for instance about the evolution of the 'Danish text', reduced their mutual trust and created suspicion of the Secretariat and especially the Presidency:[400] "There was a great suspicion about what the Danes were working towards."[401] Could countries be sure their interests were adequately considered? Negotiators opposed a proposal facilitated by organizers they didn't trust. For COP-16, this trust returned through the continuous informing of parties. The Mexicans created the confidence that results of the informal discussions would be redirected to the other parties so they wouldn't surprise anyone.[402]

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[397] UNFCCC-Secretariat(2)-04.12.2010
[398] EU/EU-country(8)-05.05.2011
[399] Umbrella-Group(2)-02.06.2011
[400] Denmark(6)-09.02.2012

Finally, the process' legitimacy added to the acceptance of the final ruling on consensus by COP-16 President Espinosa. Legitimacy increased at COP-16 as the decision was reached through a process that ensured certain rule-based transparency and inclusiveness: parties saw and participated in the text's evolution. Espinosa considered this crucial: "[W]hat gives credibility to a decision where you do not have a unanimous opinion is the process behind that decision... that you can at the end say… this is really consensus" (Espinosa 2011, 8). COP-15 produced the reverse dynamic. A rule-neglecting process was deprived of legitimacy which finally turned against the Accord.[403] Parties lacked the most substantial knowledge such as where certain texts came from.[404] Delegates found that a fair process would have given legitimacy to the outcome, which the US-BASIC small group negotiations had achieved.[405] This way, an agreement may have been possible in Copenhagen. The overall perception of legitimacy increased from COP-15 to 16 in such a way that countries did no longer block the agreement on process grounds.

Path 2 traces how transparency and inclusiveness determine delegates' *ability to contribute* to developing a proposal that lies within the zone of possible agreement between parties, and how this impacts agreement chances. Inclusion allows delegations to contribute directly while transparency at least leaves the ability to understand the negotiation progress and contribute indirectly by intervening through delegations that participate in smaller groups. Overall, parties want at least some idea about and influence on the negotiations.[406] This ability to contribute to the negotiations worked through several mechanisms.

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[401] UNFCCC-Secretariat(4)-17.05.2011
[402] BASIC(3)-08.07.2011
[403] UNFCCC-Secretariat(2)-04.12.2010
[404] G-77(2)-13.06.2011
[405] G-77(3)-19.07.2011

First, it maximized parties' inputs during the Mexican Presidency, which helped to create a proposal inside the objective agreement zone. With wide participation and information the "willingness to engage came back soon during the year."[407] The close integration of expert and ministerial levels and the cooperation between the Presidency and the subsidiary body chairs ensured that all input was considered for the final proposal.[408] The output was a comprehensive text reflecting the totality of the 2010 negotiations. This was in stark contrast to COP-15. On the final Thursday, expert negotiators had stopped their work of over one year in despair after when they learnt that leaders were meeting in a small group. The ability and willingness to contribute was "down to zero"[409], and so too the opportunity to find broadly acceptable solutions.

Second, the inclusion of diverging, more 'radical' parties in the deliberations enabled a comprehensive final proposal acceptable for all in Cancún. Mexico held countless 'bilaterals' to include as many countries as possible, and did not focus solely on big powers.[410] Non-mainstream voices had been included in the final small group negotiations so that at least some of their views could be reflected in the text.[411] They had ensured that all 'opinion leaders' were integrated avoiding their risky isolation as during the Danish Presidency.[412] Eventually, ALBA-delegations no longer rejected an agreement as in 2009, except for Bolivia. "There must have been a lot of conviction and talk behind the scenes for this to happen."[413] The approach generated a comprehensive agreement and a subjective willingness to agree. In contrast, the Danish Presidency had focused on selected developed countries. According to an Asian observer, this exclusion triggered the final objection: "That's why China and the G-77 opposed."[414] There was also a sound rational side to this objection.[415] The secretive process posed a risk for the excluded parties. Approval of the outcome would have set a precedent to neglect process rules and to further exclude non-mainstream views in subsequent negotiations.

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[406] UNFCCC-Secretariat(5)-14.06.2011
[407] BASIC(3)-08.07.2011
[408] UNFCCC-Secretariat(5)-14.06.2011
[409] UNFCCC-Secretariat(5)-14.06.2011
[410] Mexico(3)-15.06.2011
[411] UNFCCC-Secretariat(6)-16.06.2011
[412] UNFCCC-Secretariat(3)-08.12.2010

Third, the ability to contribute increases the identification by negotiators with the output. This enhanced buy-in raises the willingness to agree while they see the agreement as representing their joint will. At COP-15, not many parties eventually identified with the text. It had not been everybody's effort[416] and was thus found seriously unsatisfactory[417]. The selection of the salient small group on the last Thursday night was a case in point as it undermined true representation: "You need those that are outside to feel represented by those inside"[418]. Next, the US-BASIC meeting had resolved weighty political issues, yet it lacked the buy-in from all parties.[419] The 'G-2 focus' on the US and China within the US-BASIC group aggravated this further.[420] The process had a detrimental effect on many excluded countries: "Many countries do not just go along with what major powers are suggesting."[421] One failure of Copenhagen seemed that a small group of countries tried to decide for the rest, echoed one ALBA-negotiator.[422] As many delegations supported the proposal's substance, the objective agreement zone was probably reached – yet, crucially, there was insufficient identification with the result, and no willingness to agree.

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[413] UNFCCC-Secretariat(2)-04.12.2010
[414] Observer(3)-16.06.2011
[415] UNFCCC-Secretariat(4)-17.05.2011
[416] Mexico(5)-07.07.2011
[417] G-77(3)-19.07.2011
[418] UNFCCC-Secretariat(7)-03.08.2011
[419] AWG/SB-Chair(1)-30.11.2010
[420] UNFCCC-Secretariat(6)-16.06.2011
[421] BASIC(1)-04.12.2010
[422] ALBA(1)-17.06.2011

During the Mexican Presidency in turn, transparency and inclusiveness lent negotiators the feeling of being part of the process.[423] Parties identified more with the suggested text since they were able to contribute. They had worked intensely on the text involving everyone. "They knew that they have had a chance before to make their input."[424] A sense of ownership[425] and responsibility emerged as parties were continuously engaged by the Mexicans to make them feel part of the process[426]. The active participation by minister-pairs as in the small groups built further commitment by key parties whose minister facilitated.[427] This identification with the process may have also allowed for compromises that could have been difficult otherwise. The organizers developed an image to embody the common will of the international community which allowed for an agreement.[428] The higher subjective willingness to agree may have contributed to a repositioning of countries on an objective level.

Path 3 describes how transparency and inclusiveness influence countries' *ability to obstruct* negotiations. Unsatisfied with the suggested outcome at COP-15, delegates partially used process as an instrument.[429] They tried to undercut the organizers' efforts[430] and leveraged the notion of lacking transparency and inclusiveness. A Danish official accused parties of deliberately wasting time to delay the entire process.[431] Numerous parties used process to counter the shift to a pledge-and-review emission reduction system.[432] A prominent G-77 negotiator frankly stated that "[p]arties use the argument of legitimacy often as pretext for rejection if they don't like a text - if they do however, the point of legitimacy is never raised."[433] A Danish politician even spoke of a "procedural weapon to torpedo negotiations,"[434] and a negotiator that "[w]e need to keep people from throwing bombs at the process."[435] Finally, several participants suggested that the 'Danish text' had been deliberately leaked by China or India to undermine the process, which was eventually "successful".[436] The procedural complaint on the lack of transparency and inclusiveness to draft this text was also used as a means of obstruction.

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[423] EU/EU-country(9)-26.05.2011
[424] Mexico(5)-07.07.2011
[425] Mexico(4)-16.06.2011
[426] Mexico(3)-15.06.2011
[427] Umbrella-Group(4)-04.07.2011
[428] Mexico(3)-15.06.2011
[429] EU/EU-country(5)-17.02.2011, AWG/SB-Chair(1)-30.11.2010, Umbrella-Group(1)-20.04.2011
[430] Umbrella-Group(3)-14.06.2011
[431] Denmark(1)-02.12.2010

In contrast, the widespread conviction of a fair process at COP-16 took away the credibility for 'spoilers' to "play the process card."[437] For the Mexican Presidency, the transparent and inclusive process was one way to "undermine the obstructionists" and to "disarm the enemy",[438] e.g. the ALBA countries wouldn’t be able to blame the Mexicans for excluding them.[439] Also Saudi-Arabia no longer objected to the agreement in the final plenary in Cancún: "The Saudis felt that they wouldn't, couldn't, and shouldn't block the agreement in Cancún… It was not possible to attack it as a result of a flawed process."[440] The political price for blocking became too high with only Bolivia willing to pay.[441]

Path 4 works mostly on a subjective level. Being a delegate in a transparent and inclusive process increases the *sense of respectful treatment*. Subjective opinion is central in the crucial decision moment when it depends on the willingness of the individual negotiator to agree. Being treated fairly increases the sense of respect and thereby the willingness to agree. "Several UN rules are silly... But if you ignore them you also disrespect developing countries. It is their only common venue for multilateral diplomacy,"[442] noted a Danish official. Most negotiators are permanent UN representatives and highly accustomed to this rulebook.[443] A former COP-President emphasized the importance of this individual level: "People should never go to bed feeling excluded".[444]

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[432] Umbrella-Group(1)-20.04.2011
[433] G-77(1)-04.12.2010
[434] Denmark(1)-02.12.2010
[435] Umbrella-Group(2)-02.06.2011
[436] Denmark(1)-02.12.2010, Denmark(6)-09.02.2012, Umbrella-Group(3)-14.06.2011, EU/EU-country(6)-16.03.2011
[437] Denmark(3)-11.08.2011, also: G-77(4)-22.07.2011, G-77(3)-19.07.2011, Mexico(5)-07.07.2011
[438] Mexico(3)-15.06.2011
[439] Umbrella-Group(5)-27.07.2011
[440] UNFCCC-Secretariat(2)-04.12.2010
[441] G-77(3)-19.07.2011

The Danish Presidency conveyed a lack of respect: "People felt left out."[445] The Copenhagen Accord was "impos[ed]… on us… creating a sour taste in their mouth… We didn't matter anymore."[446] A BASIC-negotiator of the small group showed understanding for this perception as the Accord "had only been tossed onto them".[447] This illustrates the discontent voiced in interviews. Many negotiators therefore lost trust in the organizers,[448] which by the end of COP-15 diminished their willingness to agree. The missing respect caused extreme emotions among people in Copenhagen, noted a veteran of 20 years of climate negotiations.[449] It altered delegates' view on a deal, rendering an agreement less likely. Rasmussen for instance triggered an outburst of anger when he took over as COP-15 President and announced that he would table a Danish compromise proposal, after delegates had just finished an overnight marathon on an expert-level negotiation text.[450] Negotiators protested massively, and the Danes withdrew the text. The willingness to agree reached its nadir when the text finally came out on Friday night: "Even though [the] substance was agreeable… Everybody was just really pissed and angry."[451]

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[442] Denmark(5)-12.08.2011
[443] Denmark(2)-16.06.2011
[444] EU/EU-country(5)-17.02.2011
[445] AWG/SB-Chair(4)-14.06.2011
[446] G-77(4)-22.07.2011
[447] BASIC(2)-16.06.2011
[448] G-77(4)-22.07.2011
[449] EU/EU-country(11)-10.12.2011
[450] UNFCCC-Secretariat(5)-14.06.2011

In a consensus-system, non-mainstream groups in particular need respect. In Copenhagen, the lack of small group transparency and inclusion created anger among the vocal ALBA-countries: "Convening people without legitimacy, keeping Venezuela and Bolivia out drove them very angry."[452] At COP-15, even their heads of state were excluded. Venezuelan President Hugo Chávez underlined in the Friday morning plenary that he would reject any agreement from such a small group. After this public statement, there was hardly any face-saving way to retreat.[453] They signalled to the global public that they would not simply follow US-BASIC leaders without consultation.[454] The presence of high political leaders in Copenhagen had given ALBA-leaders an unforeseen opportunity to publicly shame the US. This had created an unanticipated coalition among them.[455] The absence of most leaders at COP-16 then limited its geopolitical use again. A Danish official conceded that this bold and unified ALBA-stance had surprised the Presidency.[456] "I asked Bo [Lidegaard] what they were planning to do with heads of state like Chávez, Ahmadinejad, and others. He could not give a response."[457] This lack of geopolitical sensitivity obstructed the agreement.

Besides, leaders in general felt treated without sufficient respect. Usually courted respectfully, politicians are even more sensitive than experts if they do not "feel themselves heard."[458] COP-15's last two days were especially harmful. Ninety heads of state and government were excluded from the small group from Thursday to Friday. Dozens of ministers waited without word for hours, which made them very angry.[459] A BASIC-participant of the smaller US-BASIC negotiation conceded that countries where the "Prime Minister" was not in the room had essentially not negotiated the agreement: "For [us] it made a big difference having been part of the small group... We would have rejected it otherwise."[460] The same was true for other countries who told the interviewed BASIC-negotiator explicitly that they rejected the agreement for this reason – such as Saudi-Arabia, Sudan as the G-77 Chair, Colombia and Kenya. An OPEC-country negotiator confirmed: "Imagine my President is here, and he is not invited. What do you think he does?"[461] The impact was enormous as only 30 out of 120 heads of state and government were invited to the small group. Ninety were "slapped in their face"[462]. The organizers had underestimated this question which further reduced COP-wide consensus. Finally, experienced negotiators, facilitators, and UN officials all considered Obama's press statement that a deal was achieved detrimental as it showed little respect for those excluded.[463] While it reduced delegates' willingness further, some core opponents had already prepared their 10-15 minutes plenary interventions, so it probably didn't make much difference for them.[464]

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[451] UNFCCC-Secretariat(1)-28.04.2010
[452] UNFCCC-Secretariat(2)-04.12.2010, similar: Denmark(3)-11.08.2011
[453] EU/EU-country(10)-16.08.2011
[454] Mexico(3)-15.06.2011
[455] EU/EU-country(11)-10.12.2011
[456] Denmark(3)-11.08.2011
[457] EU/EU-country(10)-16.08.2011
[458] EU/EU-country(6)-16.03.2011

In contrast, the Mexican Presidency conveyed a much higher sense of respect, where parties felt represented, consulted, and generally taken much more seriously.[465] This was probably also true for most ALBA-delegations, which no longer objected to the agreement. "The change in stance of ALBA-countries came because de Alba treated them so carefully..."[466] Yet, one ALBA-negotiator suggested both COPs were unfair. He pointed to a difference in content, not in transparency and inclusiveness: "We were steamrolled in both COPs but with more style in

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[459] Umbrella-Group(5)-27.07.2011
[460] BASIC(2)-16.06.2011
[461] G-77(5)-08.12.2011
[462] EU/EU-country(10)-16.08.2011
[463] Mexico(3)-15.06.2011, EU/EU-country(8)-05.05.2011, UNFCCC-Secretariat(7)-03.08.2011
[464] Umbrella-Group(2)-02.06.2011
[465] Denmark(3)-11.08.2011, UNFCCC-Secretariat(7)-03.08.2011, EU/EU-country(11)-10.12.2011
[466] Denmark(3)-11.08.2011

Mexico."[467] Yet, the claim that substance made the difference is not convincing: the core provisions were largely similar between COP-15 and -16, so they could have already agreed in Copenhagen. Contrary to this one view, a standing ovation expressed the appreciation of the respectful treatment by the organizers when Espinosa presented the final text in the Friday afternoon plenary.[468] Most negotiators had not even fully read the final text then but accepted the organizers' approach and thereby also bought into its result.[469] A sense of respect for the leaders and of being respected can thus crucially influence the subjective willingness to agree.

Overall, the subjective sense of a transparent and inclusive process suffices for paths 3) and 4). The ability to use process as an argument to obstruct negotiations decreases if the subjective notion of a fair process is widespread. Or, a negotiator feels respected if the process is perceived as transparent and inclusive. So for those who disagree that negotiations during the Danish Presidency were objectively less transparent and inclusive than during the Mexican Presidency, paths 3) and 4) still hold. It is unchallenged that at least the perception was one of transparency and inclusiveness during negotiations in 2010.

Conclusion

We have seen abundant evidence of how differently the Danish and Mexican Presidencies and their UNFCCC-Secretariat counterparts applied the tool of transparency and inclusiveness. In the end, this process factor did not only correlate with agreement, but also contributed to the outcome through four paths: process and content knowledge, contribution ability, obstruction ability, and feeling of respect. Transparency and inclusiveness played out on an objective and subjective level leading countries to reject the Copenhagen Accord and to approve of the Cancún Agreements.

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[467] ALBA(2)-09.12.2011
[468] EU/EU-country(4)-27.01.2011
[469] UNFCCC-Secretariat(5)-14.06.2011

This finding supports and refines recent research on transparency and inclusiveness group dynamics across disciplines, and observations made by myriad practitioners on this issue. Let us now move to the next process factor, which reveals similar striking differences between both years: the capability of organizers.

4.3. Capability of organizers

Latest research has shown how important bureaucracies and individuals can be in international relations. Were the organizers of the Danish and Mexican Presidencies and their respective UNFCCC-Secretariat counterparts also autonomous agents with impact on the climate negotiations? As always, I first will assess the correlation as a big picture through a numerical interpretation of interview responses and then substantiate it in more detail qualitatively by applying the indicators outlined above (Figure 7). In light of the large number of five 'organisers' on a leading level in the Danish Presidency however, the numerical and verbal analysis are presented jointly for each organizer of negotiations in 2009.

Correlation of capability and outcome during the Danish Presidency

We begin with the *Danish Presidency on an institutional level*. Respondents nearly unanimously saw it as low in its overall capability (Table 6). The only deviation was one interviewee from the Danish Presidency with a possible self-interest. "There was mistake after mistake."[470] This view was taken by negotiators across the board, observers, and UN officials but most importantly also by lead Danish Presidency members. The capability indicators for organizers of 1) organisational and cultural fit, 2) process, and 3) content expertise now provide more detail (cf. methodology outlined in Chapter 2.5).[471]

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[470] EU/EU-country(8)-05.05.2011

[471] There is no numerical indication for the capability of the UNFCCC Secretariat on an institutional level as this aspect only arose in the interviews and is thus analysed only verbally.

Table 6: In hindsight, what was done well or not so well by (you and these) the organizers? E.g. on process and content matters at the COP?

The respective N varies between items, so cf. footnotes.[472]	**Danish Presidency**	**Rasmussen**	**Hedegaard**	**Lidegaard**	**Becker**	**De Boer**
Perceived high capability.	1	0	5	1	10	2
Perceived low capability.	19	29	6	11	4	21
Share of high capability.	**5%**	**0%**	**38%**	**5%**	**63%**	**9%**
Undecided/don't know person.	0	0	2	7	2	0

The Presidency had a *very low organisational fit* for the negotiations as it was internally divided with "significant differences"[473]. It was split into a more inclusiveness-minded UNFCCC group, and a group oriented more at key-powers and UN headquarters.[474] One side defended "the Bonn", the other side "the New York line".[475] Myriad responses echoed this cleavage ("internal disagreements,"[476] "two heads of the Danish delegation,"[477] "relationship within the Danes was dreadful,"[478] "two-power centres"[479]). There were massive negative emotions between them as they were "literally not talking to each other, slamming the door in front of each other."[480] A long-time negotiator described the relations between Hedegaard and Rasmussen such that "[y]our boss is constantly bullying you. She had an unhappy role in relation to Rasmussen."[481] An interviewee of Hedegaard's team asserted that most Danish ministries backed their approach so that "the whole administration was against the Prime Minister's office."[482] A more neutral Danish official finds this too harsh but conceded that the Climate and Foreign Ministries were more concerned with the "balance of the proposal" and the "inclusion of developing countries" whereas the Prime Minister's and Finance Ministry's teams emphasized a pure economic view.[483]

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[472] Out of over 50 interviewees, not all have commented on each person, so N shows the respective number. N(Danish Presidency)=20, N(Rasmussen)=29, N(Hedegaard)=13, N(Lidegaard)=19, N(Becker)=16, N(De Boer)=23.
[473] EU/EU-country(10)-16.08.2011
[474] Denmark(2)-16.06.2011, similar: EU/EU-country(1)-20.01.2010, Umbrella-Group(4)-04.07.2011, EU/EU-country(8)-05.05.2011, UNFCCC-Secretariat(4)-17.05.2011
[475] Denmark(4)-12.08.2011
[476] Denmark(6)-09.02.2012
[477] Umbrella-Group(4)-04.07.2011
[478] EU/EU-country(8)-05.05.2011
[479] EU/EU-country(7)-04.05.2011
[480] UNFCCC-Secretariat(7)-03.08.2011
[481] EU/EU-country(11)-10.12.2011

The differences are spelt out in multiple aspects of process management. For example, the 'Rasmussen team' around Lidegaard deemed the early creation of a Presidency's compromise text important. In contrast, the 'Hedegaard team' around Becker saw this more critically ("completely crazy approach") and considered this a way for the Prime Minister to "control" the Climate Ministry and streamline the Danish government.[484] Media attention was at first on the bigger Hedegaard team owing to their higher expertise and longer involvement. The sixty officials in the ministry stood against around ten in Rasmussen's team.[485] The Prime Minister had only come into office in spring 2009 and his advisor Lidegaard joined in 2007.[486] Being new to the process they also didn't know many of the key leaders.[487] Rasmussen and Hedegaard were also domestic competitors from two different parties: the liberal Venstre party and the Conservative People's Party.[488] The rivalry for public attention ignited jealousies further.[489] Finally, while both Danish camps saw the problems of the strict UN rulebook, only the Prime Minister's side opted to circumvent it by moving negotiation fora to the political level in summer 2009: Not used to the UN process, they saw it "as a madhouse".[490]

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[482] Denmark(5)-12.08.2011
[483] Denmark(7)-16.02.2012
[484] Denmark(2)-16.06.2011
[485] Denmark(5)-12.08.2011
[486] EU/EU-country(9)-26.05.2011
[487] Umbrella-Group(2)-02.06.2011, Mexico(5)-07.07.2011
[488] Denmark(7)-16.02.2012
[489] Denmark(5)-12.08.2011
[490] Denmark(3)-11.08.2011

The divide culminated in two shifts in the Presidency's power distribution. The removal of Hedegaard's team leader Becker came first. Most interviewees perceived this change as political given their clashing ideas about the Presidency.[491] Further, Becker was "more of a Social Democrat but within a conservative government."[492] He had originally continued in this key position as the Danish administrative system has no ministerial cabinets, which change with each new government. Then however, "[t]hey drove him out".[493] UN officials spoke of a "sacking" of Becker[494] and a "sort of coup d'état"[495], and negotiators saw "rivalry and hatred"[496] between Lidegaard and Becker. The few voices that contested this political reasoning stem from the Prime Ministerial side. They saw Becker's violations of administrative rules as the only reason and found "a lot of hype about a political assassination… The Danish system doesn't work this way" and the differences between the ministries have "nothing to do with this". Accordingly, Becker gave his spin to it when the administrative violation was leaked. "The Environment committee of the Danish Parliament heard the case. He has had warnings before."[497] This account though seems hard to sustain given the abundant evidence of their power-based and strategic clashes. Leading Danish media also indicated these power struggles when Becker stepped down (e.g. Politiken 2009).

The second power shift was Rasmussen's takeover as COP-President at the start of the high-level segment. Few people trusted the official Danish line that this change had long been planned[498] as the chairing by so many heads of state and government through a minister may have been diplomatically difficult[499]. Most found that Hedegaard "did rather not go voluntarily"[500] and was "taken out"[501]. Either way, delegations received the change very badly. The extreme internal divergences were tangible for everyone, and without clear responsibilities on how to resolve them.[502]

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[491] Denmark(2)-16.06.2011
[492] Denmark(2)-16.06.2011
[493] Denmark(2)-16.06.2011
[494] UNFCCC-Secretariat(4)-17.05.2011
[495] UNFCCC-Secretariat(2)-04.12.2010
[496] Umbrella-Group(4)-04.07.2011
[497] Denmark(4)-12.08.2011
[498] Denmark(6)-09.02.2012

Next to this lack of organisational fit, there appeared to be a *low cultural fit* for these kinds of multilateral negotiations. Numerous interviewees perceived the Danish way of interaction as straightforward and very outspoken, compared to many other cultures. One Danish official even commented that the Danes are "often very blunt"[503]. A delegate complained about this direct way. When he made suggestions about the text in a Danish meeting with G-77 representatives Danish officials only rolled their eyes.[504] A Denmark-friendly negotiator described it as a "rigid, un-empathic approach."[505] A delegate from a similar cultural background sensed that the "Danes have a straight manner which was not helpful then. It is not their fault as it is part of the culture. They were not native speakers either to express issues in the most appropriate way."[506] This intercultural difference in communication created an unhelpful packaging of their approaches.[507] Overall, the slow, inclusive, and emotionally sensitive UN process was unfamiliar to the Danish culture.[508]

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[499] AWG/SB-Chair(4)-14.06.2011
[500] EU/EU-country(9)-26.05.2011
[501] G-77(2)-13.06.2011, similar: G-77(3)-19.07.2011
[502] Denmark(3)-11.08.2011
[503] Denmark(2)-16.06.2011
[504] G-77(2)-13.06.2011
[505] EU/EU-country(7)-04.05.2011
[506] EU/EU-country(11)-10.12.2011
[507] UNFCCC-Secretariat(1)-28.04.2010
[508] Denmark(2)-16.06.2011, and further: this may be compared to the failure of COP-6 in The Hague in 2000. The Dutch Presidency under COP-President Jan Pronk was similar in its style, "very much pushing forward… They were so eager to get there that they ignored the process too much." The success of the follow-up COP-6 bis in Bonn could be partially attributed to a change of process with the "diplomatic skills of the Belgians. The then-Belgian minister and EU-President Jacque Delors had a big influence in the success."

This cultural dynamic also fostered a *very activist Danish approach*, for which they received much blame. For instance, the creation of a 'Danish text' was seen by many as "too intrusive"[509]. The very early drafting had increased the chances of its leakage.[510] The Mexicans in turn "handed it over to the parties to tell [them] where to go. We did the opposite. We dragged everyone."[511] The Danes were more content than process managers "pushing particular outcomes"[512]. One Danish official saw this positively though: it was the pro-active approach that enabled at least the note-taking of a political agreement saving the COP from a complete failure. "It would have been so much easier for us to also say on the last day that this is not enough and blame it on the countries' lack of willingness. Instead, we chose the opposite by coming forward with a text and pushing for a political agreement nevertheless. With this of course, we got all the bashing."[513] Yet, according to the vast majority of interviewees, it had been the exclusive, high-level focus and intrusive activism of the Danish Presidency that had contributed to this malign state of the negotiations by the final COP-days with the Danes no longer perceived as neutral and trusted facilitators.

Process expertise was low as the Presidency *misinterpreted the negotiation situation in their planning and did not envision extreme scenarios*. A Presidency member attributed the failure "mainly…to the way the meeting was prepared": while they focused on creating a political level they underestimated the intense steering requirements of two parallel negotiation levels.[514] The Prime Minister's office supposedly mistook the complexity of a UN climate negotiation with a 'simpler' EU summit it had successfully hosted before, like on EU enlargement.[515] Moreover,

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[509] Denmark(1)-02.12.2010

[510] EU/EU-country(8)-05.05.2011

[511] Denmark(3)-11.08.2011

[512] UNFCCC-Secretariat(4)-17.05.2011

[513] Denmark(4)-12.08.2011

[514] Denmark(2)-16.06.2011

[515] Denmark(6)-09.02.2012

EU member states grant the Commission and Presidency a stronger role as an active moderator,[516] which the Danes repeated here. Another such planning mismatch was the COP-President's change. With rumours and suspicion abounding "an actually non-dramatic event as the takeover of a COP-Presidency became an important factor... We had not announced it properly in advance."[517] Similarly, BASIC-negotiators suggested to the Danes in vain that they needed fallback options for the high-level segment: "They were very incompetent on this. During the whole year we knew about all these problems and told them about it. Yet, they never listened. Plan B then was the worst. Some heads of states were in the small room, others were not. It was a power gamble that could have worked, or not."[518] Several Danish interviewees acknowledged this lack of planning for the unforeseen, chaotic developments of the last days.[519] The Prime Minister's team "thought it is only about cashing in a deal. They had not prepared at all for the case that no deal would be done."[520] The Prime Minister and his team misread summit politics and the strategies of salient countries. For example, they underestimated the global dynamics of the emancipation of the BASIC-countries.[521]

Numerous interviewees emphasized the poor *physical negotiating conditions* at the Bella Center. There was not enough space for the thousands of participants so that eventually even key delegates, such as the Chinese chief negotiator were not allowed back into. Thousands waited outside in heavy snowfall and very cold temperatures.[522] Danes and participants describe many meeting rooms, including the US-BASIC small room, as appalling: "They were cramped in a room of only a few square meters with hardly any air left after some time had passed."[523] The food at the site was often brought up as terrible.[524] As one COP-veteran summarized: "The logistics were horrible… It was about the worst I have ever seen."[525]

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[516] Denmark(7)-16.02.2012
[517] Denmark(6)-09.02.2012
[518] BASIC(5)-15.06.2011
[519] Denmark(1)-02.12.2010
[520] Denmark(6)-09.02.2012
[521] Denmark(2)-16.06.2011
[522] UNFCCC-Secretariat(6)-16.06.2011

The organizers' *expectation management* also implies low process expertise.[526] Initially, Copenhagen stood for the place where a grand new climate agreement should be sealed, which would include top-down commitment by major countries. It raised hopes too high, many suggested.[527] With COP-15 approaching and disagreement still widespread, the Presidency lowered expectations, which massively disappointed those that had trusted the high-flying vision. It pleased the few delegations that favoured a stepwise approach, rather than one 'big bang' that would resolve all questions.[528] The drastic lowering of ambitions infuriated "large parts of the public."[529] When Rasmussen announced this shift to the media in October 2009 Hedegaard was taken by surprise whilst travelling in Africa.[530] This lack of coordination and continuity in expectation management confused participants.

In sum, the Danish Presidency was of low capability in their organisational-cultural fit and their process expertise. It was split into two contending camps, faced intercultural difficulties, proceeded as too activist, fell short of coherent planning, and failed to manage expectations stringently. While it invested abundant human and material resources and established even a 'mini-UNFCCC-Secretariat' with shadow positions in Hedegaard's team, apparently only one diplomat was in charge.[531] This helps to explain its good *content expertise*, and the neglect of process. Content expertise though could not balance out the other significant capability issues.

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[523] Denmark(1)-02.12.2010
[524] For example: Umbrella-Group(3)-14.06.2011
[525] Umbrella-Group(3)-14.06.2011
[526] BASIC(3)-08.07.2011
[527] EU/EU-country(10)-16.08.2011, Umbrella-Group(4)-04.07.2011, Umbrella-Group(5)-27.07.2011, AWG/SB-Chair(4)-14.06.2011
[528] Umbrella-Group(3)-14.06.2011
[529] Denmark(4)-12.08.2011
[530] Denmark(5)-12.08.2011

Regarding *individual Danish Presidency members*, the two successive COP-15 Presidents are seen differently. Around 60% of interviewees saw the *capability* of Danish Climate and Energy Minister *Connie Hedegaard* sceptically while others were more positive (Table 6). Results are randomly distributed and cannot be attributed to countries with sympathy for or highly critical of Denmark. Let us first turn to the *personal-cultural* fit with respect to the situation. Needless to say this is a partially subjective category but may change people's attitude to the process nonetheless. "She is very talented, committed, stubborn and patient. She knew how to do it,"[532] acknowledged one negotiator. Another praised the sincere attitude that earned her respect from parties.[533] Multiple delegates however complained about aspects that may be culturally driven by the straightforward Danish way of communicating. They lacked sufficient empathy to take all parties on board, describing a kind of "roughness"[534]. A delegate with comparable cultural background commented that "she is very analytic, but does not spread warmth to take people with her."[535] Similarly, a Denmark-friendly negotiator did not find her "terribly open"[536]. The tendency of a dominant facilitation style did not help. It coupled aspiration on content with a tight grip on the process: "She tried to do too much herself. Plus, she had too strong ideas of what needed to happen. Yet, parties did not always agree how she wanted it."[537] Regarding content, her proximity to EU positions endangered her neutrality as COP-President.[538]

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[531] UNFCCC-Secretariat(5)-14.06.2011
[532] Umbrella-Group(4)-04.07.2011
[533] UNFCCC-Secretariat(5)-14.06.2011
[534] Mexico(3)-15.06.2011
[535] EU/EU-country(9)-26.05.2011
[536] Umbrella-Group(3)-14.06.2011

Process and content expertise also yielded a mixed picture. Negotiators underlined her abundant time investment and much better understanding of parties' constraints when compared to Rasmussen.[539] Her commitment and knowledge were lauded.[540] "Connie travelled a great deal to meet with many of us. She understood our concerns."[541] Her awareness of sensitivities also grew: "Starting off very outspoken and straightforward, she learnt a lot over two years on how cautious one has to be, and how much rules had to be obeyed. She usually is much more proactive."[542] The Danish administration had prepared Hedegaard for five years from smaller to ever bigger meetings,[543] until she had a good expertise of the process.[544] Nevertheless, former journalist Hedegaard had less experience of UN processes than long-time diplomat and Mexican Foreign Minister Espinosa. That contributed to a series of process shortcomings.[545] For instance, she relied on an overly small group of confidants for getting input, instead of the breadth with which the Mexican Presidency had collected parties' views.[546] Or, the emphasis on the political-ministerial level triggered dialogue among ministers but neglected the informal space for expert negotiators and chairs.[547] Concluding, the overly activist and outspoken manner, and several process mistakes undermined the high personal talent and content expertise.

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[537] UNFCCC-Secretariat(5)-14.06.2011
[538] UNFCCC-Secretariat(1)-28.04.2010
[539] EU/EU-country(3)-03.12.2010
[540] UNFCCC-Secretariat(1)-28.04.2010
[541] BASIC(2)-16.06.2011, similar: Denmark(6)-09.02.2012
[542] EU/EU-country(10)-16.08.2011
[543] Denmark(3)-11.08.2011
[544] EU/EU-country(9)-26.05.2011
[545] UNFCCC-Secretariat(1)-28.04.2010, UNFCCC-Secretariat(5)-14.06.2011, EU/EU-country(11)-10.12.2011
[546] Mexico(3)-15.06.2011
[547] UNFCCC-Secretariat(5)-14.06.2011

In contrast no single negotiator, UN official, or observer approved of *Rasmussen's capability* as COP-15 President, including close allies of Denmark (Table 6). They saw him as a "disaster",[548] "having a hard time",[549] and "crucial for the failure"[550] committing "massive mistakes"[551]. His *cultural-personal traits* did not seem to fit the international context. Negotiators blamed Rasmussen for a poor sense of people and for being very undiplomatic:[552] "He did not get the people together to get to an outcome. A friendlier personality might have been needed."[553] Rasmussen did not sufficiently consider countries' sensibilities ("bulldozer"[554]), and seemed not very approachable with the door usually closed.[555] All this did probably not help to unite his own administration.[556] The low cultural-personal fit significantly reduced his capability as organizer.

Rasmussen's *process and content expertise* was not any better. He possessed scant international experience: "[H]e has never been even near a multilateral negotiation."[557] Essential know-how to navigate these negotiations seemed absent. This ignorance was a major mistake.[558] For instance, he was still unaware of core UN provisions by the end of the COP, like consensus-based decision-making. Instead, he suggested voting on the compromise proposal during the last night. Negotiators and UN officials were highly irritated: "It is unbelievable that he did not know this";[559] "that did really hurt", "one was afraid of what would happen next... everyone watched him struggle";[560] "Rasmussen had no clue at all about the UN process";[561] he was "absolutely lost"[562] and "very amateurish".[563] Parties sensed that Rasmussen had underestimated the complexity of multilateral negotiations: "Rasmussen had thought... he could just pop in from his office and do it."[564] Various comments illustrate how they saw him unfit to manage this challenging task: "Before, he was mostly engaged in local politics, drinking beer with people in small villages";[565] "Rasmussen thought he... had only local mayors in front of him";[566] "he had the mindset of a petty municipal counsellor in charge of blocked drains as his regular tasks";[567] "he was like a farmer party representative."[568] So overall, the Prime Minister had low capability for managing this multilateral negotiation.

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[548] UNFCCC-Secretariat(1)-28.04.2010
[549] Umbrella-Group(1)-20.04.2011
[550] EU/EU-country(6)-16.03.2011
[551] UNFCCC-Secretariat(2)-04.12.2010
[552] EU/EU-country(11)-10.12.2011
[553] BASIC(2)-16.06.2011
[554] EU/EU-country(3)-03.12.2010
[555] G-77(5)-08.12.2011, UNFCCC-Secretariat(2)-04.12.2010
[556] BASIC(2)-16.06.2011
[557] G-77(2)-13.06.2011, similar: AWG/SB-Chair(4)-14.06.2011
[558] UNFCCC-Secretariat(5)-14.06.2011
[559] EU/EU-country(4)-27.01.2011
[560] UNFCCC-Secretariat(4)-17.05.2011
[561] EU/EU-country(10)-16.08.2011, or in similar terms: Umbrella-Group(4)-04.07.2011

The Danes had two subsequent *lead facilitators and advisors* to Hedegaard and Rasmussen, which reflected the internal divide. *Thomas Becker* on the side of the Climate and Energy Ministry came first. Among the 2009 organizers, he received by far the highest share of positive capability assessments with 63% (Table 6). Despite the small sample size the equal distribution of respondents by origin provides a representative indication. Let us begin with the *cultural-personal level*. Becker had strong convictions about the right substance, which many saw negatively.[569] "We know which direction we are going…, [hence] I simply do this now"[570] seemed his attitude, which many considered "a little bit tough".[571] While his negotiating skills and creativity to successfully manage delegates[572] were partially praised, he was also described as "blunt".[573] This fits the overall picture of an activist and pushy Danish Presidency with a clear view about the right outcome: Becker and Lidegaard were both perceived as "pushy characters",[574] another sensed the same "roughness" from Becker and Hedegaard.[575] Others saw Becker as "big personality" that conflicted with that of Lidegaard.[576] So, there is an overall ambiguous cultural-personal fit.

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[562] Mexico(5)-07.07.2011, similar: EU/EU-country(8)-05.05.2011, Umbrella-Group(3)-14.06.2011
[563] ALBA(2)-09.12.2011
[564] EU/EU-country(10)-16.08.2011
[565] Denmark(2)-16.06.2011
[566] EU/EU-country(10)-16.08.2011
[567] BASIC(2)-16.06.2011
[568] UNFCCC-Secretariat(6)-16.06.2011
[569] UNFCCC-Secretariat(4)-17.05.2011
[570] EU/EU-country(11)-10.12.2011
[571] G-77(5)-08.12.2011
[572] EU/EU-country(9)-26.05.2011
[573] Denmark(2)-16.06.2011

In contrast, interviewees across the board lauded Becker's *deep understanding of process and content* nurtured by his long climate experience. Involved in early discussions on the bid in the Climate and Energy Ministry in 2005,[577] Becker had long been in touch with negotiators as one of the 'fathers' behind a COP in Denmark.[578] He became the Danish lead facilitator and administrative focal point.[579] He had already gathered process and content expertise in the UN system before[580] and was a "skilled and a classic 'Kyoto-negotiator'"[581]. As the only Dane to fully understand the process,[582] Becker was hard to substitute.[583] He had also gained trust over all these years from developing countries, in contrast to the Danish Prime Minister's team. "He had the trust of the Africans,"[584] assured one lead African negotiator. "We understood each other even though we fought a lot,"[585] appreciated a very critical G-77 delegate. "He had an ear for the developing countries that was missed in Copenhagen. He had a sense of what went on on the ground, and what was needed there."[586] Despite questionable cultural-personal fit his process expertise and dense network of all relevant players rendered him capable as lead facilitator.

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[574] EU/EU-country(10)-16.08.2011
[575] Mexico(3)-15.06.2011
[576] Denmark(2)-16.06.2011
[577] Denmark(5)-12.08.2011
[578] EU/EU-country(9)-26.05.2011
[579] EU/EU-country(9)-26.05.2011
[580] Denmark(2)-16.06.2011, Denmark(4)-12.08.2011
[581] Denmark(4)-12.08.2011
[582] EU/EU-country(8)-05.05.2011
[583] UNFCCC-Secretariat(4)-17.05.2011
[584] G-77(4)-22.07.2011
[585] G-77(2)-13.06.2011
[586] Umbrella-Group(3)-14.06.2011

The official successor for Becker was Foreign Office diplomat *Steffen Smidt*. His good process expertise notwithstanding, Smidt arrived too late to the process and could not play any major role,[587] remaining unknown to most delegates. Instead, *Bo Lidegaard* became the de facto sole Danish lead facilitator after Becker's removal in October 2009. He was seen largely sceptically by respondents with only one granting high capability (Table 6). Many considered him "poor on process" and even as "crucial for the failure."[588] An unusually large number of 37% was undecided or didn't even know Lidegaard. The undecided saw his capability as at least partially positive, stemming mainly from the US and BASIC-countries. Lidegaard had focussed on them at the expense of smaller countries. How was the assessment in more detail?

In some *cultural-personal aspects*, Lidegaard received positive feedback: "very intelligent"[589], "very charismatic, likeable person"[590], and of high rhetorical skill[591]. He was very committed to reach an outcome.[592] One saw him as effective in his work with "the larger problem [being] his Prime Minister"[593]. At the same time, Danish officials and negotiators who all knew him well criticized a big personality[594], pushiness[595] and some even arrogance[596]. He was very convinced of his views, including on content[597]: "He has a strong mind and idea where to go and how to do it."[598] He would steer meetings pro-actively in his preferred direction, yet without achieving parties' sustainable buy-in, sensed an accompanying Dane.[599] Further, the

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[587] EU/EU-country(9)-26.05.2011, Umbrella-Group(4)-04.07.2011, Denmark(2)-16.06.2011, Mexico(3)-15.06.2011
[588] EU/EU-country(6)-16.03.2011
[589] Mexico(3)-15.06.2011
[590] EU/EU-country(8)-05.05.2011
[591] Denmark(3)-11.08.2011
[592] Mexico(5)-07.07.2011
[593] BASIC(2)-16.06.2011
[594] Denmark(2)-16.06.2011
[595] EU/EU-country(10)-16.08.2011
[596] Denmark(3)-11.08.2011
[597] UNFCCC-Secretariat(5)-14.06.2011
[598] Denmark(3)-11.08.2011
[599] Denmark(2)-16.06.2011

determination undermined creative flexibility.[600] The attempt of a tight grip also materialized in the drafting of the Danish text to maintain control over the outcome vis-à-vis the other parts of the Danish government and negotiating countries.[601] Or, Lidegaard failed in his attempt to present the text to Prime Ministers in the high-level segment, "who would accept it and then it would be gavelled through."[602] Such pro-activeness combined with quick thinking led him advance too fast, thereby often not reading the situation well[603] and leaving people behind.[604] All this substantially reduced his personal-cultural fit for the required facilitation, and mirrored the pattern of the Presidency, Hedegaard, and Becker: very smart minds combined with overly pushy and self-confident facilitation.

Second, Lidegaard's *process expertise* was low with only scant experience and connections in multilateral negotiations: he was "not an expert on UN meetings"[605]. He led the Prime Minister's team but had come to the process only in 2007, two years later than Becker.[606] After joining, Lidegaard first played a minor role as most preparatory meetings were initially not held on the leaders' level. His clout started to grow with the shift towards heads of state and government by the Prime Minister's side in summer 2009, until he was "fully in control" by the last weeks before COP-15.[607] He was more visible in fora outside the UNFCCC like the MEF, where the advisors of heads of states and government usually participated.[608] This explains why many well-connected expert negotiators did not know him.[609] His influence partially waned

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[600] EU/EU-country(9)-26.05.2011
[601] Denmark(2)-16.06.2011
[602] Denmark(3)-11.08.2011
[603] UNFCCC-Secretariat(5)-14.06.2011
[604] Denmark(3)-11.08.2011
[605] Umbrella-Group(4)-04.07.2011, similar: former BASIC-negotiator in UNFCCC-Secretariat(6)-16.06.2011, Mexico(3)-15.06.2011
[606] EU/EU-country(9)-26.05.2011
[607] Mexico(3)-15.06.2011
[608] Umbrella-Group(3)-14.06.2011
[609] G-77(4)-22.07.2011, but also EU/EU-country(11)-10.12.2011, G-77(2)-13.06.2011

during the high-level segment where he "became sidelined"[610] by the presence of the leader level. Yet, after the shifts in power away from the ministry, it was still the Prime Minister's team that had most of the control among the Danish Presidency's groups.

Besides, Lidegaard disdained the UN process[611] and adopted an overly simplistic focus on big powers neglecting process complexities[612]. He trusted that the approval by 'big players' brings all others on board. So Lidegaard turned to the US, embedded in the government's strong transatlantic vision.[613] He shared the 'Danish text' "fully and early on with them"[614], which created its US bias. A BASIC-negotiator noted an additional European bias as "Bo pushed the Danish and EU agenda."[615] It stood in stark contrast to Becker's comprehensive process understanding, network, and approach. Finally though, he mastered the negotiation substance:[616] "He is a 'big thinker' and the outcome's framework also reflects some of his thinking."[617] In sum, the sound substantive skills did not offset the mixed cultural-personal fit and the low process expertise.

Overall, the capability analysis of the individual Danish actors yields an ambiguous picture. The cultural-personal side raises doubts about a too direct and forceful communication style for this negotiation context. Process expertise was more nuanced. It was higher for Hedegaard and especially Becker from the Climate and Energy Ministry in charge for most of the preparation with decreasing control towards COP-15. In contrast, process expertise was much lower for Rasmussen but also Lidegaard on the Prime Ministerial side. What does this imply for the analysis? During the decisive final weeks of preparation and COP-15 itself,[618] we find a correlation between low capability (especially process expertise, and doubts about a cultural-personal fit) of the key Presidency organizers and no agreement, while content expertise was high for all of them nevertheless.

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[610] BASIC(2)-16.06.2011
[611] UNFCCC-Secretariat(5)-14.06.2011
[612] Denmark(3)-11.08.2011
[613] Denmark(3)-11.08.2011
[614] Denmark(3)-11.08.2011
[615] BASIC(2)-16.06.2011
[616] EU/EU-country(6)-16.03.2011, Umbrella-Group(3)-14.06.2011
[617] Umbrella-Group(1)-20.04.2011

Let us now move to the co-organizers. *Institutionally, the UN* suffered from organisational shortcomings in 2009. It faced clashes over responsibilities and strategies between Ban Ki Moon's team in the UN headquarters and the UNFCCC-Secretariat before and during COP-15.[619] They reflected the political-technical split inside the Danish administration. Within the UN system, headquarters were high-level oriented, while the UNFCCC-Secretariat focussed more on expert negotiators.[620] Given their common strategic focus on the leader level, the Danish Prime Minister's team reached out more to New York. Moreover, the high-level involvement in UNFCCC negotiations was a novelty for the UN system. Although Ban had been active at the salient COP-13 in Bali[621] negotiations had still been largely on the expert and ministerial level. The momentum created by its summit character made Copenhagen the first time with such a stellar interest by a UN Secretary-General, causing rivalry between Ban and de Boer: "[T]here was a lot of tension among egos."[622] The headquarters envied de Boer's strong position in the struggle for media attention.[623] They eventually installed a Climate Change Support Team for Ban, a "small climate secretariat" headed by Janos Pasztor to supposedly counterbalance Bonn's strategic preferences.[624] Finally, Ban was considered weak in his COP-mediation and thus contributed significantly to the failure, according to a seasoned negotiator.[625] In sum, a divided UN was in bad organisational shape for this complex task.

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[618] This phase was crucial for the outcome and is hence the focus for the correlation. A BASIC-negotiator underlined that Hedegaard was "no longer Conference President at the important moments of decision" [BASIC(2)-16.06.2011, similar: EU/EU-country(9)-26.05.2011].
[619] EU/EU-country(10)-16.08.2011
[620] Denmark(4)-12.08.2011
[621] UNFCCC-Secretariat(4)-17.05.2011
[622] UNFCCC-Secretariat(2)-04.12.2010
[623] Denmark(5)-12.08.2011

The individual-level assessment of *UNFCCC Executive Secretary Yvo de Boer* by interviewees parallels that of the Danish Prime Minister. Only two out of 21 respondents granted de Boer unconstrained high capability in his role *during* the Danish Presidency (answers may of course differ for previous Presidencies). Respondents reflect the whole spectrum of UN officials, negotiators from all coalitions, and observers. Let us examine each indicator. *Cultural-personal aspects* were not ideal for the situation. De Boer was very straightforward and for some even harsh in his communication, sometimes lacking the necessary sense of diplomacy.[626] He could be "very disrespectful" but certainly not hypocritical.[627] He was perceived as a very strong personality with abundant self-confidence,[628] and contrasted with the less vocal, long-time Executive Secretary Zammit Cutajar.[629] Similarly to the Danes, his direct form of communication may be rooted in Dutch culture. One lead negotiator, for instance, compared the style of de Boer to that of Dutch COP-6 President Jan Pronk.[630] For some, de Boer even seemed to feel superior[631], taking a very directive approach of telling parties what to do.[632] A negotiator sympathetic to the UN with experience of all COPs found him "totally arrogant" pretending "to be the sole owner of the truth... He had lost the capability to listen and to see what is really going on."[633] Overall, he was perceived as more distant and less approachable than his successor Figueres.[634]

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[624] Denmark(5)-12.08.2011
[625] EU/EU-country(6)-16.03.2011
[626] EU/EU-country(1)-20.01.2010
[627] Denmark(5)-12.08.2011
[628] EU/EU-country(9)-26.05.2011
[629] Observer(2)-08.12.2010
[630] Umbrella-Group(3)-14.06.2011
[631] Mexico(3)-15.06.2011
[632] UNFCCC-Secretariat(7)-03.08.2011

Furthermore, many saw his activism sceptically, especially his attempts to steer the process and his numerous public suggestions.[635] Some delegates accused him of transgressing his role as Executive Secretary by negotiating with parties himself, becoming detrimental to the process:[636] "Yvo was trying to influence your decision."[637] De Boer was perceived as aiming to be too much in the foreground[638] and headlines[639]: "Yvo was all about the press and the media."[640] The Executive Secretary's influence waned with the start of the high-level segment.[641] For example, even though he was present in the salient small group meeting of 28 on the last Thursday night at COP-15, de Boer hardly intervened in the debate dominated by the political leaders.[642] In sum, his straightforward, directive, and activist style did not fit the situation.

Second, de Boer had long built up *process and content expertise*, for instance as special advisor to COP-6 President Pronk. He had accumulated rich process experience as UNFCCC Executive Secretary since 2006.[643] He was considered to be "one of the smartest heads" that were ever part of this process.[644] Similarly, a Danish Climate and Energy Ministry's official lauded de Boer as "the best UN guy we have ever had" who is "not just bullshitting."[645] One insider claimed that de Boer "knew everything and predicted everything that could have happened."[646] Yet, this praise of process and content expertise came alongside accusations of a bias for developed countries and European positions in particular.[647] His origin and appearance as a European might have added to this.[648] A BASIC-negotiator, befriended by de Boer, confirmed: "Some among… the G-77 felt that Yvo tended to push the EU agenda," and by the COP "everyone" believed this.[649] Many accused him of advocacy for private-sector solutions, like carbon trading.[650] Regarding the internal Danish clash he openly sided with Hedegaard's group, which some perceived as another blow to his neutrality.[651]

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[633] EU/EU-country(11)-10.12.2011
[634] Mexico(5)-07.07.2011
[635] EU/EU-country(10)-16.08.2011
[636] Umbrella-Group(4)-04.07.2011
[637] Mexico(3)-15.06.2011
[638] EU/EU-country(9)-26.05.2011
[639] EU/EU-country(7)-04.05.2011
[640] Umbrella-Group(3)-14.06.2011
[641] G-77(5)-08.12.2011
[642] UNFCCC-Secretariat(4)-17.05.2011
[643] AWG/SB-Chair(4)-14.06.2011
[644] EU/EU-country(9)-26.05.2011
[645] Denmark(5)-12.08.2011
[646] Umbrella-Group(4)-04.07.2011

Overall, his capability as Executive Secretary proves highly ambiguous. De Boer is "a very complex person. He is extremely capable but more so on content. He was very and maybe too outspoken. Everyone respected his intellect."[652] So, a very high content and long process experience was dimmed by doubts about his neutrality as facilitator and a problematic cultural-personal fit for the situation.

Having discussed the capabilities for the Presidency and the UN, a final indicator is their *alignment as organising bureaucracies*. None of the interviewees found them well aligned (Table 7). Besides negotiators, respondents include key officials from the Danish and Mexican Presidencies, and the UNFCCC-Secretariat. The internal Danish divide was reflected in their *diverging relations with the UNFCCC-Secretariat*. While Hedegaard's ministry was strategically better aligned with the UNFCCC-Secretariat, Rasmussen's office was in outright conflict with them by the end of COP-15. As the Prime Minister's team was largely in control inside the

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[647] Denmark(2)-16.06.2011, similar: EU/EU-country(6)-16.03.2011
[648] Denmark(5)-12.08.2011, similar: UNFCCC-Secretariat(4)-17.05.2011
[649] BASIC(2)-16.06.2011
[650] G-77(2)-13.06.2011
[651] Mexico(3)-15.06.2011
[652] UNFCCC-Secretariat(1)-28.04.2010

Danish administration by COP-15, one must conclude that the Presidency was no longer aligned with the treaty Secretariat during the crucial negotiation phase.

Table 7: How well aligned was the interaction between host country and UNFCCC-Secretariat during 2009?

N=23	**Denmark**
Host country[653] and UNFCCC-Secretariat well aligned.	0
Host country and UNFCCC-Secretariat less aligned.	21
Share with stronger alignment.	**0%**
Undecided.	2

Let us now scrutinize these alignments in detail. The *Climate and Energy Ministry* had a close relationship *with the UNFCCC-Secretariat*, as both sides asserted ("We had a good relationship with Connie and her team"[654], "Very good relationship with Yvo de Boer throughout the year"[655]). The Prime Minister's office confirmed this alignment noting the preference of Ministry and Secretariat for only a ceremonial role of leaders.[656] This even reached an individual level. "Connie was very linked" to the UNFCCC-Secretariat and, vice versa, de Boer "openly supported Connie, and opposed Rasmussen."[657] Becker also got along well with de Boer having long known each other from environmental diplomacy.[658]

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[653] Close to all respondents referred to the team of the Danish Prime Minister (and not of the Climate and Energy Minister) when answering this question.
[654] UNFCCC-Secretariat(5)-14.06.2011
[655] Denmark(6)-09.02.2012
[656] Denmark(4)-12.08.2011
[657] Mexico(3)-15.06.2011, similar: EU/EU-country(10)-16.08.2011
[658] Denmark(3)-11.08.2011

Nevertheless, the relationship was not without tensions. De Boer's insistence on his tight involvement in preparations caused conflicts with Hedegaard's team. Apparently, documents often reached Hedegaard with a delay due to the clearing demand from the Secretariat, so that both sides clashed before the pre-COP.[659] Possibly, de Boer had become used to recent weaker Presidencies by Poland and Kenya, which contrasted with the self-confident Danes. An 'old hand' of the negotiations even stated that neither of the two Danish groups got along with Yvo de Boer, who was "marginalized and unhappy".[660] This seems too extreme in the overall light of responses, yet echoes that there were some tensions also with the Ministry.

The relations between the *Prime Minister's office and the UNFCCC-Secretariat* was widely described as "an extremely bad relationship"[661] with de Boer's constant warnings of failure should the Prime Ministerial team proceed on its envisioned way. Disagreeing with the Secretariat, the Prime Minister's office expressed little interest in cooperation or in de Boer's advice.[662] In Copenhagen, the Executive Secretary was eventually "put aside"[663] and "everything… taken from him through the Danish Presidency."[664] Rasmussen solely focused on Ban and the heads of states and sidelined de Boer.[665] In contrast to previous Presidencies, Copenhagen was politically so important that the Secretariat had lost the ability to manage the process.[666] By COP-15, the Secretariat didn't even feel responsible any more, sensed one Dane.[667] While some working relationship was maintained until the first week, it turned into "a fight" towards the end of Copenhagen.[668] A UN official summarized that it "ranged from antagonism to no relationship whatsoever."[669] How did it get that far?

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[659] Denmark(3)-11.08.2011
[660] EU/EU-country(8)-05.05.2011
[661] Denmark(5)-12.08.2011
[662] Denmark(2)-16.06.2011, Umbrella-Group(4)-04.07.2011
[663] G-77(2)-13.06.2011
[664] G-77(5)-08.12.2011
[665] UNFCCC-Secretariat(4)-17.05.2011, similar: UNFCCC-Secretariat(5)-14.06.2011
[666] UNFCCC-Secretariat(4)-17.05.2011
[667] Denmark(7)-16.02.2012

There were *myriad bones of contention*. One was the level of Danish activism. About five months before the COP, it became very clear that the Danes wanted to put forward their own text, which the Secretariat rejected strongly.[670] Next, the Secretariat had advised against the handover to Rasmussen during COP-15, yet again in vain.[671] In turn, Rasmussen's team opposed the Secretariat's emphasis on the technical level arguing that leaders were much needed in case negotiations stalled. According to a Prime Minister's official, leaders during the high-level segment increasingly requested a document they could negotiate with. So the Danes called for the small group meeting of 28 on the last Thursday of COP-15 to provide such a text: "The UNFCCC-Secretariat was furious about it."[672] A Secretariat member underlined that the meeting was run by the Danes and was not even supported by UN staff.[673] The Secretariat blamed Prime Ministerial advisors for thinking agreement would come "out of the sky" from heads of states and not from expert or ministerial negotiations.[674] Vice versa, officials from the Prime Minister’s team found de Boer to be representative of the ineffective party-driven process.[675]

Summarizing, the Climate and Energy Ministry and the UNFCCC-Secretariat were comparatively well aligned. The Danish Prime Minister's office as lead host institution, though, and the UNFCCC-Secretariat were fully opposed during the critical phases of the negotiations. With their very directive leadership styles, both competed for influence over the right approach of process management. A Prime Ministerial official conceded a clash of administrations on all levels: "...a fight between the leaders and the UN headquarter versus the negotiators and the UNFCCC-Secretariat."[676] So, low alignment correlated with no agreement.

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[668] Mexico(5)-07.07.2011
[669] UNFCCC-Secretariat(7)-03.08.2011
[670] Denmark(7)-16.02.2012
[671] Denmark(6)-09.02.2012
[672] Denmark(4)-12.08.2011
[673] UNFCCC-Secretariat(6)-16.06.2011
[674] UNFCCC-Secretariat(5)-14.06.2011
[675] Denmark(6)-09.02.2012

To *conclude on the capability of organizers during the Danish Presidency*, the evidence indicates low capability of the Presidency as a whole given their internal divide, directive style, and excessive activity. We find a similar picture for those in charge of the decisive phase of the Danish Presidency: COP-President Rasmussen and his lead advisor Lidegaard. They were of questionable cultural-personal fit for these complex UN negotiations and of low to moderate process expertise.[677] The UN system showed serious deficits with an internal split between New York and Bonn. The evidence on UNFCCC Executive Secretary de Boer for his time during the Danish Presidency yields high content and moderate process expertise, but only low cultural-personal fit for the negotiation circumstances. Finally, the Danish Prime Minister's team and the Secretariat ended up in fierce opposition by COP-15. *In short, salient capability deficits of the organizing institutions and individuals in charge during the crucial phases, as well as their non-alignment correlated with no agreement in Copenhagen.*

Correlation of capability and outcome during the Mexican Presidency

The set up of the organizers was very different during the Mexican Presidency. On the host side, it had clear-cut institutional responsibilities and continuity of leadership personnel. The Foreign Ministry stayed in the lead with Espinosa as COP-President and de Alba as principal facilitator. On the UN side, Figueres succeeded de Boer as UNFCCC Executive Secretary, while headquarters in New York showed greater restraint. Accordingly, the interviews paint a strikingly brighter picture of the organizers' capability with a unanimously positive view of the Mexican Presidency (Table 8). Espinosa and de Alba received a similarly uncontested judgment of high capability. The data is also largely positive for Figueres. Only one interviewee saw her with low capability in her new role, which is the same, highly process-sceptical G-77 negotiator who saw Espinosa and de Alba critically. Those undecided found Figueres had only negligible influence.

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[676] Denmark(4)-12.08.2011

[677] The first COP-15 President Hedegaard and her lead advisor Becker fared better in process terms, yet with mixed evidence on cultural-personal fit. However, the Climate and Energy Ministry were no longer in control during the critical phase.

Table 8: In hindsight, what was done well or not so well by (you and these) the organizers? E.g. on process and content matters at the COP?

The respective N varies, so cf. footnotes.[678]	**Mexican Presidency**	**Espinosa**	**De Alba**	**Figueres**
Perceived high capability.	21	23	24	20
Perceived low capability.	0	1	1	1
Share of high capability.	**100%**	**96%**	**96%**	**83%**
Undecided.	0	0	0	3

How did respondents see capabilities in detail along the indicators of 1) organisational-personal and cultural fit, 2) process and 3) content expertise, and finally 4) the organizers' alignment? The capability of the *Mexican Presidency* was praised across all groups: "Some very smart people in Mexico… they used their talents very well…"[679], "excellent job"[680], "very smart individuals"[681], "very competent"[682], "a great job"[683], are only a few illustrations. What led to this positive assessment? Above all, the Presidency had a *better organisational fit* than the Danes as the Mexican administration acted much more united.[684] Learning from the Danish experience, President Calderón had soon resolved initial power struggles in the government by giving the lead to the Foreign instead of the Environment Ministry.[685] Environment Ministries had been traditionally in charge of climate Presidencies, yet Mexico considered diplomatic and negotiation skills more important than technical expertise for the success of the Presidency.[686] Officials viewed it as a geopolitical problem for which the rich multilateral experience of Mexico would be useful.[687] UN officials and negotiators alike confirmed the importance of the diplomatically skilful lead by the Mexican Foreign Ministry:[688] it was "the strongest COP-support team we have ever had."[689] Learning another lesson from Copenhagen, Calderón fully backed his officials[690] but restricted himself to an internal role, except for selected support on key outstanding issues[691]. Even these actions remained 'behind the scenes' to uphold clear responsibilities externally, and he let Espinosa and her team under de Alba facilitate during the entire Presidency.[692] Finally, good political and personal relations smoothed cooperation in the Presidency: Espinosa and Calderón were in the same political party, and key personnel had known and appreciated each other for a long time, such as Espinosa and de Alba.[693] In sum, the Mexicans were much more a team than the Danes.[694] This had been one central piece of advice from the Danes when handing over: "Get the house in order."[695]

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[678] Out of over 50 interviewees, not all have commented on each point: N(Mexican Presidency)=21, N(Espinosa)=24, N(de Alba)=25, N(Figueres)=24.

[679] BASIC(5)-15.06.2011

[680] Denmark(6)-09.02.2012

[681] G-77(3)-19.07.2011

[682] EU/EU-country(8)-05.05.2011

[683] Umbrella-Group(3)-14.06.2011

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[684] UNFCCC-Secretariat(4)-17.05.2011
[685] Denmark(2)-16.06.2011, UNFCCC-Secretariat(5)-14.06.2011
[686] Mexico(1)-02.02.2011 Mexico(3)-15.06.2011, Mexico(4)-16.06.2011
[687] Mexico(4)-16.06.2011
[688] UNFCCC-Secretariat(4)-17.05.2011, UNFCCC-Secretariat(5)-14.06.2011, UNFCCC-Secretariat(7)-03.08.2011, Umbrella-Group(1)-20.04.2011
[689] UNFCCC-Secretariat(1)-28.04.2010
[690] Mexico(3)-15.06.2011, Denmark(3)-11.08.2011, Denmark(5)-12.08.2011
[691] AWG/SB-Chair(4)-14.06.2011
[692] Denmark(2)-16.06.2011
[693] UNFCCC-Secretariat(5)-14.06.2011, EU/EU-country(11)-10.12.2011

Second, Mexico had a *higher cultural fit* for the specific situation. The country traditionally bridged developing and developed countries,[696] and especially understood both North and Latin America in cultural, economic, political, and even linguistic terms. Mexicans were better able to embrace among others the sceptical Latin American ALBA-coalition. After the experience of Copenhagen, they put extreme efforts into this relationship.[697] Espinosa switched repeatedly from English to Spanish in plenaries and addressed Latin American delegates as "mis hermanos" (my brothers). Interviewees from developed and developing countries found this attention vital.[698] The bridge-building was complemented by the breadth of the outreach of extensive travelling and myriad informal consultations (cf. inclusiveness section in Chapter 4.2).[699]

Mexican culture possibly also influenced their facilitation style in its *level of activism*. The Danes were very present, highly activist and known as pioneers and advocates of quick emission cuts. Compared to that, the Mexicans worked more behind-the-scenes, pushed content less and emphasized process instead.[700] For example, the text was not prepared by Mexico but was developed in constant interaction between working and ministerial levels. Only at the very end, the Presidency and Secretariat compiled the final version. Most parties considered this to be the right balance between activism and restraint. Initially though, numerous countries had accused Mexico of acting without explicit mandate, such as the informal consultations in Bonn in the spring when African delegations denied Mexico the mandate to hold any further informal consultations. As parties successively saw the transparent and inclusive Mexican approach, the criticism soon vanished.[701] It occasionally resurged as when Mexico began early informal consultations at the COP. Again, Mexican openness and "unthreatening" style helped negotiators to accept at least some activism:[702] "They had no own agenda, created a good atmosphere, and got everyone together in an open process."[703] The Mexicans also kept themselves back as persons: "De Alba and Espinosa were very modest and really listened to people."[704] So while the Mexicans were perceived as less activist from the outside their own strategy was not to "sit back" as host but to "have a strong facilitation… like Raúl Estrada in Kyoto".[705]

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[694] G-77(3)-19.07.2011, BASIC(2)-16.06.2011, Denmark(5)-12.08.2011
[695] Denmark(3)-11.08.2011
[696] Mexico(3)-15.06.2011
[697] Umbrella-Group(3)-14.06.2011
[698] G-77(4)-22.07.2011, Umbrella-Group(3)-14.06.2011, Umbrella-Group(2)-02.06.2011, Umbrella-Group(4)-04.07.2011
[699] Denmark(6)-09.02.2012, EU/EU-country(10)-16.08.2011
[700] EU/EU-country(10)-16.08.2011

Regarding *process expertise*, there was a better match between Mexican *strategic planning and reality*.[706] This stands in contrast to the 'under-planning' of the high-level segment by the Danish Prime Minister's team. Besides, Mexico remained flexible to adapt to new situations as original ideas were often quickly outdated by the dynamics of the process.[707] The emphasis on process over specific substance left manoeuvring room to change paths.[708] Regarding *physical negotiation conditions*, the Cancún-COP was in a spacious and quiet Caribbean resort. After 47,000 pre-registrations and 28,000 issued badges in Copenhagen, the organizers had limited participation. Thirteen thousand eventually attended, including 7,400 observers and journalists.[709] The separation of side events from negotiations and the abundance of meeting rooms further smoothed the navigation of negotiations. Pleasant weather and food reminded many delegates of COP-13 in Bali. The diplomatic expertise of the Foreign Ministry enabled such proficient strategic planning and logistics. In sum, the Mexican Presidency possessed high organizational and cultural fit as well as outstanding process expertise, while content expertise appeared to be average.

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[701] Mexico(2)-08.02.2011
[702] Mexico(3)-15.06.2011
[703] UNFCCC-Secretariat(5)-14.06.2011, also: BASIC(2)-16.06.2011
[704] EU/EU-country(11)-10.12.2011
[705] Mexico(4)-16.06.2011, Mexico(3)-15.06.2011: "There is a huge difference to be passive or to still act within the will of the parties but be more active."
[706] G-77(3)-19.07.2011, Denmark(1)-02.12.2010
[707] G-77(3)-19.07.2011
[708] UNFCCC-Secretariat(4)-17.05.2011
[709] Mexico(1)-02.02.2011

On the individual level, respondents attributed high capability to *Foreign Minister Patricia Espinosa* as COP-16 President (Table 8). Espinosa's high *cultural-personal fit* was based on multiple facets. High emotional intelligence[710] was combined with a very calm character[711]. Even in the heated plenary debate of the final night with Bolivia opposing an agreement and at the point of exhaustion, she seemed in nearly full control of herself.[712] Another element was a warm[713], modest[714], and very approachable personality[715]. Even a very critical negotiator expressed that "there was a closer personal relationship so one could talk to them,"[716] and a sceptical G-77 delegate conceived of her similarly.[717] She emphasized communicating frankly to delegates[718] and to really take time for this: Espinosa "listened and listened to the parties."[719] Nevertheless, she found a balance between open-minded listening and confident steering.[720] While she did not explicitly follow her own substantive agenda, she could be persistent and even stubborn.[721] Yet, she facilitated very politely and skilfully so it was not perceived as dominating but respecting negotiators' pride.[722] Finally, her cultural proximity to Latin America helped to relate to more marginalized countries, such as the ALBA-group. In short, her cultural-personal background was highly appropriate for these negotiations.[723]

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[710] EU/EU-country(9)-26.05.2011
[711] Denmark(2)-16.06.2011
[712] Participant observation
[713] EU/EU-country(9)-26.05.2011
[714] EU/EU-country(11)-10.12.2011
[715] UNFCCC-Secretariat(2)-04.12.2010
[716] ALBA(2)-09.12.2011
[717] G-77(5)-08.12.2011
[718] BASIC(3)-08.07.2011
[719] Umbrella-Group(4)-04.07.2011, similar: BASIC(2)-16.06.2011, EU/EU-country(11)-10.12.2011
[720] UNFCCC-Secretariat(1)-28.04.2010
[721] Umbrella-Group(4)-04.07.2011
[722] UNFCCC-Secretariat(5)-14.06.2011

Turning to *process and content expertise*, Espinosa has worked as a diplomat mostly on global issues, chairing multilateral negotiations for decades[724]: "She spent her life in this world."[725] It provided her with a rich diplomatic toolkit, understanding of the process and of situations.[726] Espinosa travelled intensively in preparation of the COP, reaching out to a broad range of countries to get as many of them on board as possible.[727] Eventually, she knew many ministers well by COP-16,[728] in contrast to Rasmussen in 2009. While her climate change knowledge was not extensive,[729] she was described as a "quick learner"[730]. So her growing expertise on substance[731] and excellent briefings by her team[732] ensured sufficient knowhow. In sum, Espinosa showed such high expertise in process and substance, combined with a personal fit to the situation that process 'veterans' dubbed her a "calm, serious, and heavyweight figure"[733], or simply a "gem"[734].

On the administrative level, the widely praised *Luis Alfonso de Alba* led Mexican facilitation (Table 8),[735] who shares many *cultural-personal* traits with Espinosa. He was also attributed tremendous empathy,[736] the balancing of a firm but polite approach,[737] and the fostering of compromises, such as between a bottom-up and top-down approach.[738] A modest attitude and an eagerness to listen to people complemented this well.[739] De Alba kept himself back, did not openly push a personal agenda, and rather handed it over to parties to tell him where to go.[740] For example, a process-critical negotiator mentioned with relief that in a meeting early in 2010, de Alba had expressed he would be fine with any COP-outcome independent of whether an agreement was reached.[741] So overall he followed a cautious strategy in a low key way.[742] He held an unusually high number of informals to gather information on parties' preferences and to test the feasibility of suggestions[743] through which he could "guide" parties a bit[744]. Several interviewees found him "fluid…, making people relax"[745] and "never in conflict" with any of the parties[746]. Some saw this smoothness as manipulation. It made people "feel nice" and thereby perceive negotiations as transparent – that "in fact were not".[747] 'Capability' here though is not judged on an ethical level but by a cultural-personal fit for an effective facilitation.

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[723] AWG/SB-Chair(4)-14.06.2011
[724] UNFCCC-Secretariat(1)-28.04.2010
[725] UNFCCC-Secretariat(2)-04.12.2010
[726] EU/EU-country(10)-16.08.2011, UNFCCC-Secretariat(5)-14.06.2011
[727] Umbrella-Group(4)-04.07.2011, Mexico(1)-02.02.2011,EU/EU-country(8)-05.05.2011
[728] Mexico(5)-07.07.2011
[729]UNFCCC-Secretariat(5)-14.06.2011
[730] UNFCCC-Secretariat(7)-03.08.2011
[731] EU/EU-country(6)-16.03.2011
[732] EU/EU-country(9)-26.05.2011
[733] EU/EU-country(8)-05.05.2011
[734] UNFCCC-Secretariat(1)-28.04.2010
[735] UNFCCC-Secretariat(4)-17.05.2011 and EU/EU-country(1)-20.01.2010 compared him to Argentine diplomat Raúl Estrada, who had been a major driver behind the Kyoto Protocol negotiations in 1997.
[736] EU/EU-country(7)-04.05.2011
[737] Denmark(3)-11.08.2011

De Alba's *process expertise was also on par with Espinosa's*. He had been a diplomat for 25 years, serving exclusively in multilateral positions so he knew UN processes inside out. Mexicans speak of him as their "best multilateral negotiator"[748]. Only the resigned Becker had comparable intimate multilateral process knowledge on the Danish side. Accordingly, fellow negotiators described de Alba's mastery of all procedural tricks: "as cunning as a fox".[749] For instance, he occasionally insisted on bilaterals without the UNFCCC-Secretariat, if this seemed more promising.[750] His wide outreach created connections to all negotiators and made him "the face of the Mexican Presidency" on the expert level.[751] De Alba's *knowledge on the negotiation substance* was similarly general like that of Espinosa, since he had not been a climate change expert before.[752] Yet, the level of expertise was sufficient to navigate the complex process, and might have even been advantageous as de Alba brought an unconstrained, fresh perspective.[753] In sum, he was highly capable with a good cultural-personal fit, tremendous process and moderate content expertise.

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[738] UNFCCC-Secretariat(2)-04.12.2010
[739] EU/EU-country(11)-10.12.2011
[740] EU/EU-country(9)-26.05.2011, EU/EU-country(11)-10.12.2011
[741] G-77(5)-08.12.2011
[742] Umbrella-Group(4)-04.07.2011
[743] UNFCCC-Secretariat(5)-14.06.2011
[744] Mexico(3)-15.06.2011
[745] Umbrella-Group(3)-14.06.2011
[746] UNFCCC-Secretariat(5)-14.06.2011, similar: EU/EU-country(11)-10.12.2011
[747] G-77(2)-13.06.2011
[748] Mexico(5)-07.07.2011
[749] EU/EU-country(10)-16.08.2011, also: EU/EU-country(9)-26.05.2011

Turning to *the UN, its capability as a whole* was higher in 2010. The organizational fit had improved remarkably as it was far less divided. With the leader level less present, the UN headquarters kept a lower profile during the Mexican Presidency and encountered no serious clashes with the UNFCCC-Secretariat. The change of leadership in Bonn may have decreased tensions. In May 2010, de Boer resigned after several years and *Christiana Figueres* from Costa Rica succeeded as Executive Secretary (Table 8). She started with abundant goodwill and support from parties.[754] Regarding indicators of her capability, respondents noted she had scarcely been tested during her short time in office.[755] Several characteristics though resemble those of the widely lauded lead Mexicans, such as her *high cultural-personal fit*. Her origin from Costa Rica gave her a better political, cultural, and linguistic understanding of developing countries and Latin America in particular, that also enhanced the relations with the ALBA-group.[756] Besides, it allowed her to better build bridges between the developed and developing world.[757] She was a Spanish native speaker, interacted in an open, personal, modest, down-to-earth, and warm-hearted way with a broad array of delegations[758]: "Christiana walks into the room and hugs you... She grabs her telephone and calls you directly."[759] She then listened carefully[760], kept herself back, and mostly managed quietly behind the scenes.[761] Being new to the position, she gave the Presidency and experienced Secretariat officials the leeway to take appropriate steps,[762] and acted more as supporting administrator.[763] She also did not openly advocate a specific substantive shape of the agreement.[764] Instead of being directive, she would provide parties with several possibilities to choose from.[765] All this stood in remarkable contrast to Figueres more directive predecessor de Boer, who had pushed very actively towards his envisioned outcome and strove for public attention.[766] Her greater restraint was widely welcomed.[767] "She was everything that Yvo wasn't".[768]

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[750] EU/EU-country(8)-05.05.2011
[751] Denmark(2)-16.06.2011
[752] Umbrella-Group(4)-04.07.2011, Denmark(2)-16.06.2011, Mexico(5)-07.07.2011
[753] Mexico(4)-16.06.2011
[754] BASIC(3)-08.07.2011
[755] EU/EU-country(7)-04.05.2011
[756] Danish Presidency (2) 16.06.2011
[757] EU/EU-country(11)-10.12.2011, BASIC(2)-16.06.2011, G-77(5)-08.12.2011, Observer(3)-16.06.2011

Second, Figueres had gained abundant *expertise on process and content* as Costa Rican delegate since 1995, holding various positions in UNFCCC negotiations, among others member of the COP-Bureau in 2008 and 2009.[769] Probably owing to her work on the Executive Board of the Clean Development Mechanism, a sceptic of carbon markets accused her of bias and of not being an "advocate for developing countries and for the integrity of the Convention"[770]. Yet, this was only scattered criticism. Instead, her positioning in the background with scarce advocacy for specific substance resulted in her overall perception as a neutral facilitator. In sum, Figueres'

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[758] Mexico(3)-15.06.2011, Mexico(5)-07.07.2011, EU/EU-country(11)-10.12.2011, G-77 (5)-08.12.2011
[759] Mexico(5)-07.07.2011
[760] EU/EU-country(9)-26.05.2011
[761] Umbrella Group (1) 20.04.2011, EU/EU-country(6)-16.03.2011, EU/EU-country(9)-26.05.2011, UNFCCC-Secretariat(5)-14.06.2011
[762] AWG/SB-Chair(4)-14.06.2011
[763] EU/EU-country(9)-26.05.2011
[764] EU/EU-country(11)-10.12.2011
[765] UNFCCC-Secretariat(7)-03.08.2011
[766] Umbrella-Group(4)-04.07.2011, Mexico(3)-15.06.2011, EU/EU-country(11)-10.12.2011
[767] Umbrella Group (1) 20.04.2011, Umbrella-Group(4)-04.07.2011, Mexico(3)-15.06.2011, EU/EU-country(11)-10.12.2011, EU/EU-country(7)-04.05.2011
[768] Umbrella-Group(3)-14.06.2011
[769] EU/EU-country(9)-26.05.2011
[770] G-77(2)-13.06.2011

Central American origin and the behind-the-scenes support meant a good cultural-personal fit for the negotiation situation. The rich process and content expertise added to her high capability.

Regarding the *principal organizers jointly*, Mexico and the Secretariat were better aligned than in the previous year as many interviewees asserted (Table 9), yet as always not entirely free of conflict[771]. The random variation of views across these respondent groups indicates a very low bias.

Table 9: How well aligned was the interaction between host country and UNFCCC-Secretariat during 2010?

N=16[772]	**Mexico**
Host country and UNFCCC-Secretariat well aligned.	7
Host country and UNFCCC-Secretariat less aligned.	3
Share with stronger alignment.	**44%**
Undecided.	6

The more nuanced analysis of responses shows that the relationship between the Mexicans and the UNFCCC-Secretariat developed over time. Early in 2010, de Alba and de Boer clashed over the best process approach, aggravated by their personalities with de Boer's forceful and self-confident attitude after years in climate negotiations and de Alba's decades-long experience in multilateralism and his scepticism towards the Secretariat.[773] De Boer was convinced of his process and content views, while the Mexicans doubted that the UN had diplomatic expertise superior to theirs. A UN official complained that the Mexicans initially saw the role of the Secretariat as simply to "provide a room, switch on the light, and serve coffee".[774] The situation improved with Figueres' takeover in May.[775] Suddenly, the cultural constellation of organizers was one of Latin American homogeneity.[776] Mexicans noted the ease of sharing one language and of her understanding for the more creative and "chaotic" Mexican working mode.[777] As a supporter of Figueres' UNFCCC application, Mexico now benefitted from these similarities[778] and from a Secretariat that gave them sufficient leeway. This managing behind the scenes avoided rivalry and added to a good relationship with Espinosa.[779] Moreover, Figueres and Espinosa got along very well personally.[780] Contrary to the Danes, the Mexicans sent a liaison diplomat to work with Figueres and her deputy Richard Kinley. It fostered the information exchange and ensured the instant detection of differences.[781] The Secretariat also appreciated dealing with only "one" Mexican government.[782] Finally, Mexico crucially proved open to using the deep knowledge of sensitivities of countries by the Secretariat for finalizing the text in Cancún.[783] They were much more willing to cooperate than the Danes.[784]

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[771] UNFCCC-Secretariat(7)-03.08.2011

[772] UNFCCC and Mexican officials with good insight into this relation primarily answered this question, hence the small N.

[773] UNFCCC-Secretariat(4)-17.05.2011, Mexico(3)-15.06.2011, Denmark(3)-11.08.2011

Nevertheless, while the relationship improved during 2010, tensions between Presidency and Secretariat kept fluctuating. After a nearly "cordial" start with Figueres, it transformed into a good "working relationship" without ever being antagonistic.[785] The Mexicans repeatedly suggested process innovations in the coordination meetings, which the Secretariat met with regular scepticism or objection.[786] Bonn conceived of itself as "steward of the process".[787] Its long institutional memory made it "fearful" of deviations from the process parties expect and are familiar with.[788] The Mexicans often insisted anyway, and the UN attitude strengthened de Alba's preference to act with Espinosa, and to exclude the Secretariat, if necessary.[789] So despite oral approval of cooperation, Mexico occasionally proceeded on its own and had "no collaborative relationship" with the Secretariat.[790] Even if all this slightly soured the atmosphere, the Secretariat overall trusted the Mexicans. They had long process experience and Figueres knew de Alba well from before.[791]

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[774] UNFCCC-Secretariat(4)-17.05.2011
[775] Mexico(4)-16.06.2011
[776] UNFCCC-Secretariat(2)-04.12.2010
[777] Mexico(5)-07.07.2011
[778] Mexico(4)-16.06.2011
[779] EU/EU-country(9)-26.05.2011
[780] Mexico(5)-07.07.2011, UNFCCC-Secretariat(1)-28.04.2010
[781] Mexico(5)-07.07.2011
[782] UNFCCC-Secretariat(5)-14.06.2011
[783] ALBA(2)-09.12.2011, UNFCCC-Secretariat(5)-14.06.2011
[784] EU/EU-country(11)-10.12.2011
[785] UNFCCC-Secretariat(7)-03.08.2011

Presidency officials illustrated this ambiguous relation with two examples. The Mexicans proposed a plenary on Sunday between the first and second week of COP-16.[792] Despite the Secretariat's objection for lack of money, translation capacity, and the fear of upseting people with a meeting on Sunday, the Mexicans proceeded anyway and all parties attended. The Presidency informed delegates about the plans for the second COP-week, thereby saving valuable time and increasing transparency and inclusiveness. Negotiators appreciated the meeting.[793] Another example was the final Friday of COP-16. UN-Mexican tension on process had risen again towards the end of the conference. Changing strategy, the Mexicans had pushed to already tackle all crucial, unresolved issues on Thursday, and not on the last COP-day. Four groups with ministers, key negotiators, and organizers addressed mitigation, MRV, and other core areas before splitting up further. According to Presidency officials, Mexicans were confronted with serious doubts about their approach by the Secretariat on early Friday morning, which had also been somewhat excluded.[794] De Alba's explanation of the strategy appeared convincing to Figueres however, so the Mexicans moved on, and later finalized the text jointly with the Secretariat.

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[786] Mexico(2)-08.02.2011, Mexico(4)-16.06.2011, Mexico(5)-07.07.2011
[787] UNFCCC-Secretariat(7)-03.08.2011
[788] Mexico(4)-16.06.2011
[789] EU/EU-country(10)-16.08.2011,EU/EU-country(8)-05.05.2011, Denmark(6)-09.02.2012
[790] UNFCCC-Secretariat(1)-28.04.2010
[791] Mexico(2)-08.02.2011
[792] Mexico(5)-07.07.2011
[793] Mexico(2)-08.02.2011

In sum, the Mexicans remained largely in control of process management[795] with modest cooperation with the Secretariat.[796] The relationship was closer on the substance of the agreement. The UN with Figueres took on a more "auxiliary" role as a supporting institution for the Presidency,[797] without openly fighting over the right approach or for public attention. This still provided for a better alignment than in 2009.

Concluding, the Mexican Presidency as a whole was highly capable. It spoke with one voice and acted with high cultural sensitivity, moderate activism, and an appropriate combination of comprehensive planning and flexibility. Their lead individuals Espinosa and de Alba had a high cultural-personal fit for the situation, outstanding process and decent content expertise. The UNFCCC-Secretariat was much more united under new Executive Secretary Figueres, who supported the Presidency with her high cultural-personal fit and good process expertise, without rivalling for the lead. Finally, the Presidency had process disagreements with the Secretariat but was still better aligned than the Danes. *In short, a strong cultural-personal and organizational fit, excellent process and average content expertise, and a decent alignment between the organizers correlated with the reaching of an agreement in 2010.* To what extent did this high capability contribute to the Cancún Agreements?

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[794] Mexico(3)-15.06.2011
[795] UNFCCC-Secretariat(5)-14.06.2011
[796] Denmark(6)-09.02.2012
[797] EU/EU-country(10)-16.08.2011

Process-tracing of capability and agreement

While a correlation between capability and agreement became evident for both Presidencies, their causal influence will now be traced in detail. Ninety per cent of interviewees fully (or at least partially) assert such an impact on reaching an agreement (Table 10). They find, for instance, that "the existence of strategic steering is highly dependent on the capacity of the Secretariat and the individual COP-Presidency to do so."[798] On the individual dimension, they highlighted that for "big agreements like the WTO, climate change... personalities are running 90%" of the negotiations.[799] This view is equally distributed between the different country groups, organizers, and observers.

Table 10: How did capability influence the reaching of an agreement?

N=39	**Total**	**Share**
Capability of organizers influenced the outcome.	30	77%
Capability of organizers influenced the outcome somewhat.	5	13%
Capability of organizers did not influence the outcome.	4	10%

A more nuanced analysis reveals the causal paths of influence from capability (cultural and personal-organisational fit, process and content expertise, and organizers' alignment) to outcome, which work through 1) institutional effectiveness, 2) process navigation, and 3) access of the organizers to people (Figure 12). The three mechanisms play out on an objective level by enabling a proposal inside the zone of agreement, but also on a subjective level by creating the emotional willingness to agree: "[I]nternational agreements need skilful facilitation. It's not just about substance but also about emotions... It's not mechanical."[800]

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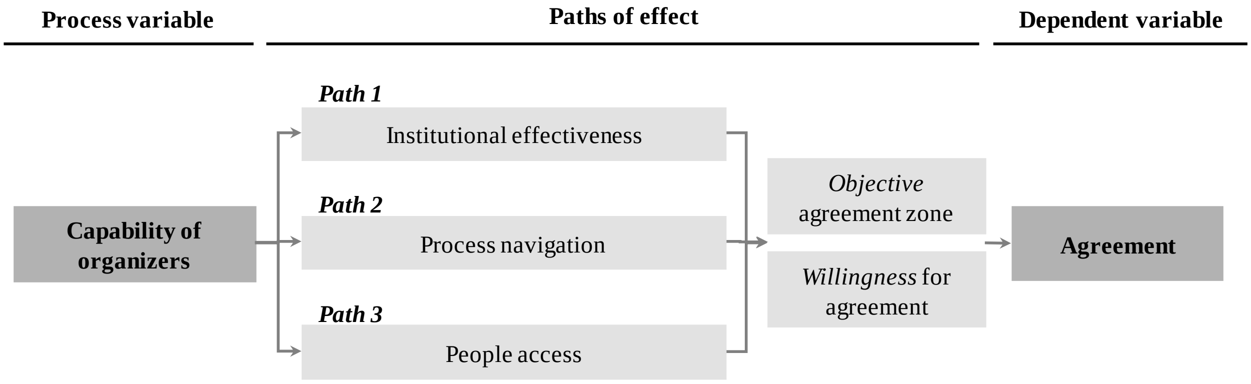
[798] Observer(2)-08.12.2010

[799] Denmark(5)-12.08.2011, similar: G-77(2)-13.06.2011, Observer(2)-08.12.2010

Figure 12: Process-tracing between organizers' capability and agreement


Process variable
Paths of effect
Dependent variable
Path 1
Institutional effectiveness
Path 2
Process navigation
Path 3
People access
Capability of organizers
Objective agreement zone
Willingness for agreement
Agreement

The capability of organizers influences their *institutional effectiveness* in several ways *(Path 1)*. The animosities within the Danish government and the UN *cost organizers valuable time* in 2009. Danish officials told of how long the resolution of their internal differences lasted, including during the endgame where every hour counted.[801] Large parts of the Danish administration were unfamiliar with the process and disregarded it, so the Climate Ministry "spent many meetings explaining them that you have to do 'xyz', but they said 'no, we don't want to'."[802] Further, the restructuring of the organization after Becker's resignation meant another loss of time.[803] The working level contacts with the Secretariat had to be newly coordinated as well: efficiency was diminished as "[t]he previously built relationship with the Hedegaard team was no longer useful."[804] The growing differences between Secretariat and the new power centre of the

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[800] UNFCCC-Secretariat(5)-14.06.2011
[801] Denmark(6)-09.02.2012, EU/EU-country(7)-04.05.2011
[802] Denmark(3)-11.08.2011
[803] EU/EU-country(9)-26.05.2011
[804] UNFCCC-Secretariat(5)-14.06.2011

Presidency required additional efforts.[805] Further friction costs resulted from the internal divide between the UN in Bonn and the Secretary-General's team in New York. All this stood in contrast to 2010, where greater internal and external alignment of the Mexican Presidency and the UN saved valuable time not needed to resolve differences. As for its impact, let us imagine the counterfactual of less delay by greater institutional alignment (and by fewer other process errors). It would have allowed delegates to sufficiently consider the last-minute compromise and not upset them further in the crucial final hours. Or, most key leaders would not have left Copenhagen when the final plenary started on Friday night. The presence of Obama and his colleagues may have created the necessary dynamics in the decisive debate to close the deal among everyone, conceded a lead Danish official [806] Having reached this agreement one day earlier may already have made the difference. Veteran negotiators assert that "there would have been possibilities to turn things around for a success".[807]

The clear distribution of responsibilities and mutual trust of institutions *empowered organizers* in their facilitation. Parties could count on the word of a Mexican official as he would speak with an uncontested mandate. In contrast, given the uncertain Danish responsibilities delegates hesitated to rely on their suggestions, which weakened the Danish ability to facilitate.[808] This also gave parties opportunity to exploit Danish (and UN-internal) differences,[809] "to play games with us [the Danes]"[810]. By supporting one Danish side or the other at sensitive points in time, delegations aggravated internal tensions. The more unanimous Mexican Presidency protected it better against outside interference. Further, the deep suspicion of the Danish Prime

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[805] Observer(2)-08.12.2010, Denmark(2)-16.06.2011
[806] Denmark(4)-12.08.2011
[807] EU/EU-country(9)-26.05.2011
[808] Denmark(5)-12.08.2011, UNFCCC-Secretariat(3)-08.12.2010, UNFCCC-Secretariat(4)-17.05.2011
[809] Denmark(2)-16.06.2011
[810] Denmark(3)-11.08.2011

Minister's team against the Secretariat inhibited the information flow between key organizers,[811] and their use of UN expertise. Instead, the UNFCCC Executive Secretary played only a minor role in 2009 and was "put aside"[812]. Key negotiators hold that some of the gravest mistakes may have been avoided had Rasmussen relied more on de Boer's advice.[813] The sidelining of the Secretariat weakened its standing among developing countries, which doubted that it could ensure a balanced compromise.[814] While Mexico also stayed at arm's length with the Secretariat over its scepticism towards any process innovation, there was still a good working relationship that allowed the flow of essential information. Espinosa's empowerment in the final plenary is a case in point. The diplomatic experience and unity of her team in cooperation with the UN provided strong backing and excellent instructions, which proved essential:[815] for the make-or-break moment to rule on consensus she was thoroughly briefed on all her options.[816] It allowed navigating those hours in a calm and determined way. Finally, Figueres empowered Espinosa towards the outside by giving her the clear lead and supporting from behind the scenes.[817] While some therefore attributed only little impact to the Executive Secretary,[818] her positive influence was exactly in this approach to her role.

Finally, the deep internal strife in 2009 *reduced the motivation of organizing officials*. The departure of Becker left large parts of the Danish organization in "shock"[819]: shortly before the summit they had worked towards for years, their central pillar with his profound process expertise and wide network was removed. Anxiety about a possible collapse was rising. The near hostility inside the administration soured working relations and spirit between the Danish teams. Besides, the new emphasis on the leader level led to a neglect of expert negotiators causing "violent and bitter fights in bureaucracies", not just in Denmark but "everywhere" between the responsible ministries and the leaders' cabinets.[820] It decreased their eagerness to work hard for an agreement. In 2010, the opposite dynamic from greater cooperation maintained the spirits of organizers (and delegates). In sum, capability affected the agreement through time availability, the empowerment of organizers and their motivation level.

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[811] Umbrella-Group(4)-04.07.2011
[812] G-77(2)-13.06.2011
[813] EU/EU-country(10)-16.08.2011
[814] UNFCCC-Secretariat(4)-17.05.2011
[815] Denmark(2)-16.06.2011,EU/EU-country(8)-05.05.2011, Umbrella-Group(3)-14.06.2011
[816] EU/EU-country(6)-16.03.2011
[817] UNFCCC-Secretariat(5)-14.06.2011
[818] ALBA(2)-09.12.2011
[819] EU/EU-country(9)-26.05.2011

Capability also impacts on whether organizers can *navigate the process* of these complex and fragile negotiations in a sophisticated way *(Path 2)*. First, process expertise and cultural-personal fit enable them to *find the most appropriate measures* for a given situation. Let us start with the Mexican and Danish lead facilitators. Knowledge of the dynamics of multilateral negotiations is the daily bread and butter of diplomats like de Alba. Some even spoke of the Mexican Presidency as a "diplomat-driven process"[821] and many saw de Alba as "absolutely essential to get a deal."[822] His high empathy allowed him a good reading of situations and the most appropriate reaction.[823] He would use all possible tricks, and sometimes even be "ruthless", some said.[824] He continuously questioned hitherto accepted approaches to find the best handling of a situation, irrespective of the conventions to date.[825] In consequence, the Presidency occasionally pulled delegates out of their comfort zone to reach positional changes, including through ‘phone calls by Calderón to get key countries on board.[826] The counterfactual for 2009 is that Becker and not

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[820] Denmark(4)-12.08.2011
[821] Denmark(2)-16.06.2011
[822] Umbrella-Group(1)-20.04.2011, similar: UNFCCC-Secretariat(2)-04.12.2010
[823] EU/EU-country(7)-04.05.2011
[824] EU/EU-country(8)-05.05.2011
[825] Mexico(5)-07.07.2011
[826] EU/EU-country(8)-05.05.2011

Lidegaard would have continued as Danish chief advisor. Given his long-standing expertise, negotiators across all regions argued that Becker would have taken more appropriate actions.[827] He had a good sense of the situation and needs on the ground.[828] In a slightly pointed way, the Danes had "[n]o one... left who understood the process."[829] When G-77 Chair Lumumba accused the Presidency of not meeting with him, officials did not sufficiently master the diplomatic stratagems to respond to this allegedly false but powerful claim. Hedegaard had been too far from the Bella Center to meet up at the time of the alleged request,[830] yet "without [Becker] we didn't have the competence to use dirty tricks, or to defend against those."[831] These instances aggravated the perception of a Danish bias against developing countries, and so reduced their willingness to agree. Some cautioned that de Alba had simply learnt the lessons from Copenhagen.[832] While this is one factor, the extensive interview evidence on the cultural-personal side and his multilateral track record attribute a distinctive role to his higher capability.

On situation-appropriate measures of the Conference Presidents, the scarce process expertise and low cultural-personal fit of Rasmussen led to grave mistakes. Before the COP, the very late lowering of the overall goal of Copenhagen, which had followed Becker's sacking, turned out to be poor expectation management. In late October, Rasmussen abandoned the long-time promise to work towards a binding agreement. Some had initially seen these high expectations as a problem,[833] yet it offended the vast majority of countries, including the powerful BASIC-group. The commitment had been part of the deal with Brazil in exchange for letting Denmark host COP-15. Some said that the BASIC-countries decided to answer this move by implacably sticking to the rules and rejecting any text by the Presidency.[834] The change from stellar to low expectations confused negotiators and the public, and undermined trust in the Presidency.[835] Moreover, delegates now lacked any sense of a common negotiation goal, and thus lost much time and energy.[836] In contrast, they were more open-minded again in Cancún due to more constant expectations during 2010 and the lack of what some even described as Danish "betrayal" of developing countries.[837]

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[827] G-77(4)-22.07.2011, EU/EU-country(10)-16.08.2011, Umbrella-Group(3)-14.06.2011, Umbrella-Group(4)-04.07.2011, more doubtful: AWG/SB-Chair(4)-14.06.2011, G-77(5)-08.12.2011

[828] Umbrella-Group(3)-14.06.2011

[829] EU/EU-country(8)-05.05.2011

[830] Denmark(6)-09.02.2012

[831] Denmark(3)-11.08.2011

[832] BASIC(3)-08.07.2011

[833] G-77(5)-08.12.2011

During the 2009 summit, the Conference President's low capability contributed to his fatal mishandling of the last night. [838] Rasmussen lacked the will and knowledge to adhere to the most basic rules, and his recurring mistakes had undermined the willingness of delegates to finally agree to a compromise.[839] After all, the rules protected the interests of weaker countries. His call for a vote on the final text in the closing plenary (against the fundamental consensus provision) highly "irritated" parties.[840] Or, as only a few delegations opposed the Accord, Rasmussen pondered aloud whether they may simply be ignored. "Then you can forget it. That's it," commented a delegate.[841] Delegates now started panicking in fear of failure, which further spoilt the atmosphere.[842] The way of running a plenary "full of sharks"[843] was rightfully considered "a disaster"[844]. Rumours had it that Rasmussen eventually had a nervous break-down[845] and needed to quit the plenary.[846] All this significantly decreased chances for an agreement and turned the willingness negative until no consensus was reached.[847] Even worse, Rasmussen lacked advisors with sufficient multilateral experience to compensate for this deficit of his predominantly domestic expertise: "In the end, he also was not well advised"[848], and "with better advice it would have been different"[849]. A Danish official conceded that he was simply very badly prepared.[850]

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[834] Denmark(5)-12.08.2011
[835] Denmark(3)-11.08.2011
[836] UNFCCC-Secretariat(4)-17.05.2011
[837] Denmark(5)-12.08.2011
[838] Mexico(3)-15.06.2011
[839] Denmark(3)-11.08.2011
[840] EU/EU-country(4)-27.01.2011
[841] Umbrella Group (4) 04.07.2011
[842] UNFCCC-Secretariat(1)-28.04.2010
[843] UNFCCC-Secretariat(2)-04.12.2010
[844] UNFCCC-Secretariat(1)-28.04.2010
[845] EU/EU-country(7)-04.05.2011
[846] UNFCCC-Secretariat(7)-03.08.2011

In contrast, Espinosa's diplomatic expertise was a "large reason for their success"[851]. Her cultural-personal fit and her long experience as ambassador let her master the process, easing moments of suspense with the right tonality throughout the COP.[852] One illustration was Cancún's last day. The storming applause for her by the overwhelming majority made delegates feel that they did "not want to ruin the party"[853]. To the extent that the applause was partially stage-managed, it was an effective trick to use such group dynamics making it hard to object: "The management of the meeting was the reason why we got an agreement in Cancún."[854] Her effective balancing of restraint and leadership culminated in the decision to state consensus despite Bolivia's objection in the final plenary, which led to the Cancún Agreements.[855] It was a fine line between a violation of UN rules and a legitimate interpretation of consensus. Such a move is of "highest diplomatic art"[856], and comparable to Raúl Estrada's consensus decision in the Kyoto plenary[857]. Her diplomatic way of phrasing decisions and the correct wording of messages were of additional help,[858] and so she received only marginal, although very fierce, criticism. One delegate complained that Copenhagen's final plenary had at least respected the rules of procedure, while Cancún was the first UNFCCC decision against an explicit objection.[859] This is not the place to assess the legality of the ruling though but its acceptance by parties. Delegates widely welcomed her decision, as Espinosa explicitly attempted to adhere to UN rules following the accepted notion that consensus does not require unanimity, and as she chaired in a firm but very tactful way. This was contrary to Rasmussen who had proposed a vote clearly against UN rules, earning a storm of criticism.

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[847] Umbrella-Group(1)-20.04.2011
[848] EU/EU-country(8)-05.05.2011
[849] Umbrella-Group(3)-14.06.2011
[850] Denmark(3)-11.08.2011
[851] Denmark(3)-11.08.2011
[852] BASIC(2)-16.06.2011, EU/EU-country(9)-26.05.2011
[853] BASIC(2)-16.06.2011
[854] BASIC(2)-16.06.2011, similar: Umbrella-Group(4)-04.07.2011
[855] Mexico(5)-07.07.2011
[856] EU/EU-country(6)-16.03.2011
[857] Observer(2)-08.12.2010
[858] BASIC(3)-08.07.2011

Closing the circle back to the Rasmussen analysis, we can imagine the counterfactual of a Chair like Espinosa presiding during Copenhagen's last night. The accumulated evidence suggests that she may have been able to "grab… the whole room"[860]. A continuation of Hedegaard as COP-President, for instance, may already have been sufficient.[861] These hypothetical chairs may have chosen more appropriate measures for this delicate situation, as Espinosa did when stating consensus despite Bolivia's objection while not offending everyone else. Rare voices question whether Espinosa or Hedegaard would have made a difference given the different dynamics of Copenhagen and Cancún.[862] Yet, the overwhelming record of grave mistakes by Rasmussen suggests such impact by a more capable COP-President.

Last but not least, the capability of organizers influences the creation of supportive physical negotiation conditions, which are a critical element of situation-appropriate process design. The differences between Copenhagen and Cancún weighed heavily on the constructive spirit of delegates, who are exhausted after weeks of intense preparation and summit negotiations: "These are people. They often haven't slept, their eyes are burning, and they have had horrible food over several days."[863] It had been an explicit emphasis of the Mexicans to satisfy everyone with their overall excellent logistics.[864] A seasoned and unsentimental negotiator underlined that "this matters".[865] While organizational proficiency doesn't guarantee an agreement it can substantially add to stalemate.[866] In sum, the variance in capability affected the appropriate response by organizers in very complex situations, and thereby the reaching of an agreement zone and the willingness of parties to agree.

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[859] ALBA(1)-17.06.2011

[860] Denmark(2)-16.06.2011, similar for many others: UNFCCC-Secretariat(2)-04.12.2010

[861] AWG/SB-Chair(4)-14.06.2011

[862] UNFCCC-Secretariat(4)-17.05.2011

Second, the *match of original strategy with negotiation reality and the flexibility to respond to deviations* influence the ability to navigate the process. One example of mismatch was how the Danes were overwhelmed by the united and forceful stance of the ALBA-countries.[867] This surprise may have been avoided through a more intimate knowledge of negotiating factions. Worse though, the Prime Minister's office then lacked multilateral experience to master the situation on an ad hoc basis. Moreover, Presidency and Secretariat had created massive pressure on delegates with their originally stellar expectations for a binding, comprehensive agreement with far-reaching economic ramifications. Yet it turned out, that this view did not properly reflect the position of several key countries at the time, making the original Danish strategy redundant. The lowering of pressure then came several months too late.[868] In contrast, the moderate ambition in Cancún with the mantra that 'the perfect is the enemy of the good' better matched the preferences of most delegates and allowed for a smoother process. In addition, organizers in 2009 originally restrained their flexibility to adapt to evolving negotiation circumstances by their narrow definition of success as a comprehensive agreement.[869] So the mismatch of strategy and reality, and low flexibility rendered the Presidency's facilitation much more difficult. This was in contrast to the Mexicans whose strategy better matched countries' preferences and remained flexible on process and outcome.

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[863] EU/EU-country(9)-26.05.2011
[864] Mexico(5)-07.07.2011
[865] Umbrella-Group(1)-20.04.2011, similar: Observer(2)-08.12.2010
[866] UNFCCC-Secretariat(1)-28.04.2010
[867] EU/EU-country(11)-10.12.2011
[868] EU/EU-country(9)-26.05.2011, EU/EU-country(10)-16.08.2011
[869] UNFCCC-Secretariat(4)-17.05.2011

Finally, varying facilitation styles affected *how neutral organizers were perceived to be by delegates*. The high Danish level of activism and the pushing of a particular outcome proved detrimental.[870] The early preparation of a 'Danish text' for example made parties believe in a strong US bias, which severely diminished their trust.[871] This was aggravated in the final meeting of the 28 negotiators on Thursday night, where Rasmussen allowed a nearly exclusive exchange between China and the US, ignoring anyone else.[872] Their strategy to focus on a select group of the highest leaders though failed, underlined even a former senior BASIC-negotiator: "An agreement by world leaders is not enough. Legally it has to be a UN agreement."[873] At the same time, de Boer tried to actively steer the process in a dominant manner many delegations disliked.[874] It aggravated his collision with the Prime Minister's team and undermined parties' confidence in his neutrality. It came in addition to parties' already existing perception of his European bias.[875]

Organizers in 2010 avoided offending parties and cautiously balanced passiveness and activeness.[876] Delegations had reacted extremely sensitively to any infringement of their role as 'drivers of the process' before. Organizers were not meant to negotiate with but to neutrally facilitate between parties.[877] Some delegations still criticized the more restrained approach during the Mexican Presidency, which had inter alia organized several issue-specific consultations.

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[870] UNFCCC-Secretariat(4)-17.05.2011
[871] EU/EU-country(1)-20.01.2010, similar: UNFCCC-Secretariat(1)-28.04.2010
[872] Umbrella-Group(4)-04.07.2011
[873] UNFCCC-Secretariat(6)-16.06.2011
[874] EU/EU-country(10)-16.08.2011
[875] Denmark(2)-16.06.2011
[876] Mexico(3)-15.06.2011
[877] BASIC(1)-04.12.2010

Bolivia, for instance, protested against facilitation by the organizers in an email to parties on November 30.[878] They contested the release of a mere option paper by the LCA-Chair on COP-16's first day, which had left the original negotiation text untouched. The critique was not widely shared but reflected the issue's general sensitivity. Others in turn worried that pure party-driven negotiations risked that the multiple text parts would eventually not be compatible in their degree of detail. Overall, parties appreciated the middle way of organizers between these varying expectations of activism in 2010 and largely perceived them as neutral. This trust could eventually even trump content.[879] In Cancún, the African Group had reservations about the outcome but accepted it out of respect for the hard diplomatic efforts by the Mexicans.[880] Interviewees repeatedly stated that "at the end of the day it is people that represent countries. So the trust between these people is a key."[881] I discuss the effect of authority of the COP-President more specifically in the following chapter.

In sum, capability affected the ability to navigate the process through situation-appropriate measures, the reality-match of strategy and flexible adaptation, and the perception of neutrality. The three mechanisms added to a better facilitation for a text inside the objective agreement zone and increased parties' willingness to agree on a subjective level.

Finally, a high cultural-personal fit *widens the access of organizers to delegates (Path 3)*. It opens up negotiators for conversation and thus to *sharing of information with organizers*, which is essential for facilitation. The opposite occurred in 2009. Many were alienated by the Presidency's actions perceiving them as disrespectful, instead of a cultural-personal misfit: "Eventually, there was a lot of ill feeling towards the Danes by lots of countries."[882] One behavioural norm of multilateral negotiations prescribes a middle way between pushiness and restraint for interaction. It not only impacts on the Presidency's neutrality, but also on how delegates feel respected as individuals. The Danes and de Boer were often seen as too pushy, while the Mexicans and Figueres showed more restraint. Lidegaard's fast-paced and tough way was occasionally even described as arrogant.[883] This feeling of disrespect prevented the Danes from accessing people to the extent the Mexicans did in 2010. De Alba's low-key style created trust among people.[884] His charisma and charm[885] made delegates feel respected. Even very process-sceptical negotiators conceded that this laid-back and open-hearted approach widened his access including to more closed-up delegations, and often built personal relationships.[886] Similarly, Espinosa's style respected the pride of negotiators.[887] Together with her calm and open character, she unlocked delegations getting wide access:[888] "People related better to Espinosa,"[889] in striking contrast to Rasmussen. Keeping back and attentively listening to delegates also gave Figueres wide access.[890] A process-critical delegate noted that "even if you don't get anything, you feel good about it at least."[891] In contrast, de Boer's pushiness and media focus lowered parties' readiness to reveal their preferences to him.[892] "It may well be" that his personal style contributed to COP-15's outcome.[893]

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[878] Denmark(1)-02.12.2010
[879] EU/EU-country(5)-17.02.2011
[880] AWG/SB-Chair(4)-14.06.2011
[881] G-77(3)-19.07.2011

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[882] EU/EU-country(8)-05.05.2011
[883] Denmark(3)-11.08.2011
[884] EU/EU-country(9)-26.05.2011
[885] Observer(1)-06.12.2010
[886] ALBA(2)-09.12.2011
[887] UNFCCC-Secretariat(5)-14.06.2011
[888] EU/EU-country(9)-26.05.2011
[889] G-77(4)-22.07.2011
[890] EU/EU-country(9)-26.05.2011
[891] G-77(5)-08.12.2011
[892] EU/EU-country(7)-04.05.2011
[893] BASIC(2)-16.06.2011

Second, wide access to delegations allows lead organizers *to build bridges and bring people together* that may otherwise not constructively exchange their views to find a compromise.[894] In 2009, the Danes and the Dutch de Boer had been seen as representing Europe and the developed world.[895] Their restricted access made it very difficult to organize informal consultations with all groups to discuss key procedural matters, for instance. Regularly, the G-77 and BASIC-countries would not participate prohibiting any meaningful progress.[896] Instead, the cultural proximity granted the 2010 organizers better access to their Latin American neighbours, and disabled those that had used the organisers' origin as an excuse to obstruct negotiations.[897] The Presidency built bridges to include a broad range of views, especially of the ALBA-countries that had actively fought the agreement one year earlier. De Alba leveraged his access and multilateral experience to convene hitherto unseen combinations of parties, creating fresh dynamics.[898] In sum, the cultural-personal fit influenced the access organizers had to delegates through greater conveyed respect. This access eased the vital sharing of information and bridge-building between parties.

Conclusion

Climate negotiations during 2009 and 2010 suggest that the capability of organizers of the Danish and Mexican Presidencies and of their UNFCCC-Secretariat counterparts affected negotiations. To be sure, the capability of an institution alone does not determine the decision of a delegation,[899] and some deem political conditions, such as power and interests, to be much more important.[900] Yet, abundant evidence has shown that the higher institutional capability of both the Presidency and Secretariat in 2010 led to more effective institutional processes saving the organizers critical time and energy. This supports and complements recent scholarship on the autonomous role of institutions on an international level. As for individual organizers, there is, of course, no certainty that Espinosa, de Alba, and Figueres would have facilitated a comprehensive deal in Copenhagen.[901] Yet, their better cultural-personal fit and greater process expertise than Rasmussen, Lidegaard, and de Boer suggest a higher probability under their leadership. They could better navigate the process and benefit from wider access to delegates. This finding echoes the widely held salience of individuals such as Raúl Estrada for reaching the Kyoto Protocol and of Mustafa Tolba for enabling the Montreal Protocol. Capability thus seems to be a second, critical lever for organizers.

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[894] EU/EU-country(6)-16.03.2011
[895] Observer(1)-06.12.2010
[896] Mexico(3)-15.06.2011
[897] UNFCCC-Secretariat(4)-17.05.2011
[898] Mexico(5)-07.07.2011
[899] Umbrella-Group(4)-04.07.2011

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[900] EU/EU-country(7)-04.05.2011

[901] UNFCCC-Secretariat(4)-17.05.2011

4.4. Authority of the Danish and Mexican Conference Presidents

This chapter zooms in further by focussing on the lead organizer only, and so the COP-President in the case of climate negotiations. I thereby consider to which extent individuals alone can make at least a short- to mid-term difference in international politics. I build on the analysis of the capability of the lead organizer in the preceding chapter, and address what authority delegates granted COP-Presidents Rasmussen (and Hedegaard) in Copenhagen and Espinosa in Cancún. This is naturally affected by the capability they showed in their roles as negotiation chairs. Again, this correlation analysis between authority and agreement precedes the process tracing of whether and how varying degrees of authority obstructed agreement at COP-15, and enabled it at COP-16.

Correlation of the authority of the Danish COP-Presidents and agreement

Climate negotiations under the Danish Presidency did not reach consensus in Copenhagen. Did we also have an absence of authority of COP-President Hedegaard and later Rasmussen? Authority was defined as overall trust by the large majority of key negotiators in his or her role. Thirty per cent of respondents trusted the *first COP-President, Hedegaard*, in her role, while senior negotiators from various regional backgrounds and leading UN officials saw a lack of authority (Table 11). However, only 10 respondents answered the authority question on Hedegaard, so it can only serve as a rough indication.

Table 11: Did you have full trust in their authority for their negotiation role as Conference President?

N=22[902]	**Hedegaard**	**Rasmussen**
Conference President with authority.	3	0
Conference President without authority.	7	22
Share with authority.	**30%**	**0%**
No answer on one of them.	12	0

The following analysis of interview evidence along the indicator of the trust continuum outlined above (Figure 8) offers more insight than the scant numerical overview. When Denmark started reaching out widely to countries early in 2009, Hedegaard began extensive travelling. She collected the myriad perspectives of countries, built trust, and was gaining authority among parties: "[She] established relationships with everyone."[903] Yet, dynamics changed in the weeks before COP-15. The loss of her lead facilitator, Becker, was a blow to her authority: "Connie did have trust. But she did the mistake to fire Thomas Becker. She then tried to save her image…" noted one negotiator close to her.[904] Irrespective of the exact circumstances of his exit, the departure of the principal thinker behind Copenhagen and alleged guarantor of a fair deal between developed and developing countries so shortly before the COP highly irritated parties.

At the COP, the leakage of the 'Danish text' undercut Hedegaard's authority further. A former COP-Presidency member described that you "never come with your own ideas as a Chair… The Danish violated this rule. Yet then, you lose as a Chair and you never recover."[905] Becker's resignation and the leaked text undermined the trust in Hedegaard's neutrality. Would she act in the interest of all countries, many developing countries wondered?[906] Finally, her only temporary position as COP-President did not allow her to restore her authority among most delegates: "Connie achieved this authority as far as she could, but she was a President on call back."[907] So overall, Hedegaard enjoyed a moderate degree of trust, but certainly not high levels by the majority of key negotiators.

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[902] 22 interviewees covered the question on at least one of the Danish COP-Presidents.

[903] Mexico(5)-07.07.2011

[904] Umbrella-Group(4)-04.07.2011

[905] EU/EU-country(5)-17.02.2011

More importantly though, what does the data show on *then-Danish Prime Minister Rasmussen*? He was Conference President during the high-level segment of the final days and the closing plenary, when authority could have exerted crucial influence on reaching agreement. The interviews yield a clear picture. "Rasmussen didn't have any [trust of the parties]," commented a top UN official.[908] This was the unanimous view by all interviewees, including Denmark-friendly negotiators and Danish officials (Table 11).

The early notion that Rasmussen was overly close to the US ("an executor for the US"[909]) cost tremendous trust. Apparently, US officials had even written briefing papers for the Danish Prime Minister in spring 2009.[910] Suspicion further grew among developing countries due to the Prime Minister's negative view of the Secretariat.[911] Would Denmark as a European country circumvent the more neutral Secretariat to push through a "Western" agenda? Parties gradually did no longer believe in an honest, open-ended brokerage but the "selling [of] a product, the Copenhagen Accord", or worse: "[S]wallow what I got".[912] The earlier noted frequent neglect of process further undermined his authority. While Rasmussen perceived UN rules as "ridiculous",

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[906] UNFCCC-Secretariat(1)-28.04.2010
[907] EU/EU-country(9)-26.05.2011
[908] UNFCCC-Secretariat(7)-03.08.2011
[909] G-77(4)-22.07.2011
[910] Umbrella-Group(2)-02.06.2011
[911] UNFCCC-Secretariat(4)-17.05.2011
[912] Mexico(3)-15.06.2011

Espinosa "knew the game and the procedures straight away."[913] Many negotiators conceived of him as "a bully who tried to push issues, violating basic UN principles."[914]

Delegates pitifully watched Rasmussen's obvious inability to fulfil a core task as head of government: to unite his own administration behind one goal. Parties often wondered "[f]or whom within the Danish Presidency [an official] would they speak?"[915] This did not foster trust, and throughout the year, "things went from bad to worse"[916]. The exit of Becker and later Hedegaard as COP-President cost additional credibility.[917] Once the COP-President's change was communicated at the beginning of Copenhagen, Rasmussen "had a bad name from day one".[918] Parties had built relations with Hedegaard for over a year, yet "no one knew Rasmussen. He had left all to his underlings. He was disconnected."[919] So in the second week of COP-15, when facilitation for agreement would have been direly needed, the actual change of COP-Presidents dealt another mighty blow to Rasmussen's authority.[920] Authority reached a low point in the final plenary. Parties reacted harshly to his dismal presiding performance, so even a balanced official described that Rasmussen was eventually "mishandled" there: "There was an unnecessary roughness between the delegates and the Prime Minister. It was harsh and violent towards him. He even had to leave the Plenary."[921]

Overall, lack of authority of the lead organizer correlated with not reaching agreement during the Danish Presidency. In the case of Hedegaard, at least a good part of negotiators trusted her in her role. During the most crucial days of the high-level segment however, Danish Prime

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[913] Denmark(2)-16.06.2011
[914] G-77(4)-22.07.2011
[915] EU/EU-country(8)-05.05.2011
[916] UNFCCC-Secretariat(1)-28.04.2010
[917] Mexico(5)-07.07.2011, EU/EU-country(8)-05.05.2011
[918] UNFCCC-Secretariat(5)-14.06.2011
[919] Umbrella-Group(3)-14.06.2011
[920] BASIC(3)-08.07.2011
[921] Mexico(4)-16.06.2011

Minister Rasmussen enjoyed hardly any authority as new COP-President. Let us now compare this finding to the Mexican Presidency.

Correlation of authority of the Mexican COP-President and agreement

Did Foreign Minister Patricia Espinosa, who continuously led the Mexican Presidency, enjoy more authority as Conference President? Interviews yield a clear-cut answer: all but one interviewee respected her authority as COP-President (Table 12). Most respondents instantly replied with an "absolutely yes"[922], including delegates from all coalitions and Danish officials.

Table 12: Did you have full trust in her authority for her negotiation role as Conference President?

N=22	**Espinosa**
Conference President with authority.	21
Conference President without authority.	1
Share with authority.	**95%**

How can we explain her authority, and how did capability and fair process add to this? The Presidency started authority-building early on. "Patricia had long been involved in the process. You have to build this authority as it's not there by itself. The success of Cancún started in January 2010."[923] It was an enormous challenge after the shattered trust of Copenhagen, and it took several months to bring it back to high levels. In April 2010, for instance, "the process was still in trouble" when several delegations complained about overly active Mexican facilitation, and only subsequently built up trust.[924] Espinosa's long multilateral experience served her well for this, and Mexico "invested heavily into transparency and trust during the whole year"[925] (cf. transparency and inclusiveness in Chapter 4.2). Espinosa visited many countries herself, and personally held consultations. She thereby developed personal relations with myriad negotiators.[926]

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[922] EU/EU-country(9)-26.05.2011
[923] Mexico(4)-16.06.2011

By COP-16, Espinosa was "well known to everyone", in contrast to Rasmussen one year before.[927] She had built up "good political capital" and knew "all key negotiators by name, and parties' positions."[928] Her widely praised mastering of multilateral procedures became most evident during the heated days of a summit (cf. capability in Chapter 4.3), when it further raised her image.[929] Perceived by many as "referee" without pushing one particular outcome, her neutrality enhanced credibility,[930] to which a constant open-door policy contributed.[931] On the last Friday of COP-16, Espinosa's popularity reached its highest levels. She received standing ovations when giving the text to parties after one day of hectic finalizing. Delegates were already clapping even before seeing the text and its two-hour review though.[932] In the closing plenary, she was seen by many as "a very strong chair ".[933] The acceptance of the overruling of Bolivia by delegations and the storm of applause after the consensus decision indicated her "moral authority"[934]. Most countries supported Espinosa widely, including several ALBA-countries.[935] In short, "[n]o single COP-President has ever seen so many standing ovations that reflected that we show our full respect for what has happened so far."[936]

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[924] UNFCCC-Secretariat(1)-28.04.2010
[925] BASIC(3)-08.07.2011
[926] G-77(3)-19.07.2011
[927] Umbrella-Group(3)-14.06.2011
[928] Mexico(5)-07.07.2011
[929] Denmark(2)-16.06.2011
[930] UNFCCC-Secretariat(4)-17.05.2011
[931] Umbrella-Group(2)-02.06.2011
[932] Mexico(5)-07.07.2011
[933] Umbrella-Group(2)-02.06.2011
[934] UNFCCC-Secretariat(5)-14.06.2011
[935] EU/EU-country(6)-16.03.2011

A few negotiators still saw her sceptically until the end. One doubtful voice affirmed that she was "open towards Espinosa until the end. Yet, she would tell us one thing, but then she would do something else."[937] For example, Espinosa did not invite all developing countries to her meetings with the Cartagena Group, which undermined this negotiator's confidence in her neutrality given the diverging positions within the G-77. Yet, it is uncontested as standard for a lead organizer to have confident bilaterals with all different groups. Regarding the standing ovations at the end of COP-16, the negotiator denied that they did express support for Espinosa. "[T]he applause…came from behind, from civil society organizations. The Mexicans told these organizations to put pressure on Asian governments" to approve the proposal.[938] Yet, civil society organizations were a minority in the back, and it is hardly conceivable that delegates gave standing ovations because of them. One negotiator acknowledged that Espinosa enjoyed more trust than the Danes, while this allegedly decreased with less transparency towards the end.[939] Nevertheless, interviews yield a clear picture of broad acceptance by the majority of key negotiators, across negotiation groups and cultures. A high level of authority of Mexican lead organizer Espinosa as COP-President correlated with the reaching of an agreement during the Mexican Presidency.

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[936] EU/EU-country(9)-26.05.2011
[937] G-77(2)-13.06.2011
[938] G-77(2)-13.06.2011
[939] ALBA(2)-09.12.2011

Process-tracing of authority and agreement

So, did the varying levels of authority of Rasmussen and Espinosa affect consensus, and if so, how? The *first cut analysis* shows a clear tendency with 2/3 of responses attributing influence of trust-based authority on outcome (Table 13): "The lack of trust eventually killed Copenhagen."[940] Individuals have long affected multilateral negotiations: "Any major achievement in the UN always depended on a few people or a few countries."[941] Counterfactually, respondents claim that had the Danes presided over Cancún's final plenary, "they would not have achieved the same outcome" due to their lack of authority.[942] Another quarter of interviewees granted some effect to authority (consensus was "partly Espinosa's authority, and partly due to the goodwill of others"[943]), or underlined the equal importance of structural factors, such as interests ("had an influence, but was not decisive"[944]). Only 12% doubted that authority had any effect on outcome: "Governments don't work this way. Governments want to work with you such that they can achieve their position and interests. They want to see whether that is possible and don't care about authority."[945] The impact of these structural factors will be considered later on. Results were equally distributed among respondents by negotiation coalition and by different organizing entities.

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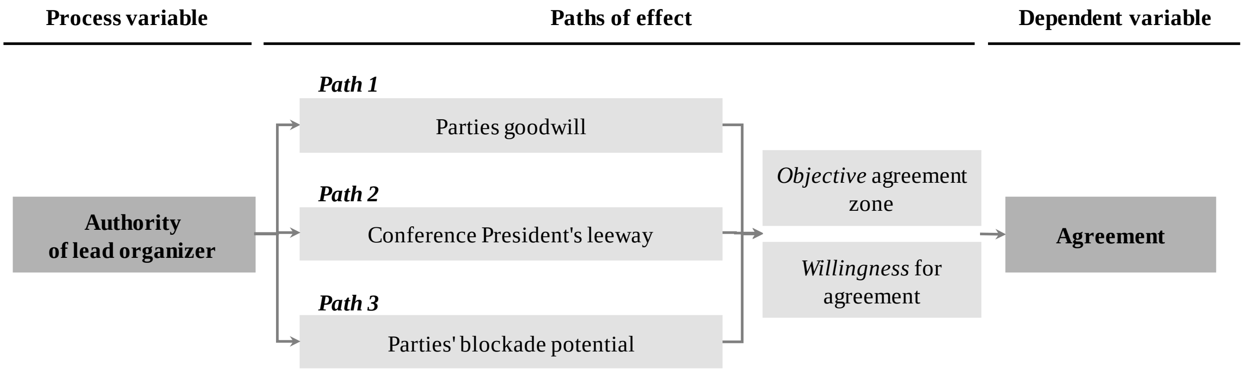
[940] Observer(1)-06.12.2010
[941] Mexico(3)-15.06.2011
[942] EU/EU-country(7)-04.05.2011
[943] Umbrella-Group(1)-20.04.2011
[944] EU/EU-country(10)-16.08.2011, similar: EU/EU-country(6)-16.03.2011
[945] Umbrella-Group(1)-20.04.2011

Table 13: Did that influence your rejection or acceptance of the proposal, e.g. in the final nights when accepting the overruling of Bolivia at COP-16?

N=25[946]	**Total**	**Share**
Authority influenced the outcome.	16	64%
Authority influenced the outcome somewhat.	6	24%
Authority did not influence the outcome.	3	12%

Closer analysis uncovers *three paths,* which connect authority and agreement: 1) parties' goodwill, 2) the Conference President's leeway, and 3) parties' blockade potential (Figure 13). They work through on an objective and subjective level. For instance, greater goodwill based on trust may move hitherto 'red lines' and thereby enable agreement. Let us now examine the causal chain between authority and agreement in more detail.

Figure 13: Process-tracing between authority of lead organizer and agreement


Process variable
Paths of effect
Dependent variable
Path 1
Parties goodwill
Path 2
Conference President's leeway
Path 3
Parties' blockade potential
Authority of lead organizer
Objective agreement zone
Willingness for agreement
Agreement

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[946] 25 interviewees covered the question on authority's influence.

Authority produces *goodwill among parties* towards an agreement, which increases the chances of compromise *(Path 1)*. Ultimately, it is delegates who take the decision: "There is no such thing as countries. There is 'people'."[947] Their behaviour can be traced along several steps during a negotiation. Goodwill affects the *scrutiny of the proposal*. In negotiation terms, parties controlled their target and reservation points more or less strictly. Delegations may have rejected the proposal in Copenhagen even though it was within their range of acceptable outcomes. Rasmussen's lack of authority and the exclusive small group negotiations destroyed the willingness to agree: "[H]ad we not been in the [small group] negotiation room [of the last Friday] in Copenhagen, we had been put off by Mr Rasmussen as well and would have rejected the deal."[948] Yet, the exclusion of countries from small group negotiations does not mean that the proposal was automatically outside their desired range of outcomes: they signed on to a very similar proposal only one year later. The rejection was based on being "put off by Mr Rasmussen", a clear lack of authority and goodwill for an agreement. Vice versa, negotiators may also have accepted proposals grounded in trust and despite uncertainty about its consequences: "You have personal relationships. If a person you trust proposes something, how do you take it? Or, if there is no trust, how do you take it then? This personal side is just natural."[949] This shows how trust-based authority of a COP-President altered the openness towards a proposal in the turbulence of the last COP-hours. If parties feel they can trust a Conference President, they are confident that their interests are at least seriously considered, and not overlooked: "Patricia [Espinosa] was trusted to recognize all interests."[950]

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[947] Umbrella-Group(3)-14.06.2011
[948] BASIC(2)-16.06.2011
[949] G-77(2)-13.06.2011
[950] Mexico(3)-15.06.2011

Parties did not only show varying scrutiny of proposals. At COP-16, trust even led to the *lowering of reservation points* to enable agreement, i.e. to consciously giving in on issues against their interests. Authority can hence sideline some of the country's rejections on substance: "Patricia was wonderful. Even though we didn't like some parts we said 'yes' due to the trust and authority she had enjoyed amongst us."[951] This dynamic seemed also partially true for those countries that switched from 'no' to 'yes' between COP-15 and 16. "Colombia is a great example for this. They became admirers of Espinosa."[952] She radiated an "environment of competence"[953] in which countries cooperated more constructively. The right personality might change positions as "80% of governments don't even have a final position on issues. Even the 20% might change this in the light of pressure and due to the process."[954]

Next, authority affects how delegates treat *procedural mistakes* or *contested decisions* by the lead organizer. This much depends on the President's attitude towards negotiation rules. Rasmussen had demonstrated his low appreciation for them in words and deeds, and so he received no indulgence by exhausted delegates: "At COP-15, no one helped Rasmussen. He tore down every bridge that one built. At some point, you just don't want any more."[955] It peaked in his grave violation of rules calling for a vote on the agreement on the last night. Such mistakes are fatal in a central position, assured a former COP-President: "As soon as [the COP-President] makes some mistakes, he is out."[956] With a different prior behaviour and greater authority, parties might have allowed Rasmussen to take bolder decisions in the final hours of COP-15 and establish consensus given only a handful of moderately powerful countries opposed the deal, such as Bolivia, Cuba, Nicaragua, or Venezuela. But the atmosphere had long turned against him.

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[951] BASIC(2)-16.06.2011
[952] BASIC(2)-16.06.2011
[953] UNFCCC-Secretariat(1)-28.04.2010
[954] Mexico(3)-15.06.2011
[955] EU/EU-country(9)-26.05.2011
[956] EU/EU-country(5)-17.02.2011

In contrast, Espinosa's chairing adhered carefully to the essential rules and her rare deviations were mostly forgiven. The Sunday meeting between the first and second week of COP-16 illustrates this well. Espinosa ruled on a concern raised by one party, which was a procedural fault as it was not an official meeting. She corrected her mistake immediately receiving no complaints: "People were willing to work with her... and no one said anything."[957] Or, when organizers drafted the final text on the last Friday, the relative lack of transparency and inclusiveness was received mildly due to the accumulated goodwill. "Everyone was completely left in the dark on the last Friday afternoon of COP-16. But they trusted the Mexicans."[958] The effect of this goodwill culminated in the make-or-break moment of Cancún's closing plenary: "[It] influenced their approval to overrule Bolivia [at COP-16] because she had until then exactly stuck to the rules."[959] Bolivia had been protesting vocally against the agreement and process management, yet the united front against the deal in Copenhagen was now split: "The ALBA-group was divided in Cancún. Pablo [Solón, Bolivia] felt he was betrayed. When he spoke up against the agreement in the final plenary he thought Claudia [Salerno, Venezuela] and Cuba would do the same. Yet, the Latin American countries kept silent for their higher level of trust which they had into Espinosa."[960] Veteran negotiators mirror this assessment that ALBA-countries granted "exactly this authority [to overrule Bolivia]" to her.[961] Espinosa had the backing of close to all parties to overrule Bolivia, even of Venezuela, mostly due to the accumulated goodwill.[962] Trusting the COP-President, delegates accepted her decision on the final night.[963]

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[957] Mexico(5)-07.07.2011, similar: EU/EU-country(1)-20.01.2010
[958] Denmark(3)-11.08.2011
[959] Denmark(2)-16.06.2011
[960] G-77(4)-22.07.2011
[961] EU/EU-country(6)-16.03.2011
[962] EU/EU-country(4)-27.01.2011
[963] Mexico(5)-07.07.2011

This leads to a second route between authority and agreement: perceived *sufficient leeway empowers the COP-President to dare to take difficult decisions* (*Path 2*). It stems from the conviction of broad support by parties. In Cancún for example, the repeated standing ovation for Espinosa conveyed this notion and offered sufficient emotional backing: "The more I talk about it, the more I see emotions underneath…The last night was at the edge of the cliff. When the clapping burst out of for the Mexican Presidency under Espinosa at the opening of the final plenary, I knew we would get this outcome."[964] The atmosphere turned very emotional for many: "The feeling of the last night was absolute euphoria. Espinosa was like a rock-star."[965] Such broad, emotional support empowers the lead organizer to take difficult decisions: "[The rebuilding of trust] was much needed... That was one reason why they [the Mexican Presidency] could do and did in Cancún what they did, as they had created the capital and goodwill needed to gavel a decision."[966] At COP-15, the hostile treatment of Rasmussen reduced his perception of leeway to take bold decisions. A Denmark-allied negotiator concedes that "a stronger chair could have possibly achieved an agreement in the last night of COP-15. Rasmussen was unable to close the deal. He had a lack of authority."[967] He was too weakened to seize the moment when he received standing ovations by the majority of the room, started by the then British Secretary of State for Energy and Climate Change Ed Miliband: "Rasmussen did not take it. Espinosa took it."[968] Ultimately, fair process, trust, and resulting authority are the prerequisites for such empowerment: "An 'investment' through the Presidency is needed to be allowed to lead in key moments as Presidency."[969]

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[964] EU/EU-country(7)-04.05.2011
[965] UNFCCC-Secretariat(1)-28.04.2010
[966] G-77(3)-19.07.2011, Umbrella-Group(2)-02.06.2011
[967] Umbrella-Group(1)-20.04.2011
[968] Umbrella-Group(1)-20.04.2011
[969] EU/EU-country(6)-16.03.2011

Finally, the level of authority influences *parties' blockade potential* and hence the likelihood of agreement *(Path 3)*. Interviews suggest that authority affects the respect and caution with which negotiators interact with the Conference President. For example, parties are less likely to openly block the process if a COP-President has, so far, competently dealt with procedural interventions: "Espinosa was able to give meaningful answers to questions from the floor. Everyone was able to try her, and then she would get back tough on them. This was different to Rasmussen who could only say stupid things, like 'I don't understand your process'."[970] Espinosa's authority went so far that some negotiators were even said to be "afraid" of her: "She was so good that she could not be pushed around by countries but would put them back into their place if they tried."[971] The Saudi-Arabian intervention against Espinosa for instance, would have meant attacking an honest broker and damaging the country's reputation.[972] Taking process objections off the table in Cancún (and only leaving substantive points) therefore significantly strengthened Espinosa, compared to Rasmussen, who had to deal with both in Copenhagen.[973] Rasmussen's poor track record invited the few opposing countries to jeopardize the agreement on procedural grounds in the already chaotic and heated atmosphere of the final night. It allowed them to act as guardians of process, and not saboteurs of substance.

Only a few interviewees found that trust in the COP-President was not a factor for parties' ultimate decision. The rejection in Copenhagen allegedly only affected the style of their reaction to the text.[974] Yet, this very style of opposing a deal influences how the COP-President can counter their objections. Another held that personalities influenced only the process set up. Once the "sound process" by the Mexicans had been in place, authority did not matter too much.[975] Yet, the greater empathy which leads to a better process may also impact on their acceptance by delegates. Finally, some stated that interests outweighed considerations of authority,[976] which will be discussed under alternative explanations in Chapter 5.

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[970] Denmark(3)-11.08.2011
[971] UNFCCC-Secretariat(1)-28.04.2010
[972] EU/EU-country(6)-16.03.2011
[973] Umbrella-Group(2)-02.06.2011
[974] BASIC(3)-08.07.2011

Conclusion

So did single individuals influence climate negotiations? This result supports those that argue that the analysis of international relations should be complemented with a micro-level view. The evidence suggests that the degree of authority perceived by delegates of the lead organizer, Rasmussen and Espinosa respectively, impacted on reaching an agreement. The influence can be traced through various paths for preparatory negotiations and the summits of Copenhagen and Cancún: authority affected agreement likelihood through the goodwill of parties, the perceived leeway of the lead organizer, and the blockade potential of parties. The final assessment is only made after analysing alternative explanations. Yet for now, low authority of COP-President Rasmussen seems to have contributed to the collapse of Copenhagen. Vice versa, COP-President Espinosa's high authority possibly helped to reach the Cancún Agreements. Let us now proceed to the final process variable: the role of the negotiation mode of parties.

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[975] UNFCCC-Secretariat(7)-03.08.2011

[976] UNFCCC-Secretariat(6)-16.06.2011

4.5. Negotiation mode: arguing and bargaining

The negotiation mode of parties might be a final, salient process element of influence on the course of negotiations. The thesis combines constructivist strands on discourse with IR and management negotiation theory on arguing and bargaining. As we found in the second chapter, organizers can partially affect the way in which parties negotiate on the continuum between open-minded arguing and hardheaded bargaining. Influencing this choice is hence a further facilitation tool for organizers. So which negotiation mode did eventually prevail during the Danish and Mexican Presidencies, and did it have any impact on the negotiation outcome?

Correlation of negotiation mode and outcome during the Danish Presidency

We start with the numeric interpretation of interview responses to determine negotiation modes during preparatory talks in 2009 and at COP-15 (Table 14). Looking at *all parties* jointly arguing prevailed in the beginning of the year, before it turned to bargaining at COP-15. *Specific subgroups*, which were not only confined to major powers, such as the Greenland Dialogue, maintained an arguing mode throughout preparatory negotiations, but did not play any major role in Copenhagen. At COP-15, *major powers* tended to argue especially during the high-level segment, when leaders tried to craft a compromise. As for the interview sample size, the small number for the preparation period provides only indicative evidence, while many respondents covered COP-15.

Table 14: Did you see open-ended arguing and problem-solving about content? [“Constructive discourse which is open to a change of minds based on facts and logical insights in order to find a joint solution”]. This would be in contrast to bargaining [“discuss the distribution of an assumed fixed set of gains and burdens, based on merely stating countries' positions”].

Preparatory negotiations in 2009

N=10[977]	**All parties**	**Major powers**	**Other subgroups**
Arguing.	4	0	4
Bargaining.	1	0	1
Share of arguing.	**80%**	*No comment.*	**80%**
Both/Ambiguous.	0	0	0

COP-15

N=33[978]	**All parties**	**Major powers**	**Other subgroups**
Arguing.	1	7	0
Bargaining.	21	0	0
Share of arguing.	**4%**	**78%**	*No comment.*
Both/Ambiguous.	2	2	0

The indicators specified above (Figure 9) will reveal what drove these results in detail. *Preparatory negotiations* saw attempts *by all parties* for an open-ended search for a solution.[979] The preceding years brought an extensive exchange of information and of ideas for solutions leading to "very informed negotiations".[980] One indication for this was the abundance of negotiation documents, such as on technology or adaptation.[981] Yet, parties argued mostly about politically less sensitive issues resulting in myriad proposals on technical items. Towards COP-15, delegations increasingly only stated *their* positions instead of looking for joint solutions, like in the Green Climate Fund negotiations in Barcelona, which created a compendium of proposals without an overarching framework.[982]

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[977] For this chapter, N is the number of responses (not the interviewees). It could be the same interviewee commenting on the negotiation mode of all parties and major powers: N(all parties)=5, N(major powers)=0, N(other subgroups)=5.

[978] N(all parties)=24, N(major powers)=9, N(other subgroups)=0.

[979] EU/EU-country(8)-05.05.2011, similar but not fully convinced: UNFCCC-Secretariat(2)-04.12.2010

No data was available on the negotiation mode among major powers alone during the preparatory year. Major powers however gathered *with other countries in subgroups*, whose participants reported that arguing dominated. For instance, the Danish Presidency hosted various Greenland Dialogue meetings, one with around 30 countries in summer 2009. It created the space and atmosphere for an open dialogue outside the normal process and resulted in myriad good ideas.[983] Participants perceived these discussions on a ministerial level as "really good" to find solutions[984] and to built convergence around issues[985]. Nevertheless, some ministers and lead negotiators read out pre-formulated statements, inhibiting a veritable dialogue.[986] Candid discussions also occurred at MEF meetings during 2009, where major economies gathered to find solutions to the problem of emissions.[987] In sum, arguing was present among all parties in the first half of preparatory negotiations in 2009, as well as in subgroups like the Greenland Dialogue and the MEF. In all of these cases though, delegates increasingly bargained.

Let us now turn to *COP-15*. The Presidency's behaviour did not foster a frank dialogue. Their preference and active push for a particular negotiation outcome let irritated parties close

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[980] Denmark(3)-11.08.2011
[981] BASIC(2)-16.06.2011
[982] Mexico(3)-15.06.2011
[983] Denmark(2)-16.06.2011, UNFCCC-Secretariat(5)-14.06.2011
[984] EU/EU-country(9)-26.05.2011
[985] G-77(3)-19.07.2011
[986] Denmark(1)-02.12.2010
[987] Denmark(1)-02.12.2010, UNFCCC-Secretariat(5)-14.06.2011

up.[988] The Danish choice to develop the outcome with very few major powers did not entice arguing among all.[989] Isolated negotiations on expert and political levels inhibited arguing, which would have integrated all levels.[990] So the mood turned adversarial through Danish process management and the mode of *negotiations between all parties* swung towards bargaining in Copenhagen. Any open discussion on substance[991] and a profound exchange about underlying interests[992] was missing, judged UN officials with a very good COP-15 overview. It became "a recitation of positions, pride, and focus on each one's red lines."[993] Options were put back in and the formal negotiation text went backwards.[994] One working group discussed the possibility of adding brackets to an already entirely bracketed text.[995] On Tuesday night of the second week, just before the high-level segment, delegates "fought like crazy until 7 am" without any significant changes.[996] Countries showed little willingness to consider other proposals,[997] and the hostile atmosphere made it difficult for chairs to suggest compromises. Obstruction, the most extreme form of bargaining, became not unusual.[998] As a major agreement was potentially up for decision, delegates were anxious about suffering losses. They were not ready to move[999] and started to hold back tactically for a later joint package[1000]. The US bargained by not announcing the US$100 billion long-term financing until the second-to-last COP-day, instead of creating a constructive atmosphere much earlier.[1001] Chinese delegates held firm to their tight orders from Beijing until major powers gathered in the US-BASIC small group.[1002] That the EU had its cards open only owed to its internal set up. Experts and ministers each waited for the next higher level to arrive and take the decisions, until it was too late when heads of state and government came to Copenhagen.[1003] Arguing in negotiations among all parties only continued in some groups on technical issues at COP-15. With more time to familiarize with issues and proposals, and greater openness, negotiators found more commonalities than they expected, for instance in the 'informal informal' technology contact group.[1004] Arguing mostly prevailed.[1005] Negotiators expressed how helpful it was to actually hear an explanation first instead of just stating a position. The arguing came too late however to still reach agreement. This stood in contrast to the pure bargaining of "the basic political questions".[1006] Overall, negotiations among all parties had shifted to bargaining mode.

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[988] Denmark(2)-16.06.2011

[989] ALBA(2)-09.12.2011: "The document was written by the US."

[990] G-77(5)-08.12.2011, G-77(3)-19.07.2011

[991] UNFCCC-Secretariat(4)-17.05.2011

[992] UNFCCC-Secretariat(1)-28.04.2010

[993] UNFCCC-Secretariat(1)-28.04.2010, similar: AWG/SB-Chair(4)-14.06.2011, Observer(3)-16.06.2011

[994] EU/EU-country(8)-05.05.2011, similar: EU/EU-country(7)-04.05.2011

[995] Umbrella-Group(2)-02.06.2011

[996] EU/EU-country(9)-26.05.2011

[997] UNFCCC-Secretariat(3)-08.12.2010

[998] EIG(1)-09.08.2011: for instance, some countries insisted on equal time for all topics irrespective of their importance.

[999] EU/EU-country(10)-16.08.2011, EU/EU-country(6)-16.03.2011, Umbrella-Group(4)-04.07.2011, Mexico(5)-07.07.2011, UNFCCC-Secretariat(1)-28.04.2010

[1000] EU/EU-country(9)-26.05.2011

Negotiations among major powers shifted to arguing at the end of COP-15 (in the sense of *integrative*, but not *positional* bargaining[1007]), especially in the decisive US-BASIC meeting. It was seen as "maybe the only place" in Copenhagen with arguing on core political issues.[1008] The underlying interests of all major powers were understood and integrated to reach the Copenhagen Accord. All sides gained from the proposal beyond a mere zero-sum deal, which is another indicator that major powers had argued and partially revealed their differing interests, instead of simply bargaining. On the other hand, US-BASIC leaders did not resolve the most crucial and contested issue of how to distribute obligations to reduce emissions for a 2-degree goal. They had eventually omitted issues they would not be able to agree on in this negotiation round, which is no evidence for bargaining or arguing. Negotiation modes of major powers also varied. The description of the Chinese lead negotiator's mode appears to be defensive and closed, indicating bargaining. The Indian Environment Minister seemed more open to engaging in a true dialogue, hence arguing.[1009] Overall, the US-BASIC small group meeting probably was the forum that came closest to arguing in Copenhagen.

[1001] Umbrella-Group(2)-02.06.2011
[1002] Umbrella-Group(2)-02.06.2011
[1003] UNFCCC-Secretariat(4)-17.05.2011
[1004] Umbrella-Group(3)-14.06.2011
[1005] EU/EU-country(3)-03.12.2010
[1006] Umbrella-Group(1)-20.04.2011
[1007] Some respondents spoke of *bargaining*, yet their description indicated more *integrative* than *positional* bargaining, and hence *arguing*.
[1008] UNFCCC-Secretariat(1)-28.04.2010, similar: AWG/SB-Chair(4)-14.06.2011

In sum (Figure 14), bargaining dominated negotiations among all parties at COP-15, while arguing only continued in a few technical areas. Moreover, specific subgroups such as the Greenland Dialogue and MEF, which had shown arguing during 2009, discontinued it at COP-15. Arguing prevailed only at the US-BASIC meeting leading to its compromise draft for the final plenary. Arguing hence correlated with the agreement of the *major powers*. At the same time, bargaining among *all parties* correlated with no agreement of the COP. Besides the COP, the tendency of arguing among all countries in the beginning of preparatory negotiations in 2009 and in the subgroups of the Greenland Dialogue and the MEF did not correlate with a Copenhagen agreement by all parties. The ideas developed in the subgroups during preparation were not sufficient for an agreement in the overall COP, but may have at least contributed to the compromise among major powers, which became the Copenhagen Accord.

[1009] EU/EU-country(3)-03.12.2010

Figure 14: Negotiation modes during the Danish Presidency

	Preparatory negotiations 2009	**COP 15**
All parties	*Arguing*	*Bargaining*
Major powers (US-BASIC meeting,...)	*[No data]*	*Arguing*
Other sub-groups (MEF, Greenland Dialogue,...)	*Arguing*	*[No data]*

Correlation of negotiation mode and outcome during the Mexican Presidency

Looking at the *big picture* of the Mexican Presidency, parties argued more than they bargained during 2010 (Table 15). The few direct comments on the negotiation mode for preparatory negotiations are clear cut. Subgroups, such as the Petersberg Dialogue, are emphasized for their high share of arguing, resembling the Greenland Dialogue as its precursor. Needless to say, the few respondents for the preparatory negotiations only allow using them as approximations. In 2010, delegates kept their arguing spirit during negotiations *among all parties* at the summit, found over 2/3 of interviewees close to or participating in the negotiations, with a solid number of respondents (N=27). The remaining third felt that neither mode dominated, or even a prevalence of bargaining. This third was a heterogeneous group with good negotiation insight, so only the more detailed verbal analysis can resolve the contradictory evidence. For lack of small group negotiations by exclusively *major powers* in Cancún, there is no data on this subgroup. *Other subgroups*, such as the Cartagena Dialogue between several developing and developed countries, negotiated in an arguing mode, as its participants pointed out. In short, the dominance of arguing over bargaining correlated with an agreement in 2010.

Table 15: Did you see open-ended arguing and problem-solving about content?[“Constructive discourse which is open to a change of minds based on facts and logical insights in order to find a joint solution”]. This would be in contrast to bargaining [“discuss the distribution of an assumed fixed set of gains and burdens, based on merely stating countries’ positions”].

Preparatory negotiations in 2010

N=[1010]	**All parties**	**Major powers**	**Other subgroups**
Arguing.	4	0	3
Bargaining.	0	0	1
Share of arguing.	**80%**	*No data.*	**75%**
Both/Ambiguous.	1	0	0

COP-16

N=[1011]	**All parties**	**Major powers**	**Other subgroups**
Arguing.	19	1	4
Bargaining.	5	0	0
Share of arguing.	**70%**	**100%**	**100%**
Both/Ambiguous.	3	0	0

The following analysis scrutinizes this numeric interpretation. *Preparatory negotiations in 2010* saw more arguing than bargaining *among all parties*. Only a few, but unanimous, comments were available. While the COP is often hectic and adversarial, the longer time of pre-COP negotiations allows for more arguing.[1012] In the reverse order of 2009, parties shifted away from bargaining to more arguing, especially in the numerous informal issue-specific consultations by Mexico,[1013] which were much more frequent than in 2009.[1014] Their goal was to make the concerns of parties on selected issues fully understood and detect potential problems before Cancún.[1015] The consultations proved important for developing better concepts and for re-establishing trust.[1016] By the final official preparatory round in Tianjin in October, parties bargained significantly less despite some retaining their bargaining mode throughout. Salient countries in all key coalitions opened up by the beginning of COP-16:[1017] within the BASIC-group, highly-engaged Indian Environment Minister Ramesh contributed to the MRV-solution through an open-minded search for compromise[1018], and Brazil also adopted a constructive role. The G-77 was chaired by well-meaning Ambassador Alsaidi, the African Group by similarly open negotiator Mpanu Mpanu, and also the ALBA-group became more conciliatory, including vocal negotiator Salerno of Venezuela. Developed countries added to the arguing mode, such as New Zealand, Germany, and the United Kingdom acting as intermediaries towards developing countries.

[1010] N(all parties)=5, N(major powers)=0, N(other subgroups)=4

[1011] N(all parties)=27, N(major powers)=1, N(other subgroups)=4

[1012] UNFCCC-Secretariat(2)-04.12.2010

Arguing during preparatory negotiations became even more prevalent in *subgroups like the MEF and the Petersberg Dialogue*. While the MEF played a lesser role than in 2009, the salient Indian MRV proposal was originally introduced and discussed at a MEF-meeting before it diffused into the larger negotiations.[1019] The smaller number of issues and its more frequent meetings allowed for a candid and constructive atmosphere at the MEF.[1020] A further step for MRV was the Petersberg Dialogue in Bonn, organized by Mexico and Germany, where arguing prevailed. Conversations were "offline" as in the preceding Greenland Dialogue, so ministers spoke very openly[1021] in a constructive atmosphere[1022]. A few parties continued bargaining by simply restating their positions through pre-formulated statements.[1023] *Overall*, arguing among all parties increasingly dominated towards the end of the preparatory negotiations in 2010, especially with regard to issue-specific consultations by the Mexican Presidency and negotiations of the MEF and the Petersberg Dialogue.

[1013] AWG/SB-Chair(2)-04.12.2010, AWG/SB-Chair(4)-14.06.2011
[1014] UNFCCC-Secretariat(4)-17.05.2011
[1015] AWG/SB-Chair(4)-14.06.2011
[1016] EIG(1)-09.08.2011
[1017] For the following: participant observation, Mexico(5)-07.07.2011
[1018] AWG/SB-Chair(2)-04.12.2010, EU/EU-country(8)-05.05.2011
[1019] AWG/SB-Chair(2)-04.12.2010
[1020] AWG/SB-Chair(2)-04.12.2010

Arguing continued at *COP-16, even among all parties.* There was a *greater willingness* to explore options, consider each other's proposals, and find common ground.[1024] The AWG-LCA Chair text, introduced at COP-16's first day, illustrated this.[1025] It no longer only recited national positions, but aggregated them into an integrative proposal. After the initial rejection of this pro-active step by the Chair, parties constructively negotiated on this basis. Further, delegations were ready to break through the established walls between developed and developing countries, finding partners on the other side, and thereby better understanding their respective interests.[1026] For example, negotiators creatively endeavoured to define NAMAs, the mitigation goals for developing countries, in such a way that they didn’t overly infringe on sovereignty. This creative search was also true for the main emitters US and China, which were cautious to avoid another 'Copenhagen',[1027] but of course still debated livelily in mitigation negotiations during 2010.[1028] Furthermore, negotiators reported a lot of bargaining in their sessions with parties pushing for their own position without compromise: "Some parties also don't want a real agreement," using domestic pretexts to not accept any proposal.[1029] Moreover, cleavages were sometimes not resolved but only hidden by ambiguous language.[1030] To some then, the negotiation style was not so different from Copenhagen.[1031] Looking at responses overall though, we have seen a greater willingness to compromise and accept "nationally sub-optimal outcomes".[1032]

[1021] AWG/SB-Chair(3)-07.12.2010
[1022] EIG(1)-09.08.2011
[1023] Denmark(1)-02.12.2010
[1024] UNFCCC-Secretariat(3)-08.12.2010, EU/EU-country(9)-26.05.2011, EU/EU-country(8)-05.05.2011
[1025] Mexico(3)-15.06.2011
[1026] Observer(3)-16.06.2011
[1027] EU/EU-country(6)-16.03.2011
[1028] EU/EU-country(3)-03.12.2010
[1029] Umbrella-Group(4)-04.07.2011

Another element of arguing as integrative bargaining was the openness to *integrate and balance issues*. The lower pressure on parties by the organizers of not having to reach an all-encompassing agreement allowed them to address only those fields where they felt ready. The dictum "nothing is agreed until everything is agreed" had stalled progress before.[1033] The atmosphere that "every voice would be heard" then motivated parties to actively participate in open-minded arguing,[1034] instead of defending the status quo.[1035] This was especially true for negotiations on further mitigation ambition. Instead of another stalemate, countries rather argued on numerous issues of mitigation implementation.[1036] Parties carefully balanced the different 'building blocks' and their varying interests to eventually reach a balanced text, which left everyone equally (un-)satisfied.[1037] This wide inclusion of negotiation elements indicates integrative bargaining (and hence arguing), versus positional bargaining.[1038] The lack of written documentation makes it difficult to assess whether this balancing of elements was done more by arguing or bargaining. Some hold it was a 'give-and-take' without discussing underlying interests to maximize joint gains.[1039] Yet, the dominance of arguing was widely reported at least for a large part of negotiations.[1040]

[1030] UNFCCC-Secretariat(2)-04.12.2010
[1031] Mexico(3)-15.06.2011
[1032] UNFCCC-Secretariat(1)-28.04.2010, Observer(3)-16.06.2011
[1033] EU/EU-country(10)-16.08.2011
[1034] EU/EU-country(7)-04.05.2011
[1035] Danish Presidency (3) 11.08.2011
[1036] UNFCCC-Secretariat(5)-14.06.2011
[1037] Denmark(2)-16.06.2011, Mexico(5)-07.07.2011
[1038] BASIC(3)-08.07.2011
[1039] UNFCCC-Secretariat(4)-17.05.2011
[1040] Denmark(2)-16.06.2011, G-77(4)-22.07.2011

Arguing dominated also in the smaller concentric circles of negotiators in the *second COP-week*, where a high level of trust allowed a frank exchange.[1041] Ministers and expert negotiators jointly resolved the final issues.[1042] The outcomes of arguing on the expert level and of the later smaller minister-led concentric circles were periodically collected by the organizers. The latter then considered the issues in arguing sessions before returning their results to expert negotiators. There were two such iterations in Cancún, which participants characterized as arguing. The decision-oriented mind-set of arriving ministers helped further, and stood in contrast to expert negotiators who are often "more bargainers than anything else,"[1043] as an experienced Chair described. Eventually, some key compromises were struck, such as on MRV, financing, and technology mechanism. Those that had criticized the Mexican finalizing of the text as intransparent and exclusive did not consider this open-minded arguing but a take-it-or-leave-it strategy.[1044] Yet as discussed earlier, the Mexican Presidency was among the most transparent and inclusive processes possible. So, arguing was the slightly dominating negotiation mode regarding all parties in 2010.

No exclusive *negotiations among major powers* were reported for Cancún, such as the US-BASIC meeting in Copenhagen, and there is no data on any potential smaller bilateral meetings. In contrast, *negotiations in other subgroups* were much more important at COP-16, like the Cartagena Dialogue. Initiated in March 2010, the forum fostered a dialogue between developed and developing countries, which were more ambitious to move the process forward. It should break up traditional negotiation blocs without dissolving them altogether.[1045] Around 30 small and medium powers attended, such as the United Kingdom and Switzerland, or Mexico and the Maldives, but not China and the US (Lynas 2011)[1046]. The absence of slower-moving countries allowed for a candid and forward looking discussion of ideas. At the same time, this absence inhibited their transfer back into normal negotiations with all other countries, which had not participated in these discussions. Its constructive spirit nevertheless helped moving overall negotiations towards arguing.[1047] The group continued meeting in Cancún daily, sometimes even with several subgroups, to funnel fresh ideas into overall negotiations: "Getting the negotiations and a real dialogue going is central, not just by making public statements such as in the open plenary,"[1048] explained a participant. Countries frankly discussed their underlying interests, such as small island states about their survival, or others about their economic development. It helped to understand "what certain ideas actually meant".[1049] In sum, the Cartagena Dialogue enabled arguing, which also affected COP-16's general negotiation mode.

[1041] G-77(3)-19.07.2011
[1042] For the following: BASIC(2)-16.06.2011
[1043] AWG/SB-Chair(4)-14.06.2011
[1044] ALBA(2)-09.12.2011
[1045] EU/EU-country(6)-16.03.2011

Concluding, arguing slightly dominated over bargaining in negotiations among all parties, especially in the informal issue-specific consultations during the year, but also generally at COP-16 (Figure 15). The same is true for the subgroups of the Petersberg Dialogue and the MEF during preparatory negotiations, and the Cartagena Dialogue before and during COP-16. This is not to forget that there is never purely one single mode. In sum, arguing correlated with agreement during the Mexican Presidency. Let us now trace whether and how it influenced the outcome.

[1046] Members were (March 2010): Australia, Bangladesh, Chile, Costa Rica, Denmark, Democratic Republic of Congo, EU, France, Gambia, Ghana, Germany, Grenada, Indonesia, Kenya, Lesotho, Malawi, Maldives, Marshall Islands, Mexico, Netherlands, New Zealand, Norway, Panama, Peru, Samoa, South Africa, Spain, Sweden, UK, United Arab Emirates

[1047] EU/EU-country(8)-05.05.2011

[1048] EU/EU-country(4)-27.01.2011

[1049] EU/EU-country(11)-10.12.2011

Figure 15: Negotiation modes during the Mexican Presidency

	Preparatory negotiations 2010	**COP 16**
All parties	*Arguing*	*Arguing*
Major powers (US, BASIC, EU,...)	*[No data]*	*Arguing*
Other sub-groups (MEF, Petersberg Dialogue,...)	*Arguing*	*Arguing*

Process-tracing of negotiation mode and agreement

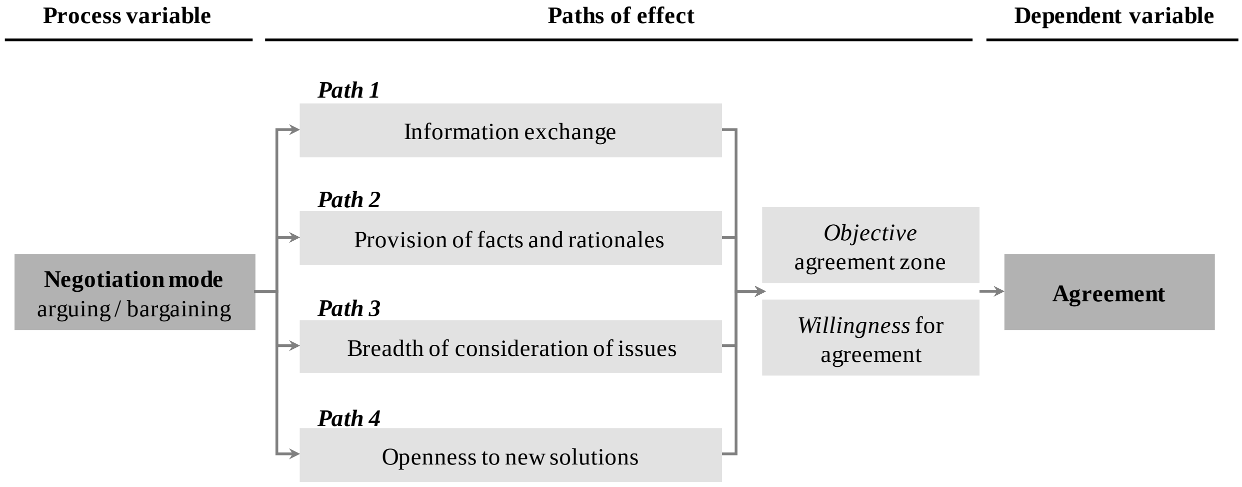
Beyond mere correlation, the data indicates an influence of negotiation mode on outcome. Of the large number of 32 overall answers, 3/4 of responses support such a link (Table 16). They cover nearly all negotiation groups, as well as AWG- and Subsidiary Body-Chairs, and UNFCCC officials. The few doubting this effect cannot be attributed to one specific group, and are from three developed and one developing country. The clear majority, though, provides solid first evidence for such a connection.

Table 16: Did the negotiation mode get parties closer to or further away from agreement?

N=32	**Total**	**Share**
Negotiation mode influenced the outcome.	25	78%
Negotiation mode influenced the outcome somewhat.	3	9%
Negotiation mode did not influence the outcome.	4	13%

Process-tracing points at several paths along which negotiation mode may have impacted on agreement (Figure 16): 1) the open exchange of information, 2) the provision of facts and rationales, 3) the comprehensive consideration of issues, and 4) the openness to new solutions and compromise beyond one's mandate.

Figure 16: Process-tracing between negotiation mode and agreement


Process variable
Paths of effect
Dependent variable
Path 1
Information exchange
Path 2
Provision of facts and rationales
Path 3
Breadth of consideration of issues
Path 4
Openness to new solutions
Negotiation mode
arguing / bargaining
Objective agreement zone
Willingness for agreement
Agreement

When parties argue, negotiators are *mutually revealing information about the motivations, which underlie their positions (path 1)*. This leads to a better understanding of positions *and* interests, including the reservation points of parties. It helps to go beyond mere positions and to use the differences in interests to create outcomes where all sides benefit most. This enables agreements that are inside objectively agreeable zones. The enhanced trust from information sharing enhances the willingness to agree with each other. In short, greater information and the resulting trust render agreement likelier. This dynamic of *increased understanding and trust* during preparatory negotiations became evident at the MEF and the Greenland Dialogue during the Danish Presidency,[1050] and the Petersberg Dialogue and the informal topic-specific consultations during the Mexican Presidency.[1051] The stepwise release of information gradually created familiarity between participants that eventually contributed to smooth negotiations. Even though these preparatory dialogues might not yet be conceived of as 'official' negotiations, they provide the information and trust necessary later. Contrary to this, bargaining moves delegates sooner to a text-based discussion, which induces parties to focus on their respective written positions, without looking at the deeper reasoning behind them. It makes it more difficult to find the other side's motivation behind the text and then craft solutions that trade on these differences in interests. Accordingly, countries wanting to slow the process often request such a text-based negotiation, such as Saudi Arabia among others.[1052]

[1050] Denmark(3)-11.08.2011
[1051] EIG(1)-09.08.2011

This greater understanding of interest, often created in small groups, must then be transferred to the overall negotiations. In 2009, parties did not keep the level of information exchange and trust building between participants of the Greenland Dialogue and the MEF during the COP, and could thus not advance overall negotiations. During 2010, such a dynamic was fostered by the topic-specific consultations from spring onwards and the Petersberg Dialogue in May. They created the necessary atmosphere of trust to enable true dialogue, which reinforced their trust.[1053] The pre-COP meeting of around 40 ministers, core negotiators, and chairs in November 2010 had a similar dynamic. Not meant to take any decision,[1054] it successfully generated an open arguing atmosphere. In 2010, the "real"[1055] and "constructive"[1056] dialogue became central for the agreement by the end of the year. Delegations provided better information on their own ideas, truly listened to and considered those of others, and engaged in a back and forth on various proposals.

[1052] EIG(1)-09.08.2011

[1053] EIG(1)-09.08.2011 for the Petersberg Dialogue

[1054] AWG/SB-Chair(2)-04.12.2010

[1055] EU/EU-country(4)-27.01.2011

[1056] UNFCCC-Secretariat(1)-28.04.2010

Such an open information exchange is vital for reaching *a mutually beneficial agreement*: "People first would have to really say what they want and need," which is often not done.[1057] It is based on the notion of mutual respect for each other's interests, and not just a mere search of one's profit even at the cost of the others.[1058] "You try to understand each other," expressed one lead chairperson while "when bargaining, it is just a clash."[1059] This understanding of interests is crucial to identify solutions acceptable to all[1060], and to increase the overall willingness for an agreement. A frank exchange also allows identifying key political questions that are then taken to ministers to resolve the last but crucial outstanding issues to move the proposal into the objective agreement zone.[1061]

This dynamic played out at COP-16, for example in the negotiation about the demand of Kyoto Protocol members that other developed countries and also the big emerging economies should join the Protocol. Negotiators told how it was "a key to unpack their [developing countries'] concerns to find what is behind their positions" not to join the Kyoto Protocol.[1062] In particular this arguing in bilateral meetings moved the discussion forward, facilitated by the Brazilian and UK ministers, the AWG-KP Chair and a UNFCCC official. Talks then entered informal negotiations of the small groups dedicated to these specific issues.[1063] Arguing had formed the basis for constructing a middle ground for emission reductions, which satisfied the varying mutual expectations through multiple mitigation mechanisms. These small, non-public fora had generated the necessary initial trust to argue openly.[1064] The US-BASIC small group arguing at COP-15 is another case in point. Through arguing, they had integrated all their main interests and reached their 'grand bargain':[1065] the US joined because of the shift to a pledge-and-review (instead of a binding top-down) emission reduction system. Developing countries promised their own moderate mitigation pledges and granted restricted emissions' tracking under MRV/ICA, an essential US-EU demand, while maintaining the principle of common but differentiated responsibilities. They also ensured support on finance and technology. Negotiating leaders, and especially the US and China in that small group[1066], had thus set priorities within the "amorphous and unclear" list of issues of the Bali Roadmap.[1067] In sum, a frank exchange of information on underlying interests increased the chances for an agreement between those involved: be it the major powers' small group in Copenhagen, or all parties in Cancún.

[1057] Umbrella-Group(4)-04.07.2011
[1058] EU/EU-country(9)-26.05.2011
[1059] AWG/SB-Chair(4)-14.06.2011
[1060] EU/EU-country(1)-20.01.2010
[1061] AWG/SB-Chair(2)-04.12.2010
[1062] EU/EU-country(8)-05.05.2011
[1063] UNFCCC-Secretariat(3)-08.12.2010
[1064] G-77(3)-19.07.2011

Such understanding is also influenced by the method of advocating and considering proposals. Concretely, arguing provides more *rationales and factual information behind possible solutions* in negotiations than mere bargaining *(Path 2)*. The Danish and Mexican Presidencies showed this mechanism. Participants of the Cartagena Dialogue described that its frank and thorough discussion allowed "sorting out how certain ideas [were] actually meant".[1068] It disclosed how negotiators often do not fully understand each other's suggestions, which inhibits finding a joint solution. Or, the issue-specific consultations by the Mexican Presidency helped to develop better concepts, according to participants of the mitigation meeting for example.[1069] Negotiators really discussed issues with much greater openness in extended conversations, enhancing the understanding of the complex challenges and solutions on all sides.[1070] At COP-16 for example, the EU used logic and facts extensively. They introduced abundant calculation logics and new information into the AWG-KP discussions, as emission reductions are strongly influenced by their calculation rationale. While China kept pushing to how much mitigation the EU would commit (positional bargaining), the EU continued showing graphs and tables to increase the understanding that the effective size of the pledges depended on the accounting rules, and thus needed to be decided first. According to EU sources, AOSIS and some other countries then began thinking in this direction once the suggested logic had come across.[1071] The rationale had assimilated negotiators' language of emission quantifications and increased agreement chances.

[1065] For the following: BASIC(2)-16.06.2011, similar BASIC(3)-08.07.2011: The agreement on implementation measures was exchanged for further mitigation commitments, also: UNFCCC-Secretariat(2)-04.12.2010, G-77(3)-19.07.2011, Umbrella-Group(2)-02.06.2011: "[G]rand bargain between financial support in exchange for emission mitigation action."

[1066] Observer(3)-16.06.2011

[1067] UNFCCC-Secretariat(5)-14.06.2011

[1068] EU/EU-country(11)-10.12.2011, EU/EU-country(3)-03.12.2010: For a similar forum: the "actual explanation of positions to other parties… was indeed very helpful", similar: Mexico(3)-15.06.2011

[1069] EIG(1)-09.08.2011

The effect of these insights from logic and facts was reduced by several factors. First, negotiators often switched back to bargaining by reciting their well-known positions once they had moved back into official UNFCCC fora. For instance, while the informal exchange in the Greenland Dialogue had enhanced the mutual understanding of ministers and delegation heads, it did not fully translate back to move the process decisively forward before Copenhagen.[1072] The atmosphere back at the UNFCCC negotiations in Barcelona in November only one week after the last meeting of the Greenland Dialogue was nearly hostile and characterized by bargaining mode. There were similar accounts even for the Tianjin negotiations just before Cancún, despite the overall increase in arguing during 2010.[1073] With only a few expert negotiators present in these Dialogues (next to the ministers), the progress made was not properly transmitted to the expert level.[1074] Seemingly not all ministers instructed their negotiators of changes in thinking after the Dialogue, or official mandates simply differed from their informal statements in the Dialogue.[1075] Of course, arguing alone cannot overcome lack of political will.[1076] So, one problem during both Presidencies was to integrate the productive atmosphere and ideas into the often adversarial, formal process.[1077] The transfer seemed easier when discussions focused on a clear question with a concrete output,[1078] which is obviously very hard to achieve for the myriad salient, complex issues. Moreover, new facts and rationales from arguing often emerged only late in the process. Positions had largely been formed and expressed, and time was very short to craft joint proposals based on the newly acquired understanding. These caveats notwithstanding, the provision of facts and rationales at least adds to the likelihood of an agreement.

[1070] UNFCCC-Secretariat(5)-14.06.2011
[1071] EU/EU-country(10)-16.08.2011
[1072] G-77(3)-19.07.2011, Mexico(4)-16.06.2011
[1073] EU/EU-country(3)-03.12.2010

The *comprehensive consideration* of interests underlying the positions of parties increased the willingness to agree across the board, and thereby made consensus likelier *(Path 3)*. While this first cost valuable time, such as in Cancún, it later improved efficiency and effectiveness. Facilitators in Cancún also added to this. The AWG-LCA Chair integrated the numerous submitted proposals into one draft instead of successively listing many ideas on the same topic. This integration moved negotiations forward towards an objective agreement zone as parties better understood the congruence between their suggestions. The comprehensive consideration of issues allowed parties to trade concessions, such as leaders did on the more political questions in the US-BASIC group in Copenhagen. The US "got" the switch to a pledge-and-review system, and developing countries received substantial financing commitments.[1079] Such a selection and weighing of issues in a more integrative approach consider divergent interests and make agreement with maximum benefits likelier (Pareto Optimal solution).[1080]

[1074] EU/EU-country(3)-03.12.2010
[1075] Denmark(3)-11.08.2011
[1076] G-77(1)-04.12.2010
[1077] Denmark(1)-02.12.2010
[1078] AWG/SB-Chair(2)-04.12.2010
[1079] BASIC(2)-16.06.2011

Of course, exaggerated comprehensiveness can also be used to obstruct the process. Including abundant issues risks their linkage to an otherwise agreeable proposal for another issue. The issue is 'taken hostage'. This proved detrimental in Copenhagen with its originally all-encompassing approach.[1081] The opportunity to obstruct further arose from aiming at one deal out of two separate negotiation tracks (AWG-LCA and AWG-KP) of the Bali Roadmap. The separation made the trade-off between issues much more difficult, which was in the interest of those who aimed at retarding negotiations.[1082] In contrast, when a salient issue like REDD+ was ripe for decision in Cancún only very few countries linked it to other, less accepted issues, such as 'response measures' (which compensate future foregone income from oil resources).[1083] In sum, the breadth of consideration of issues influenced the acceptance of a proposal, the possibility to trade on differences, and the opportunity to obstruct.

Finally, negotiation mode influences the *openness to new solutions (Path 4)*. First, arguing often entails the readiness to deviate from national negotiation mandates. This determines the *breadth of the zone of possible agreement*, or simply speaking the room for compromise. "These are my instructions, and that's it" is commonly heard prohibiting any substantive negotiations, which would refer to underlying interests, actual costs and benefits. In consequence, the recitation of positions and mandates in Copenhagen undermined the exchange of information for a constructive solution finding, and cost scarce time at COP-15. Expert negotiators waited for the ministers and then leaders to arrive to take decisions. This positional bargaining had the effect

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[1080] BASIC(3)-08.07.2011, also: UNFCCC-Secretariat(4)-17.05.2011, and Umbrella-Group(1)-20.04.2011, yet stressing that also overall bargaining led to a Copenhagen Accord.

[1081] UNFCCC-Secretariat(1)-28.04.2010

[1082] EIG(1)-09.08.2011

[1083] G-77(4)-22.07.2011

that "no single point" was changed before the high-level segment.[1084] In contrast to that, the openness to new solutions by deviating from a mandate and lowering reservation points widened the overlap between parties and thus the objective zone of potential agreement at COP-16.[1085]

Second, the risk perception of negotiators also influences their openness, and their subjective ability to *creatively search for solutions*. In a bargaining mode, they conceive of the situation as zero-sum. In this case, there is a fixed amount of benefits and costs that is distributed among parties. The risk to lose through a compromise is high because whichever gain is made on one side is lost on the other side.[1086] This raises tensions and decreases the creativity of negotiators to develop new solutions. It all limits the chances of a widely acceptable proposal. Disturbingly, climate and many other multilateral negotiations are not even zero-sum situations, but are treated as such.[1087] Contrary to this, the positive dynamics of a win-win notion by an arguing mode foster the finding of common ground as parties see a lower risk in compromising. In sum, the openness for new solutions widens the zone of agreement. The lower risk perception makes it easier for parties to creatively craft compromises.

Conclusion

These findings support, refine, and complement current strands of constructivism and negotiation theory, which acknowledge an influence of discourse and negotiation modes on the emergence of cooperation. The evidence has shown that negotiators frequently varied between the negotiation modes of arguing (or, problem-solving / integrative bargaining) and bargaining (or, positional bargaining) during the Danish and Mexican Presidencies. This was naturally their own choice, but was also affected by the process management of the organizers and by the exogenous factors of negotiation phase and issue. During both Presidencies, arguing dominated at least for some time in various negotiation groups during *preparatory negotiations*. Yet, as COP-15 did not reach agreement, there is no overall correlation between arguing during preparation time and eventual outcome. This was different for the *COPs* where the dominance of one or the other mode correlated with reaching an agreement. At COP-15, arguing among the major powers led to an agreement amongst *them*, but not all parties. Generally, bargaining had prevailed in Copenhagen when considering *all* parties and no official agreement was reached. At COP-16, arguing dominated among all parties overall (with occasional exceptions, of course), and in subgroups like the Cartagena Dialogue, so arguing correlated with reaching an agreement. Process-tracing finally revealed strong evidence that negotiation modes influenced the outcome through 1) the open exchange of information, 2) the provision of rationales and facts, 3) the comprehensive consideration of issues, and 4) the openness to new solutions. This assessment of the negotiation mode of parties concludes the analysis of the four elements of process management.

[1084] EU/EU-country(9)-26.05.2011

[1085] Respondents occasionally referred to this as "goodwill" and "constructive attitude", and not "negotiation mode" (Mexico(3)-15.06.2011).

[1086] EU/EU-country(7)-04.05.2011

[1087] The notion of limited carbon space indicates a zero-sum assumption. Yet, the potential *benefits* of reduced emissions (such as disaster risk reduction and ‘green growth') make it a global win-win situation.

4.6. Preliminary findings

This chapter compared the process management of climate negotiations by the organizers of the Danish and Mexican Presidencies and the UNFCCC-Secretariat. The evidence revealed a strikingly different approach along all four elements of process management between the Danish organizers and UNFCCC-Secretariat in 2009, compared to their successors of 2010. To reiterate, negotiations in 2010 were much more transparent and inclusive than in the previous year. Organizers of the Mexican Presidency and UNFCCC-Secretariat had a better cultural and organisational-personal fit for the situation. They possessed higher process and content expertise, and were also better aligned than in 2009. Furthermore, COP-16 President Espinosa reached a higher acceptance among parties than Rasmussen in Copenhagen allowing her a better facilitation. Last but not least, organizers contributed to a negotiation atmosphere during 2010 that was more conducive to arguing, and thus better supported the converging of positions. Taken together, this kind of process management facilitated an acceptable compromise (inside the objective agreement zone of countries) and increased the willingness of delegates to agree on a subjective level (even beyond rational interests). Meticulous process tracing documented the myriad causal paths that affected the probability of an agreement. So, process management may partially explain the variance in negotiation outcomes. To maximize the internal validity of this preliminary finding, let us now evaluate how alternative factors explain the outcomes of the Danish and Mexican Presidencies, and thereby complete the analysis of the comprehensive negotiation framework (Figure 4).

5. Alternative explanations for climate negotiations

Which other variables have contributed to the results of these climate negotiations, and do they undermine the importance of process management? I first turn to neoliberalism and neorealism as the most prominent structural approaches, which resort to interest and power as principal factors of international cooperation. This is followed by additional alternative explanations, such as the impact of the existence of the Copenhagen Accord on Cancún. What I exclude early on is regime theory's variable of the *structure of the problem* of climate change, which is part of the suggested comprehensive negotiation framework. This factor seems hardly able to explain the variance in negotiation outcomes of 2009 and 2010. If anything, the structure of the challenge of climate change with its high complexity of issues and affected parties, and its tremendous negative ramifications has worsened during that time, making an agreement in Cancún even unlikelier, according to regime theory (cf. Chapter 1).

5.1. Proposed outcomes

Let us begin with the overall puzzle of structural explanations. The political substance of the *proposals for agreement in Copenhagen and Cancún was very similar*.[1088] Further, temporal proximity between Copenhagen and Cancún suggests that interests and power distribution also remained constant. Yet, parties rejected the Copenhagen proposal and accepted the compromise only one year later in Cancún. To be sure, organizers in 2009 had first aimed at a comprehensive agreement with far-reaching economic commitments.[1089] Yet, ambitions had been extremely downscaled towards COP-15 so that the agreement became acceptable to most. That did not change by Cancún. Organizers of COP-16 also postponed harder political questions (e.g. precise emission targets, legal form) and solved more technical issues instead (e.g. the governance of the Green Climate Fund).[1090] Besides, Cancún differed in its higher level of detail and operationalisation, such as on finance.[1091] Yet overall, if the political substance of the final proposals was so similar between both years *constant* interest and power can hardly explain why parties first rejected it in 2009 and then accepted nearly identical terms in 2010. While big powers and many other countries continued backing the proposal in Cancún (as predicted), a series of parties behaved contrary to these neoliberal and neorealist expectations: after their rejection in 2009, they supported agreement in 2010. Let us therefore examine whether the pay-offs from the suggested final agreements, interests, and power really remained constant, before looking at further explanations.

[1088] Denmark(7)-16.02.2012, Mexico(5)-07.07.2011, BASIC(1)-04.12.2010, BASIC(2)-16.06.2011, G-77(2)-13.06.2011, G-77(5)-08.12.2011

[1089] EU/EU-country(7)-04.05.2011

I start with a comparison of the suggested agreements of Copenhagen and Cancún regarding their general principle and key issues of mitigation, monitoring, reporting and verification, finance, and technology transfer, to name just a few (cf. chronology in Chapters 3.3 & 3.4 and Appendix I). The cross-cutting principle of *'common but differentiated responsibilities'* of the Framework Convention had been a cornerstone of negotiations: all climate actions should be fair, from emission reductions to cost distribution. Many countries cautiously observed that their efforts are 'fair' regarding their historic emissions so far, but also relative to other countries' obligations,[1092] no matter whether they gain greater environmental benefits in absolute terms when they maximize their own mitigation. This general principal was keenly upheld in both years, especially by developing countries.

[1090] UNFCCC-Secretariat(1)-28.04.2010

[1091] Denmark(2)-16.06.2011, Denmark(5)-12.08.2011. After only three pages in the Copenhagen Accord, the Cancún Agreements provided much more detail in 24 pages on Long-Term Cooperative Action, two pages on the Kyoto Protocol, and one page on LULUCF.

[1092] BASIC(4)-16.03.2012

Regarding concrete action, the *mitigation of greenhouse gas emissions* was the most salient issue for effectively tackling climate change. Countries' relative gain concerns drove the fierce struggle over the distribution of mitigation obligations, especially by developed countries from the Umbrella Group with the US on one side and large developing countries, such as the BASIC-group with China on the other. Similarly, some of the Kyoto Protocol members (mainly from the Umbrella Group, like Japan or Australia), worried that non-member states, like the US or fast-growing China, would gain significant economic advantages if they had no comparable mitigation obligations.[1093] New economic realities clashed with outdated conditions of the 15-year-old Kyoto Protocol, while 'common but differentiated responsibilities' was still held highly.[1094] By Copenhagen, the Protocol only covered one quarter of emissions any more (U.S. Energy Information Administration 2012). Furthermore, reductions in their advanced economies were incurring very high marginal abatement costs, which led countries like Japan to reject any one-sided continuation of the Protocol.[1095] In the same vain its Umbrella Group allies asked for mitigation in all major economies, independent of their current Protocol membership. Among large developed economies, only the EU was ready to commit for a second period.

The BASIC-group and other developing countries in turn insisted on a Protocol continuation for developed countries, while striving to avoid constraints on their own economies. They highlighted the 'carbon space' concept (Winkler, Vorster et al. 2009): accordingly, the goal of a maximum temperature rise of 2°C limits the amount of emissions, which the atmosphere can absorb. Higher allowances for one would reduce those of others.[1096] Historically, the developed world had already used much more than their 'fair share' of this space. So, emerging developing countries would only accept moderate mitigation responsibilities with some form of monitoring, with economic growth and poverty alleviation as dominating their policy choices.

[1093] Umbrella-Group(4)-04.07.2011, Umbrella-Group(5)-27.07.2011
[1094] BASIC(4)-16.03.2012
[1095] Umbrella-Group(4)-04.07.2011
[1096] Denmark(1)-02.12.2010

Overall then, positions of most developed and developing countries on mitigation embodied a short-term economic perception of their interests. The majority objected to committing to reduction goals recommended by science, such as by the IPCC, and the suggested agreement moved away from legally-binding, top-down obligations and towards a pledge-and-review system, both in Copenhagen and Cancún.

A similar continuity of debate and final proposal was true for the *external control of emissions*. Especially large developed economies, such as the US, found it crucial that rapidly developing nations, such as China, would subject their emission reductions to multilateral monitoring, reporting, and verification (MRV).[1097] This way they would ensure that they at least knew the mitigation burden other economies were actually shouldering.[1098] The underlying interest was to avoid an exaggerated disadvantage and relative loss in economic power. In the end, the BASIC-countries conceded to a compromise. For the first time ever, they would accept proposals with outside monitoring of their emission developments, yet at a lighter level of scrutiny at least for internationally unsupported mitigation with International Consultations and Analysis (ICA). This result was mirrored in both the Copenhagen and Cancún proposals, besides further implementation details in 2010.

Financing and technology transfer from developed countries was of crucial interest for the developing world. They were lacking the financial resources and technical expertise for their own mitigation contribution and the direly-needed adaptation.[1099] The minimum level of support in these areas was therefore a 'red line' for the G-77, with BASIC-countries strongly advocating on their behalf.[1100] AOSIS-negotiators, for instance, would only accept regular emission reporting if financial and technical support for urgently needed adaptation would be granted.[1101] This illustrates the contrasting interests to those of most developed countries. Adaptation is usually not a vital but primarily a cost-issue for developed countries. They hence perceive less pressure, in spite of the economic losses from delayed action.[1102] As a result, the 'rich world' in Copenhagen offered fast-start financing of US$30 billion to developed countries between 2010 and 2012, and long term pledges that would grow to US$100 billion by 2020. This proposal of the Accord was turned into an official UNFCCC obligation by the adoption of the Cancún Agreements, without any significant changes in substance. The important novelty in 2010 was the development of implementation mechanisms, such as the Green Climate Fund and structures to facilitate the technology transfer. Once more, the proposals essentially remained unchanged.

[1097] Umbrella-Group(1)-20.04.2011
[1098] AWG/SB-Chair(2)-04.12.2010
[1099] G-77(2)-13.06.2011

It is conceivable though that proposed agreements in Cancún varied from Copenhagen through *non-climate related side agreements* between some parties, which could make a substantial difference for the involved countries. Stakeholders with a high interest in reaching an agreement in 2010, such as Mexico, may have created incentives for those that had still objected in Copenhagen, such as Venezuela and Nicaragua among others. They would have sufficiently increased the pay-offs of these rejecting countries so that the latter would at least abstain in Cancún. As the official proposals for agreement were nearly identical in their core substance, side-agreements could have made the difference.

While the argument is generally conceivable, it is tremendously difficult to unearth empirical evidence. Side deals are struck outside the official fora and closed to public scrutiny. To keep confidentiality documentary evidence does usually not exist (and even if it does, close to impossible to access, especially for recent negotiations). Also interviewees of those potentially involved in the side deal are inclined to retain its secrecy. Excluded participants again are less likely to have obtained this information. These methodological dilemmas notwithstanding, two avenues allowed at least approximating an answer.

[1100] UNFCCC-Secretariat(6)-16.06.2011

[1101] Mexico(5)-07.07.2011

[1102] Umbrella-Group(4)-04.07.2011

The first approach was interviews with potential participants of side deals and non-involved negotiators with intimate knowledge of the negotiations. These interviews found only very scant indications for side-deals. According to one rumour Mexico promised Venezuela investments in cement plants, which was credibly rejected by one Mexican interviewee close to Conference President Espinosa, as was any notion of a side deal in general.[1103] Another suspicion is about regional security arrangements struck with ALBA-members. Yet, even those rare rumours are not widely supported. When explicitly asked, one ALBA-negotiator hinted at non-climate considerations, such as bilateral relations, regional issues, and behaviour regarding other Conventions.[1104] However, the respondent did not describe a side-deal in Cancún but rather the breadth of interests that are generally considered for finding the country's position. They influence the country's position but are not a tacit outside agreement. Next, a G-77 negotiator hinted at the use of pressure on governments through bilateral relations and personal relationships. Yet again, the respondent did not claim this specifically for COP-15 or -16, and pressure on non-climate issues is not automatically equivalent to a side deal.[1105] Numerous other senior organizers and lead negotiators – potential participants of side deals or negotiation insiders – unanimously said they had not heard of side deals or even rejected any such notion.[1106]

[1103] Mexican Presidency, anonymous

[1104] ALBA(1)-17.06.2011

[1105] G-77(2)-13.06.2011

[1106] G-77(2)-13.06.2011, Umbrella-Group(5)-27.07.2011, BASIC(3)-08.07.2011, EU/EU-country(10)-16.08.2011, UNFCCC-Secretariat(2)-04.12.2010, UNFCCC-Secretariat(7)-03.08.2011, Mexico(5)-07.07.2011, Denmark(3)-11.08.2011, AWG/SB-Chair(4)-14.06.2011

Apart from these interviews, we can ask whether a side deal is theoretically likely under the given circumstances of COP-16. Latin America is politically very heterogeneous with differing geopolitical interests, including even within the ALBA-coalition. The latter contains oil-rich countries such as Venezuela on one side and Bolivia on the other, which has considerably less energy resources. This heterogeneity makes a coherent approach for an 'ALBA-side deal' fairly inconceivable. Furthermore, individual economic aid for poorer countries, such as Cuba or Nicaragua, could theoretically be imagined at COP-16. Yet, the nature of such complex multiparty and multi-issue negotiations, such as on climate change, renders such side-agreements very difficult. After all, it is nearly inconceivable to predict the precise terms of the eventual overall agreement of the summit. It depends on numerous factors outside the control of only a few countries. Yet, without knowing the shape of final proposal, how can one determine the necessary pay-off for the bilateral side-deal, and for which exact countries of the 194 delegations it would be needed?[1107] Regarding OPEC-members, it is true that Espinosa conceded to take the further exploration of 'carbon capture and storage' and the compensation from advanced action on climate change on to the negotiation agenda. Yet, this was a move *inside* the climate negotiations. Apart from that, this 'concession' was not much different from what had earlier been discussed in Copenhagen. Finally, most interviewees underlined the exceptional relation of the key 2010 organizers to countries that had switched their position. Moreover, with transparency and inclusion of the process during 2010 these countries had received what they had demanded in Copenhagen, as elaborated in the process management chapters.

In sum, it is methodologically close to impossible to prove that an event has *not* occurred, i.e. that no side-deal was struck. Nevertheless, neither empirical evidence nor logical argument support the notion of a side-deal in Cancún, which would have changed the pay-offs of those countries that no longer objected to an agreement. So unless shown otherwise, we can uphold the assumption that the principal substance of the proposals remained largely constant, and no side-deals changed the pay-off structure of those that objected in 2009. To conclude, the pay-offs from the proposed final agreements remained largely unaltered in their political substance between the Presidencies. Had interests and power distribution then changed to explain the rejection of the proposal in 2009 and its adoption in 2010?

[1107] G-77(3)-19.07.2011

5.2. Interests

Large-scale environmental, economic, societal, and security ramifications from climate change are fundamentally affecting the *interests of all countries*.[1108] This holds for big powers such as the US, China, and the EU, or smaller nations such as small island states and the Latin American ALBA-coalition. These interests contribute to determining the positions of delegations on a global climate regime. Their specific interests differ of course, even within coalitions. Within the G-77, for instance, small island states are fighting for survival, fast developing countries like China or India care about economic growth, and OPEC-countries worry about oil sales as their main revenue source.[1109] In addition, abundant domestic political considerations by individual groups come into play and make it far from only a national environmental and economic issue: democratic governments want to be re-elected and autocratic regimes aim at safeguarding power, for example. Specific interests are so plentiful that negotiators "sometimes [did] not even know their counterparts domestic… contingencies."[1110] The reaction of an OPEC-country delegate illustrated the high sensitivity of these constraints: "I don't talk about this question. It is too political. We get some 'red lines' from home, of course."[1111] Taken together, this mesh of interests makes their analysis (and the search for compromise) not easy.

[1108] Interests of countries strongly influence negotiations and form the political foundation of an agreement. When interests are largely aligned, or fully opposed, interest-based theories can explain success or failure, and organizers make little difference. Yet, when they only narrowly overlap, process management may widen this small agreement zone, such as by creating new options and by helping parties redefine their preferences (cf. methodology in Chapter 2).

[1109] AWG/SB-Chair(2)-04.12.2010

[1110] EU/EU-country(5)-17.02.2011

I will examine the *continuity of interests of several key countries and negotiation groups*, starting with *China* as the world's largest emitter, with a 26%-share[1112] in 2010 (Oliver, Janssens-Maenhout et al. 2012; U.S. Energy Information Administration 2012). China is preoccupied with preserving its steep economic growth. Furthermore, the Communist Party has a special interest to maintain the one-party system so that domestic stability becomes a central concern (Conrad 2012). The Communist Party cautiously monitors the country's rapid economic and social changes, and prioritizes its short-term power preservation over the mid-term consequences of climate change.[1113] This preference lets the country shy away from far-reaching international commitments to limit its massive emissions. At the same time, China has begun to recognize the business potential of low-carbon technology for "greening" its economy and for exporting high-tech products. China now aims for the lead in renewable energy in its 10-year plan until 2020, for instance.[1114] This thinking starts to spread on all levels of government, and across business and the public, especially after the media attention for COP-15.[1115]

In Copenhagen, an overly tight negotiation mandate resulted from the prevailing internal debates. The delegation thus lacked sufficient manoeuvring room for compromising.[1116] The dilemma further materialized in serious internal delegation disagreements with senior delegates publicly seen shouting at each other. In the end, Chinese Prime Minster Wen could not be properly briefed upon his arrival, according to insiders.[1117] High-level COP-15 organizers and experienced negotiators affirmed that the Chinese administration as a whole had not been fully willing for a far-reaching, ambitious agreement.[1118] This did obviously not exclude the possibility of striking a less ambitious compromise, as in the US-BASIC meeting. In addition, China had become more aware of its position relative to other countries.[1119] Internal disagreement and new self-consciousness resulted in a demonstration of strength in Copenhagen that alienated numerous other delegations, and for which China later received much international blame.[1120] Either way, Chinese interests and positions did not change substantially between both years: it opposed an ambitious comprehensive deal but supported the moderate final proposals at the COP-15 and -16 final plenaries.

[1111] G-77 anonymous

[1112] For lack of up-to-date 2010 UNFCCC data for developing countries, all following emission data are as share of global CO_2 emissions from energy consumption. The same database enables comparison between Annex I and non-Annex I countries.

[1113] BASIC anonymous (A), AWG/SB-Chair(2)-04.12.2010

[1114] G-77(1)-04.12.2010

[1115] BASIC anonymous-(A), EU/EU-country(8)-05.05.2011: It is similar for all BASIC-countries.

[1116] EU/EU-country(8)-05.05.2011

A similar internal tension applied to most countries. Regarding *the remaining BASIC-countries*, their emphasis on an agreement with common but differentiated responsibilities reflected their moderate ambition. They were mainly concerned to maintain their economic development, as they also faced less pressure for their emissions than their BASIC-partner China, with an 8%-share in 2010 (thereof India with 5%) (Oliver, Janssens-Maenhout et al. 2012; U.S. Energy Information Administration 2012). Examining them individually, internal clashes of interests were critical in *India*. Extreme poverty levels leave little option but economic, and thereby emission, growth. Yet, possibly disastrous climate effects for highly vulnerable India could undermine development gains.[1121] So far, scarce financial resources limit the decoupling of economic from emission growth. On a political level, the adverse effects of climate change are slowly entering the public discourse as in the 2009 parliamentary elections, but they have not yet created pressure on parties.[1122] On the contrary, Indian Environment Minister Jairam Ramesh faced criticism at home for its open-minded facilitation on MRV/ICA.[1123] The economically much smaller *South Africa* is positioned between the developing and developed world, yet also partially speaks for Africa as one of its most powerful countries.[1124] It also struggles to reconcile much-needed economic development (and its growing emissions) with the fight against climate change, as the country is highly vulnerable to its effects.[1125] This endangers improvements from economic development. *Brazil* mirrors this schism between growth and emission reduction. With the world's largest rainforests, Brazil claims to protect and use this resource at the same time, without caring too much about other countries' obligations.[1126] So, has this conflict of the remaining BASIC-countries between economic development and poverty alleviation on one side, and high vulnerability to climate change on the other changed between Copenhagen and Cancún? The clear answer is 'no'. These political-economic interests were so deep-rooted that they remained unaltered. Their delegations rejected ambitious agreements in 2009 and 2010, but they all supported the moderate final proposals in Copenhagen and Cancún.

[1117] Denmark(6)-09.02.2012
[1118] UNFCCC-Secretariat(4)-17.05.2011, Denmark(6)-09.02.2012, EU/EU-country(10)-16.08.2011
[1119] Observer(3)-16.06.2011
[1120] Observer(2)-08.12.2010, Denmark(1)-02.12.2010
[1121] BASIC anonymous-(B)

Most developed countries also traded off short-term economic growth (being of course much more affluent already), domestic politics, and climate change. Their emissions make a few of them central for any agreement, especially *the United States* as the world's second largest emitter, with 17% in 2010 (Oliver, Janssens-Maenhout et al. 2012; U.S. Energy Information Administration 2012). Economic competitiveness has been a vital concern for the US and its *Umbrella Group* partners. The US, for instance, could hardly 'sell' any deal domestically that would not have comparable obligations for other major economies,[1127] as this would disadvantage parts of US-industry in the short term. The relocation of business to China, for instance, was one much-feared consequence.[1128] The US-worry over the BASIC-countries was fuelled by the release of lower than expected Chinese and Indian energy intensity goals, and faster growing energy consumption than forecasted.[1129] The US-delegation wanted "parity in the nature of the commitment",[1130] reflecting its concerns about relative gains in power of rival countries.[1131] There are no indications that this economic concern diminished after Copenhagen.

[1122] BASIC anonymous-(B)
[1123] EU/EU-country(8)-05.05.2011
[1124] BASIC anonymous-(C)
[1125] BASIC anonymous-(C)
[1126] BASIC anonymous-(D)

The US also had a tremendous domestic political constraint on emission cuts, which did not even get close to the European ambitions.[1132] Already the moderate goal of 17% mitigation below 2005-levels by 2020 had been "a very tortured sentence" in the US climate bill.[1133] The polarized discourse on climate change in the US made it very hard for the Obama administration to advance its originally more ambitious climate plans. Political tradition aggravated this situation: engrained scepticism of the US (and several other major powers) towards outside influence let them insist that they would domestically determine their ways of reaching mitigation goals: "The world would not tell nation states what to do."[1134] This rationale also drove its fight for a loose bottom-up agreement.[1135] So, the US President would have had only very modest chances of getting any deal from Copenhagen through Congress. Constraints even tightened during 2010 after the defeat of Obama's climate bill in Congress in the spring and the Republican victory in Congressional mid-term elections in the autumn. The US-delegation was unable to commit to any further mitigation targets,[1136] let alone a legally-binding agreement:[1137] "The US can't deliver Congress".[1138] The US was strongly backed by its Umbrella-Group allies, two of which had the highest stakes in continuing oil sales. In 2010, Russia and Canada were the world's first and third largest oil exporters to the OECD with 19% and 7% of the market respectively[1139] (International Energy Agency 2012). Overall then, the US was constrained by a domestic political blockade and concerns about economic relative gains (as were its Umbrella-Group allies) throughout 2009 and 2010. The position against an ambitious, and in favour of a moderate, agreement was thus constant between Copenhagen and Cancún.

[1127] Umbrella-Group(1)-20.04.2011
[1128] Umbrella-Group(2)-02.06.2011
[1129] Umbrella-Group(2)-02.06.2011
[1130] UNFCCC-Secretariat(4)-17.05.2011
[1131] Umbrella-Group(3)-14.06.2011
[1132] EU/EU-country(4)-27.01.2011
[1133] Umbrella-Group(2)-02.06.2011
[1134] Umbrella-Group(1)-20.04.2011
[1135] Denmark(3)-11.08.2011

Very few countries underlined their willingness for emission reductions, even irrespective of other nations, including the *European Union and the Environmental Integrity Group*.[1140] After years of reductions, the EU was now the third largest emitter with a 13% share in 2010 (Oliver, Janssens-Maenhout et al. 2012; U.S. Energy Information Administration 2012). As the head negotiator of a major European economy put it: "We did not look for equal pain… The 30% stood."[1141] Yet, even in this case, national businesses increasingly constrained the country's delegation by pointing at rising competition from the developing world. They lobbied treasuries and economic ministries in their countries:[1142] "The enemy [of the environment minister] was back home."[1143] Within the EU, Poland, for instance, with its high dependency on coal had strong economic stakes against quick mitigation commitments, rendering internal EU-coordination frequently very difficult. Nevertheless, a solid majority of European countries still favoured ambitious mitigation targets, such as Germany with Europe's largest economy.[1144] As many voters have become environmentally ever more conscious, governments could domestically benefit from negotiation progress.[1145] This disregard for 'relative' gains was in marked contrast to the Umbrella Group, which insisted on equal obligations for fast-developing economies. In sum, EU and EIG supported an ambitious agreement in 2009 and 2010.

[1136] EU/EU-country(4)-27.01.2011, similar: AWG/SB-Chair(2)-04.12.2010

[1137] Umbrella-Group(5)-27.07.2011

[1138] EU/EU-country(8)-05.05.2011

[1139] Share of OECD imports of crude oil, natural gas liquids, and refinery feedstocks.

[1140] EIG(1)-09.08.2011

[1141] EU/EU-country anonymous

[1142] Denmark(4)-12.08.2011

[1143] EU/EU-country(5)-17.02.2011

Similarly to the EU, extremely vulnerable developing countries, such the *AOSIS-group and various African countries* were driven less by relative and more by absolute concerns. Their goal is to ensure their physical survival as island states or countries exposed to extreme droughts and deserts: "You have to understand their perspective: people are currently dying from this,"[1146] emphasized a G-77 negotiator. This is in contrast to environmentally vulnerable, but affluent developed countries, which can invest in adaptation, such as the dyke-building of the low-lying Netherlands. Another G-77 delegate accused developed countries of insufficient mitigation, stressing that current ambitions do not "make me safe as an African. I would then rather have less [adaptation] money but more safety."[1147] Yet, there was also an internal G-77-countries schism, which became very evident during the Danish and Mexican Presidencies.[1148] The interests of these very vulnerable developing countries differed from the rapidly emerging BASIC-economies: "Inside G-77, the attitude towards mitigation heavily depends on the state of economic development... maybe 'mother nature' will sober up".[1149] So, the most vulnerable countries continued advocating for more ambitious goals in 2009 and 2010, yet their mere moral leverage proved insufficient to convince other delegations.

[1144] EU/EU-country anonymous
[1145] EU/EU-country(6)-16.03.2011
[1146] G-77(2)-13.06.2011
[1147] G-77(4)-22.07.2011
[1148] They showed greatest unity in their call for maximum financing of climate action by developed countries. By Cancún, it had become clear that there would not be more support than the US$ 100 billion by 2020, already proposed in Copenhagen. This understanding contributed to the agreement by the G-77 in 2010 (EU/EU-country(8)-05.05.2011)
[1149] G-77(1)-04.12.2010, similar: Denmark(5)-12.08.2011, UNFCCC-Secretariat(6)-16.06.2011

Similar to AOSIS, the vocal *ALBA-coalition* demanded far-reaching action at both summits and accused that current proposals would "burn the planet".[1150] The group however had a mix of partially contradictory interests. Some of its members were environmentally and economically highly vulnerable with an interest in bold climate action. This rational interest for entire countries was complemented and partially contradicted by ideological concerns to please particular domestic constituencies.[1151] Some ALBA-delegations and politicians would benefit at home from a resistance to those that they generally opposed in world politics. One ALBA-delegate stated that his country did not have any individual interest, but acted as part of a struggle between the developed and the developing world.[1152] This ideological ALBA-statement (neatly dividing the world irrespective of the myriad differences in interests inside these two camps) concurs with numerous interviewees who suspected that some delegations used the negotiations as a forum against global capitalism.[1153] This may explain part of the ALBA-resistance to the US at COP-15:[1154] "ALBA-leaders like Chávez and Morales did not want Obama to get a success out of here," [1155] was the reading of many participants.[1156] As the White House had largely influenced the 'Danish text' creation, the "defeat" of the Danish Presidency would also hit the US as its close ally.[1157] Cancún was different due to process changes: state leaders had intentionally not been invited. Due to the reduced media attention in this lower-profile summit, delegations had less to gain from using political ideology and 'defeating Mexico'. This improved the atmosphere for compromise. Finally, ALBA-countries had better realized their own high vulnerability from climate change by Cancún, so that "pragmatism had taken over ideology,"[1158] reckoned a UN official. Taken together, less ideology supported the switch of the ALBA-group (but for Bolivia) from rejection to support of a moderate agreement in 2010.

[1150] ALBA(1)-17.06.2011
[1151] UNFCCC-Secretariat(5)-14.06.2011
[1152] ALBA(2)-09.12.2011
[1153] UNFCCC-Secretariat(5)-14.06.2011, Denmark(3)-11.08.2011
[1154] UNFCCC-Secretariat(4)-17.05.2011
[1155] Umbrella-Group(2)-02.06.2011, similar: EU/EU-country(11)-10.12.2011, UNFCCC-Secretariat(4)-17.05.2011
[1156] G-77-anonymous: One reported incidence may further illustrate this dynamic. Accordingly, Britain's Energy and Climate Minister Ed Miliband had tried to pressure Venezuelan delegation head Claudia Salerno at COP-15's final plenary through contacting her President Chávez. Salerno arguably got back to Miliband and promised him to become even harsher now, stating that she would thereby receive a promotion upon her return.
[1157] Denmark(3)-11.08.2011, similar Denmark(5)-12.08.2011

The most powerful of ALBA-countries though had substantial interests in only slow negotiation progress, despite its rhetoric: Venezuela is a major oil producer and ranked second among *OPEC-exporters*, only surpassed by Saudi Arabia (International Energy Agency 2012), selling 69 million metric tons of oil and gas[1159] to OECD-countries in 2010. Similarly, OPEC's-largest exporter Saudi Arabia has frequently blocked climate negotiation progress. Ambitious mitigation through lower energy consumption would endanger the main income sources of many OPEC-countries. To hedge against these economic risks, they pushed for carbon capture and storage, and for financial compensation.[1160] Recently, occasional voices have hinted at opportunities from low-carbon growth even within OPEC,[1161] yet overall, its members were still largely opposed to the other G-77 alliances, such as AOSIS, African Group, and ALBA. OPEC-countries worked against too ambitious agreements in 2009 and 2010, yet they did accept the moderate proposal in Cancún. So also in this case, underlying economic interests remained unchanged.

Beyond individual countries, has an *emerging change in discourse transformed preferences* on key negotiation issues between the Danish and Mexican Presidency, which were not reflected in these fundamental national interests yet? Countries have recently begun to see mitigation less as a short-term economic risk but a long-term opportunity for a low-carbon economy. Moreover, their concerns about losses from climate change kept rising.[1162] One indication of a change in thinking is that during 2010, 80 countries followed the Copenhagen Accord's call for submitting national plans to the UNFCCC-Secretariat, including China, India, and Brazil.[1163] It expressed the openness of numerous countries for action and added to an agreement-friendly atmosphere. Yet, the conviction behind the submissions did hardly emerge during the few weeks after Copenhagen, but had most likely developed over a longer time period. Hence, they did not mark a fundamental change to the pre-COP-15 interests and positions of most countries. The understanding among those that submitted (and even less among those that did not) was only slowly emerging that climate change was not a zero-sum game of emission reductions. Yet, the win-win notion was still not broadly supported, that all could benefit from avoiding the worst consequences, and from creating "green growth".[1164] A disillusioned senior facilitator described even after Cancún: "Negotiations are not on climate change… No one is really interested in it. It is only economic and power battles."[1165] The changing discourses had not altered preferences yet.

[1158] UNFCCC-Secretariat(7)-03.08.2011
[1159] Crude oil, natural gas liquids, and refinery feedstocks.
[1160] G-77(5)-08.12.2011
[1161] UNFCCC-Secretariat(5)-14.06.2011

There was only one novel area of interests relevant to *all* parties, which changed their positions on reaching agreement: the *diplomatic and personal interest to save the negotiation process*. It was of stellar importance after no outcome had been reached in Copenhagen, which was perceived as a "grand failure" by the public.[1166] Most delegations wanted to avoid the process 'dying' in case of a second failure and so Cancún had to deliver: "No one wanted another disaster."[1167] Many countries feared that negotiations would otherwise move entirely to smaller fora beyond their influence. Worse, it could set a precedent for other blocked multilateral negotiations, which negotiated in comparably comprehensive settings.[1168] The stalled Doha-trade round and the increasing fragmentation of the trade regime loomed large. Others feared that in case of a smaller 'club' of countries, emission-heavy industries might relocate to countries without any obligations. Last but not least, many delegates also personally worried about their life of travelling to conferences and earning significant per diems, as numerous interviewees asserted: "The business class tickets, the daily UN-allowances of US$ 200 are all very nice to them."[1169]

[1162] EU/EU-country(7)-04.05.2011
[1163] Umbrella-Group(1)-20.04.2011
[1164] UNFCCC-Secretariat(5)-14.06.2011
[1165] AWG/SB-Chair(4)-14.06.2011
[1166] Cf. chronology in Chapter 3.3.

The Mexican Presidency repeatedly played this card of a second failure, so that the "shock from Copenhagen"[1170] augmented the willingness of parties for an agreement in 2010. It allowed the Presidency to offer a 'take-it-or-leave-it' proposal to delegations on Cancún's last day, as most direly wanted a success.[1171] Given these high political stakes, some key delegations got orders from their capitals not to be blamed for a failure, such as China after Copenhagen: Chinese negotiators "tried to keep the interaction smooth and moving forward", and India's Environment Minister Ramesh acted very constructively.[1172] The "confidence factor" of Copenhagen, which had caused a "very strong tone", mostly vanished.[1173] Likewise, ALBA-delegations in Cancún appeared concerned about their political image (not to forget that Venezuela had now participated in the small room), and acted more conciliatorily, except for Bolivia. An ALBA-negotiator conceded that some countries changed their decision to not block in Cancún as "they couldn't afford a new failure… Many said 'we don't agree but didn't want to spoil.'" [1174] After initial attempts to block an agreement in Cancún's final plenary, resistance was soon abandoned by all but Bolivia. It was a known dynamic from another crucial moment in the history of the climate regime: an image concern had also been one driver behind the drawback of Saudi Arabia in Kyoto's last night in 1997 to let the Protocol pass.[1175]

[1167] UNFCCC-Secretariat(7)-03.08.2011
[1168] BASIC(3)-08.07.2011
[1169] E.g. Umbrella Group anonymous
[1170] EU/EU-country(9)-26.05.2011, also: Umbrella-Group(1)-20.04.2011
[1171] BASIC(4)-16.03.2012
[1172] EU/EU-country(8)-05.05.2011
[1173] BASIC(3)-08.07.2011

In sum, the analysis of interests of individual countries and domestic stakeholders illuminated their underlying motivations.[1176] They did not fundamentally change from 2009 to 2010, and can therefore not explain the variance in decisions on the highly comparable proposed outcomes in Copenhagen and Cancún. However, the diplomatic and personal interest in saving the process created "considerable flexibility" regarding the final text.[1177] This motivation did not affect the underlying interests but the indulgence with which parties kept 'red lines'. There is widespread conviction by interviewees across all coalitions that this was one major success factor.[1178] The standing ovation by delegates for the organizers on the final day in Cancún indicated, inter alia, this existential wish to succeed:[1179] many felt a "desire for success" and a "great need for catharsis".[1180]

[1174] ALBA(1)-17.06.2011

[1175] Observer(2)-08.12.2010

[1176] Interview data from the 2009 and 2010 negotiations indicates that most countries were uncertain about the interests for their supposed 'rational choice' when (dis-)agreeing at the end of COP-15 and -16. 79% of interviewees (N=24) conceded that delegations did not know the approximate cost-benefit impact of the different options on their respective countries *(Question: "What was at stake for your (their) country, e.g. what size was the financial impact?")*. At COP-15, many parties had decided to reject the outcome before even seeing the final text on the last evening (let alone analyse its impact on their countries), merely for the kind of process it was drafted with. This shows the empirical fragility of rational choice theory.

[1177] BASIC(3)-08.07.2011, Mexico(3)-15.06.2011, G-77(4)-22.07.2011

[1178] For instance: Mexico(3)-15.06.2011, Denmark(6)-09.02.2012, UNFCCC-Secretariat(4)-17.05.2011, UNFCCC-Secretariat(7)-03.08.2011, Umbrella-Group(5)-27.07.2011, Umbrella-Group(2)-02.06.2011, EU/EU-country(4)-27.01.2011, EU/EU-country(9)-26.05.2011, BASIC(2)-16.06.2011, BASIC(4)-16.03.2012, G-77(1)-04.12.2010, G-77(4)-22.07.2011, ALBA(1)-17.06.2011, ALBA(2)-09.12.2011, EIG(1)-09.08.2011

[1179] EU/EU-country(10)-16.08.2011

[1180] UNFCCC-Secretariat(2)-04.12.2010

To conclude, climate negotiations cast doubt about the usefulness of interests to fully explain recent regime evolution. Fundamental interests remained constant between the two negotiation years. Had they been the decisive factor, we would have expected a change in interests between both years to explain rejection in Copenhagen and acceptance in Cancún, given the steady pay-off structure of the suggested outcomes. The one interest that did change for nearly all countries was to avoid another failure and to thereby save the multilateral negotiation process. This weighed in addition to the changes in the process management. So overall, the evidence weakens the explanatory power of the structural IR approach of interests. This is not to forget that structural theory on interests more generally also takes a long-term perspective. Many scholars in this field may therefore not even attempt to explain the processes and difference in outcomes of such a negotiation series. Hence, this work serves to clarify that those developments at core summits are better explained by process theory, which complements the broader, long-term perspective of neoliberalism.

5.3. Power distribution

Let us move to another strand of structural theories, and see whether neorealist thinking on the *distribution of power*, and hegemonic theory more specifically, better explain the varying behaviour of negotiating parties. As discussed, it holds that progress on regime evolution cannot be achieved without the support of a hegemon, or of several big powers. Accordingly, we would have to observe 1) a changed power distribution, where the countries supporting the agreement grew significantly stronger during 2010; or 2) a changed position of the large powers between 2009 and 2010 to support an agreement in the second year. In the case that the preferences of major powers remained constant, hegemonic stability theory could not explain the rejection in Copenhagen and adoption in Cancún.

With respect to the first criteria, we now examine the *development of power distribution between major players*, such as the US, BASIC-countries, and the EU. Significant power shifts had occurred over a longer period of over a decade with the rise of the BASIC-countries. China for instance grew hugely along all economic dimensions, such as Gross Domestic Product, foreign currency reserves, and trade surplus, and so did its emissions. China roughly doubled its global share of 13% in the Kyoto Protocol year of 1997 to 26% in 2010 (U.S. Energy Information Administration 2012). Yet, this has been a steady development with only moderate marginal change during 2010. Its BASIC-partners India, Brazil, and South Africa also grew gradually, without any particular leap in 2010. The US and the EU continued to suffer from the economic crisis, which slowly eroded their power base. Nevertheless, this one-sided weakening had started with the outbreak of the financial crisis in 2008 (or even earlier), and influenced their standing already in late 2009. Further, the slow decline of the EU as a vocal supporter of an agreement would have made an agreement in Cancún even less likely, i.e. predicting the opposite outcome. In sum, the constellation of major powers did not fundamentally change between 2009 and 2010.

Regarding the second theoretical implication of a *change in the preferences of big powers between both years*, the US, BASIC-countries, and the EU as the major parties started at different positions. As described in the interest analysis, the US and China were sceptical towards a comprehensive, ambitious agreement in Copenhagen at the outset of 2009,[1181] in contrast to the EU as its advocate. Towards the end of the Danish Presidency however, expectations of most parties, including the big powers, slowly converged towards a moderate outcome. By the last day of COP-15, all big powers eventually supported at least a low-ambition agreement. Large parts of the US-BASIC small group meeting were said to have been a 'G-2' conversation between China and the US.[1182] The superpowers concurred in the end, and the EU reluctantly supported the low-ambition proposal after the US-BASIC meeting on Friday. The big powers continued this support for a *moderate* agreement in Cancún. Interviewees' frequent comment that countries "are waiting for China and the US"[1183] instead refers to a push for an *ambitious* comprehensive deal, similar to the initial support by the US as hegemon in drafting the Kyoto Protocol's flexibility mechanisms.[1184] As a small power delegate described, the US, the big emerging economies, and the EU are holding the key with one waiting for the other to turn it first.[1185] An ambitious agreement however was against the will of big powers, and they countered any movement in this direction.[1186]

[1181] EU/EU-country(8)-05.05.2011: The delegate suspected that China and India may have initially tried to undermine the reaching of an agreement at COP-15.

Nevertheless, even this cooperation between major powers[1187] turned out to be insufficient to ensure an agreement. The resistance of small-to-middle powers brought the proposal down in 2009, despite pressure from the US on Latin American countries.[1188] So it was the allegedly weaker countries that had a significant impact on the failure to reach an agreement in Copenhagen. In Cancún in contrast, the resisting countries changed their behaviour and decided in favour. During two decades of climate talks, Saudi-Arabia had already demonstrated how smaller countries can significantly undermine negotiations.[1189] In these two years, small to middle powers exerted crucial influence against a hegemonic constellation.[1190] So the unchanged support by big powers for the moderate proposals towards the end of both COPs did not explain the different outcomes by itself. It does not mean that power differences are irrelevant though. Had the US – and not Bolivia – protested vehemently against the proposal in Cancún's last night, the Mexican Presidency would hardly have overruled them, or other countries would have come to help the US.

[1182] Observer(3)-16.06.2011
[1183] Denmark(2)-16.06.2011, similar: Umbrella-Group(1)-20.04.2011, Umbrella-Group(3)-14.06.2011
[1184] UNFCCC-Secretariat(5)-14.06.2011
[1185] G-77(4)-22.07.2011
[1186] G-77(4)-22.07.2011
[1187] BASIC(3)-08.07.2011
[1188] G-77(2)-13.06.2011
[1189] Observer(2)-08.12.2010
[1190] Moreover, small to middle powers can also create important dynamics through constructive engagement. They thereby exert a form of collective pressure through convincing discourse, which can bring opposed or neutrally-minded countries on board (cf. Chapter 4.5 on negotiation mode). One example was the Cartagena Dialogue, which unveiled important middle ground during 2010 and helped to shape the agreement at COP-16. While this is not sufficient by itself, the ideas the discourse generated added to the agreement's likelihood. (UNFCCC-Secretariat(2)-04.12.2010, G-77(3)-19.07.2011).

Summarizing, climate negotiations in these two years have given evidence more to the impact of small than large powers, at least in consensus-based multilateral negotiations, where the extreme ends can influence progress.[1191] Hegemonic support turned out to be insufficient: despite a variance in outcome, the approval by major parties, such as the US and BASIC-countries, of a moderate agreement remained constant between Cancún and Copenhagen. As with theories focusing on interest, power-based and process theory may complement each other. In the core area of their application, neorealist approaches aim at longer time horizons and look less at a specific negotiation sequence and its dynamics. Thus, process approaches can explain the difference between several summits, while power illuminates the reasons behind the slow progress of the climate regime over two decades now, for instance by pointing at the scarce hegemonic support by the US or China. After interest and power as most prominent structural factors of the comprehensive negotiation framework, I now turn to other alternative explanations.

5.4. Other alternative explanations

The difference in outcomes of negotiations during the Danish and Mexican Presidencies may be rooted in several other reasons beyond variables under the influence of organizers and beyond structure. The most promising alternative explanations are the 'stepping stone' effect of the

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[1191] AWG/SB-Chair(1)-30.11.2010

Danish Presidency for the Cancún Agreements, varying negotiation strategies of countries, and possibly also individual negotiators and facilitators.

The Mexican Presidency may have benefitted from the passage of time between the summits and a *stepping stone effect* of COP-15. This effect stretches over at least two rounds of negotiations (Presidencies): the outcome of one round serves as a stepping stone for a successive one, which can build on the previous work, such as on a blueprint of a rejected proposal like the Copenhagen Accord. The dynamic is different from *learning*. The latter was dealt with under the transparency-inclusiveness variable. Learning is enabled through information gathering on negotiation proposals and the preferences of parties. Depending on the process, this information exchange occurs at varying speed levels. Low transparency and inclusiveness inhibited a quick diffusion of information (or learning) among parties during the Danish Presidency. In the case of a different process management, a sufficient degree of information could have been attained within the year of the Danish Presidency to give a better understanding of the available options and the 'red lines' of parties.

A 'stepping stone' in turn requires preparatory work and a new round to bear the fruits which follow. During the Danish Presidency technical solutions and difficult political compromises had been struck on numerous issues. The most powerful countries, such as the US and BASIC-countries, were politically largely bound in 2010 by the agreement that their leaders had crafted in Copenhagen. This preceding work (the "great bargain"[1192], as some called it) prepared the basis, which COP-16 could successfully build on, as numerous interviewees across countries and organizations unanimously asserted.[1193] The Accord thus served as a

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[1192] Denmark(4)-12.08.2011

[1193] Mexico(3)-15.06.2011, Denmark(6)-09.02.2012, EU/EU-country(9)-26.05.2011, Umbrella-Group(1)-20.04.2011, Umbrella-Group(4)-04.07.2011, UNFCCC-Secretariat(5)-14.06.2011 "backbone"[1194] and orienting framework for Cancún. Its content had to be carried over into an agreement accepted by all parties.[1195] One even found that Copenhagen "was essentially adopted one year later".[1196] This does not mean that several areas, such as MRV and finance, still needed to be detailed when COP-15 was meant to come to a close.[1197] Yet, several crucial bargains had been made by the heads of states in Copenhagen, for which the Danes had shown "lots of stamina": "The Cancún agreements would otherwise not have been there,"[1198] acknowledged one Mexican official. A veteran negotiator echoed the significance of this preparation through COP-15 in asserting that "anyone would have struggled to pull off such a deal right away."[1199] It provided a salient political framework for the 2010 negotiations.

Is this stepping stone effect mutually exclusive with the influence of process management? Abundant evidence indicates that it contributed to the likelihood of success in Cancún. Yet, we cannot infer that such an effect is logically required, and hence necessary. Otherwise, we would never see an agreement emerging directly from one major negotiation round. An agreement would only be possible in case of one or several previous summits. The 'stepping stone' effect does also not suffice to ensure an agreement. This would have meant that the existence of the Copenhagen Accord alone guaranteed an agreement in 2010. Several insiders asserted that success in Cancún however was "not a given" either.[1200] We only need to imagine that the Mexicans had repeated the organizers' approach of 2009 in all its dimensions, such as a COP-President without authority, a process without transparency and inclusiveness, and internally divided and internationally inexperienced organizers. Countries may well have parted again without result. Instead, the organizers transformed the process and used all available levers to bring those on board in Cancún that had rejected the Copenhagen Accord.[1201] The outcome of 2009 hence made an agreement likelier in Cancún in addition to process management, but it was neither necessary nor sufficient.

[1194] UNFCCC-Secretariat(7)-03.08.2011: They only needed to "put flesh onto the backbone".
[1195] EU/EU-country(8)-05.05.2011
[1196] EIG(1)-09.08.2011
[1197] EU/EU-country(10)-16.08.2011
[1198] Mexico(4)-16.06.2011
[1199] EU/EU-country(8)-05.05.2011
[1200] For example: UNFCCC-Secretariat(5)-14.06.2011

On the agent-level, varying *negotiation strategies of delegations* could also have affected the outcome from one year to another. Negotiation strategy is an independent variable when the strategy changes but not because of altered interests or process management. Usually though, countries chose their strategy depending on their interests, or as a reaction to the process they encounter. For instance, delegations chose to show greater willingness to compromise in Cancún, also out of the interest to save the process (cf. Chapter 2.5 on negotiation mode). Further, different process management did no longer allow blocking an agreement due to process mistakes. So, strategy changes often depend on other variables.

The altered strategy of the EU seemed to be more independent from interest and process however: it continuously wanted an ambitious deal and never used process to undermine agreement. Some say, its strategy changed nonetheless. After Copenhagen, Europeans became more active in coalition building by reaching out to those G-77 countries that were interested in enhanced action.[1202] One result was the Cartagena Dialogue. So while the EU was relatively unsuccessful at COP-15, their tactics played out better in Cancún, and increased the agreement's likelihood. Nevertheless, 55 interviews with insiders of both climate Presidencies did not yield further indications of a major influence of negotiation strategies that changed independently of interest and process. This is despite explicitly open-ended interview questions about any observed success factors. In short, delegation strategies were usually dependent on countries' interest and the kind process countries find themselves in.

[1201] EU/EU-country(9)-26.05.2011
[1202] Denmark(1)-02.12.2010

Another agent-level factor is the capability of *individual negotiators*. Similarly to the analysis of lead organizers, capability is indicated by personal-cultural fit and process and content expertise. The personal fit of negotiators influences how delegations get along with each other. This fit varies and can enable or obstruct a fruitful atmosphere. Several interviewees described this with regard to some vocal negotiators: "If you keep having people like [negotiator's name], you won't see a different approach."[1203] Regarding expertise, Commonwealth countries in particular have traditionally well-trained negotiators, such as the United Kingdom, Australia, and Canada. Delegates of small countries can also exert influence. This usually depends on the individual negotiator's mastering of the process, e.g. the Colombian chief negotiator at COP-16.[1204]

Several highly capable negotiators can thus enormously help to reach a breakthrough. They can detect room for compromise or are able to convince others of a proposal. The right chemistry between key negotiators can create the goodwill required to eventually make concessions. This dynamic is known from 'high politics'. The reported superb personal fit between then Soviet-leader Mikhail Gorbachov and former German Chancellor Helmut Kohl was said to have facilitated negotiations on German reunification, for instance. Yet, while individual delegates certainly influenced negotiations, interview evidence did not single out particular negotiators during the Danish and Mexican Presidencies.

The same is true for the *myriad further process and other variables*, such as the time allocation to issues, the daily end of sessions, the COP-dynamic through constant format change in order for people to have expectations[1205], to name only a few.[1206] Out of the countless possible variables, scholarship, interviews, and participant observation have yielded as most influential those that are examined here. Future research may find evidence that other variables mattered to the same extent. For now, the 'stepping stone' effect remains the only additional alternative variable that contributed to the agreement in a meaningful way.

[1203] Umbrella-Group(5)-27.07.2011
[1204] AWG/SB-Chair(1)-30.11.2010

5.5. Conclusion

The final proposals of Copenhagen and Cancún were very similar in their core substance, yet parties rejected the compromise suggestion in 2009 and only adopted the agreement in 2010. Which alternative factors of the comprehensive negotiation framework could explain this variance (overview in Table 17), and do they complement or compete with process management? The central structural variable of interest doesn’t lead very far as the political and economic interests remained largely constant for the main coalitions and countries. Only the changed interest in reaching agreement in 2010 to save the process and the lesser use of negotiations as an ideological platform due to lower media attention raised Cancún's chances for success. The examination of power distribution could also not explain the difference. The big powers, such as the US, BASIC-countries and the EU continuously supported at least a moderate proposal in Copenhagen and Cancún. The 'stepping stone' effect of the political agreement in Copenhagen turned out as the non-structural, alternative factor with most impact. Leaders had made difficult political compromises, so that the Accord served as a helpful preparation for Cancún.

[1205] EU/EU-country(5)-17.02.2011
[1206] EU/EU-country(1)-20.01.2010

Table 17: Alternative variables only partially explain outcome variance

UNFCCC Agreement	**Moderate** (for 2009)	**Ambitious** (for 2009)	**Moderate** (for 2010)	**Ambitious** (for 2010)
1. Perceived interests[1207]				
Political	Yes	No	Yes	No
Economic	Yes	No	Yes	No
Ideological	No	No	Yes[1208]	No
Diplomatic / personal	No	No	Yes	No
2. Hegemonic stability (Big power support)	***Yes***	***No***	***Yes***	***No***
3. 'Stepping stone' effect	***No***	***No***	***Yes***	***No***
ACTUAL AGREEMENT	**No**	**No**	**Yes**	**No**

Do these explanations undermine the preliminary findings on process? Overall, process management complements structural theories and thereby results in a comprehensive negotiation framework. Its greatest influence on reaching agreement depends on circumstances of narrowly overlapping interests and consensus-rule. More generally, process management can best explain a sequence of negotiation outcomes on short- to mid-term cooperation, while interest and power usually deal well with mid- to long-term changes. The diplomatic and personal interest to save the process after a failure and the 'stepping stone' effect of a preceding political agreement both additionally enhance agreement probability, but complement and do not compete with process management. In sum, the analysis of alternative explanations significantly strengthens the internal validity of the finding that process management made a decisive difference. While it is not sufficient for achieving cooperation by itself, it is a strongly enabling factor as held by Hypothesis 1.1. *Jointly* with the sufficient but unnecessary variables of a narrow initial overlap of interests and a consensus-based system, we may even regard it as a necessary variable (Hypothesis 1.2). Before detailing the principal findings though, I will scrutinize this comprehensive negotiation framework in a cross-case analysis beyond climate change. Examining the same set of variables in multilateral negotiations in the complex areas of world trade and biodiversity will test its external validity.

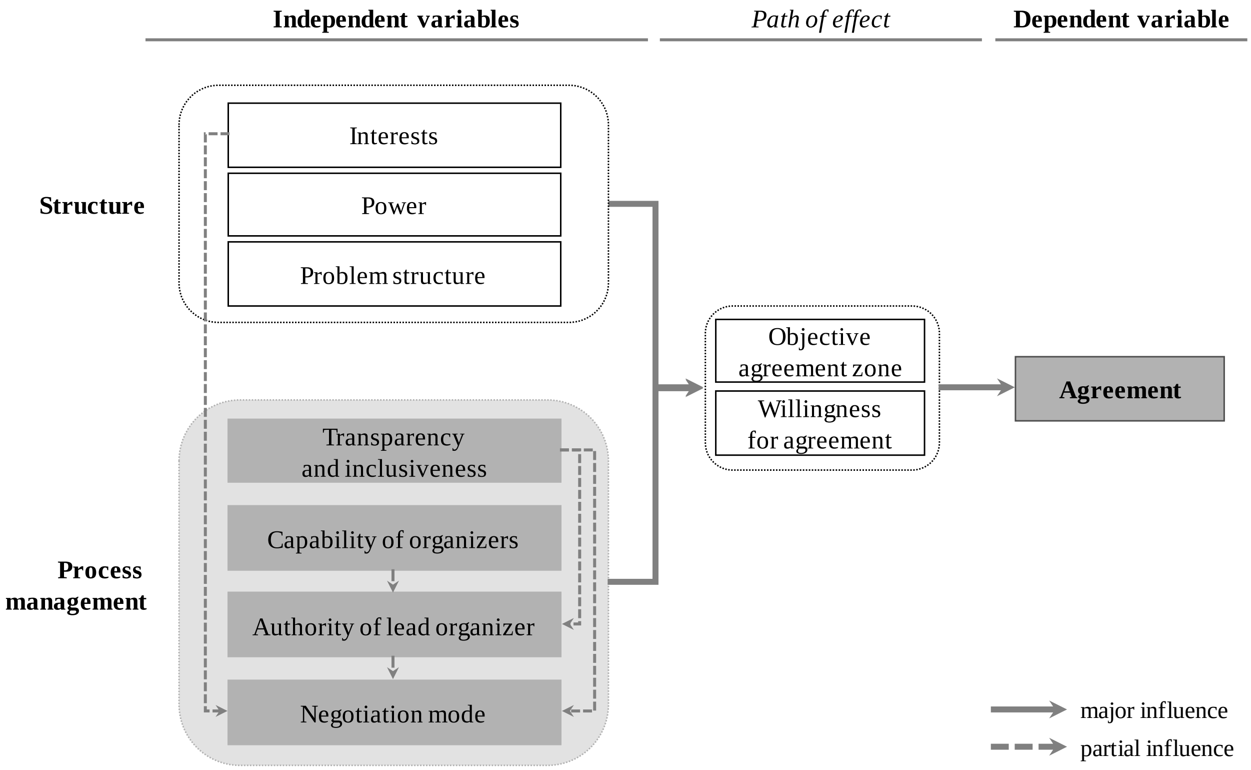
[1207] "Yes / No": No agreement of this kind if more than one country with clear preference against an agreement in the respective category of interest.

[1208] The absence of state leaders in Cancún with reduced media attention significantly lessened the ability to use the negotiations as a general ideological platform.

6. Trade negotiations on the launch of the Doha Development Agenda

The two attempts to launch a new trade round in Seattle and Doha in 1999 and 2001 lend themselves as textbook cases of different approaches to the process management of multilateral negotiations, just as their counterparts Copenhagen and Cancún did for climate negotiations. After a first breakdown in 1999, countries successfully reached agreement on a trade negotiation mandate two years later. A similar pattern of process influence would strengthen the validity of the negotiation framework across regimes (Figure 17). The structure of this chapter thus mirrors the analysis of climate negotiations to enable comparison between different cases. I will first outline the chronology of the trade cases, before examining the correlation of the hypothesized process variables and the respective outcomes. Process-tracing and the check for alternative explanations finally serve as causal probing.

Figure 17: Applying the comprehensive negotiation framework to trade negotiations


Independent variables
Path of effect
Dependent variable
Structure
Interests
Power
Problem structure
Process management
Transparency and inclusiveness
Capability of organizers
Authority of lead organizer
Negotiation mode
Objective agreement zone
Willingness for agreement
Agreement
major influence
partial influence

6.1. Chronology of the Seattle and Doha negotiations

Geneva and Seattle in 1999

States have had a long tradition in negotiating terms of trade. Post-World War II has seen the pendulum swing back after the restrictive first half of the 20th century towards a sweeping liberalization of the global exchange in goods. The last concluded year-long negotiation was the Uruguay Round under the GATT, which established the World Trade Organisation in 1995 (Stiles 1996). After that and over the past nearly 15 years, countries have negotiated on the further evolution of the global trade system, since 2001 officially within the context of the Doha Development Agenda. Today, the trade talks are highly complex multilateral negotiations with myriad issues to cover and 157 parties. Let us go back though to 1999, when countries negotiated about beginning new trade negotiations.

The launch of the Doha Round was a true roller coaster ride of trade negotiations. The first phase was the negotiation towards and at the summit in Seattle, from November 30 to December 3, 1999. Preparatory negotiations with ambassadors to the WTO started in Geneva months before the Seattle summit. Countries were deeply divided. Many developed countries favoured a new liberalization round, while numerous developing countries demanded a focus on the review and refinement of existing rules. Furthermore, they quarrelled over the succession of the outgoing Italian WTO Director-General (DG) Renato Ruggiero. Many industrialized countries supported Mike Moore of New Zealand, while most emerging economies advocated for Supachai Panitchpakdi of Thailand. After enduring strife, the compromise was that Moore and Supachai would each serve one half of a six-year term. As a result, the WTO lacked a DG during this decisive preparatory time for Seattle between May and September 1st.

The General Council as the WTO's highest-level decision-making body was unable to fill the gap. Its Chairman presides over negotiations outside of ministerial summits. Yet, incumbent

Ali Mchumo of Tanzania showed very little leadership on developing the negotiation text into a manageable document.[1209] As a result "the summer was largely lost", assessed a senior WTO official.[1210] Negotiators hoped in vain to make up for this time during the autumn through a stringent 'Green Room'[1211] process, which would consist of the core countries and the new WTO leadership.[1212] Yet, the division on personnel and substance led to a late and highly bracketed draft text that was "totally unmanageable"[1213] for a ministerial meeting of only four days. Preparatory negotiations in Geneva, in short, had not resolved any issue (Odell 2009, 285).

The dynamics got worse in Seattle. The opening ceremony on *November 30* was meant to be addressed by the hosts and key organizers US Secretary of State Madeleine Albright, Conference Chair US Trade Representative Charlene Barshefsky, and WTO-DG Moore (cf. Chapter 6.5 "authority of the lead organizers" section for details on these roles). Delegates of 135 countries, including many ministers, waited for over one and a half hours for Barshefsky and Albright, who never came as protesters blocked the way into the conference.[1214] Of the 30,000 demonstrators a few thousand behaved obstructively or even destructively, according to a seasoned eyewitness (Bayne 2000, 136). Negotiations were nearly completely stalled on the first day (ICTSD 1999a), and the police were incapable of providing access to the venue for many delegates (Odell 2009, 273).

So, Conference Chair Barshefsky only addressed the entire summit in the plenary[1215] on the morning of *December 1*, while the opening ceremony of the previous day had to be cancelled

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[1209] WTO(2)-16.12.2011
[1210] WTO(2)-16.12.2011
[1211] The Green Room is a green-coloured meeting room at the WTO, where the DG traditionally invites a small group of key countries to facilitate crucial compromises. It is now symbolically used for small group processes at trade negotiations.
[1212] WTO(2)-16.12.2011
[1213] WTO(2)-16.12.2011
[1214] WTO(2)-16.12.2011
[1215] Known as the Committee of the Whole (CoW) in trade negotiations.

(Bayne 2000, 135). After an apology for the chaos, Barshefsky underlined that she would resort to Green Room consultations should negotiators not be open to concessions (WTO 1999a). While she emphasized her preference for an inclusive approach, the announcement heavily irritated delegations as most would be excluded from such small groups. On the same day, US President Clinton visiting the summit infuriated developing countries further. In a newspaper interview, he demanded the inclusion of labour rights in future agreements, safeguarded by sanctions against non-abiding countries. Clinton was pleasing his labour union constituency among the angry protesters (Odell 2009, 286), yet the issue had been intensely negotiated before and had been finally not included in the agenda.

The conference established five negotiation working groups on agriculture, implementation, the Singapore (or, 'new') issues, market access, and systemic issues (e.g. institutional reform and transparency) (ICTSD 1999a). Parallel to these groups, members started meeting in bilaterals and smaller circles (ICTSD 1999b). Agriculture stood out as one prominent dividing issue with the US-EU quarrelling over the level of ambition for the upcoming negotiation agenda:[1216] how far should trade in agricultural goods be liberalized analogous to trade in other goods, how much should one-sided government support be reduced? Regarding the issue of implementation, developing countries demanded flexibility on existing WTO rules (e.g. for trade-related aspects of intellectual property rights) as they posed enormous difficulties for them, but also a renegotiation of agreements from the Uruguay Round that allegedly contained "strong imbalances" (ICTSD 1999b). Launching negotiations on the Singapore issues, such as investment and competition, was a third, highly contested field with developed countries pushing for their inclusion. The list of differences could be continued.

[1216] G-10-country(1)-15.02.2012

The following day, *December 2*, Barshefsky tried to alleviate grievances caused by the Clinton comment, yet with little effect (ICTSD 1999c). The mood was further soured by diverging expectations of transparency and inclusiveness. Latin American and African countries prepared statements to block any consensus should the negotiation process continue in its current manner. They expressed "grave concern" about lacking transparency (ICTSD 1999c). EU Trade Commissioner Pascal Lamy demanded a whole summit dedicated to making trade negotiations more transparent and inclusive. The Conference Chair's assertion that Seattle had the most transparent process in trade history with clearly defined, open-ended working groups did not calm the atmosphere (ICTSD 1999c).

Regarding the negotiation substance, Barshefsky urged parties in the morning plenary to produce text without brackets (WTO 1999b). Delegates had already shifted gears to night-long negotiations. Meanwhile Barshefsky, Moore, and working group chairs began compiling a draft declaration text for the last day. Due to at least moderate progress, the chairs of the agriculture and implementation working group submitted first, yet still contested, syntheses to the organizers in the evening (WTO 1999b). However, the two other salient working groups on new issues and market access were far from ready to follow suit (ICTSD 1999c).

Faced by the fast-approaching deadline, 20 to 40 ministers, working group chairs, and WTO officials turned to informal Green Room negotiations from Thursday afternoon to the early hours of Friday morning, *December 3*, the last day of the ministerial (WTO 1999c). By late afternoon, it became clear that despite good progress in some fields, such as agriculture or services (Bayne 2000, 135; Odell 2009, 287), an overall agreement was still not in reach. The 19-page draft ministerial declaration was still severely bracketed (ICTSD 1999e), and neither Conference Chair Barshefsky nor DG Moore dared suggesting a compromise text to parties. Organizers suspended negotiations in the final plenary session without launching a new trade round and without decisions in areas of consensus. Barshefsky appealed to parties to continue negotiations after Seattle in "creative" ways and to improve process so it is "both efficient and fully inclusive" (WTO 1999c), as it was no longer appropriate for today's higher complexity of negotiations (ICTSD 1999d). Numerous NGOs celebrated that no agreement could be achieved (Odell 2009, 273). At the same time, many negotiators from developing and developed countries regretted a lost opportunity and foregone benefits for their countries caused by the delay (ICTSD 1999d).

Geneva and Doha in 2000 and 2001

After the Seattle breakdown, talks on services and agriculture started only a little later in early 2000. They had already been scheduled by provisions in the Uruguay Round regardless of the launch of a new comprehensive agenda (WTO 1999c). With both sectors covering 2/3 of global output (WTO 1999), it was a significant continuation of talks. The lack of trust after the events in Seattle was still deep-seated though (Odell 2009, 288). The organizers of negotiations reacted. WTO-DG Moore and General Council Chairmen Kare Bryn of Norway, and later Stuart Harbinson of Hong Kong-China, were leading preparatory negotiations in Geneva throughout 2000 and 2001. They reached out explicitly to include as many countries as possible in deliberations (Odell 2009, 289). At the same time, negotiators of the two trade superpowers, the US and EU, travelled intensively to advocate for an agreement, made bilateral progress amongst themselves, and started softening their positions, e.g. Brussels' offer to largely abolish import tariffs for LDCs, and Washington's dropping of the labour rights issue under the new Bush administration (Odell 2009, 288).

Nevertheless, disagreement continued so that in July 2001 Harbinson and Moore announced the proposing of a compromise draft, which would use the bottom-up input they had collected since Seattle. They intended to avoid a Seattle-like situation, where the summit had opened with a long and highly contested text. In the meantime, smaller informal ministerial meetings in August and October in Mexico and Singapore helped move negotiations forward and provided additional space for negotiators to exchange openly before the summit (ICTSD 2001). Eventually, the organizers issued draft proposals in late September and revised versions in late October,[1217] which became the base for the summit. Some developing countries accused the drafts by Harbinson and Moore of a bias in favour of developed countries (Jawara and Kwa 2003, 67). India, for instance, vehemently complained about the textiles provisions (ICTSD 2001a). Overall though, preparatory negotiations were reported as rather "uneventful" without any crisis comparable to the clash of the DG's succession in 1999.

Negotiations culminated in the 4th Ministerial Conference in Doha, Qatar, from November 9 to 14, 2001. Despite the shock and insecurity after the 9/11 terrorist attacks on the US, delegates of 142 countries gathered in Doha showing that countries can still cooperate under difficult circumstances. Regarding external conditions negotiations started smoothly on *November 9* as the organizers largely inhibited any outside protests (Odell 2009, 291), in contrast to the over 30,000 activists reported in Seattle. As two years earlier in Seattle, the goal was still to negotiate the "whether and how" of a new round of trade negotiations. Developed and many developing countries supported a further reduction of trade barriers, while several developing countries vehemently demanded to first resolve the severe problems associated with current rules (ICTSD 2001a).

On *November 10*, negotiations made little progress in the six working groups with ministerial facilitators covering most issues already on the table in Seattle: agriculture, implementation (e.g. market access for textiles), the application of intellectual property rights to public health, the Singapore issues, environment and trade, and rule making such as on anti-dumping. The US and the EU however, as two principal players, showed an extent of harmony, which one trade veteran had rarely seen before.[1218] Parallel to this, informal consultations in smaller fora were started, yet Conference Chairman Sheikh Youssef Hussein Kamal, Qatari Minister of Finance, Economy and Commerce, emphasized that official working groups would remain at the heart of negotiations (ICTSD 2001b).

[1217] JOB(01)/140/Rev.1, JOB(01)/155, JOB(01)/139/Rev.1

On *November 11*, process concerns were voiced: LDCs complained about not having a single facilitator arising from their group, and too many non-inclusive meetings (ICTSD 2001c). Besides, delegates made hardly any progress on substance. The original US concession on textiles proved insufficient for developing countries, the EU raised its demands to include the environment in trade negotiations, the US reaffirmed its resistance to changing its anti-dumping rules, and several developing countries underlined their opposition to negotiating any new issues at all (ICTSD 2001c).

Progress came one day later, when primarily Brazil and the US brokered a compromise on TRIPs on *November 12* (ICTSD 2001d). This had been a salient issue for developing countries and was crafted mostly in their favour. Agriculture progressed with only the EU isolated in its opposition to the current draft. The US softened its anti-dumping stance, while it underlined it could not concede any further on textiles; no breakthrough was seen on new issues yet with continued opposition from the EU and developing countries (ICTSD 2001d). Meanwhile, in the plenary developing countries welcomed the more transparent process than in Seattle and the creation of a working group facilitated by an LDC-minister (ICTSD 2001d). Nevertheless, some raised complaints about a lack of English translations for the working group meetings and on the missing indication of the location of informal meetings (ICTSD 2001d).

[1218] WTO(2)-16.12.2011: "The range of agreement between them [Zoellick for the US and Lamy for the EU] was striking."

On Tuesday *November 13*, the final official day, Kamal issued a last version of the original Harbinson draft text. As the plenary could not reach agreement core negotiations moved into the Green Room in the evening. Twenty-three ministers from all major negotiation groups gathered, with six of them coming from developed countries (ICTSD 2001e; Moore 2003, 129).[1219] To point out just a few stumbling blocks: as the EU had yielded some ground on its core issue of agriculture, the US and Japan now supported the EU to consider environment and the new issue of investment for the agenda of the upcoming round. India remained in stern opposition to negotiatingany new issue (Jawara and Kwa 2003, 105-108; Odell 2009, 292). After a 12-hour all night marathon, the Green Room meeting was closed and the compromise presented in the morning as not open for changes, according to one source (Wolfe 2004, 581). The WTO-DG and several key delegates, such as US Trade Representative Robert Zoellick and Kenyan trade minister Nicholas Biwott, eventually tried to convince Indian Commerce Minister Murasoli Maran in a separate small meeting in the afternoon, as the country was still opposing in the ongoing final plenary (Jawara and Kwa 2003, 110; Moore 2003, 134). The Solomonic decision was that Kamal would read out a statement that negotiation of the new issues would begin explicitly only by consensus, a caveat not included in the final text though.[1220] Twenty hours after the original deadline parties finally reached agreement in the plenary on the evening of *November 14*.

[1219] The 23 delegations included: Australia, Botswana, Brazil, Canada, Chile, EU, Egypt, Guatemala, Hong Kong, India, Japan, Kenya, Malaysia, Mexico, Nicaragua, Pakistan, Qatar, Singapore, South Africa, Switzerland, Tanzania, US, and Zambia.

[1220] WTO(2)-16.12.2011

All countries had yielded positions important to them to concur on the work programme of the *Doha Development Agenda (DDA)*[1221] to be completed by January 1, 2005. They settled very close to the compromise originally proposed by the organizers in October (Odell 2009, 293). A main declaration set the ground for a new round of liberalization with negotiations on agriculture (the EU granting a substantial reduction in subsidies), services, and potentially on the Singapore issues (developing countries accepting the option to negotiate after 2003). Furthermore, talks would be held on issues such as anti-dumping (despite fierce original opposition from the US) and the environment. Specific declarations addressed intellectual property and public health, as well as the alleviation of difficulties associated with the implementation of current WTO agreements. Another priority of the LDCs was also met with the waiver to allow a special treatment for poor countries of the ACP-group. Taken together, these provisions were crucial for many developing countries (ICTSD 2001e) and eventually "bought" their support (Jawara and Kwa 2003, 112; Wolfe 2004, 581). After the breakdown of Seattle, Doha had now successfully launched a new trade round. To what extent can process management explain this difference in outcomes?

6.2. Scope conditions and outcome

This thesis holds that process management has its largest influence on negotiations in case of consensus-based decision making, which applies for trade negotiations under the WTO. Moreover, interests have to overlap narrowly at the outset. "A notary can't achieve anything if certain countries don't like to move," described a WTO official about the role of the organizers.[1222] Such small convergences of interests were given for the beginning of the respective negotiation phases leading to Seattle, and later to Doha. Early in 1999, there was no complete clash as all main groups wanted at least some form of trade talks on either implementation *or* advanced liberalization. Although countries were generally open to discuss trade issues, a significant schism existed over whether implementation problems needed to be resolved first before any new liberalization, as many developing countries demanded. Hence, interests overlapped narrowly as countries intended to realize at least some of the benefits of their preferred choices. This zone of congruence slightly grew by 2000 when preparatory talks for Doha started, as the threat of a second breakdown added a common interest to parties' considerations. However, the still conflictive nature of the talks demonstrated that an agreement in Doha was also not a safe bet. In sum, there was room for process management to make a difference given the narrow overlap of interests in both years.

[1221] WT/MIN(01)/DEC/W/1, WT/MIN(01)/DEC/W/2, WT/MIN(01)/DEC/W/10

[1222] WTO(1)-16.12.2011

Turning to the *dependent variable*, Seattle did not meet its goal of an agreement on the launch of new trade talks. The outcome was hence widely seen in a very negative light. Representative of many, a veteran WTO official characterized it as "a shattering failure"[1223]. A senior negotiator found Seattle achieved "only trivial agreements"[1224]. This was very different for Doha, where countries eventually concurred on launching a new round of liberalization, on refining the implementation of existing WTO rules, and on respecting trade-related public health concerns in developing countries. To be sure, Doha did not have to pin down binding terms of liberalization or adjustments of current regulations. This challenge keeps negotiations still running today. Yet, they achieved agreement on a mandate of a new round, which was difficult enough as demonstrated in Seattle. Let us now examine for both cases how the four variables of process management correlated with the dependent variable, and trace the process of how each impacted on the outcome.

[1223] WTO(2)-16.12.2011

[1224] EU-country(1)-29.11.2011

6.3. Transparency and inclusiveness of process

Correlation

The indicators of process transparency and inclusiveness for trade negotiations equal those of the climate regime, as the WTO trade negotiation structure is comparable to that of the UN climate negotiations. In the WTO trade realm, countries negotiate in *many different fora* with highly varying levels of transparency and inclusiveness. On one side are the open-ended General Council Room meetings during non-summit phases, mostly in Geneva at the WTO. They are accessible to all WTO members, and in this regard comparable to summit plenaries (or, Committee of the Whole). In these public settings with a high number of delegates and issues constructive discussion and discrete mediation are nearly impossible. Therefore, parties split in multiple working groups with specific mandates. Moreover, key organizers facilitate informal, small group negotiations with more efficiency but less transparency and inclusiveness, for instance the Green Room negotiations with the DG. Finally, bilaterals in completely informal settings are a primary setting for discretely exchanging information: "Negotiations never take place in formal hall. It happens over dinner or drinks. That's where it is hammered out. Very informal meetings take place by the lake, over phone, etc. It is all based on personal relationships"[1225] (for the decision-making process see also: Wolfe 2004, 581; Odell 2005, 433, 446).

To briefly reiterate, *transparency* of the negotiation process is indicated by the extent of information 1) on the mandate, schedule, and progress of the small group, 2) on the origin, evolution, and conclusion of the final compromise text, and 3) on the schedule and progress of overall negotiations. Regarding *inclusiveness*, salient indicators are 1) the direct participation (or at least appropriate representation) of countries in the small group, 2) the integration of levels of expert negotiators, ministers, and heads of state and government, and 3) the extent to which organizers reach out to parties during their facilitation efforts. The communication of organizers about transparency and inclusiveness is the final, overarching aspect (Figure 6).

[1225] ACP-country(1)-15.12.2011

Overall, negotiations before and in Seattle are widely conceived of as lower in transparency and inclusiveness than those in Geneva and Doha (ICTSD 1999e). Let us turn to *transparency* first. Regarding *small group* transparency, organizers in both cases used Green Room diplomacy, however in varying ways. In the months before *Seattle*, newly-appointed DG Moore tried to facilitate in smaller circles in the Green Room with the usual 20-plus participants. This excluded more than 100 delegations who were neither informed on participants nor on mandate, schedule and progress (Odell 2009, 285). It was the approach inherited from the old GATT days when the 'Quad' of the US, EU, Canada, and Japan decided most rules. A Western negotiator conceded that "transparency has always been difficult" in trade negotiations, with the self-critique that "big countries wanted to come together and decide for others".[1226] In Seattle, Moore and Barshefsky held a series of small group meetings to facilitate a compromise, such as the one which was a last, unsuccessful attempt for agreement from Thursday to Friday, the last day of the summit. Given its importance, very little was known about this crucial final meeting, which hence stood for a non-transparent small group process.

The *small group* process before and in *Doha* was more transparent. In response to Seattle, General Council Chair Bryn increased transparency and inclusiveness by altering small group procedures: small group meetings would always be announced publicly and delegations invited to make their points. They usually would be open to all and the results be reported afterwards. It became the practice under Bryn and his successor Harbinson, without a formal adoption as it had been originally suggested by Bryn in July 2000 (Odell 2009, 289). This is not to say though that the Green Room meetings did not also retain their traditional importance during the ministerial[1227], but they were approached differently.

[1226] EU-country(1)-29.11.2011

The *negotiation text* development also differed between the two years. In the run-up to *Seattle*, General Council Chair Mchumo was mostly preoccupied with the WTO-DG successor search with little time to test the ground for compromise in bilaterals. The General Council therefore stayed at the centre of negotiations with long-lasting general discussions, according to a participant.[1228] As a result, Mchumo brought forward a compilation of diverging positions of 32 pages full of brackets, which countries could eventually not resolve in the remaining time of the Seattle process. The General Council Chair was unable to provide at least a minimal focal point for parties (on the text evolution: Odell 2005, 438). Despite a slightly higher transparency from the open-ended General Council discussions, even DG Moore did not consider pre-negotiations in Geneva as very transparent or inclusive (Moore 2003, 111).

From the beginning of the *Doha* preparations, General Council Chairs Bryn and later Harbinson reduced the number of formal council meetings to discuss key elements of a potential text. Instead, they saw delegations in smaller circles or even one by one to avoid a divisive debate, according to a senior WTO official: "It was a very private process" with the text development in the hands of the General Council Chair with the support of WTO officials.[1229] Nevertheless, the Geneva-Doha text development turned out to be a more transparent process than the Geneva-Seattle one. The single negotiation text eventually provided by the organizers before Doha did not appear 'out of the blue' for countries, as in the Copenhagen climate talks. Instead, organizers cautiously ensured that the key steps of the text evolution were always announced to all parties (e.g. the announcement in July 2001 that a chair's text would come forward in September). Further, organizers distributed as much text as possible early and widely among delegates, such as in the TRIPs negotiations. This was in contrast to Seattle, where "the text went out only until it was too late."[1230] Eventually, the suggested compromise text reflected the inputs of a broad range of countries. A final major improvement on transparency compared to Seattle was the daily *reporting* of facilitators to all delegations on the *progress* made in their respective groups (Moore 2003, 124).

[1227] WTO(2)-16.12.2011
[1228] WTO(2)-16.12.2011
[1229] WTO(2)-16.12.2011

With respect to *inclusion in small group meetings*, Doha made great improvements over Seattle. One of the most striking examples was that Kenya, representing the 40-member strong African Group, had not been invited to the Green Room in Seattle (Odell 2009, 286). In response to this mishap, two vocal African leaders, Gabon and Tanzania, participated in the 'mini-ministerial' meetings in Mexico and Singapore in the months leading up to Doha (ICTSD 2001). They had also been excluded from the Seattle Green Room talks. One analysis finds though that participation in these 'mini-ministerials' was still skewed in favour of developed countries (Jawara and Kwa 2003, 59). Yet while not perfect, they were a step in the direction of more inclusiveness. After all, the Odell study reports for Doha that "[n]o minister denounced the WTO for excluding him or her from real decision making". He quotes Nigeria's trade minister Mustafa Bello: "Unlike in Seattle, Africa has been satisfied with all the stages in consultations and negotiation processes in Doha" (Odell 2009, 292). Increasingly, a system for small groups evolved that ensured all countries were at least represented by one member of their 'coalition', largely satisfying parties (Odell 2005, 435). In the final Doha Green Room negotiations during the night to November 14, only six of the 22 participating ministers came from developed countries (Moore 2003, 129).

[1230] WTO(2)-16.12.2011

The *integration of negotiation levels* to include the input of both ministers and expert negotiators has also been conceived of as salient for trade negotiations. A strong focus on ministers disadvantages delegations with less professional support and thus inhibits the input of developing countries (Narlikar 2004). There is scarce data on this for *Seattle*. Early on at the ministerial though, Barshefsky had demanded that only ministers would be allowed to speak given the not very helpful preparatory work of expert negotiators. [1231] The integration of levels in *Doha* gives a mixed picture. One negotiator reports that some major parties, such as the US, EU, and Brazil, requested that only ministers and not ambassadors should be allowed to speak on core issues.[1232] It is also said that ambassadors were only supposed to send notes to their ministers (Narlikar 2004, 422). Only ministers would have the political authority to step beyond originally defined 'red lines'. While such a restriction seemed not to have been the case for all meetings, it appears to be true for the final Green Room meeting in Doha (Jawara and Kwa 2003, 104). This posed a major problem for the poorer equipped developing countries with less informed ministers, and diminished their ability to participate. On balance though, the greater "bottom-up approach" (WTO 2001) by General Council Chairs Bryn and later Harbinson during the Doha preparation, had ensured that ambassadors of all countries had been given the chance to provide their ideas, which enhanced the inclusion of the expert level. So overall, the integration was probably slightly deeper during 2000 and 2001.

[1231] WTO(2)-16.12.2011

[1232] G-10-country(1)-15.02.2012

A more clear-cut finding is that the leadership of the Geneva-Doha negotiations *reached out* explicitly wider than the Geneva-Seattle one. One study reports that Barshefsky spent too little time to "ask and listen carefully" to parties to build consensus (Odell 2005, 432). In contrast, the two successive General Council Chairmen and the WTO-DG travelled extensively to a wide range of countries when preparing the compromise text before Doha to deepen relationships beforehand (Odell 2009, 289). As a conscious strategic trust-building measure, Moore for instance visited Africa six times before Doha to include so far much neglected members. He found it "perhaps *the*… crucial element in launching the round" (Moore 2003, 113). A WTO official sums up that all countries had been included in the process of consultations by the organizers this time.[1233]

With regard to *communication*, Barshefsky's infamous threatening announcement early on in Seattle to move the process into small group negotiations in case of lacking progress raised parties' doubts of attending a transparent and inclusive negotiation. In contrast, the explicit declaration by the new General Council Chair Bryn after Seattle to introduce more transparency and inclusiveness into the process most likely positively altered parties' perception.

In sum, the available information did not yield equal amounts of data on each indicator of a transparent and inclusive process for both negotiations. However, it already provides abundant evidence that negotiations were of higher transparency and inclusiveness in Geneva and Doha in 2000/2001 than in Geneva and Seattle in 1999 (for Seattle also: Bayne 2000, 139). One study even judged that the "Doha process was more representative and more inclusive than any previous GATT or WTO meeting", while conceding that some countries still found it insufficient (Wolfe 2004, 580). Speaking overall, the process variable correlated with reaching an agreement.

[1233] WTO(2)-16.12.2011

Process-tracing

To what extent can we trace a causal influence of a (non-)transparent and (non-)inclusive process on the probability of agreement? As with climate negotiations, the analysis follows the four paths of *1) process and content knowledge; 2) contribution ability; 3) obstruction ability; and 4) feeling of respect* (Figure 11).

It seems that delegations in Seattle, as in Copenhagen, lacked *process and content knowledge* to take an informed decision *(Path 1)*. The non-transparent and exclusive process inhibited a quicker learning about suggested solutions, as a senior negotiator acknowledged: after Seattle countries had "two more years to understand the issues" and were thus able to commit to an agreement on the launch in Doha.[1234] Turning the argument around, a more transparent and inclusionary approach may have enabled such learning already before and in Seattle. "Countries like to have time to consider the issues in more detail", explained a WTO official.[1235]

A veteran WTO colleague added that the "fact that a lot of parties will not know is often a major impediment. It creates suspicion and fear."[1236] Delegates worry about accepting a proposition when they are in fact unsure of its benefits for their country – a very uncomfortable position to be in as they need to report 'home' about progress and results. In these cases "'[N]o, is the easiest, safest option" for countries, granted former DG Moore (Moore 2003, 122). Thus, low transparency disadvantages the poorly-staffed delegations of many developing countries even further (see also Narlikar 2004, 424).

Moreover, scarce information and exclusion create suspicion about the neutrality of organizers. This becomes even more important for delegations with less capacity. Least developed countries can often only afford sending two or three delegates with scarce real time support from the capital during the summit; around thirty WTO-members do not even have permanent representatives in Geneva to closely follow the salient non-ministerial negotiations during preparation time.[1237] These disadvantages render comprehensive information on the state of negotiations by the organizers even more important "to explain what is going on"[1238]. Otherwise, the lack of information can eventually cause "a breakdown of trust… You cannot realize an outcome without process", asserted a developing country negotiator.[1239] Without trust, parties may then lose any willingness to agree. Moreover, how legitimate is a process where a large number of participating member states does not know about the key developments in process and substance? Numerous excluded developing countries had expressed their rejection of any deal on these process grounds in Seattle (Bayne 2000, 135).

[1234] EU-country(1)-29.11.2011
[1235] WTO(1)-16.12.2011
[1236] WTO(2)-16.12.2011

Regarding *contribution ability (Path 2)*, one can imagine dynamics similar to those detected for climate negotiations, such as creating a more comprehensive negotiation text and greater ownership through a wider inclusion. While some elements in the chronology hint at this, there was not much data available to substantiate this path here. Apart from objective, content-driven disadvantages, a non-transparent and exclusive process provides the *possibility to obstruct* on mere process grounds *(Path 3)*. As in climate change, this is frequently owed to political-economic ideologies that oppose any further trade liberalization that is promoted by the industrialized world. A long-time WTO official suspected that this is the motivation behind the process-based resistance of several countries with socialist-authoritarian tendencies. Cuba, Venezuela, Ecuador, and Bolivia for instance have constantly raised process complaints in trade talks, such as on transparency and inclusiveness.[1240] A developing country negotiator concurs, and additionally mentioned Nicaragua. Some delegations "were like a small child who was not able to put his hand into the cookie jar… Their manner is very strong. They have a very strong foreign policy. This is for political-ideological reasons. There is an anti-Washington consensus amongst them."[1241] The striking similarity to climate negotiations in terms of countries and strategy speaks for an interpretation that these countries take the negotiations hostage on process grounds beyond the actual negotiation substance as part of a wider ideological struggle. Whichever the motivation, process shortcomings provide a tool to obstruct negotiations.

[1237] G-10-country(2)-16.02.2011
[1238] WTO(2)-16.12.2011
[1239] ACP-country(1)-15.12.2011
[1240] WTO(1)-16.12.2011

Finally, the expectation of what would constitute *respectful treatment* had changed massively between the end of the Uruguay Round and Seattle *(Path 4)*. The major trade powers were accustomed to the 'GATT-world' where a few delegations dominated, and agreement between the 'Quad' of the US, EU, Canada, and Japan meant a new deal.[1242] Although the Kennedy and Tokyo Rounds were *multi*national negotiations most parties were still "very silent", according to a WTO veteran.[1243] By the end of the 1990s though, countries vocally demanded more transparency and inclusiveness in the process, and would only then feel more respected: "Now, [developing countries] have taken a more aggressive posture… there is a need to quickly formalize these informal decisions", said a negotiator describing the new dynamic.[1244]

In Seattle, Moore and Barshefsky had followed the 'traditional' secretive format of small group negotiations. The mostly excluded developing countries were more outraged than ever before: "They still think the WTO is a club. They still think 20 countries can decide for the rest of us," expressed a Latin American negotiator (Odell 2009, 286). Many delegates bitterly opposed the exclusive Green Room meeting of Seattle's last night. The result of the exclusion was great frustration from the lack of respect, made even worse by the presence of ministers: "If you have 150 ministers in the room and had five or six Minister that tried to make a deal somewhere else, they got to be frustrated as they have also other things to do. Then they have to wait for half a day."[1245] Comparable to the Copenhagen climate summit, the Seattle approach led delegations to announce the blocking of *any* outcome the small group would achieve regardless of its content, on the grounds of an appalling process.

[1241] ACP-country(1)-15.12.2011
[1242] EU-country(1)-29.11.2011, EU-country(2)-16.02.2012
[1243] WTO(1)-16.12.2011, ACP-country(1)-15.12.2011
[1244] ACP-country(1)-15.12.2011

For instance, the African Group had been excluded from the last night's Green Room meeting in Seattle. They declared on the morning of the final day before any substance of the Green Room compromise was released: "There is no transparency in the proceedings and African countries are being marginalized and generally excluded on issues of vital importance for our peoples and their future... We will not be able to join the consensus required to meet the objectives of this Ministerial Conference" (Odell 2009, 286). A Latin American veteran of 30-years of trade negotiations echoed that "[t]his is absolutely the worst – the worst – organized international conference there has ever been… Mrs. Barshefsky is intent on forcing the process and having a declaration at all costs, almost as if it doesn't matter what the rest of the countries think about it. Well, that is not going to happen. The WTO does not belong to the United States" (Paulsen 1999).

Such a de-coupling of substance and process is a dynamic detected in previous trade negotiations, and well-known in social relations in general according to social psychology scholarship (with myriad further sources: Albin and Young 2012, 40). For trade, an 'old hand' of the WTO described that the continuous informing of delegates on the text development "makes it much more possible for them to buy in. The feeling of exclusion might even bring them away from the objective economic rationale."[1246]

[1245] G-10-country(1)-15.02.2012

In contrast, the explicit raising of transparency and inclusiveness of small group meetings during 2000 before Doha is said to have increased countries' willingness to cooperate (Odell 2009, 289). One reason probably was that they felt respected again. Meetings in Doha were more transparent and thereby limited frustration among delegates.[1247] The salience of a transparent and inclusive process also became clear from the evidence of changes undertaken since then. One developing country negotiator, for instance, underlines that the recent creation of the G-11[1248] has raised the degree of participation as it better represents the major regions in trade negotiations with official mandates and regular reporting on progress.[1249]

To conclude, evidence from interviews and secondary sources demonstrates that dynamics in paths 1), 3), and 4) have also been at work in trade negotiations culminating in Seattle and Doha. There was scarce material on path 2), but circumstantial evidence suggests this is only owed to the lack of data, not of its applicability. So, increased process and content knowledge, less obstruction ability, and a greater feeling of respect all contributed to reaching the agreement to launch trade talks in Doha, and had the reverse effect in Seattle. In Moore's summarizing words on Doha: "[T]ransparency and inclusiveness… helps to explain why Member governments were more prepared and more willing to reach agreement" (Moore 2003, 105).

6.4. Capability of organizers

Correlation

[1246] WTO(2)-16.12.2011
[1247] G-10-country(1)-15.02.2012
[1248] The G-11 consists of the US, EU, Japan, Canada, Australia, China, India, Brazil, Argentina, South Africa and Mauritius.
[1249] ACP-country(1)-15.12.2011

The indicators of the *capability of the organizers* mirror that of the climate analysis to ensure comparability. Despite slight differences in leadership positions between climate and trade negotiations, they are fairly similar in the chosen periods. Since the creation of the WTO in 1995, there are two key organizers of trade negotiations that take place in Geneva: the *WTO Director-General* and the *General Council Chairperson*. The latter is an ambassador of a (usually smaller and more neutral[1250]) country to the WTO with a one-year term (WTO 2012). A third key organizer is added when the biannual Ministerial Conference is held outside of Geneva: the minister of the host country then serves as *Conference Chairman*, who steps into the role of the General Council Chairperson during the summit (see also: Narlikar 2004, 417).

There is one main difference to climate negotiations. The position of the annual President of the climate negotiations is split for trade summits outside Geneva. In that case, the General Council Chairperson focuses on the preparatory negotiations and the Conference Chairman presides over the summit, yet with the General Council Chairperson still supporting.[1251] With these two people and the Director-General already occupying central facilitative positions, this study will not examine the lead administrative official of the host country (and so depart from the climate analysis). This is not to say that the quality of his or her support also influences the performance of the host country.[1252] But this would also apply to the chairs of the working groups that affect the progress of negotiations. Often, they work on salient issues over a long period of time.[1253] Yet, this thesis focuses on the top and most influential leadership level to maintain a clear scope. There is academic consent to study this level's influence, e.g. in the research on the 'role of the chair' (e.g. Wolfe 2004, 579; Odell 2005; Odell 2009).

[1250] EU-country(1)-29.11.2011

[1251] See also Odell (2009, 279)

[1252] G-10-country(2)-16.02.2011

[1253] EU-country(1)-29.11.2011

The capability of these lead organizers is assessed by the same four indicators as before, depending on the availability of data: 1) cultural and organisational or personal fit to the negotiation circumstances, 2) expertise on negotiation process, and 3) on content. Organizers' alignment as dimension 4) assesses the relation between the organizers (i.e. host country and WTO Secretariat including its General Council Chair and the DG) (Figure 7).

Let us start with the *Geneva-Seattle organizers*. They had a problematic *cultural and organizational-personal fit* to the negotiation circumstances. Moore's origin from New Zealand as a rich, developed country was one driver of the DG-succession fight. In addition, some felt that Moore had proved too close to the US in the past. After decades of domination by industrialized nations, many developing countries demanded one of their representatives to finally lead the WTO (Jawara and Kwa 2003, 187, 190). At the same time, several developing countries backed Moore (Moore 2003, 95). General Council Chair Mchumo of Tanzania sided with him, and was thus partially seen as 'betraying' developing countries, turning his original cultural fit into a disadvantage (similar: Wolfe 2004, 580). These internal tensions among WTO-members reduced the organizational fit of the Secretariat and its leadership at a critical point shortly before the next Ministerial Conference.

Regarding personal fit, US Conference Chair Barshefsky showed little personal fit for the short and heated negotiation days of Seattle. Evidence from the chronology and the following examples for the remaining process variables indicate that she showed a relatively low level of empathy. Similarly, one study quotes comments on Moore as being overly straightforward, not diplomatic, and "'very rough around the edges'" (Jawara and Kwa 2003, 191-192, 196). In short, data indicates that lead organizers as institutions and individuals had a low fit for the circumstances in 1999.

As for *process expertise*, the American hosts in Seattle appeared surprisingly poorly prepared for the pitfalls of a major conference. Already the opening of the negotiations proved to be detrimental: a WTO veteran, who had been to summits for decades, put it harshly: "Americans did a terrible process in Seattle. They didn't even get the conference badges for delegates organized. It was a shocking scandal. The Brazilian minister, for instance, could not get in. The handling got even worse later."[1254] On the first day, Secretariat officials couldn't access their offices as the police were unable to deal with the massive protests outside. Reportedly, someone had tried to break into the conference buildings at night, so hundreds of delegates and NGOs were held up in one hotel outside the venue.[1255] The police only significantly intervened after the conference had been brought to a near standstill, despite the fact that organizers had been aware of the plans months before (Bayne 2000, 136). It was a chaotic site-management that was unable to keep the conference running regardless of the protests (Odell 2009, 286). Moore considered Seattle "the worst-organised conference ever" (Moore 2003, 98).

In addition, there seem to have been scarce planning for later on into the conference, for instance if negotiations would not come to an agreement within the allotted time. Instead of allowing for an extra day to strike a last minute compromise, the venue had been booked for a subsequent conference of optometrists (Odell 2009, 287). When the South African trade minister demanded the Conference Chair in the Green Room on the last afternoon to arrange for the likely event that no agreement would be found, it is said that Barshefsky paid only scant attention.[1256] Many regarded the non-existent option to keep the venue for another day as "lousy backup of the organizers"[1257]. This casts doubts on the process understanding of the hosts.

[1254] WTO(2)-16.12.2011
[1255] WTO(2)-16.12.2011
[1256] WTO(2)-16.12.2011
[1257] G-10-country(1)-15.02.2012

Lack of neutrality further indicated low process expertise. Barshefsky was unable "to play the chair's role".[1258] She repeatedly negotiated on behalf of the US while she was instead supposed to moderate the discussion (Odell 2005, 432). One example was the first Seattle Green Room meeting, where she started negotiating on the services draft on behalf of the US after having dismissed the proposal of parties.[1259] Clinton's petition to include the contested issue of labour rights was another incident of this lacking neutrality. WTO officials summarized that "it was as badly managed as any conference could be imagined,"[1260] and simply "a catastrophic process".[1261]

Which of these indications of low American process expertise also hold for the WTO? The chaotic logistical organization and security shortcomings, as well as the lacking neutrality of US facilitators, remain within the realm of the host country. The WTO may have wanted to double-check that sufficient logistical fall-back options were provided, for instance the option for an extra negotiation day. Nevertheless, this is primarily the responsibility of the host who arranges for the conference site. On the other hand, Moore was completely new as DG, and did thus probably not have the highest process expertise in his role either (see also: Wolfe 2004, 580). With "two months into the new job [h]e didn't know what went on," commented a lead WTO official.[1262] This is close to always true also for the General Council Chairperson. Given the term is only one year, Mchumo would have needed tremendous prior experience to compensate for this structural disadvantage. In short, the entire leadership can hardly be characterized as possessing abundant process expertise at this point.

[1258] G-10-country(1)-15.02.2012
[1259] WTO(2)-16.12.2011
[1260] WTO(2)-16.12.2011
[1261] WTO(1)-16.12.2011
[1262] WTO(2)-16.12.2011

With respect to *content expertise*, all head organizers before and during Seattle possessed at least some prior experience in trade negotiations. Moore had participated in GATT negotiations in the 1980s. Mchumo had been Trade Minister, and later ambassador for Tanzania at the UN in Geneva for years (Common Fund for Commodities 2012). Barshefsky, in particular, possessed deep content expertise as she had served as deputy and then US Trade Representative since 1993. So, as in climate negotiations, content expertise was largely present.

There is scarce data on the *alignment of organizers*, i.e. of the host country US and the WTO Secretariat. One study indicates that Barshefsky sought very little exchange with Moore (Odell 2005, 432). Moore himself concedes that a closer working relation of his team with General Council Chairman Mchumo would have been fruitful for Seattle (Moore 2003, 115). Moreover, some interviews nurture the suspicion that the WTO Secretariat had diverging views from how the Americans approached facilitation in Seattle. Taken together, this hints at a far from perfect cooperation between the lead organizers.

By and large, organizers in the *Geneva-Doha negotiations* were of higher capability. With respect to the *cultural and organizational-personal fit*, the effect of Moore being from New Zealand and the industrialized world had faded with the passing of over two years since the succession fight. Further, developing countries seemed to be more at ease with him as it was Moore's last year in office before his Thai successor would take over. Besides, one study quotes delegates who found Moore had moved out of the US-EU corner (Jawara and Kwa 2003, 194). Overall, this allowed for a better cultural-personal fit of the DG as a person in his second ministerial. Regarding the WTO Secretariat, no organizational quarrels of the kind of the pre-Seattle year were reported for 2001.

Moreover, the origins of the General Council Chairs Bryn and Harbinson provided no reason for suspicion. Bryn's home country, Norway, had been traditionally known as a good mediator with all the required cultural-personal skills. Furthermore, Hong Kong-China is usually not accused of a developed country bias even though Harbinson was socialized in the former British colonial administration. On a personal level, many voices attributed abundant patience, listening skills, and sympathy for transparency and inclusiveness to Harbinson (Jawara and Kwa 2003, 74).

Finally, Qatari Conference Chairman Kamal proved to be of great cultural-personal fit for the given situation. It seems consensus to laud his "great personality" and "natural charm" that allowed him to effectively deal with ministers (Jawara and Kwa 2003, 90). He was further described as "steady, humorous, [and] sharp", and that all this allowed him to play a "central" role (Moore 2003, 128). Moreover, given his origin from the Middle East, Kamal had a vastly better position vis-à-vis developing countries than his predecessor from the US, Barshefsky.

Regarding *process expertise*, the organizers of Doha showed a better understanding on a number of points. In contrast to the street chaos of Seattle, the summit in Doha went on mostly undisturbed. The Qatari hosts had gone to the other extreme by prohibiting most demonstrations up-front. Unlike the Americans, they were also prepared to extend the availability of the conference venue should the summit not reach agreement before the deadline (Odell 2009, 291). They had used the experience of Seattle and other multilateral summits. In addition, they provided summit facilities lauded as superb. DG Moore described the process performance of the hosts as "a benchmark of excellence in organization, security, and hospitality" (Moore 2003, 127).

Conference Chair Kamal was also highly held in his process expertise, to the surprise of many. One veteran negotiator found that Kamal "proved to be very good, which no one knew before"[1263] (similar: Wolfe 2004, 580). He did not push for Qatari positions as the Americans did in 1999.[1264] Instead, Kamal kept himself back much more than Barshefsky. He was even regarded by one WTO veteran as a "weak" chair.[1265] One senior negotiator contradicted, perceiving him as "firm" in his chairing style.[1266] It is uncontested though that he was not as dominant as his predecessor, who irritated many delegates with the pushiness of her approach. As a result of this self-restraint, Kamal was not accused of lacking neutrality and was not put into the corner of industrialized countries (despite Qatar's wealth from the country's rich endowment with natural resources). If anything, he showed himself to be a supporter of developing countries.[1267] The perception of neutrality of the trade negotiation organizers resembled the pattern at climate negotiations with scepticism towards the very pro-active European Denmark and with sympathy for the more restrained Latin American Mexico.

As for the WTO, DG Moore had collected two more years of experience in his new position, greatly increasing his process expertise. "He now knew what it was all about," asserted a WTO insider close to him.[1268] 2001 General Council Chair Harbinson proved equally capable in process terms. It is said that Harbinson and his predecessor Bryn enjoyed great respect among parties and contributed significantly in preparing the crucial draft text for the final ministerial declaration (Wolfe 2004, 580).[1269] Overall, we can detect higher evidence of process expertise of organizers in 2000 and 2001, than in 1999.

The *content expertise* of organizers appeared to be overall on par with that of 1999. On the WTO-side, it was probably slightly higher in 2001. Moore had gathered deep insights as DG, and General Council Chair Harbinson had been Hong Kong's ambassador to the WTO since 1994, before becoming even the DG's chief of staff after Doha (European Centre for International Political Economy 2012). Regarding the host country, Kamal had dealt with trade as minister since 1998 and was thus also familiar with the core issues (Qatari Ministry of Foreign Affairs 2012), albeit probably not as much as Barshefsky with her long experience as US Trade Representative.

[1263] EU-country(1)-29.11.2011
[1264] WTO(2)-16.12.2011
[1265] WTO(2)-16.12.2011
[1266] G-10-country(1)-15.02.2012
[1267] EU-country(1)-29.11.2011
[1268] WTO(2)-16.12.2011
[1269] WTO(2)-16.12.2011

Finally, there is evidence of a closer *alignment of the organizers* before and in Doha, than during the Seattle process. According to Moore, he and Kamal had a good relationship (Moore 2003, 128), which avoided clashes among the organizers.[1270] The fact that Kamal did not take on an overly pushy approach supports this statement. It left all key organizers sufficient room to fulfil their roles. Finally, Moore describes that he was also well aligned with General Council Chairmen Bryn and later Harbinson (Moore 2003, 119). There is no evidence that would contradict the DG's perception.

In sum, the available data suggests that the overall capability of organizers was relatively higher by all indicators for the 2000 and 2001 negotiations in Geneva and Doha, compared to Geneva and Seattle in 1999. Only content expertise appeared at an equal level between both years, which is in line with the finding for climate negotiations.

Process-tracing

Let us now examine to what extent we can trace decision making along the three paths identified for climate negotiations: 1) institutional effectiveness, 2) process navigation, and 3) access of the organizers to people (Figure 12). Regarding *institutional effectiveness (Path 1)* the internal strife on the WTO-side to choose a new DG cost precious time which would have been needed to facilitate the process. The previous comparable drafting process for the launch of the 1986 Uruguay Round had taken 18 weeks, whereas the succession quarrel left organizers and parties with a mere eight weeks before Seattle in 1999 (Odell 2009, 285). Next, the only loose cooperation between Moore, Mchumo, and Barshefsky as key organizers was an additional constraint for an effective facilitation. As a result, one "key lesson from Seattle" was that they would "have to work as one", stated Moore in hindsight (Moore 2003, 115). Accordingly, this was done decidedly differently by Moore with Mchumo's successors Bryn and Harbison before Doha.

[1270] WTO(2)-16.12.2011

The low capability of organizers severely undermined the smooth *navigation of the process* towards an agreement in Seattle *(Path 2)*. This was especially true for Conference Chair Barshefsky who did not apply situation-appropriate tools. In Seattle, Barshefsky's rude and undiplomatic chairing style reduced her authority among parties. For instance, raising pressure on delegates in Seattle, she warned that she would move negotiations to smaller circles if working groups would not make any progress. This threat to resort to intransparent and exclusive venues as in the 'old GATT days' became an infamous statement cited by many (Narlikar 2004, 421; Odell 2009, 286). Her approach contrasted with the smooth chairing style of the Qatari Chairman Kamal, which helped the conference to move towards an agreement, according to a veteran negotiator.[1271] It made delegates more willing to follow the Chair's suggestions and thereby allowed him a more effective steering.

The General Council Chairmen of both years also applied rather different facilitation tools. For example, their draft texts for the ministerial declaration greatly varied from the Seattle process. In 1999, the outcome of the 'lost summer' had been a late and largely bracketed text. General Council Chairman Mchumo had presented the lengthy draft of 32 pages, which was full of competing proposals, only shortly before the summit. The lack of clear leadership on the text as crucial tool to create a focal point for negotiators probably resulted from the lower process expertise of the 1999 General Council Chairman: as one study argues, his "cautious tactic" even invited parties to insist on their demands (Odell 2009, 284, 285). In consequence, the chair was unable to show parties a zone of possible agreement, which they could slowly move to during the summit.

[1271] EU-country(1)-29.11.2011

Learning from this mismanagement, the text for Doha had been prepared under tighter leadership by the organizers. By the summit's opening, the key elements of the draft were "nearly finished" according to a WTO veteran. This laid the ground for much smoother negotiations for the short time available: "The biggest difference was that we went to Doha with a great preparation."[1272] A developing country negotiator spoke in the same vein, underlining that the text seemed to be a "fait accompli" when the Doha Ministerial started. Only "superficial" changes in terminology were made until its adoption by the end of the summit.[1273]

Regarding the match of original strategy and negotiation realities, the Seattle organizers had not prepared a sufficient plan to counter the expected massive demonstrations. The failure to keep the 30,000 demonstrators to a level that still allowed delegates to continue negotiations cost nearly the entire first day (ICTSD 1999a). The "uprising" of NGOs was considered a key factor by many participants[1274] and a veteran trade negotiator found that the massive demonstrations had "a bigger impact than on any other negotiation."[1275] Only a few voices are doubtful of how much the protests effectively undermined agreement at the summit (Bayne 2000, 136; Wolfe 2004,

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[1272] WTO(2)-16.12.2011

[1273] ACP-country(1)-15.12.2011

[1274] WTO(1)-16.12.2011

[1275] EU-country(1)-29.11.2011

579). Yet, the loss of one out of five days equals 20% of the summit period and means an enormous infringement given the multitude of complex, open questions.

In addition, the inability of the organizers to effectively handle the situation soured the tense atmosphere further. An old WTO-hand reported that the chaotic process got ministers "really fed up", who for instance waited in vain for Barshefsky and Albright to open 'Seattle'.[1276] The tension from the outside turmoil was felt even more intensely through the exclusion of so many delegates from final negotiations. With abundant time on their hands, the chaotic circumstances became even more obvious to this group of delegates: "They were occupied with protesters. They were more worried with their own survival when getting from A to B."[1277] In contrast, negotiators lauded the "good orchestration" of the Doha conference that impacted positively on the mood of delegates.[1278] Furthermore, the tranquillity of the venue allowed delegates to better navigate the summit and negotiate, while it reduced the otherwise often constructive input and pressure from civil society.[1279]

As for strategic flexibility, the possibility of the need for an extra day could have been envisioned and organized by the well-resourced US government beforehand. This is especially true in light of the importance of the conference for the US and world trade. One veteran WTO official hinted at sub-optimal preparations inside the US administration.[1280] Numerous participants asserted that a bit more time in Seattle may have allowed the conference to successfully reach an agreement, and not to fail completely. After all, the extra day in Doha allowed the conference to reach an agreement two years later.

[1276] WTO(2)-16.12.2011

[1277] G-10-country(1)-15.02.2012

[1278] G-10-country(1)-15.02.2012

[1279] WTO(2)-16.12.2011

[1280] WTO(1)-16.12.2011

Moreover, the lack of neutrality by the US hosts "created a bad atmosphere", which many emphasized as salient factor.[1281] Negotiators underlined that they would have to be able to recognize the Conference Chair as an honest broker. Otherwise, the Chair cannot gain leverage and thereby influence the progress of the summit.[1282] Hence, Barshefsky's bias "didn't help", as a veteran negotiator asserted, stressing the importance of the chair.[1283] Clinton's statement further soured the atmosphere and impinged on the willingness of developing countries for consensus on this negotiation round facilitated by the US.[1284] The approach of the hosts was "inacceptable"[1285] for them.

Let us turn to the role of good *access to people* needed to enable facilitation and build bridges across groups *(Path 3)*. There was low cultural and organisational-personal fit and poor process expertise of the Seattle organizers. This leads to suspecting that Barshefsky, Mchumo, and Moore (in his first ministerial conference as a DG) did most likely not have abundant access to a comprehensive and representative range of developed and developing country delegations. For instance, the battle of the DG's succession had severely handicapped the relations of Moore and Mchumo with many developing countries. This was not different for Barshefsky whose aforementioned attitude had put off the large majority of delegates. The access of Seattle organizers to delegations was thus at least lower than that of Kamal and Harbinson, but also of Moore in 2001. Kamal's and Harbinson's cultural-personal fit most likely opened up delegates to them, and also Moore is said to have been much better connected by 2001 (Wolfe 2004, 580). The moderate amount of data leads to suspect that the varying capability of organizers in Seattle and Doha impacted on their ability to facilitate and build bridges between dissenting delegations, which altered the chances of reaching an agreement.

[1281] G-10-country(1)-15.02.2012, WTO(1)-16.12.2011
[1282] G-10-country(2)-16.02.2011
[1283] EU-country(1)-29.11.2011
[1284] EU-country(1)-29.11.2011, see also: Odell (2009, 286)
[1285] G-10-country(2)-16.02.2011

To conclude, the evidence allows tracing the influence of the capability of the organizers on the likelihood of an agreement along the same three paths as for climate negotiations: institutional effectiveness, process navigation, and probably also the access to people. To be sure, less detailed material is available on these effects than for climate negotiations. Yet the accessible data of this shorter case study points in that direction.

6.5. Authority of the lead organizers

Correlation

To what extent were the lead organizers able to establish authority among negotiators? As with climate negotiations, *overall trust by the large majority of key negotiators in the lead organizer in his negotiation role* indicates authority here (Figure 8). Yet, who is the lead organizer in the case of WTO trade negotiations whose facilitation efforts parties accept or ignore?

Some see the *WTO Director-General* in this role. The higher institutionalization of trade negotiations, e.g. the regular chairing of Green Room negotiations in Geneva by the DG, makes this plausible. A senior WTO official underlines the DG's salient facilitator role during the long time between Ministerial Conferences.[1286] Further, the DG usually has at least one four-year term to become acquainted with the subtleties of the system. In contrast to the DG, the main responsibility of the *General Council Chair* to deal only with the day-to-day business in Geneva and the short, one-year term grant him little leeway.[1287] However, evidence suggests that, depending on the personality and circumstances, he can make a difference before and during a summit. For example, while Mchumo did not seem to have any major role in Seattle[1288], Harbinson had a greater leverage in Doha. Nevertheless, Harbinson also remained in the background for most of the negotiations.[1289] Finally comparing the DG with the *Conference Chair* (i.e. usually a host country minister), the latter can be influential if the summit is of heightened importance. This was the case with Qatari minister Kamal in Doha when the launch of the next trade round was at stake.[1290] The same challenge and hence salience was given for Seattle with Barshefsky as Conference Chair. The strong institutional role suggests though that the DG usually has at least as much influence as the Conference Chair, as one veteran negotiator suggests,[1291] which naturally varies with circumstances and personalities.

[1286] WTO(2)-16.12.2011

[1287] EU-country(1)-29.11.2011, WTO(1)-16.12.2011, WTO(2)-16.12.2011, ACP-country(1)-15.12.2011

The decisive question to determine the lead organizer is what 'authority' is supposed to achieve. Following the climate analysis, the lead organizer's authority can influence parties' goodwill towards a draft text, his leeway to move negotiations forward, and the blockade potential and readiness of parties. For example, the lead organizer in a trade Ministerial Conference would propose a single negotiation text, centrally facilitate negotiations, and take decisions in key plenaries. This excludes the General Council Chair. As an ambassador of a country, he usually does not facilitate in a lead role and certainly does not preside over the meetings of ministers.[1292] This is done by the host country minister as Conference Chair or the DG.[1293] This leaves us with two lead organizers for the trade cases with largely equal status: the Director-General Moore and the Conference Chairs Barshefsky and Kamal.

[1288] WTO(2)-16.12.2011
[1289] G-10-country(1)-15.02.2012
[1290] EU-country(1)-29.11.2011
[1291] EU-country(1)-29.11.2011
[1292] WTO(2)-16.12.2011
[1293] WTO(2)-16.12.2011

Let us first turn to the *Conference Chairs*. From the beginning of the Seattle summit, Conference Chair Barshefsky undermined her authority in a series of instances of lacking diplomatic feel. In the first meeting that Barshefsky opened, she immediately suggested that all ambassadors should leave the room given the poor preparation of the draft text so far.[1294] From now on, she expected instead to have ministers providing clear political guidance. This was a blunt offence against all ambassadors constituting the vast majority of participants. It put developing countries at a disadvantage whose ministers often do not have the professional support or expertise. Consequently, a storm of applause broke out when Barshefsky's suggestion was widely rejected.[1295] It demonstrated her dwindling authority among parties.

A comparable incident in a subsequent Green Room meeting aggravated this loss. She brushed aside the proposal on tariffs on services as "absolutely useless" despite the support of several parties, according to a participant.[1296] Negotiators under the leadership of the Tanzanian minister had developed the draft, who was the first to present in the Green Room. One delegate simply described her as "not subtle enough".[1297] A senior WTO official commented that "she irritated everybody from the first minute" and that he could "not think of a worse performance."[1298] Successively, Barshefsky had lost most authority among delegates and ended up with very little support from anyone[1299].

This was in stark contrast to her successor as Chair during the Doha Ministerial Conference. With his calm and subtle approach, Qatari minister Kamal was able to acquire authority among most negotiators, assessed an 'old hand' of the system who has been in trade negotiations for 30 years.[1300] Judging further from the myriad highly positive comments on the capability question, it seems fair to attribute higher acceptance of authority among delegates to him compared to Barshefsky.

[1294] WTO(2)-16.12.2011
[1295] WTO(2)-16.12.2011
[1296] WTO(2)-16.12.2011
[1297] G-10-country(1)-15.02.2012
[1298] WTO(2)-16.12.2011
[1299] G-10-country(1)-15.02.2012

Regarding the *WTO Director-General*, Moore was in charge during both summits. In Seattle, he had lost the trust of many delegations after the bitter succession fight for the DG, according to negotiators of the time (Odell 2009, 284). Given the depth of division, numerous developing countries were probably suspicious of him. Finally, the American dominance during the summit did not leave any space to Moore to substantially re-build his authority.[1301] After Seattle, conditions changed decisively over the course of two years. Moore's very different approach to process management was lauded by many delegates. Besides, he enjoyed a more prominent role after the summit with only the General Council Chair next to him. The framing of the 2001 summit by some is telling of Moore's bolder presence and thereby probably also authority among delegations: he finally "celebrated his victory" in Doha[1302], found a long time trade delegate.

In sum, none of the key organizers in Seattle enjoyed a substantial degree of trust by the large majority of key negotiators. Organizers were instead "booed in open session", as one study reports (Bayne 2000, 131, 139). In Doha, the available evidence indicates greater confidence in Moore and Kamal as lead organizing figures. Authority thus correlated with agreement in both cases.

[1300] G-10-country(1)-15.02.2012
[1301] G-10-country(1)-15.02.2012
[1302] G-10-country(1)-15.02.2012

Process-tracing

Let us now examine observations for the *three paths* that possibly connect authority and agreement also during trade negotiations: 1) parties' goodwill, 2) the lead organizers' leeway, and 3) parties' blockade potential (Figure 13). The low authority level of Barshefsky in Seattle undermined *parties' goodwill (Path 1)*. "People were not willing to make a difference for her" commented a lead WTO official and compared Barshefsky to Danish Prime Minister Rasmussen at the Copenhagen climate summit.[1303] In contrast, the authority of Conference Chair Kamal augmented parties' readiness for an agreement. "He seemed to have been able to convey the seriousness of the conference and the need to agree to parties," according to one lead delegate.[1304] A developing country negotiator affirms that lacking confidence into the DG decreases the odds of an agreement, illustrating it with the efforts of current DG Lamy to gain trust through extensive travelling.[1305] As an effect of lower credibility and authority it becomes more difficult for the DG to "us[e] his good offices, to foster convergence, to isolate key issues."[1306]

Delegates also indicated the overall dynamics of *Path 2* for trade negotiations. A long-time negotiator stressed that host country and minister must establish "credibility" to fulfil its facilitation role,[1307] as does probably the DG. This authority, which is largely based on trust, then translates into sufficient *leeway* to carry out the core tasks of facilitation. Trade negotiation organizers possess varying degrees of leeway depending on the prevailing attitude towards them. One negotiator described this dependence: "The Conference Chair can do something but negotiations only work if it is a good climate."[1308] A WTO veteran illustrated the dynamic with the different styles of the GATT organizers when closing the Uruguay Round. The Irish Peter

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[1303] WTO(2)-16.12.2011
[1304] G-10-country(1)-15.02.2012
[1305] ACP-country(1)-15.12.2011
[1306] ACP-country(1)-15.12.2011
[1307] G-10-country(1)-15.02.2012
[1308] G-10-country(2)-16.02.2011

Sutherland "mastered" the process and was perceived as a "very attractive and jovial figure".[1309] This high capability created trust and authority. The latter equipped him with leeway to counter blockades and take difficult decisions. Sutherland was able to push delegates into a problem-solving mode, and to rally parties around a final agreement, as an eyewitness of the day recalled.[1310]

Finally, it is easier for parties to *block progress* if organizers lack wide support (*Path 3)*. In Seattle, delegates did not feel obliged to show much respect for the lead organizers, at least for Barshefsky. They saw little need to be cautious not to threaten their public image should they block progress. That was most likely different in Doha in 2001, by which time Moore and Kamal had gained the respect of most parties so that a blunt rejection of their facilitation efforts would have been politically costlier.

It needs to be emphasized that while there was sufficient material on the authority of key organizers, less evidence was available for substantiating the causal influence for these specific summits. Nevertheless, we find at least some indications that the authority of lead organizers of the trade negotiations in Seattle and Doha affected the reaching of an agreement through the paths of goodwill, leeway of the organizers, and the blockage potential of parties.

6.6. Negotiation mode: arguing and bargaining

Correlation

The negotiation mode of parties is the last process factor organizers can, at least partially, influence. As described for climate negotiations, parties take on negotiation modes on a continuum between arguing (or problem-solving / integrative bargaining) and bargaining (or positional / distributive bargaining) (Figure 9). While they exchange information on their underlying interests in arguing and look for the jointly best possible outcome, they distribute an assumed fixed set of gains and burdens by only referring to their positions when they bargain. Parties vary between the modes during negotiation phases and fora. There are limits to how much organizers can influence this negotiation mode. As in climate negotiations: when parties simply do not want any progress on an issue, they resort to bargaining, as most developing countries with regard to negotiations on the sectoral liberalization of industrial goods, for example.[1311] However, organizers can convene sessions that create the setting for more arguing, or establish a process that generates mutual trust and thereby increase an open exchange, as seen for climate negotiations.

[1309] WTO(2)-16.12.2011
[1310] WTO(1)-16.12.2011

Negotiations in the run-up and during the summit in *Seattle* contained many traits of pure bargaining. Regarding the type of discourse, the key groups of parties exchanged on their contradictory positions showing little willingness to compromise (a concise overview in: Bayne 2000, 141-146). They took their respective priority issues hostage by negotiating only on the condition that their focus area would be satisfyingly dealt with first, ranging from developing countries' implementation issues to the demands of agricultural export countries for further liberalization, to name only two areas (Odell 2009, 285). This did not improve in the more secluded realm of Green Room meetings: parties repeated their statements in pure positional fashion, according to participants (Odell 2009, 285). Their conflictive behaviour indicated a zero-sum view of the situation. Data from a key study on these negotiations qualified them as distributive negotiation strategies (Odell 2009, 283), which would fall under 'bargaining' as defined here. The evidence collected from negotiations reported in the chronology above has demonstrated this lack of concessions and the sticking to maximum positions for the major parties and issues. One insider concluded that "there was no real negotiation" during the Seattle process (Bayne 2000, 146).

[1311] G-10-country(2)-16.02.2011

In Doha, countries behaved less conflictively and were readier to compromise (Moore 2003, 123). The US and the EU were seen to pull much more in one direction. At one point, Zoellick left a meeting and even declared that EU Trade Commissioner Lamy would speak for him.[1312] The first two days though were still characterized by pure bargaining and no will to yield to the other side. The negotiation mode changed in the second half of the summit. Numerous concessions were made to developing countries to get them on board. This concern was also reflected in the organizers' text drafting: "We bent over backwards to accommodate developing countries," according to one WTO veteran.[1313] The US, for example, made early concessions on textile and later backed down to allow a re-negotiation of anti-dumping rules and of TRIPs with regards to health. All these areas were important to developing countries. Other parties followed with concessions: Japan and the EU on agriculture, and developing countries on accepting the broad scope of the agenda (Odell 2009, 291). After intense facilitation by the DG and several ministers, India gave in at the last minute on accepting the possibility to negotiate a liberalization of investment regulations.[1314] As defined above, such compromises are no proof of, but at least indicate, integrative rather than mere positional bargaining.

Process-tracing

The negotiation mode seemed to have impacted on the agreement likelihood of trade negotiations along similar paths as in the climate field. It altered the extent of information exchange, the provision of facts and rationales, the breadth of issues considered, and the openness for new solutions (Figure 16). We start with indications for paths 1 and 2. The prevalence of arguing up to and in Doha provided *more information for parties*. For instance, the organizers had arranged for 'mini-ministerial' meetings of around 20 ministers preceding the massive Doha summit with over 3,000 negotiators. Their set up was similar to the Greenland and Petersberg Dialogues in climate negotiations with a comparable effect according to participants (Odell 2009, 290). The encounters built trust among negotiators. The sheltered atmosphere of this venue allowed a frank exchange on the interests underlying the positions of parties. The disclosure enhanced the understanding of each other's backgrounds to ease the reaching of a joint zone of agreement. "I heard some say, 'Well, I don't like what you are doing and don't agree, but I hadn't quite thought of it that way,'" recalled one negotiator who found these meetings were necessary to reach success at all (Odell 2010, 290).

[1312] WTO(2)-16.12.2011
[1313] WTO(2)-16.12.2011
[1314] G-10-country(1)-15.02.2012

Looking at the Seattle negotiation mode, we find evidence that the prevailing bargaining prohibited any *openness for new solutions*, as foreseen by path 4. No novel ideas arose as compromises that would bridge gaps between parties and across major issues. Instead, delegates retained their pre-determined views until the collapse of the meeting. Openness seems particularly important in case of new negotiation areas where the well-known principle of reciprocity is less suited than it used to be for trade in goods. The exchange of percentage points of tariffs reductions on goods during GATT negotiations was more straightforward to quantify and thus easier to bargain.[1315] Yet, already the GATT contained areas where bargaining led to difficulties when searching for new solutions. The design of the dispute settlement system during the Uruguay round, for instance, was more of a public good that benefitted from arguing as the joint endeavour to find the best system.[1316] Negotiating tariffs on less tangible areas in Seattle such as services, intellectual property, or implementation rules for example, made positional bargaining even more prone to block progress.[1317] Here, the joint development of approaches through arguing would have been even more important as their share of the trade negotiation agenda has increased.

[1315] WTO(2)-16.12.2011: "Tariffs [on goods] just are about bargaining. Literally, negotiations were down in 10,000s of shirts."

To conclude, there is plenty of empirical evidence from primary and secondary sources for a correlation between negotiation mode and agreement in Seattle and Doha. Over the course of these negotiations, bargaining was slowly substituted by more arguing towards the end of Doha. There is less data on the process that causally connected negotiation mode and agreement in these trade negotiations, such as on path 3. Nevertheless, all information that is available supports the climate negotiation findings.

6.7. Structural variables and other alternative explanations

Let us now examine structural variables and other alternative explanations as final causal probing. To which extent do they suffice to account for the difference in outcomes of these two trade negotiations? Similar to the case pair on climate change, the brief period between the Seattle and Doha years suggests that structural factors are probably by-and-large constant. This assumption is also supported by the findings from the before-after research design used earlier for these trade cases (Odell 2009, 275). I will now scrutinize these non-process variables in more detail to ensure the internal validity of the trade findings.

[1316] WTO(2)-16.12.2011

[1317] EU-country(1)-29.11.2011, similar: WTO(1)-16.12.2011

Interests

Regarding structural explanations, the *interests* of negotiating countries form the basis of any agreement, in climate as well as in trade negotiations (Bayne and Woolcock 2011, 21). Have these interests changed then between the Seattle and Doha years? There were no major shifts at least *in the principal negotiating countries*, which could have influenced the interpretation of their interests. Given their economic stake in global trade, domestic business groups frequently have a significant influence on countries' positions, especially in the US with a special process to consult business on trade issues.[1318] Yet, their attitudes on trade did not change in the main trade blocs between 1999 and 2001, as shown in detail in Odell's study (Odell 2009, 276). This constant domestic factor can therefore not explain the change in outcomes. Those stakeholders affected by further liberalization knew that agriculture and service negotiations would start in 2000 anyway, so there was no incentive to change lobbying in favour (or against) new negotiations.[1319] One WTO insider though suspected that the US administration, as one key player, had little interest in launching a new round with concessions that could prove detrimental domestically shortly before the Presidential election campaign of 2000.[1320] Yet, Seattle would have only started a new round with first negotiations during 2000. There would have been no urgency for a US delegation to yield any substantial ground before the elections. Domestic considerations thus fall short of an explanation.

The same is true for *economic interests on a global scale*. In 2001, the world economy had gone into downturn. An opening of markets through a new trade round would have offered slight remedy, which opened some governments to cooperation.[1321] However already in 1999, annual benefits of US$400 billion were estimated from a deal, a number hardly negligible for most countries independent of the state of their economies (Odell 2009, 275). Thus, the fundamental economic incentive from a continuous opening of markets did not change either.[1322]

[1318] WTO(2)-16.12.2011
[1319] WTO(1)-16.12.2011
[1320] WTO(1)-16.12.2011
[1321] EU-country(1)-29.11.2011

But there is one political incident, which may have changed interests: the al Qaeda terrorist attacks on New York and the Pentagon on *September 11, 2001*. How far have they transformed the global political attitude towards trade? For numerous parties a successful trade summit would lend itself as a symbol of functioning international cooperation despite the "threat of terrorism"[1323], and regardless of an unknown level of aggression and uncertainty.[1324] In addition, many Western countries argued that poverty sows the seeds for terrorism in developing countries, which growing trade could start to counter.[1325] The symbol would be even bigger with a new round launched in the Arab world, found a WTO official.[1326] "Success was imposed" by 9/11, felt one delegate.[1327]

Does 9/11 then explain the launch of Doha Development Agenda? While it probably raised the willingness of some countries, it seemed to be partially an argumentative "construct of the West", expressed a lead developing country negotiator.[1328] It was reportedly used to raise the pressure on some developing countries not to object to a new round (Jawara and Kwa 2003, 117; Odell 2009, 294). Plus, developing countries had their own interests to negotiate the adjustment of imbalances from the Uruguay Round.[1329] This had been their demand for many years independent of 9/11. Probably most importantly, much of the political compromise and the behind-the-scenes movement by the US and the EU had been accomplished in Geneva by the end of summer 2001, and hence prior to terrorist action (Odell 2009, 294). The intermediate draft text by General Council Chair Harbinson and DG Moore was released only two weeks after 9/11, and had been announced in July. Given the extreme complexity of the drafting and the interdependence of the positions of so many countries it is very unlikely that 9/11 substantially changed the document so fast. Finally, it is economically doubtful that any immediate, tangible impact on poverty alleviation was accepted by the mere launch of a new round.[1330] In sum, 9/11 surely raised the willingness of some parties, yet it only added to a process that was already moving towards conclusion, a judgment also made later by DG Moore (Moore 2003, 130).

[1322] As in climate negotiations, massive doubts have been expressed by negotiation veterans as to how much delegations fully know the costs and benefits of comprehensive deals – an insight that would form the basis for any rational interest-rooted decision, e.g. by WTO(2)-16.12.2011 ("I have never seen such a convincing calculation on this."), G-10-country(2)-16.02.2011 ("[The ministers] would often maybe not accept would they know the exact benefits and costs. Negotiations are not a science."). This illustrates bounded rationality well.
[1323] EU-country(1)-29.11.2011
[1324] WTO(2)-16.12.2011, similar: ACP-country(1)-15.12.2011
[1325] G-10-country(1)-15.02.2012
[1326] WTO(1)-16.12.2011
[1327] G-10-country(1)-15.02.2012
[1328] ACP-country(1)-15.12.2011
[1329] ACP-country(1)-15.12.2011

The only significant alteration of interests was the novel eagerness to *save WTO-negotiations* as the forum for trade talks by reaching agreement in Doha.[1331] The threat of its ongoing erosion with a further shift to bilateral and regional trade agreements loomed large. This trend would disadvantage weaker countries in bilateral negotiations with the economic superpowers. For many, only the WTO's strong institutionalization provided a reliable insurance against unilateral or regional protectionism (Odell 2009, 288). The desire to save the process is said to have added to pushing parties to compromise in the final crucial Green Room meeting. Odell (2009, 292) quoted one participant who spoke in the Green Room: "Look guys, we all know this meeting has got to be a success. Another breakdown would be terrible." To this end, the scope of the proposed agreement was slightly changed to make agreement easier. General Council Chair Harbinson pushed to leave some of the fundamental problems to be resolved in future meetings[1332] (see also: Narlikar 2004, 421). The suggested outcome thereby kept the impact on the interest of countries at an acceptable level – a technique also applied by the organizers of the Copenhagen and Cancún climate negotiations.

[1330] Along these lines also Odell (2009, 293)

[1331] G-10-country(2)-16.02.2011

In sum, fundamental political and economic interests remained mostly constant between Seattle and Doha, or had only a slight impact, such as 9/11, as they came too late in the process. As in climate negotiations, only the diplomatic and personal interest in sparing the multilateral trading system from another failure contributed significantly to reaching an agreement.

Power and other alternative explanations

Next to interests, we need to examine additional structural and other alternative explanations. As in climate negotiations, power is one such widely accepted variable also for trade (Woolcock 2007, 18). The *power structure* of the global trading system remained largely constant between 1999 and 2001. The US and the EU were still by far the largest trading blocs. The system could therefore be characterized as a Western hegemony, albeit with two powers, yet largely aligned in ideological trade terms. In such a set up, one would expect an agreement if both principal players advocate for it. The US even chaired the Seattle summit and surely did not want a massive failure as host. With continuous liberalization inside the EU, the Europeans also favoured the launch of a comprehensive round. Despite this hegemonic support for a new round, the Western world was unable to ensure agreement between the participating countries in Seattle. In Doha though, agreement was reached despite a constant power structure, which can thus not explain the variation in outcomes (see for a similar line of argument: Odell 2009, 275).

The *use of power* may however have influenced the outcome. Some suspect that several developing countries were nearly coerced to give their agreement in Doha by closing side deals in bilateral meetings with the bigger players, beyond the multilateral trade regime. An in-depth study details allegations of such a coercion of developing countries by the US and the EU (Jawara and Kwa 2003, Chapter 6). Accordingly, they applied a mix of threats and incentives on a personal and a country level, often outside the multilateral trade agenda. Instruments were the "blacklisting" of an ambassador, the withdrawal from bilateral preferential trade agreements and of technical assistance. Finally, it was often ministers who were said to have finally given up the positions that had long been held by their ambassadors. The authors argue that this behaviour went far beyond the accepted multilateral "give-and-take" of such negotiations, or the normal form of side-deal.

[1332] G-10-country(1)-15.02.2012

DG Moore declares rumours of "arm-twisting" of developing country delegations a "cruel self-serving lie" by some observers, and points at the straightforward approval of the process management by developing country ministers, as quoted above (Moore 2003, 134). Given the breadth of evidence though, it seems unlikely that such strategies were not partially applied by the most powerful players. Nevertheless, the constellation of interests and power had not changed since Seattle. It would be difficult to explain why such 'carrots and sticks' were not applied in Seattle as well, and why they only worked in Doha and not two years earlier with the nearly identical set of players. In this sense, the strategic use of power can most likely not explain the difference in results between both years.

Regarding other alternative explanations, parties *built on the work of the preceding negotiations* of Geneva and Seattle in 1999 when they took up negotiations in early 2000.[1333] They had exchanged large amounts of information in negotiations throughout 1999, which had enhanced their understanding of mutual preferences and different options. Did these insights serve as a *stepping stone* for parties on their way to an agreement, like in climate negotiations where the Mexican Presidency built on the progress reached during the Danish Presidency? [1334] It seems not as the situation was different from Copenhagen. Parties of the climate negotiations in Copenhagen had resolved many technical but also political issues, so that many substantial elements of the Cancún Agreements had been prepared. This was different in the trade cases at hand. Seattle had achieved very little, and the great political concessions to reach compromise were only reached in Doha, as were many of the more technical solutions. In this sense, there was not too much that Doha could use from Seattle, at least for the salient areas. Furthermore, all major powers had publicly committed to an agreement by proposing the Copenhagen Accord, which they felt largely bound by one year later. Such a guiding document did not exist from Seattle.

[1333] G-10-country(2)-16.02.2011

Let us briefly reiterate *two final alternative explanations* from the climate negotiation analysis. Regarding changes in the negotiation strategies of parties, there is no obvious data on any shift of behaviour, except for the move from bargaining to arguing. As discussed above, this can be attributed to the choice of parties *and* to the different process management of the organizers. The same is true for an influence of individual negotiators that interviews and secondary sources in the literature have only indicated for the good personal relationship between Zoellick and Lamy (Moore 2003, 123; Wolfe 2004, 580). This certainly added to the outcome but mostly reflects the largely converging interest of the US and Europe in a new round. Summarizing, there is no evident alternative explanation that challenges the influence of process management. The interest to save the negotiation process increases the likelihood of an agreement in a complementary way, but does not contradict the role of process.

[1334] Cf. climate negotiations for the difference to learning.

6.8. Principal finding

The trade cases reveal striking similarities to the findings in climate negotiations. In both fields, process management adds the missing explanatory variable in multilateral negotiations to explain the initial failure and following success of the negotiations. All four process variables correlated with the reaching of a trade agreement: transparency and inclusiveness, capability of organizers, authority of the lead organizer(s), and the negotiation modes of arguing and bargaining. Furthermore, process-tracing reveals evidence for a causal connection. The available data for the tracing is slightly limited for the variables of authority and negotiation mode. Given the much smaller scope of the trade negotiation case pair however, it provides at least a first solid amount of indications that all seem to confirm the hypotheses tested in climate negotiations. The comprehensive negotiation framework and the elements of process management also seem to hold in the trade regime.

This is not to forget that process management alone is not sufficient to determine the outcome. The conditions of consensus-based decision making and an initial narrow overlap of interests of countries are prerequisites for it to make a decisive impact. One veteran delegate put it bluntly: "Those that build the deal in trade are the member states. If they don't want and don't take responsibility, then nothing happens."[1335] A colleague concurs that "Process factors can help... But however brilliant they are, if countries like the US, India, or Brazil, don't want Doha progress then you can't shift this."[1336] Nevertheless, the study has shown that these interests interact with process factors. In the words of a developing country negotiator: "There must be an overall desire for an agreement. Yet, they [interests and process] are still mutually reliant on each other."[1337] Above all, we have seen that these interests (and other structural factors) remained largely constant, and are thus necessary but not sufficient to explain the different outcomes.

[1335] EU-country(2)-16.02.2012

[1336] EU-country(1)-29.11.2011

Last not least, the data gathering showed additional trade negotiations with hints at process influence. For example, the WTO Ministerial Conference in Cancún in 2003 failed dramatically. It was meant to operationalise the issues on the agenda as a basis for closing the Doha Round. The organizers received much blame for their approach to managing the negotiations, such as Mexican Conference Chair Luis Ernesto Derbez (Narlikar 2004, 423; Odell 2005, 443). Supachai Panitchpakdi as new WTO Director-General was also rather inexperienced to steer the process.[1338] The summit was eventually even termed "'the Copenhagen' of trade talks", referring to the process management of the Danish climate Presidency in 2009.[1339] Only one year later, parties made important progress and agreed on the 'July Framework' in Geneva in 2004. The key organizers had changed, or grown in experience (like DG Supachai). Transparency and inclusiveness had been further augmented, with the inclusion of additional developing countries in the key negotiating circles. This altered "procedural justice" had made a decisive difference, argued a focused case comparison (Albin and Young 2012, 54, 55). This case pair of Cancún and Geneva serves as an additional hint at a pattern of process influence that stretches from multiple climate talks to a series of trade negotiations, and possibly also to biosafety, which we will visit now.

[1337] ACP-country(1)-15.12.2011

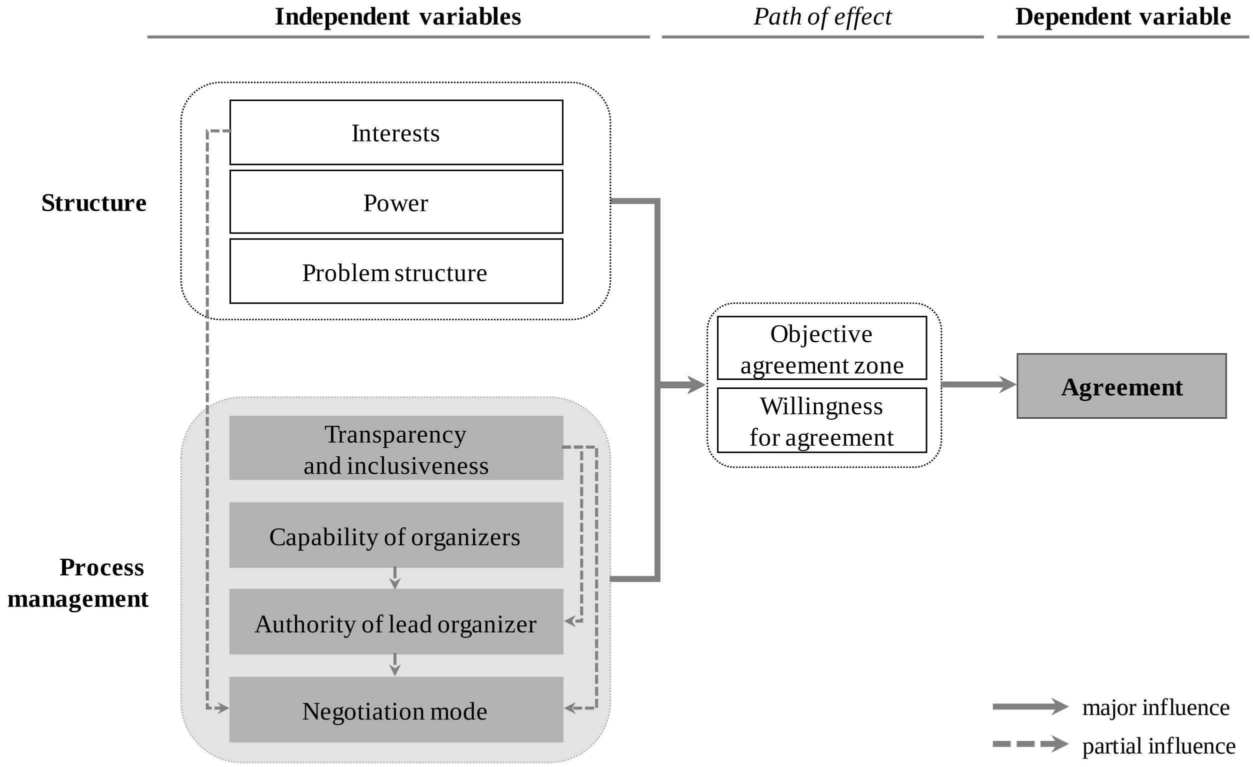
[1338] Wolfe hints at a similarly poor performance of leadership for Cancún (2011, 280, footnote 4).

[1339] G-77(3)-19.07.2011

7. Biosafety negotiations of the Cartagena Protocol

So far, we have seen that the hypotheses of the role of process management in multilateral negotiations are proving stable in the areas of climate change and world trade. This chapter exposes them to a third test: multilateral negotiations in the realm of biosafety. Similarly to climate change and trade, biosafety negotiations collapsed in Cartagena, Colombia, in 1999, before they reached a successful conclusion in 2000 in Montreal, Canada. These two rounds of negotiations serve as the third case pair. A finding that process is also a decisive factor in this field would fortify the notion that process management matters in complex multilateral negotiations, irrespective of the specific sub-field (Figure 18). As in the cases of climate change and trade, I begin by telling the story of the biosafety negotiations, before I apply the comprehensive negotiations framework with its four process management variables and explore alternative explanations.

Figure 18: Applying the comprehensive negotiation framework to biosafety negotiations


Independent variables
Path of effect
Dependent variable
Structure
Interests
Power
Problem structure
Process management
Transparency and inclusiveness
Capability of organizers
Authority of lead organizer
Negotiation mode
Objective agreement zone
Willingness for agreement
Agreement
major influence
partial influence

7.1. Chronology of the Cartagena and Montreal negotiations in 1999 and 2000

BSWG meetings and Cartagena in 1999

In 1992, the 'Earth Summit' in Rio de Janeiro included the conservation of *biodiversity* as one of its key environmental goals in the final declaration. The summit adopted the Convention on Biological Diversity (CBD) whose preamble recognized nothing less than "the importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere", and thus the foundations of human life on earth. During the 1990s, science and businesses had made significant progress in the development of living modified organisms (LMOs), or the equivalent term genetically modified organisms (GMOs) (WHO 2012). This new trend divided countries in the ensuing negotiations. Biotechnology advocates aimed to increase agricultural yields, improve specialty chemicals, mitigate health problems, and much more. The opposing camp was more cautious about the ramifications of this novel and still unknown innovation, which potentially carried ecological and health risks (Zedan 2002, 23).

In this situation, COP-2 of the Biodiversity Convention in Jakarta, Indonesia, in 1995 provided a *negotiation mandate* for a Protocol to the Convention, aimed at reconciling these interests for a sustainable use. The *essential issues of the negotiations* already surfaced in negotiating the mandate: countries exporting LMO-based commodities wanted to ensure that the economic potential was safeguarded. For them, significant business opportunities were at stake should a restrictive regulatory regime come into place with serious hurdles to trade in LMO-commodities. Especially North America had advanced far on agricultural biotechnology and countered any stiff constraints to LMO-trade. They were later joined by a few economically more advanced developing countries with a strong agricultural-technological sector (La Vina 2002, 35, 41).

At the same time, importing countries in Europe and most of the developing world insisted on the precautionary principle as a safeguard against possibly great harms to the environment and human health (Falkner 2002, 5). EU-delegates faced significant pressure from the European public with the first imports of LMO-food from North America in the late 1990s (Bail, Decaestecker et al. 2002, 167). Poorer developing countries had long pushed for the protocol also for socio-economic reasons. They were afraid of threatening their agricultural foundations by the release of imported LMOs into their ecosystems, and of a seismic shift in the agricultural industry through biotechnology from "the West" that could push entire agricultural sectors in the developing world out of business. This posed an existential risk for developing countries, which already suffered from food shortages.

Respecting both sides of the debate, delegations had to specify how LMO-commodities could be traded while ensuring the recipient country would be able to take an informed decision on its permission before the organism became much more difficult to control after its release into the environment. A prior assessment of the commodity was therefore crucial to most countries, later known as the advance informed agreement procedure (AIA). After heated debates in Jakarta, the mandate not only included negotiating the transboundary movement of LMOs, but also their domestic handling and use, as demanded by developing countries. Developing countries succeeded in reaching a wide scope of the mandate including socio-economic, liability, and compensation issues (La Vina 2002, 40).

Based on this mandate, parties gathered for *negotiations in the Ad Hoc Biosafety Working Group* (BSWG) to begin drafting a protocol in July 1996 in Aarhus, Denmark. Veit Köster of the host country Denmark was elected as chairman and remained in this position throughout the entire process. The working group met another four times in Montreal, the seat of the Biodiversity Secretariat, over the course of two and a half years. The early meetings were marked by a broad discourse on the scope of the Protocol and general conceptual issues. Negotiations about the essential elements only started in 1998 (Falkner 2002, 3). By that time, the quickly expanding trade in LMOs, especially genetically modified agricultural commodities such as soya beans and maize, had significantly raised awareness of the talks (Falkner 2002, 5). This rising economic importance and the ongoing scientific uncertainty regarding the ramifications of LMOs on biodiversity rendered negotiations more contentious (Falkner 2002, 4).

The *structure of the draft protocol* emerged during BSWG-3 in 1997 and contained four elements, which translated into the following negotiation groups (Köster 2002, 52): Sub-Working Group 1 (SWG-1) on the regulatory regime (e.g. AIA procedure); SWG-2 on all remaining issues (e.g. handling, transport and labelling of LMOs, the clearing house mechanism); Contact Group 1 on definitions; and Contact Group 2 on financial and institutional matters. A first, vastly bracketed, protocol text was drafted. During the subsequent BSWG-4 and -5 meetings in 1998, negotiations became more adversarial. Parties ensured keeping their positions in the draft, which resulted in an astounding 450 brackets on 32 pages by the end of BSWG-5[1340] (Köster 2002, 47).

One hundred and thirty-eight countries convened for the *BSWG-6 meeting in Cartagena*, on the Caribbean coast of Colombia, from *February 14 to 22, 1999*, which included three days of running overtime (Köster 2002, 51). The expert working group was meant to conclude the draft text and forward it to the political summit of the Extraordinary Conference of the Parties to the Convention of Biological Diversity (ExCOP). The ExCOP was then supposed to adopt the Protocol to the Convention. A series of areas remained contested. Parallel to the four negotiation bodies, several informal groups and a 'Friends of the Chair' group were created to resolve the hardest issues (Falkner 2002, 16).

On *February 17*, the plenary handed over all outstanding issues to the 'Friends of the Chair'. In an evening stocktaking plenary, BSWG-6 Chair Köster announced that he would propose a single negotiation text as a compromise, as parties still seemed unable to agree on a joint text. Given the lack of progress, Köster eventually dared taking this controversial step on *February 18*. Supported by the CBD Secretariat and several delegates, he compiled the text by 8 am (Köster 2002, 57). Mistakes and technical problems delayed its distribution until later in the afternoon. Upon its release, numerous parties complained that their positions were no longer contained in Köster's draft, and that one day was lost as the document needed major revisions due to its many errors (IISD 1999).

Köster's effort notwithstanding, the 'Friends of the Chair' could not find a compromise when discussing the newly released draft. Entering the weekend, BSWG-6 now ran overtime, so that Juan Mayr Maldonado, Colombian Minister of the Environment and Chair of the fast-approaching ExCOP, intervened in support of the process on *February 20*. While existing groups continued negotiations, Mayr formed a small informal group ('Friends of the Minister') consisting only of the representatives of the three main coalitions (Miami Group, EU, and Like-Minded Group). No further delegates were allowed as observers (Bail, Decaestecker et al. 2002, 176). Mayr wanted to "better understand the different views… [and] attempt to reach some compromise", as his advisor explained (Samper 2002, 65). The 'Friends of the Minister' negotiated for two days and nights, yet without breakthrough.

[1340] UNEP/CBD/BSWG/6/2

So the chair's text, corrected for mistakes, was introduced to the final BSWG-plenary at 3 pm on February 22.[1341] Deeply unsatisfied with the content and intransparent drafting process numerous countries were far from accepting the document (IISD 1999). At this point, the exhausted Köster lost his "instinct" as a chair for a moment and "gavelled" his draft "through", as he conceded (Köster 2002, 58). Observers described an ensuing "deluge of dissatisfaction" in the plenary (IISD 1999). "The text was thrust down delegates' throats without any discussion", seethed a Mauritian delegate (IISD 1999). The US negotiator saw it as "a surprise to all". The text, which was "acceptable to no one[,] was gavelled through posthaste" (Enright 2002, 99). A Like-Minded Group member called it "very swift gavel work" (Nevill 2002, 151). Officially adopted by the BSWG-6, the text now served as a basis for the commencing ExCOP.

The *ExCOP in Cartagena* lasted from *Monday February 22 to 24*, with ministers arriving to seal the agreement on a new Protocol. In light of the stalemate, Chair Mayr encouraged a *re-grouping of parties* according to their interests rather than their regional grouping (Falkner 2002, 17). The major coalitions became the LMO-embracing Miami Group (e.g. US, Canada, Argentina, Chile), the Like-Minded Group containing most developing countries, the EU, the Central Eastern European Group, and the small Compromise Group of several OECD countries aiming to facilitate middle ground (e.g. South Korea, Mexico, Norway, Switzerland). With the deadline fast-approaching, Mayr called on a 'Group of 10' to take on the crucial unresolved areas on the first day of the ExCOP. The group consisted of a limited number of spokespersons of the newly-formed groups, while other delegates were only allowed to observe (IISD 1999). The small group convened in the evening and negotiated nearly round-the-clock until the end of the conference.

[1341] UNEP/CBD/BSWG/6/L.2/Rev.2.

The summit neared a breakdown during the night before the last day, *February 24*. At this point, the EU stepped in and proposed a package with gives-and-takes for all major groups: the decision on the AIA procedure for LMO-commodities and on differentiated LMO-documentation would be postponed (for the Miami Group), but would still be up for regulation at a later point (for the Like-Minded-Group); the 'savings clause', which would have prescribed a precedence of, inter alia, the WTO trade regime over the Protocol, would be deleted (for the EU) (Falkner 2002, 18). More than 130 countries grudgingly accepted the compromise. Nevertheless, the Miami Group rejected at 4 am, despite last minute mediation efforts by Mayr and UNEP Executive Secretary Klaus Töpfer (Bail, Decaestecker et al. 2002, 178). The Miami Group claimed that the compromise avoided resolving essential questions, such as on LMO-commodities (Falkner 2002, 18). According to them, the suggested text was merely a "political statement" with central rules which were unclear or impossible to fulfil (Enright 2002, 101). So, the Cartagena negotiations ended without a Protocol in the final plenary on February 24. With parties calling for a quick resumption of talks, Mayr only suspended the ExCOP to conclude a deal by no later than COP-5, in May 2000.[1342]

[1342] EM-I/1

Informal consultations and ExCOP in Montreal in 2000

After Cartagena, parties resumed consultations, first briefly in *Montreal* in July, and then for a longer meeting at the UN in *Vienna*, from *September 15 to 19, 1999*. They identified and started addressing those highly controversial issues that had remained unresolved at the summit (Samper 2002, 69). Eventually, three areas of primary concern crystallized during informal consultations: the application of AIA procedures to commodities (such as LMOs used for feed, food, or processing, and thus not meant for release into the environment), the relation of trade and biosafety rules, and the scope of the protocol about which LMOs to include (Samper 2002, 70). No tangible progress was achieved in Vienna, granted senior negotiators from the Miami Group (Enright 2002, 102) and the Compromise Group (Akasaka 2002, 202). It was useful though in clarifying the positions of countries on the remaining core issues (Mayr 2002, 225) and in attaining the political commitment for a protocol by all parties (Gupta 2000, 206). Regarding procedure, Chair Mayr managed that delegates agreed to continue using the novel 'Group of 10' format for the central questions. Unlike in Cartagena, each of the five coalitions participating 'at the table' now had an equal number of two representatives, and the meeting continued to be open for all other delegates as observers (Samper 2002, 70).

In the aftermath of Vienna, organizers attempted to further learn about true reservation points of parties on the different issues through intense contacts up to the highest levels, as the latter could signal potential flexibility. As a result of these informal consultations, Chair Mayr sent out a compromise draft serving as a focal point for parties several weeks before the last informal session in *Montreal, January 20 to 23, 2000* (Samper 2002, 71). In the meantime, the WTO summit in Seattle had collapsed in December, which raised the pressure for a successful conclusion of the next multilateral talks, which were on biosafety. At the same time, the trade summit in Seattle did not pre-empt a decision on trade in LMOs, so it was left for biosafety negotiators to decide (Mayr 2002, 225). At the informal session in Montreal, parties reacted positively to the chair's 'non-paper' and focused on the core remaining questions (Samper 2002, 73).

Negotiations continued straight into the resumed *ExCOP*, taking place in *Montreal from January 24 to 29, 2000*, one year after Cartagena had failed. Attendance had now nearly doubled to around 750 negotiators from 133 government delegations, in addition to myriad observers and the media (Depledge 2000, 160; IISD 2000). It was still small compared to the thousands of participants in the climate or trade talks, but sufficient to turn the public spotlight onto Montreal. Mayr had been very active to ensure a "mass presence" of environment ministers, whom he considered essential for reaching agreement (Mayr 2002, 226). After a short opening plenary on Monday, the two contact groups on LMO-commodities and scope of the agreement met instantly at the nearby Delta Hotel. Organizers postponed the groups on trade and myriad other outstanding issues to focus delegates on the core areas (Samper 2002, 74). They maintained the 'Vienna setting' for these informal consultations since delegates had praised it as an appropriate blend of transparency and informality (Samper 2002, 72).

Unexpectedly, the groups on LMO-commodities and scope (allowing only a narrow exclusion of some LMO-types) made quick progress (Samper 2002, 73). As a result, the third contact group on trade-related issues had already begun their work on *January 25*. Negotiations had now shifted into round-the-clock gear for the rest of the summit. On *January 27*, organizers broadened the mandates of existing groups, and even established new ones, to address the remaining outstanding challenges early enough, such as the precautionary approach and socio-economic issues. These aspects were too salient for numerous countries to be left unresolved until the last hours of the ExCOP (Samper 2002, 73). Numerous environment ministers now began to support facilitation on these crucial issues of trade, the precautionary principle, and the details of LMO-commodities (Falkner 2002, 21).

After significant progress had been reached in the joint negotiations of the 'Vienna setting', organizers issued a revised draft with only a few brackets left at 2 am in the morning of the last day, Friday *January 28*. Throughout the remaining night, delegations now met bilaterally and especially with Chair Mayr in his hotel to bridge the last differences, as Canadian and EU politicians recalled (Anderson 2002, 239; Wallström 2002, 248). In a late morning stocktaking session, Mayr informed delegates that organizers would start compiling a final compromise draft under his guidance as Chair in case parties were unable to produce a joint text (IISD 2000; Samper 2002, 74). Informal facilitation by Mayr continued during the day, especially on the precautionary approach and on the relation of the biosafety and trade regimes, with ministers trading political concessions. Results were woven into Mayr's final text, which was distributed at 7.20 pm (Akasaka 2002, 205; Wallström 2002, 247).

The ensuing examples illustrate some of the key compromises (for the following: Samper 2002, 74). The transit and use of LMO-commodities (for food, feed, and processing) do not fall under the AIA but only under a 'lighter' procedure. Pharmaceuticals remain outside the scope of the Protocol. Both decisions were regretted by the Like-Minded Group. The ambiguous preamble entails several provisions on the relationship of the Protocol to trade rules, which as a compromise are partially even contradictory. Among others things, they state that the Protocol is on par with existing other regimes (like WTO-trade rules), which is a part formulated against the wish of the EU and the Like-Minded Group to give biosafety priority. Finally, the Protocol contains the precautionary approach as demanded by the Like-Minded Group and the EU, against the will of the Miami Group.

The final plenary began at 11:40 pm on Friday, but had to be suspended only a little later. The Miami Group still fought with the EU (supported by the Like-Minded Group) over whether and how to identify and document those shipments of commodities, which potentially contain LMOs. In an attempt to resolve the deadlock, a small contact group of organizers and around ten expert delegates, who were representative of all regions, debated the risk of whether such a new regulation would disrupt transportation systems (Bail, Decaestecker et al. 2002, 184; Samper 2002, 75). They negotiated in vain from around 2 to 3 am (Samper 2002, 75). The successive, heated bilateral meeting of the Miami Group and the EU brought the breakthrough on this final Gordian knot: at 4 am, their negotiators eventually agreed on a compromise suggestion by the Miami Group. Countries would only need to document the possibility that LMOs are part of a shipment ('may contain'), with details to be decided by a COP in two years (Bail, Decaestecker et al. 2002; Samper 2002, 185). The Canadian Environment Minister David Anderson then needed to remove the last hurdle for the Miami Group by transgressing his delegation's original 'red line' (Anderson 2002, 242). Finally, the Like-Minded Group, excluded from this essential bilateral, had to be brought on board. They were dissatisfied with this ultimate unfair step of the process. The group nevertheless agreed reluctantly to the deal as one of their spokespersons, Tewolde Egziabher of Ethiopia, was adamantly advocating in favour of the compromise (Anderson 2002, 242). In the early morning of *January 29*, the ExCOP plenary adopted the *Cartagena Protocol on Biosafety*.

7.2. Scope conditions and outcome

Let us begin the analysis of these events by examining the two conditions under which process management has its largest influence (in the sense of Hypothesis 1.2). First, the biosafety negotiations follow the *consensus principle* (Article 29 CBD), just like the climate change, trade and most other economic or environmental regimes of the UN. Given that regulations bind all participating states, no delegation wanted to subscribe to actions they were not prepared to undertake. This decision-rule impedes the reaching of agreement in the negotiations, and thereby raises the importance of process management.

Second, *agreement* before both summits was *neither impossible nor certain*. By the start of *Cartagena*, the rapidly expanding trade in LMO-commodities had raised stakes for exporting and importing countries alike to regulate a swiftly evolving economic and ecologic reality. This need for a regulatory framework can be considered as at least a narrow overlap of interests. At the same time, the wide gaps in positions on the substance itself made an agreement highly uncertain before Cartagena.

Convergence had slightly grown by the second summit, the resumed ExCOP in *Montreal* in 2000. Rising public interest and the political pressure to succeed after the first breakdown served as additional motivation for parties. Nevertheless, agreement could not be taken for granted. It is reported that "many delegates gave… a 50-50 chance" (Falkner 2002, 20). The Miami Group lead negotiator recalled that "many observers were predicting another impasse" (Ballhorn 2002, 112). Lead EU delegates perceived the success chances "not better than even" (Bail, Decaestecker et al. 2002, 180). Several academic analyses concurred by finding that "prospects for success looked bleak" (Depledge 2000, 158) and seeing a "spectre of uncertainty" (Gupta 2000, 217). The conditions for a decisive impact of process management were thus fulfilled.

I now turn to the summit *outcomes*, which differed between the Cartagena and Montreal ExCOPs in 1999 and 2000. The collapse of negotiations in the first year was followed by the adoption of a legally-binding treaty in Montreal. The agreement was widely welcomed and considered a success across negotiation blocs and civil society groups (Gupta 2000, 224; Bail, Falkner et al. 2002, 516). The *Cartagena Protocol on Biosafety* created rules for the transboundary movement, transit, handling and use of LMOs (Article 4). Among its core provisions are the AIA procedure in combination with the precautionary principle. The operationalisation of this principle in a multilateral environmental agreement signifies a global premiere (Bail, Falkner et al. 2002, 516). It grants LMO-importing countries the right to decide on allowing a LMO into its territory after it has assessed its potential consequences. For example, the export of genetically modified maize must now be notified to the government of the importing country. The Biosafety Clearing-House supports governments in this endeavour by providing information on the LMO-commodity, such as on the modified maize. Combined with capacity-building, the Protocol enables especially developing countries to better control the impact of LMOs on their territories. For exporting countries, the regulations averted overly high practical hurdles to their flourishing LMO-trade.

The Protocol entered into force on September 11, 2003, upon its 50th ratification.[1343] Despite the non-ratification by some major exporting countries, such as Canada and the US (as non-CBD party, the US cannot sign), the Protocol works nonetheless. It provides greater legal certainty and capacity-building for LMO-importing countries, irrespective of the ratification by the exporting country (Falkner 2009, 117). Let us now address the core question of which variables influenced the creation of the Protocol.

7.3. Transparency and inclusiveness of process

Correlation

The familiar pattern of seven indicators determines the degree of transparency and inclusion (Figure 6). Transparency splits into information management on 1) small groups (like the Green

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[1343] EM-I/3

Room meetings for trade), 2) the negotiation text, and 3) the schedule and progress of negotiations. Inclusiveness varies with 1) the degree of participation in a small group, 2) the integration of expert negotiators and ministers, and 3) the breadth of inclusion of parties in the deliberations of the organizers. Finally, I scrutinize how organizers communicated about transparency and inclusiveness.

The setup of *small group meetings before and during Cartagena* was neither transparent nor inclusive. During the Cartagena preparation, parties complained about small group exclusiveness: they did not feel represented by the four delegates drafting the text in SWG-1 at BSWG-3. This was different to SWG-2, which maintained an open-door policy (Falkner 2002, 11). During BSWG-6 in Cartagena, Köster used the 'Friends of the Chair' as key support for his facilitation. They were at least nominated by regional groupings and not hand-picked by the organizers as at the climate COP-15 (Falkner 2002, 16). Nevertheless, the new circle did not reflect the respective regional sizes and led to a "disproportionate representation", as many negotiators complained (IISD 1999a; Nevill 2002, 150).

Even less transparent and inclusive was the weekend meeting of the successive small group during the BSWG-overtime, the 'Friends of the Minister' with incoming ExCOP-Chair Mayr. They tried to revise the chair's compromise text, which the 'Friends of the Chair' had been unable to agree on. It began as a "closed negotiation session" with the EU, the Like-Minded Group, the Miami Group and Japan only, according to US and EU participants that conceded its lack of transparency (Bail, Decaestecker et al. 2002, 176; Enright 2002, 100). The ensuing frustration outside the small room led Mayr to open the meeting later on for the excluded groups. This process was heavily criticized in the BSWG-6 closing plenary by parties for its lack of transparency and its exclusiveness (IISD 1999).

With the start of the *ExCOP in Cartagena*, Mayr aimed at enhancing small group transparency and inclusiveness (Samper 2002, 67). Mayr wanted to depart from the 'Friends of the Chair' format, which he found had "an excluding, discriminatory connotation that leads to conflict" (Mayr 2002, 223). He introduced what was later named the 'Vienna setting' for small group meetings, which continued beyond Cartagena in the Vienna and the resumed ExCOP-Montreal negotiations. Ten spokespersons represented the five coalitions, distributed according to their respective size (Samper 2002, 67).[1344] Delegates were seated at a round table to "see one other as they spoke… All those wanting to follow the negotiations could enter the room and observe for themselves the dialogue among the delegations", explained Mayr (Mayr 2002, 227). The small group remained open to delegates as observers without the right to intervene (Bail, Decaestecker et al. 2002, 177). In sum, the new small group setting was much more transparent and inclusive as everyone could follow its negotiations and all coalitions had spokespersons at the table. Yet, after years of preparations and nine days of BSWG-6 negotiations with serious shortcomings of transparency and inclusiveness, the change in process in the remaining two days was insufficient to alter the general characteristic of these negotiations on balance.

This was different for the ensuing *Vienna-Montreal process*. Mayr continued negotiations under the more transparent and inclusive format with the slight alteration that the five coalitions would now have two representatives each (Falkner 2002, 19). The 'Vienna setting' could now start taking full effect and shape the perception of delegates with regard to the negotiation process. In addition, organizers further advanced inclusiveness in Vienna by enhancing the equal treatment of negotiation groups. During informal consultations in the 'Vienna setting', they allowed a "random determination of interventions by the groups" by the drawing of coloured balls from a bag (Samper 2002, 70, 73). This practice continued at the Montreal ExCOP with toy teddy bears substituting the coloured balls. A seemingly minor point led to greater fairness of the speaking order and augmented the goodwill of delegates.

[1344] Samper recorded the following distribution: EU (1), Central and Eastern Europe (1), Compromise Group (1), Miami Group (2, one 'North', one 'South'), Like-Minded Group (5).

Only the final day and night of the Montreal-ExCOP negotiations casts a shadow on small group transparency and inclusion. A mere handful of organizers, ministers, and expert negotiators participated in resolving the last contested issues during the 17 hours between the Friday morning stocktaking session and the closing plenary at 4:40 am on Saturday. All the other hundreds of delegates were excluded from these negotiations and from any information about their state, except for the announcement of three postponements of the closing plenary (IISD 2000). One developing country negotiator compared the situation to that of the BSWG-6 meeting in Cartagena. He described the exclusion "at this vital final stage" in Montreal as "incredibly frustrating, not to say unrepresentative and undemocratic" (Nevill 2002, 146). The Canadian Environment Minister conceded that they had been "behind closed doors the whole time", especially for the final bilateral of the Miami Group and the EU: for "those outside, particularly those in the Like-Minded Group, it was unquestionably highly unsatisfactory to their sense of fair process" (Anderson 2002, 242).

Again, we cannot qualify the Vienna-Montreal process simplistically in one way or another. The last day was without doubt neither very transparent nor inclusive. However, that was true for each of the final days of the climate and trade negotiations studied. Importantly though, all the other 14 days of net time of preparatory negotiations in Vienna and Montreal, and of negotiations at the resumed ExCOP followed the transparent and inclusive 'Vienna setting'. Taken together, this allows treating this second year of small group negotiations as comparatively transparent and inclusive. As negotiators themselves stated: "Still, numerous Like-Minded Group colleagues approved of the 'Vienna setting'" (e.g. Salamat 2002, 159).

After this small group analysis, let us now turn to *the creation of the Protocol text* itself. Parties developed the draft text largely in a bottom-up fashion *during the BSWG-meetings leading up to BSWG-6 in Cartagena*. Throughout the five meetings Köster helped guide the process, but refrained from suggesting a single negotiation text. Instead, delegates assembled the building blocks of the protocol text (Köster 2002, 49-51), which even contained a fair amount of civil society input (Bail, Falkner et al. 2002, 514). The result of this mostly transparent and inclusive text evolution was a highly bracketed draft by the beginning of Cartagena.

With no agreement in sight towards the scheduled end of the BSWG-meeting, Köster turned to compile a compromise proposal during the night from February 17 to 18. The base was the original draft text from the beginning of Cartagena and additional elements created during BSWG-6. Numerous people participated in the drafting, such as around ten individual negotiators, who did not represent any regional group but aimed to support the chair with their expertise (Köster 2002, 58). In addition, CBD-Secretariat officials contributed by crafting text from elements that had emerged from the negotiation groups they supported. Köster with 'his' group of delegates and the Secretariat then scrutinized the respective proposals, with the chair finally deciding on their inclusion (Köster 2002, 58).

Given the rather random selection of the delegates supporting Köster during that night, one can barely speak of a transparent and inclusive text drafting phase. Lead EU negotiators confirmed the lack of "any formal consultation with the negotiating groups or the key negotiators" (Bail, Decaestecker et al. 2002, 175). A Jamaican delegate described that it "was…extremely difficult to understand how the chair arrived at the final text for submission to the ExCOP" (Fisher 2002, 125). For another developing country representative the text came "out of the blue" since the names of the authors were unclear, as well as their regional origins (Nevill 2002, 150).

The *post-Cartagena evolution* of the draft text proceeded in a more transparent and inclusive manner. In Vienna, parties continued substantive discussions on the Cartagena draft. The outcomes were summarized by Chair Mayr in a 'non-paper'. This revised draft was sent out several weeks before the informal negotiations in Montreal preceding the ExCOP. This process provided parties with sufficient time to familiarize themselves with its content ahead of the next summit (Mayr 2002, 226). At the resumed summit, the text continued to be revised through the work of all groups. Mayr summed up the progress of negotiations in draft texts at 2 am and 7 pm on the last Friday, yet close to all of the key elements had been the result of negotiations in the open 'Vienna setting'. Therefore, the text evolution in its entirety received less criticism than in the previous year.

The third element of information on the *negotiation schedule and progress* yields a similar picture. Especially during the hectic and chaotic last days of BSWG-6 in *Cartagena*, delegates heavily criticized organizers for not informing about schedule and progress. During 'overtime', the small groups of 'Friends of the Chair' around Köster were substituted by 'Friends of the Minister' of Mayr. At the same time, working groups continued negotiations, and it seems that most were fairly unenlightened about the state of the meeting as a whole.

The *Montreal* ExCOP stood in marked contrast. Chair Mayr paid great attention to fully informing all delegates about the negotiation schedule and progress (for the following: Mayr 2002, 227). Any changes in the schedule of working groups were announced in detail regarding the new place and time. Even consultations of the chair with a subset of countries, usually only one group, were made public to ensure full awareness of the process for all delegates. This focus on duly informing all delegates reminds of the Cancún climate negotiations' approach.

Let us now turn to the *inclusiveness* of the two negotiation rounds. Small group inclusiveness was already discussed above. Next, the *integration of negotiation levels* showed a rather low inclusion in *Cartagena*. Expert negotiators continued their year-long negotiations during overtime until the end of BSWG-6. In parallel, Mayr started the minister-dominated process with his 'Friends of the Minister' group. Their efforts were largely disconnected from the expert negotiations. While the minister group did not reach any suggestion and thus did not jeopardize the product of the expert negotiations, their lacking integration did also not help to use the political lever at the expert level itself. As observers noted, "one participant characterized the competing discussions as operating in 'parallel universes', colliding only while in line for fresh juices and Colombian coffee" (IISD 1999).

For the ExCOP in *Montreal*, organizers aimed at a wide attendance of ministers to guarantee the political clout for last-minute compromises beyond the original mandate of delegations (Samper 2002, 72). Indeed, the summit's result was moulded more by ministers, who managed to strike the necessary final compromises (Ballhorn 2002, 114; Wallström 2002, 247). At the same time, EU negotiators and the EU Commissioner report that while ministers took the necessary political decisions in crucial bilateral meetings on the last Friday, they did not interfere with the formal negotiation process and "left the details to the officials" (Bail, Decaestecker et al. 2002, 182; also: Wallström 2002, 247). In sum, negotiation levels in Montreal did not work in complete mutual isolation. Rather, the work-sharing appears more integrated with a functioning distribution of responsibilities and communication between the political and expert levels.

Scarce data is available on the difference between the years for the last two elements of the analysis. We can cautiously infer from the chronology above that Mayr and his team put a slightly greater emphasis than Köster on reaching out to all countries when they *deliberated* compromise solutions for the deadlocked negotiations. It was they who widened the small group set up to a more inclusive format, which means a greater reach-out to countries that had been more neglected so far.[1345] There exists little, but more explicit, data for the differences in *communication about transparency and inclusiveness*. After the anger of the final BSWG-6 hours, Mayr explicitly departed from the former negotiation scheme to transform the process. This became a recurring theme of the new organizers until the end of the Montreal ExCOP. It provided a greater sense of transparency and inclusiveness.

In sum, the degree of transparency and inclusiveness correlated with the reaching of an agreement in the negotiations of the Biosafety Protocol in Cartagena and Montreal. To be sure, the levels of differences varied among indicators, and the amount of available data faced certain constraints. Nevertheless, the overall picture is clear and undisputed among delegates, organizers, and observers.

Process-tracing

As with climate and trade negotiations, we now turn to the question of whether we can find causal mechanisms next to mere correlation. We will follow the four paths identified for the other negotiations: process and content knowledge, contribution ability, obstruction ability and the feeling of respect (Figure 11). The varying process designs influenced parties' *knowledge about the content and process* of negotiations *(Path 1)*. ExCOP-Chair Mayr considered the change in format "one of the major lessons learnt from this process" as it "provide[d] a better understanding among the parties and thereby a more representative, realistic and practical agreement" (Mayr 2002, 219). This statement includes a hint at the effect of contribution ability *(Path 2)*. An opaque process "generates suspicion and distrust among those who have been excluded. And, as shown [at the WTO summit] in Seattle, exclusion, suspicion, and distrust are determinant factors in the failure of the negotiation process" (Mayr 2002, 226). The "ties of trust" among delegates contributed to reaching agreement during decision time in the last hours of the Montreal ExCOP with "despair and stress" omnipresent (Mayr 2002, 227). One recent study on "Lessons Learnt" in environmental negotiations echoes that restored trust from a transparent and inclusive process was a crucial success factor of the biosafety talks (Davenport, Wagner et al. 2012, 45). In addition, the emphasis on informing diligently about negotiation schedule and progress ensured a good understanding of the process for all participants, which Mayr found a "further important part of facilitating the negotiations" (Mayr 2002, 227).

[1345] The use of another element of the variable (small group inclusiveness) as indicator is of course limited, as it does not fully co-vary with 'breadth of deliberation'.

One may argue though that the maturing of issues was first required to reach agreement (Depledge 2000, 161). Yet, the fact that parties were at the end of an intense year-long negotiation process already in Cartagena speaks against the notion of insufficient information and expertise at that point. EU delegates confirmed such abundant knowledge in 1999: "Issues were well known" to parties by that time (Bail, Decaestecker et al. 2002, 174). To be sure, this is difficult to measure with precision, but a year-long deep exchange on these recurring issues weakens the argument that learning was needed first by parties. Counterfactually, more transparent and inclusive negotiations in Cartagena would have accelerated mutual learning on delegates’ positions and personal acquaintance to use informal contacts. The Miami Group's head negotiator described how a greater mutual familiarity of positions and people during the Montreal ExCOP was one salient factor (Ballhorn 2002, 114).

Regarding *contribution ability (Path 2)*, the new format beyond traditional UN negotiation blocs allowed the parties to ally in groups that better reflected and articulated their joint interests in negotiations in Vienna and Montreal (Mayr 2002, 222). This clear-cut advocacy for positions ensured that draft texts maximized the comprehensiveness of positions. It enhanced the ownership across parties that had all contributed to the outcome (also: Davenport, Wagner et al. 2012, 44). Contribution was further increased by the effective integration of the numerous environment ministers in negotiations. This was held as another crucial factor in Montreal. Ministers raised the pressure on expert negotiators to progress. Their active participation allowed them to exercise their political clout to attain the final compromise (Bail, Decaestecker et al. 2002, 185; Mayr 2002, 226).

Parties in the first year did *not feel treated with the respect* they expected, leading to their greater aversion against an agreement *(Path 3)*. *Cartagena* partly failed because many countries perceived that "they were excluded from key meetings and decisions at Cartagena", found the former G-77 Chair of the negotiations on the mandate of the Protocol in Jakarta (La Vina 2002, 43). The exclusiveness of the 'Friends of the Minister' group at the end of BSWG-6 brought "strong criticism", as a key advisor to Mayr admitted (Samper 2002, 65). He further recalled that on the last BSWG-6 day many delegates waited with "growing frustration" for the final plenary that was repeatedly postponed, while the small group had negotiated nearly round-the-clock for two days. The new format of the ExCOP then came too late to make up for the ill will that had accumulated. A US negotiator from inside the small group meetings conceded that the change to include those left out was "so late in the day in Cartagena that it did little to promote consensus building" (Enright 2002, 100). One study agrees that given the high number of complaints about "closed doors" Mayr's opening of the small group was "only in the last few days of Cartagena" (Depledge 2000, 161).

The atmosphere really changed by *Vienna and Montreal*. One biosafety researcher reported from 40 interviews with decision-makers in Cartagena and Montreal that the negotiators only "felt represented" with the introduction of the 'Vienna setting'. Before, a "large number of countries and major groups" had sharply criticized the non-transparent manner of the Cartagena process (Gupta 2000, 217). The altered design was "widely credited" with reaching agreement in

Montreal, concluded the study. Further analyses yielded similar results. The new 'Vienna format' was broadly welcomed by negotiators (Depledge 2000, 161; Falkner 2002, 19), and "undoubtedly contributed to the wide acceptance of the final agreement", found a comprehensive study (Bail, Falkner et al. 2002, 514). A senior US negotiator conceded that the setting "helped to reduce the frustration felt by many delegations over the previous lack of transparency" (Enright 2002, 100).

This is not restricted to poorer developing country delegates. The lead Swiss negotiator stated that if Switzerland was "to be part of the contracting parties, we would not accept exclusion in any round of negotiations ever again" (Nobs 2002, 187). The delegate underlined the "utmost importance" of the process: "[N]othing can compare to the value and usefulness of the 'Vienna setting'. Its transparency and fairness to all parties had no equal" (Nobs 2002, 192). A lead delegate from Central and Eastern Europe echoes that "the 'Vienna setting' was an important step in the negotiations… assur[ing] the equal opportunity for participation by all parties (Nechay 2002, 212).

To be sure, the Vienna setup still excluded those few countries that did not belong to any of the five groups (Ballhorn 2002, 111). Besides, disappointment grew at the Montreal ExCOP including within the groups officially represented in the small group talks. Some spokespersons exchanged less and less with the delegates they were chosen by, expressed a frustrated Like-Minded Group negotiator with regard to their Ethiopian representative Tewolde Egziabher (Nevill 2002, 152). Yet as discussed before, the new format of the 'Vienna setting' still achieved a much higher degree of inclusiveness than all previous forms. This allowed restricting access at least somewhat in the final hours given negotiators had not been left out before (similar: Davenport, Wagner et al. 2012, 45). This study therefore concurs with one seasoned biosafety facilitator in that one "major reason" for the success in Montreal was the more transparent and inclusive 'Vienna setting' (La Vina 2002, 43). This supports and complements research on the role of 'fair process' across disciplines.

7.4. Capability of organizers

Correlation

Moving to the second process lever, what role did the capability of organizers play in the biosafety negotiations? The set up of the principal organizers slightly differed from climate and trade. Nevertheless, the core structure was similar enough to maintain a comparable analysis across regimes. Danish official *Veit Köster* chaired the year-long preparative process in the BSWG towards Cartagena as it first gathered in Aarhus, Denmark, in 1996. Colombian Environment Minister *Juan Mayr* succeeded by the end of the Cartagena talks to chair the first ExCOP and remained in this position until the end of the process. On the UN side, *Hamdallah Zedan* facilitated negotiations as the Executive Secretary of the Biodiversity Secretariat in both rounds.

Similarly to climate negotiations, there was always one key political facilitator from the host country (Köster followed by Mayr), and one from the UN side. The main difference is that the first 'round' did not have one constant chair, but ended with the ExCOP in Cartagena where Mayr took over from Köster, albeit only for the two days of the ExCOP. Given that Köster presided over negotiations from 1996 to 1999, and that Mayr joined the process so late, we may consider Köster as de facto head of the first 'round' of the case pair.

Last but not least, there is neither strong indication nor sufficient data to include the main officials aiding Köster and Mayr as facilitators. Köster received key support and advice from the "extended Bureau" of the BSWG, which entailed the co-chairs he had chosen (Köster 2002, 53). Contrary to the Bureau members sent by the regions, 'Köster's co-chairs' were more independent and interested in bringing the process to a conclusion. They thereby fulfilled a function similar to that of the lead host country facilitator on the administrative level for the climate negotiations (e.g. de Alba in Cancún) and that of the General Council Chair in trade talks during the summit (e.g. Harbinson in Doha). For the ExCOP, Christián Samper was mentioned as one of Mayr's closest advisors on the administrative level during both ExCOP-meetings, who had substantial previous CBD experience (Samper 2002, 63). Yet, as there are only scarce hints as to their exact roles, I will refrain from including advisors in this short assessment of the biosafety organizers, and compare Zedan, Köster, and Mayr for 'round one' with Zedan and Mayr in the resumed negotiations along the well-known indicators of capability (Figure 7).

Veit Köster was a senior official in the Danish Environment Ministry. He served as BSWG Chair during the entire protocol negotiation process and was later named "the architect of the protocol" by ExCOP-Chair Mayr. There was not much evidence from secondary sources on Köster's cultural-personal fit. His process and content expertise in turn seems quite high. Köster collected abundant experience (co-)chairing biosafety meetings during the Biodiversity Convention negotiations, such as one Ad Hoc Working Group during the initial CBD negotiations in 1988 to meetings at CBD COP-1 in 1994 (Köster 2002, 44).

Juan Myar was Chair of the ExCOP in Cartagena and Montreal. Delegates from all main groups describe him as having a very high cultural and personal fit for the situation: a "considerable charm, wit and persuasiveness and… seemingly endless reserves of goodwill, stamina and, most of all, patience" (Nevill 2002, 152). EU lead negotiators also emphasized Mayr's charisma (Bail, Decaestecker et al. 2002, 179). His special "dedication" to the process was underlined by the Miami Group head delegate (Ballhorn 2002, 114), as were his "special efforts", cited as an important success factor by a Like-Minded Group delegate (Salamat 2002, 159).

Analysts attribute Mayr with an "engaging leadership style" (Depledge 2000, 161) and with the ability to work "the empathy angle" (Davenport, Wagner et al. 2012, 45).

His process expertise entails several facets. He was acquainted with the biosafety process, albeit only from participating as NGO representative for the preparations of the Rio 'Earth Summit' in 1992. Mayr had only been in office as Environment Minister since August 1998, and thus a mere six months before chairing the ExCOP in February 1999. He considered himself "unfamiliar with formal United Nations operational procedures" and took on his role as a chair with "mixed feelings" (Mayr 2002, 220). Yet, while his experience with multilateral processes was limited, he had collected experience as "peace negotiator" and was "accustomed to placating warring factions" (IISD 1999). He had become familiar with good process design before when resolving local conflicts in Colombia (Mayr 2002, 222). He 'imported' the local mediation format into the biosafety negotiations as the 'Vienna setting'. So, Mayr possessed facilitation expertise, even if not in a multilateral arena. The content itself was "quite new" to him, as he conceded (Mayr 2002, 220). When negotiations resumed though, Mayr had accumulated biosafety-specific experience from the intense days of the Cartagena process. So by Montreal, he had substantial capability in all dimensions.

The Secretariat of the Convention supported the Cartagena and Montreal years of the negotiations with *Hamdallah Zedan* of Egypt as *Executive Secretary*. By the beginning of the crucial BSWG meeting in Cartagena, Zedan had been Executive Secretary for just a few months and never attended a BSWG-meeting in this role. He had accompanied BSWG meetings as UNEP's head of the biodiversity programme since 1996 where he also acquired high content expertise with biosafety issues. However, regarding the ins-and-outs of the Executive Secretary's role in process matters at heated, final BSWG-meetings, Zedan was probably at a low- to mid-level of expertise when compared to others holding such a position for longer. This capability naturally increased over the following year of negotiations until Montreal, so Zedan reached a higher level in this respect by 2000. Regarding the cultural-personal fit of the Executive Secretary, there are indications that Zedan was able to gain "trust and reputation… in particular from the developing world" (Siebenhüner 2007, 270). His Egyptian origin may have contributed to this. Zedan improved the organisational fit of the CBD Secretariat as he invested a lot of energy into reforming its internal management, reported one study (Siebenhüner 2007, 270). As this organisational endeavour most likely lasted for more than a few months, the effect of greater capability due to this change can only be counted for the resumed ExCOP at the earliest, and not for Cartagena.

The *alignment* between organizers gives a mixed picture during the *Cartagena round*. Regarding Zedan and Köster, the latter recalled a largely harmonious relationship between him as BSWG Chair and the CBD Secretariat (Köster 2002, 54). A few weeks before Cartagena, for instance, Köster met with the Secretariat to jointly outline two potential protocol texts, defining the range from a minimal to a maximal solution (Köster 2002, 57). However, in Köster's entire account of the negotiations, he does not report a single interaction with CBD Executive Secretary Zedan, which raises at least doubts about an overly intense working relationship. With respect to Mayr and Köster, their handover appeared harmonious ("my good friend Köster"), with the two deliberating on the best strategy once the BSWG had passed its work on to the ExCOP in Cartagena (Mayr 2002, 220). At the summit itself, doubts arose on a seamless cooperation. Incoming ExCOP Chair Mayr picked up informal consultations in parallel to Köster's efforts to get parties to adopt his compromise draft on the final weekend of the BSWG-6 meeting. Köster had commented on these days in nebulous terms: it "all belongs to history now and will soon be forgotten" (Köster 2002, 58). While there are no explicit accounts that this had been due to a clash between the chairs, the set up of parallel streams and Köster's comment raise suspicion.

With regard to the *Vienna and Montreal negotiations*, decent alignment between the Chair's team and the Secretariat seemed in place. When Mayr had special logistical requirements for the 'Vienna setting' at the Montreal ExCOP, for which the usual ICAO building was not fitting, the CBD Secretariat in Montreal showed "cooperation and understanding" by providing the Delta Hotel opposite the ICAO area as an additional venue (Mayr 2002, 226). Mayr also lauded the "dedication and support" for the process by UNEP Executive Director, Klaus Töpfer, and by the CBD Secretariat (Mayr 2002, 228). This indicates a good working relationship between the team of the ExCOP Chair and the UN. Again though, Zedan of the CBD Secretariat is not mentioned by Mayr in his account of the two summits, and mirrors Köster's report on this point. It could imply an only loose cooperation between Mayr and Zedan.

In sum, we find evidence of high process and content expertise on Köster, while we lack evidence on his personal-cultural fit. Mayr was at low expertise regarding biosafety issues and multilateral processes (but had a rich background in general facilitation) in his first year, and had higher knowledge in the following one. He received abundant praise on the personal-cultural side. Zedan is similar to Mayr with moderate process expertise in his first year and improved expertise in the second, as well as positive mention of his personal-cultural fit. His content expertise was constantly high. So overall, the degree of process expertise correlated with the reaching of an agreement, with Köster as the only exception so far. There may also be a correlation of personal-cultural fit, with the caveat that we know little about Köster on this as central actor. Content expertise correlated only in the second but not in the first year. This confirms earlier findings that content expertise is not sufficient. The organisational fit of the Secretariat correlated with agreement as it was higher in the second year. Finally, the alignment of organizers is uncertain given the scarce data. Evidence, though, hints at a stronger relationship in the second year, and hence also correlation. In short, capability of the organizers by and large also correlated with agreement for the biosafety negotiations.

Process-tracing

On a causal level, the varying degrees of the capability of organizers may have affected the outcome along the three familiar paths of institutional effectiveness, process navigation, and people access (Figure 12). We find evidence for most of the mechanisms, which shows the parallel dynamics across regimes. The looser alignment leads to the assumption that *institutional effectiveness* was lower in the first round of negotiations *(Path 1)*. First, Zedan's managerial improvements of the Secretariat led to enhanced trust by governments in the Executive Secretary "as leader of a well organised bureaucracy", which provided him with a greater lever in negotiations (Siebenhüner 2007, 270). It probably also helped to empower Secretariat staff to better fulfil their supporting role in the negotiations. Overall we find, albeit scarce, indication of the effect of the institution's capability on the biosafety protocol. Second, no major Copenhagen-like clashes occurred inside and between the organizing institutions. Yet, the parallel small group structures, which Köster and Mayr had created in the final Cartagena negotiations, and the only loose cooperation with Zedan undermined the efficient use of time and possibly staff motivation. To be sure though, little empirical evidence is available to substantiate these theoretically likely consequences.

Let us now turn to *process navigation (Path 2)*. Köster used his rich process and content expertise to eventually compile a chair's text in Cartagena before it was too late. Was this the most appropriate tool for the situation at hand? The possible counterfactual is that countries would have concluded the BSWG-6 closing plenary without forwarding a text to the summit. Köster's text instead provided a very helpful focal point for negotiations, as a delegate conceded

(Fisher 2002, 125). ExCOP Chair Mayr also underlined that the text was an "extremely useful way out because it helped to bring clear understanding of how the protocol could be developed positively and of its remaining gaps." He conceived of it as important for the final success: "Without this text it would have been extremely difficult to reach agreement on several substantive aspects" (Mayr 2002, 221). So, the creation of a chair's text was appropriate.

Highly problematic though was the 'gavelling through' of the text by Köster against wide resistance by parties in the closing plenary, as described above. Köster possessed sufficient process experience to normally refrain from such measures. He showed himself surprised about his own action and the "loss of instinct" (Köster 2002, 58). So maybe it was a lack of personal fit to take appropriate action in such a decisive situation under utmost pressure? Either way, it caused major irritation among parties at a critical juncture of the process, and thereby heavily impeded on their readiness to reach agreement in the few remaining hours of the ExCOP.

In a similar way, the lower multilateral process expertise of Mayr possibly led to the creation of an initially exclusive circle of "Friends of the Minister". The resulting offence to delegations rendered this an inappropriate tool in the already heated atmosphere of deadlock during BSWG-overtime. Further, probably the minor experience in his new role inhibited Zedan from providing better support for Köster and Mayr in the navigation of the last days of Cartagena.

Finally, the key organizers of both years seemed to have been aware of the importance of neutrality for process navigation. Köster refrained from influencing the substance of negotiations by all means, describing lack of neutrality as a great risk for any chair (Köster 2002, 53, 56). He cautiously stayed at arm's length from his colleagues of the EU, and thereby successfully avoided being accused of bias. There also seems to be a general recognition for the Secretariat in its behaviour as a "credible and balanced facilitator", with no differentiation between both years (Siebenhüner 2007, 267). Lacking neutrality did therefore not seem to be an issue.

Turning to the third path, Mayr's warm-hearted and humorous personality ensured significant *people access* to open delegates up for his facilitation and bridge-building. As Mayr had arrived late in the process, he could only make full use of it after Cartagena. His empathy made delegates feel at ease to openly discuss the tough questions at hand. To illustrate with a few examples from Montreal, which Mayr himself flashed out: he used coloured teddy bears to determine the speaking order in the small room which "added a significant and much-needed note of warmth and humour"; he made all the hundreds of delegates hold hands at one time as a "symbol of unity that helped to relax the atmosphere"; and abundant tropical flowers at the centre of the round table were meant to remind of unity and biodiversity (Mayr 2002, 227). What appear to be small details reportedly worked to smooth the atmosphere and to broaden the access to delegates for the chair. Observers reported from conversations with numerous participants that Mayr's "bearing" provided "levity and hope", and even "comic relief" (IISD 2000, 11). This style reminds of the warm-hearted, humorous, and empathetic approaches of the Mexican climate negotiation facilitators de Alba and Espinosa. Finally, one analyst points to Mayr's engaging style as a chair, which instilled "common purpose" among delegates, and was seen an additional success factor (Depledge 2000, 161). Rallying parties around a common goal serves as a critical means to build bridges between conflicting groups.

In sum, the capability of organizers affected the progress of biosafety negotiations and thereby adds another piece to the research on the role of institutions and individuals in international politics. The evidence revealed that the second year benefitted above all from higher institutional effectiveness and the unique access of its organizers to people, especially by lead organizer Mayr. In contrast, the Cartagena summit carried the burden of one great mistake in process navigation by its chair Köster, when he forced the agreement upon delegates in the final

BSWG-plenary. This led to a massive backlash for the ensuing ExCOP, which eventually broke down.

7.5. Authority of the lead organizers

Correlation

Apart from the capability of organizers, the related critical question is what degree of authority among negotiators the lead organizer was able to establish? Mirroring the previous cases, *overall trust by the large majority of key negotiators in the lead organizer in his negotiation role* indicates authority (Figure 8). Among the organizers of the two negotiation rounds towards Cartagena and Montreal, the respective Chairs Köster and Mayr carried the heaviest burden, and are thus considered as lead organizers for this study. No accounts could be found that attributed this responsibility to the CBD Executive Secretary instead. This reflects the finding of the climate and trade negotiations with the respective host ministers as lead organizers, plus the WTO Director-General for trade, who held an equally important role owing to the deep institutionalization of the world trade system.

BSWG Chair Köster played a central role in the biosafety negotiations. As noted above, ExCOP Chair Mayr dubbed him "architect" of the Protocol. Köster reported that he needed to excel in countless roles as "spiritual advisor or psychologist (weeping delegates!) through being a manipulator or seducer to the other extreme of being a dictator" (Köster 2002). This required a minimum level of acceptance as delegates needed to trust him to fulfil these roles.

Nonetheless, it seems that Köster had lost this support among parties towards the end of the process. He suffered a serious blow to his authority on the final days of the pivotal BSWG-Cartagena meeting. On the last official day his compromise text was released. The number of errors though required a major revision that cost one entire day of scarce negotiation time. This came combined with insufficient communication from Köster's side, noted observers: participants "wandered around the conference centre looking for official word from the Chair" (IISD 1999).

The parallel negotiations by incoming Chair Mayr did not fortify Köster's authority. Instead, it may have conveyed the notion that Köster was no longer in full control of proceedings. An indication for this is a comment in Köster's own summit account. He wrote that he would neither describe the events of the 'Friends of the Chair' group nor those from February 19 to 22 [with the release of 'his' text and Mayr's intervention]: "It all belongs to history now and will soon be forgotten. Moreover, the present account of the process should in no way be seen as a kind of apologia" (Köster 2002, 58). He conceded that he needed to gavel his "draft through" in the closing plenary. By the end of the process, he did not enjoy sufficient authority, or else it would have been easier to take such a difficult decision without causing the ensuing storm of criticism.

In contrast, *ExCOP Chair Mayr* was widely held in high esteem, as also laid out in the capacity section, which was the base for his broad acceptance by delegates. There were more than frequent positive comments, such as "Mayr's distinctive and skilled chairmanship" by then British Environment Minister Michael Meacher (Meacher 2002, 231), and that "without Mayr's consistently skilful and imaginative approach in the process to the final showdown, we would not have succeeded" by EU Environment Commissioner (Wallström 2002, 244). This praise of Mayr's capability includes observers from civil society: he "mesmerized us all" (Reifschneider 2002, 277). To illustrate with one example from the penultimate day of the Montreal ExCOP: Mayr dared and managed to have all delegates of the meeting in the 'Vienna setting' "to stand, clasp hands, and ponder how to move the process forward" (IISD 2000). The fact that delegates across parties followed his unusual suggestion, as they had done earlier when using the coloured bears to determine the speaking order, speaks for the authority he had accumulated by then.

To be sure, data on the authority of the lead organizers is scarcer than for climate and trade negotiations. Nevertheless, the available evidence on balance still points in a distinct direction in both cases. After his initial acceptance by delegates, Köster suffered a significant loss of authority by the end of the BSWG-6 process in Cartagena. Mayr in turn was widely held in high esteem during the year of the Vienna and Montreal negotiations. Authority therefore correlated with agreement in both years.

Process-tracing

Let us now examine whether the *three paths*, which connected authority and agreement for climate and trade negotiations, also hold for biosafety: parties' goodwill, the lead organizer's leeway, and the blockade potential of parties (Figure 13). What does the available evidence suggest for biosafety negotiations? The *goodwill of parties* in Cartagena was at the lower end anyway, and Köster's reduced authority did not help in this regard *(Path 1)*. Parties reacted very angrily, when they realized the need to broadly revise the chair's text on the last official BSWG-day due to the many mistakes it contained. They may have taken it more lightly in case of a widely accepted BSWG-Chair presiding over the negotiations. Or, when Köster eventually proposed to adopt the final compromise on the last day of overtime in Cartagena, parties showed very little willingness to lower their reservation points. Their loud protest against the Chair's contested decision to adopt the draft nevertheless, further indicates the low goodwill Köster was faced with at this point. Mayr in contrast was able to push parties to a compromise in the final hours of Montreal, despite the weighty concessions which each of them had to make.

Next, the chair of the biosafety negotiations could counter procedural blockade much more easily when he possessed *sufficient leeway (Path 2)*. For instance, EU lead negotiators stressed the salience of the "political clout" ExCOP-Chair Mayr held. This leeway was one of

Mayr's pivotal assets to bring negotiations to a successful end in Montreal after the breakdown in Cartagena (Bail, Decaestecker et al. 2002, 179). Mayr was said to have been able to develop "good working relationships with all negotiators", which was mentioned as one vital factor also by a Miami Group head delegate (Ballhorn 2002, 114). It provided him with sufficient leeway to counter blockades in the final Montreal days.

Last but not least, there was insufficient authority by Köster to deter *parties from derailing* a last minute compromise at the Cartagena BSWG meeting *(Path 3)*. There was no evidence that would have shown that parties were concerned about their public image in case they would not cooperate with the Chair to reach an agreement. It was decidedly not such that Köster's stainless authority pushed parties into accepting major compromises. In contrast, all available evidence on Mayr suggests the accumulation of abundant respect for him in his role as ExCOP-Chair in Montreal. It does not seem implausible that delegates at least took into consideration not to openly offend Mayr in his role as widely accepted chair by blocking last minute suggestions for compromise.

In sum, the analysis on authority during the biosafety negotiations rests on lesser available data than for the other case pairs. Nevertheless, direct and circumstantial evidence paints a picture, which is tellingly similar to climate and trade negotiations: the authority among delegates of the lead organizer affected the likelihood of an agreement. This is further empirical material that supports research that sees a salient role for chairs of negotiations.

7.6. Negotiation mode: arguing and bargaining

Correlation

The last process factor, which is partially open to the influence of organizers, is the negotiation mode of parties. The analysis follows the approach taken for the climate and trade negotiations so we can spare the detailed reiteration of the concept (Figure 9). Let us rather examine the extent of arguing versus bargaining for the Cartagena and Montreal rounds right away. We start with the *prelude to the Cartagena summit*. As the field of biosafety used to be largely unchartered territory for most, parties adopted an arguing-mode during the initial negotiations on the mandate for a Protocol in Jakarta in 1995. A constructive atmosphere prevailed in this opening phase and for the following two years of BSWG meetings (La Vina 2002, 39). The mode transformed to positional bargaining by BSWG-4 in 1998. Options had emerged more clearly and parties had become aware of their specific, national interests. They insisted on their suggestions and left the draft mostly unchanged until the final meeting. Chair Köster describes "a reluctance of almost every delegation to give up anything that had the slightest potential of being used as a bargaining chip at the very end" (Köster 2002, 47). The Miami Group lead negotiator concurred that parties still "talked at, if not past, one another" at the informal consultation in Montreal in August 1998, only half a year before the expected conclusion of talks in Cartagena (Ballhorn 2002, 107).

This continued into the *Cartagena-BSWG meeting*. The available data suggests that the negotiation mode did never significantly shift to the arguing end of the spectrum. For instance, the atmosphere between the influential Miami Group and the African Group was very tense. A lead developing country negotiator recalled: "The senior US delegate, in his arrogance, blundered in and clearly expected the Africans to cave in under the force of his presence… We left the meeting furious, and it set a very negative tone at the beginning of BSWG-6" (Nevill 2002, 149).

There are some hints that delegates seemed to have moved back closer to arguing at the two-day-and-night 'Friends of the Minister' meeting on the last weekend of BSWG-6 in Cartagena. Mayr's advisor spoke of "very frank questions and answers on the issues". "We spent hours… trying to understand the concerns of others in a very informal and constructive setting" (Samper 2002, 65). The US negotiator recalled an "unfettered debate" (Enright 2002, 100), and

EU delegates found that "a real negotiation process started" only then (Bail, Decaestecker et al. 2002, 176). The frankness of the discourse seemed to have abandoned the mere exchange of positions, and thus bargaining.

Yet, this does not stand up to closer inspection. Lead EU delegates contradicted such an interpretation. They recalled that the Miami Group was talking about their myriad demands for the modification of the text on a "take-it-or-leave-it basis". The Miami Group's spokesman allegedly "insisted on his position and showed little interest in compromise" (Bail, Decaestecker et al. 2002, 177). The account seems plausible given that it was also the Miami Group that later rejected the proposed compromise in Cartagena as the only country grouping. Hence, while the discussion in the 'Friends of the Minsiter' group may have been candid, the discourse mode by the Miami Group rather indicates a positional than integrative bargaining.

Köster's controversial decision to state consensus on his draft in the final BSWG-6 plenary aggravated the adversarial climate for the remaining *ExCOP* days. Many delegations took on "rigid" positional bargaining along their group lines, recalled a senior US negotiator (Enright 2002, 99). According to the Miami Group head negotiator, the G-77 rejected exchanging informally with the Miami Group at all in Cartagena (Ballhorn 2002, 109). At the same time, several negotiators reported that the Miami Group was adhering to all of its demands in the small group meetings under Mayr during the ExCOP (Bail, Decaestecker et al. 2002, 177; Nevill 2002, 150). Furthermore, they were said to have offered nothing in return to Africa's or the EU’s offers. In any case, we cannot find indications that arguing prevailed in these last two days.

Parties seemed to have shifted to a more conciliatory tone in the ensuing *Vienna and Montreal* negotiations after the collapse of Cartagena, indicating more of an arguing approach. The Vienna consultations took place in such a "much calmer and friendlier atmosphere" (Falkner 2002, 19), and were "frank exchanges among delegates" in an informal setting (Depledge 2000, 161). Mayr's key advisor described that groups had agreed to "focus on concepts and possible solutions, instead of drafting text" (Samper 2002, 70). This implies a move towards the 'arguing' end of the spectrum of negotiation modes. A senior US negotiator supports this notion by recalling them as "constructive" (Enright 2002, 102), as did a lead developing country delegate (Nevill 2002, 152).

Unfortunately, very scarce data has been brought to light by secondary sources on the negotiation mode at the Montreal-ExCOP itself. This leaves us with tentative inferences on this part of the second round. Delegates had largely negotiated in an arguing mode in the preparatory talks in Vienna. The likelihood is high that this style continued into the Montreal-ExCOP. There were no incidents eroding the ambience between negotiators, so they probably arrived in Montreal prepared to maintain the spirit of the Vienna talks. One developing country negotiator confirms this continuous "sense of accommodation" (Salamat 2002, 159). Moreover, the 'Vienna format' for a constructive discourse remained in place, which gave delegates no incentive to alter the negotiation mode granted they were in the same forum speaking to the same people. Also, Montreal suffered from no major process disruptions, which in other cases resulted in an altered negotiation mode.

The only significant change came on the long final day of the summit, when altered small group constellations and bilaterals substituted for the 'Vienna format'. However, the privacy and last-minute character of these secluded talks, often only with a few delegates and chair Mayr, could also imply arguing. It is this setting and moment, when parties, often facilitated by the chair, finally reveal extensive information on their positions to enable a compromise, such as under the minister-pairs at the Cancún climate summit and the small group meeting at the Doha trade ministerial. The extent of ground parties ceded in these last hours also indicates their willingness for compromise and an understanding of a win-win situation.

In sum, positional bargaining dominated the first round of biosafety negotiations before and during Cartagena, except for the very beginning of talks when parties were familiarizing themselves with this new area of global concern. Arguing prevailed during post-Cartagena negotiations in Vienna, and we can infer from circumstantial evidence that it continued at the Montreal-ExCOP. Negotiation mode therefore correlated with reaching of an agreement in both years.

Process-tracing

I will now trace the causal connection between negotiation mode at the biosafety negotiations and the likelihood of an agreement, as for the climate and trade talks. Due to the nature of the secondary material though, we have to collect the few available hints from the chronology above to illustrate the four paths of information exchange, provision of facts and rationales, breadth of consideration of issues, and the openness to new solutions (Figure 16). We start with the prelude to the Cartagena summit, which gives evidence for most paths. The arguing mode of the early years, such as during the negotiations on the mandate in Jakarta, helped parties to take first big steps towards making an agreement possible at all. The scarce knowledge about the field of biosafety of many delegates made them exchange information very openly, provided plenty of new facts for all, and led to a broad consideration of all potential issues. This allowed the parties and Chair Köster to devise the general structure of a Protocol.

The switch to positional bargaining during the Cartagena summit entailed the mere repetition of positions by parties, which Köster had already complained about during the end of the preparatory talks. At that point delegates were only eager about keeping their positions as laid down in the draft (Köster 2002, 47). By and large, this attitude blocked any of the four paths towards nearing an agreement. The recitation of well-known positions did neither provide new information and rationales, nor broaden the view for further issues and new solutions. As delegates maintained this mode during the brokering attempts by incoming Chair Mayr during the BSWG-6 overtime, it is no surprise that no compromise was reached in Cartagena.

The well-documented change to arguing in Vienna went hand in hand with greater information from delegates about their underlying interests and the provision of rationales of why they had been suggesting certain solutions for so long. One Vienna participant assured that the bolder emphasis on concepts instead of mere bargaining and the more informal setting helped to better provide facts and rationales behind the position of parties (Nevill 2002, 152). That had been the idea of Chair Juan Mayr when explaining that the informal nature of his 'Vienna setting' intended that arguments "flow more smoothly and to concentrate the participants' energy on listening to each group's position and analysing common understandings and differences (Mayr 2002, 222).

While various voices ascertained that Vienna did not bring tangible progress in terms of 'issues resolved', negotiators comments give fair evidence that the mutual understanding, and thereby options for compromise, had increased. It served as the basis for the quick progress in the two main groups at the resumed ExCOP in Montreal. The different negotiation mode meanwhile continued to impact on negotiations, as one lead negotiator from the Like-Minded Group assured. He conceived of the less conflictive approach as one main reason for success in Montreal (Salamat 2002, 159).

In sum, we found a correlation between positional bargaining and deadlock at the Cartagena round, as well as correlation between the greater share of arguing and agreement in the Vienna and Montreal negotiations. Process-tracing has now provided indications, albeit only from secondary sources, that the four paths of influence of negotiation mode on outcome were also at work during the biosafety negotiations. It thereby adds cases to constructivist and negotiation scholarship that show the relevance of discourse and negotiation modes.

7.7. Structural variables and other alternative explanations

Before reaching a conclusion on the influence of process management and the internal validity of the negotiation framework, we must examine alternative ways of explaining the different outcomes of these biosafety negotiations. To what extent do structural variables, such as interest and power account for the variance in outcomes between Cartagena and Montreal? Can we find other alternative explanations, such as the role of preparatory work which facilitates agreement one year later? Let us examine these alternatives in detail now.

Interests

We start with a rationalist account by analysing the political economy underlying the biosafety negotiations. Biosafety involved *countless interests of developed and developing countries*, as indicated for the various country groupings above. Similarly to the climate and trade cases, the crucial question is whether these interests changed between the two negotiations rounds of Cartagena and Montreal in 1999 and 2000. The temporal proximity of the cases suggests that they remained largely constant, but does this hold up under closer examination?

Which concrete interests were at stake? Benefits from LMOs in food and feed supply, in pharmaceuticals, and in other areas promised substantial economic gains for producing countries, but also potential upsides of greater access to nutrition and enhanced health care worldwide. In consequence, those countries most advanced in agricultural biotechnology proposed only loose regulations, as they already enjoyed or soon expected significant new business. As this development had rapidly picked up speed in the late 1990s, the stakes became even higher. The exporters were united in the Miami Group of a handful of developed and developing countries.

Against this stood the threats to the environment and human health from an artificial intervention into the genetic pool of nature, about which science had only scarce knowledge so far. Furthermore, a looming dominance of agricultural biotechnology put the traditional agriculture of developing countries, which still formed the centrepiece of the economy in many countries, at risk of redundancy. The Like-Minded Group of most of the developing countries (except for those more advanced in biotechnology, such as Argentina and Chile) and the EU largely articulated those concerns on the environment, health, and economic structures. The partial convergence of their preferences was one determining factor in both years. It bridged the North-South divide which had largely been unheard of in multilateral fora so far.

So overall, tremendous economic interests clashed with environmental and health concerns in the biosafety talks. The emphasis naturally depended on the respective point of view. One US official concluded that this "is not an environmental negotiation. This is about trade" (La Vina 2002, 42). As a result, the Miami Group consisted of a high number of foreign affairs and trade officials. How much it was about environment for others, however, illustrated the composition of the EU-delegation with mostly 'environmental' officials (Bail, Decaestecker et al. 2002, 167).

The long-term and far-reaching nature of these fundamental environmental, health and economic interests did not change within the one year between Cartagena and Montreal. This was even true for the Miami Group, which had blocked the Cartagena negotiations and agreed to compromise one year later. Their most vocal proponents were Canada and the US. The Canadian government was still driven by domestic incentives not to constrain the opportunities of its biotechnology business (Anderson 2002, 238). The country had become a significant exporter of

LMOs and was party to the Convention. The situation was comparable in the US (although a non-party) where the general political set up was steady for both years with the Clinton administration in power and the biotechnology industry of continuing stellar interest to the government.

While basic interests remained largely constant, the domestic discourse to shape parties' preferences had slightly changed. In the US, the increase in civil society activities after the deadlock of trade negotiations in Seattle had raised pressure on politicians to adopt a protocol (Depledge 2000, 160; Falkner 2002, 19). Polls in 1999 found "80 per cent of American consumers" in favour of labelling of LMO-food, according to Mayr (Mayr 2002, 224). Yet, we do not know what their share was before Cartagena. Nonetheless, several analysts suggested that the "non-issue" of LMOs had moved further into the public consciousness in the US after Cartagena (Depledge 2000, 160; similar: Gupta 2000, 218). It is therefore conceivable that the altering public discourse lowered the resistance against the Protocol by the Miami Group. Yet, less than twelve months were most likely not sufficient to change the US position, which was also still influenced by the massive business interests.

Domestic discourse on the interests of their countries was different from the US and its allies in the other major groups. In case of the EU, the framing of 'biosafety' as a major concern by NGOs and parts of the scientific community had let European delegates take a much more pro-active stance in negotiations by the late 1990s (Falkner 2009, 118). By the peak of the Protocol development in 1999 and 2000, a growing number of people in Europe had started opposing genetically modified food imports from North America. Yet, the transformation of the European discourse occurred over a longer period of time. Hence, the LMO-cautious mindset of European negotiators was already in place by Cartagena. It hardly changed further by Montreal. Finally, the interests and positions of the Like-Minded Group proved fairly constant. It had been the developing countries who had brought the concern about biosafety onto the international agenda in the first place, and maintained this stance throughout the negotiations. In sum, this constructivist reasoning helps to explain the existence of the *general* precondition for a protocol, which is also the result of an altered discourse over the 1990s. However, these preconditions did not fundamentally change between Cartagena and Montreal. As we have seen, the perception of interests stayed mostly constant for the principal negotiating groups. Thus, neither the constellation of structural interests nor discourse can explain why countries did agree in Montreal in 2000, and not earlier, or later.

Even so, whilst underlying interests remained constant the *content of the suggested compromise text may have changed decisively* by the ExCOP in Montreal. One could argue that in this case, pay-offs on the constant interests of parties would then have altered and could explain the different behaviour. For example, one lead US negotiator portrayed the objection in Cartagena as mainly based on the failure to regulate one core question of the agreement: the AIA procedure for LMO-commodities (Enright 2002, 101). Yet, the Montreal ExCOP also postponed some key details related to this question: the final compromise prescribed that a later COP would decide on the precise regulation of the AIA procedure. In this respect, one pivotal issue for the US still remained fairly vague, so pay-offs for the Miami Group did not change on this point. The same holds for the second argument that only the "imprecise" wording enabled the breakthrough in Montreal (citing Aarti Gupta: Siebenhüner 2007, 266). As illustrated by the climate and trade cases, 'ambiguity' is a traditional compromise tool in multilateral negotiations. Nothing could have stopped parties from resorting to this technique earlier in Cartagena, had they chosen to do so. Finally, similarly to climate and trade negotiations, many parties were very unsure about the exact consequences of biosafety and its proposed regulations for their countries. The lack of capacity, especially of the poorer developing countries, rendered this task nearly impossible (Muller 2002, 140). As a result, delegations hardly knew to what extent a proposal was objectively more in the interest of their countries from one year to another. Given the high similarity between the Cartagena and Montreal proposals, the change in positions based on the realization of very different pay-offs is barely conceivable. In sum, the change in outcome was not owed to a better match of the proposed agreement with the interests of countries.

Let us finally turn to *one changed interest*, known from the climate and trade analysis: most delegations were keen *to preserve biosafety negotiations* by avoiding another spectacular collapse. As with the infamous breakdowns of the climate and trade talks in Copenhagen and Seattle, the deadlock of the summit in Cartagena was echoed in global media (Falkner 2002, 18). It brought the so far technical topic into the international spotlight and raised pressure on governments to succeed, as myriad lead negotiators and organizers asserted, such as from China, the EU, and Switzerland (Bail, Decaestecker et al. 2002, 185; Lijie 2002, 160; Mayr 2002, 225; Nobs 2002, 190). The Miami Group's head of delegation described how countries had "only one" more chance to reach an agreement after the Cartagena "wake-up call" (Ballhorn 2002, 113). The collapse of the WTO trade summit in Seattle only weeks before the Montreal ExCOP accelerated this dynamic[1346] (Bail, Decaestecker et al. 2002, 180; Salamat 2002, 159). Many delegations strove to demonstrate that multilateralism can successfully address critical issues of globalization (Falkner 2009, 119).

Lead delegates and ministers emphasized that the political costs would now be too high for one country to block a deal (Muller 2002, 142; Wallström 2002, 248). As the Miami Group had been isolated in its rejection of the compromise proposal during Cartagena's last night, it had received much blame for blocking the agreement (Depledge 2000, 158; Mayr 2002, 223-224). A developing country negotiator concurs that the "avalanche of criticism, particularly of the Miami

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[1346] There, Miami Group members had tried to bring the transboundary movement of LMOs under the WTO roof, according to EU negotiators.

Group" weakened their position (Salamat 2002, 159). EU negotiators concurred in the interpretation of "public pressure" on the Miami Group (Bail, Decaestecker et al. 2002, 181). The group did probably not want to repeat this situation, especially as many had blamed the US already for the WTO failure in Seattle. Taken together, this enhanced interest of delegates in reaching an agreement impacted on the second round.

In sum, fundamental structural interests remained constant during both years and can therefore not explain the different outcomes. Moreover, the suggested outcomes were also fairly comparable, and did thus not better match the interests of countries in one year or another. The only clear novel interest was to avoid a second spectacular collapse, with the world watching.

Power and other alternative explanations

To what extent had *power structures* altered between the Cartagena-ExCOP in February 1999 and the Montreal-ExCOP in January 2000 to explain the difference in outcome? Starting with the most powerful players, the US as largest producer of LMO crops participated as part of the Miami Group (even as a non-party to the CBD parent agreement), jointly with the other large agricultural producers (Ballhorn 2002, 106). Economically, the EU was even bigger than the US in GDP terms. The developing world in turn suffered from the segregation of some of their more advanced economies that sided with the Miami Group. Yet this split, which had led to the creation of the Like-Minded Group, had already occurred seven months before the Cartagena summit, in July 1998. It thus influenced the dynamics of both negotiation rounds. The economic power fundamentals of the key country groupings did therefore not change. A constant power structure with unaltered preferences of the mightiest players though is unable to explain a variance in outcome. Moreover, the result of Montreal even ran contrary to realist thinking, as the wishes of the US as political-economic hegemon of the late 1990s. In the end, the US was unable to inhibit the Protocol, or at least to significantly weaken its substance (Falkner 2009, 114). This speaks against hegemonic theory which would have expected the most powerful country to enforce its main interests.

Maybe the *use of power* by the dominating delegations had changed? A seasoned developing country negotiator described how pressure was exercised by 'big powers' on developing states, using means such as high-level political channels circumventing the official negotiation forum, bilateral incentives including beyond biodiversity, and even direct personal pressure by discrediting individual delegates (Muller 2002, 142). A lot speaks for this account to be a least partially true as we find the same allegations for climate and trade negotiations from numerous other sources. Nonetheless, it remains doubtful that these uses of power made the difference. If interests and power structures were steady, why should power-based means have worked in Montreal, and not already in Cartagena?

One additional alternative explanation was the work accomplished in Cartagena, which had a *stepping stone effect*. The Miami Group head delegate described how they were able to build on those concepts in Montreal, which they had developed for "all the main and secondary issues" during the Cartagena negotiations (Ballhorn 2002, 114). This preparation was a stepping stone for the successive round of negotiations. However, the mere fact that delegations had thought through issues before and prepared propositions in a more profound way did not render an agreement a 'fait accompli'. Similarly to climate and unlike the trade negotiations, there was at least a rough 'blueprint' for an agreement from Cartagena, in which the core structure of the Protocol had been laid out already. In this way, Köster's draft text from Cartagena continued to serve as focal point and base for further negotiations (Mayr 2002, 224; Wallström 2002, 247). Yet, as Cartagena had shown, the mere existence of his text at the outset of the ExCOP did not inhibit the collapse of the summit. Further, the adoption of the text in Montreal was still all but certain, as illustrated by the chronology above. In other words, work from preceding negotiation as such was not a sufficient or necessary condition, but nevertheless increased the chances of agreement.

Another explanation could be the *changed negotiation strategy* by country groupings. The account of a senior US negotiator described how the Miami Group reached out to the Like-Minded Group after Cartagena during 1999 to find common ground before the next ExCOP (Enright 2002, 102-104). This included a meeting of both groups in Ethiopia. Accordingly, the visit improved the mutual understanding of interests, helped to build personal relations, and generated ideas for solutions. Taken together, it allegedly facilitated negotiations on contested central issues like the information requirements for LMO-commodities and the scope of the Protocol at the Montreal ExCOP. The Canadian top negotiator shared this view (Ballhorn 2002, 110).

Yet, accounts of the other major groups contradicted this perspective by Miami Group delegates. The spokesperson of the Like-Minded Group from Ethiopia, who had invited the Miami Group to Africa, linked the Montreal breakthrough more to the "negative public reaction in North America against the Miami Group's blatant disregard of human and environmental safety", which "weakened its stance substantially" (Egziabher 2002, 117). A glimpse of the anger of the Like-Minded Group about US negotiation behaviour is still visible in hindsight, when its chairman commented that the US "was foolishly given the undeserved right to take part in negotiating the biosafety protocol, even though it did not intend to be a party to it" (Egziabher 2002, 119). Another developing country negotiator also portrays the negotiating camps differently from the Miami Group's (but also from her chairman's) interpretation: industrialized countries bridged their differences and left "developing countries to fend for themselves" in the end (Muller 2002, 145). This last perception however is contradicted by a fellow Like-Minded

Group negotiator who saw their Group opposing the Miami Group jointly with the EU (Salamat 2002, 156), a view overall shared by lead EU negotiators (Bail, Decaestecker et al. 2002, 181-182).

The varying evidence renders it difficult to arrive at a broadly accepted interpretation, and to identify with confidence altered strategies of alliance building after Cartagena. If anything, there is a slight tendency to see the EU and the Like-Minded Group in one camp, based on their common preference for a more robust protocol. One could therefore also trace the eventual adoption back to their influence as a united group of middle-power countries, which pushed for the further evolution of the regime (a 'k-group' under liberal theory) (Falkner 2009, 116). However, EU-developing country proximity had not significantly altered between Cartagena and Montreal. The continuity in alliance building can thus barely account for the difference in outcomes.

Finally, some participants described a variance in negotiation behaviour by the Compromise Group. This small group had formed by the end of the Cartagena negotiations and comprised OECD-countries outside the "big groups" (cf. chronology in Chapter 7.1). EU negotiators found that they had become a "major player" due to their facilitative efforts during the Vienna meeting in 1999 (Bail, Decaestecker et al. 2002, 179). By the Montreal ExCOP they played a "pivotal role", added a Like-Minded Group negotiator (Salamat 2002, 156). Their facilitation created mutual understanding and a middle ground. They centrally aided Mayr, for example, to draft his compromise 'non-paper' before the Montreal ExCOP, which included verbatim parts of their suggestion on the vital issue of LMO-commodities (Ivars 2002, 198). They also contributed to the vital last-minute compromise on LMO-commodities during the final night (Akasaka 2002, 206). Chair Mayr recalled that the group "propose[d] ingenious ways to overcome difficult moments in the meetings held after Cartagena" (Mayr 2002, 223). In sum, the

Compromise Group was the only coalition which was newly formed for the 'second round' of negotiation in Vienna and Montreal. A variety of sources suggests that this novel actor played a very helpful role in reaching the final compromise.

To conclude, the structure and uses of power are unable to account for the different results as they were largely steady during 1999 and 2000. The non-structural factor of the availability of the previous work of the Cartagena summit increases the likelihood of agreement, although it is not sufficient as Köster's draft text was already in the hands of delegates when the first ExCOP collapsed. Only the Compromise Group appearance as a new actor on the scene in Vienna and Montreal convincingly accounts for some of the difference, and complements the influence of process management.

7.8. Principal finding

The analysis of the biosafety negotiations revealed the same process dynamics as for climate and trade negotiations. The comprehensive negotiation framework thus held in a third regime of world politics. This strengthens the confidence that process management can make a decisive difference in international relations. To be sure, the position of the biosafety negotiations as third case of this research did not allow for the collection of primary data. However, several studies provided abundant material with first-hand accounts of participants, such as the volume by Bail, Falkner, and Marquard (2002). Further, the available evidence uncovered parallels to climate and trade that go as far as nearly verbatim quotes on how a specific process management variable increased the probability of the Cartagena Protocol. The data therefore sufficiently supports the third case and its conclusions.

To briefly recap what we have seen in detail for the biosafety talks: organizers significantly increased the transparency and inclusiveness of the process with the ‘Vienna setting’ format in the second year; the capability of the organizers showed rich process expertise in the second year, and a high personal-cultural fit of ExCOP Chair Mayr, though overall there was less dissimilarity between Cartagena and Montreal than in the trade and climate cases; further, Mayr enjoyed greater authority among parties than Köster, especially towards the decisive end of the resumed round; and arguing had a much larger share over bargaining during the Vienna and Montreal meetings. While process management changed between the years, structural factors of interest and power, again, were largely constant. The fear of another failure though, and surge of the novel facilitating actor of the Compromise Group also accelerated the dynamic towards agreement.

The Cartagena Protocol of 2000 was, of course, only a first step on the long way to an efficient global regime of biosafety. Yet, it marked an important beginning, which pioneered salient innovations in international environmental regulation, such as the concrete application of the precautionary principle. Similarly to climate change and trade though, implementation remains a core challenge for the arduously negotiated regulations. As for biosafety, 164 countries had signed up to the Cartagena Protocol by 2012. Members have developed new regulations on response measures in the case of damages from LMOs under the supplementary Nagoya Protocol of 2010. Generally speaking, implementation for biosafety is on a promising course.

To conclude, the two rounds of the Biosafety Protocol negotiations with their summits in Cartagena and Montreal harden the case that process management alters the probability of a successful conclusion. Moreover, it can even make the decisive difference in regime building, when interests only narrowly overlap in the beginning and negotiations require consensus. The outcome casts substantial doubts on the singular use of structural theories, at least as far as they would aim at explaining short- to mid-term developments as such a sequence of negotiations. Pivotal elements of this finding are reflected in the words of ExCOP Chair Mayr: "Global negotiations… need to be undertaken in a transparent and participative manner and sometimes require innovative techniques of negotiation. I hope the small innovations made in Montreal on this manner will flourish during the 21st century and help achieve… multilateral agreements" (Mayr 2002, 228).

8. Final conclusions

This research project began by asking *whether and how the process management of multilateral negotiations influenced their outcome*, a question to which we now have a robust answer. Coming to the end of the analysis, I will first summarize the key negotiation dynamics in a direct comparison of the climate, trade, and biosafety cases. Based on this account, two questions guide the synthesis of the findings in the following section: what have we learnt on process management in multilateral negotiations from comparing its impact on agreement across three regimes? And if the hypotheses laid out in the beginning of this project hold, what is their contribution to the wider theory of International Relations? I will finally suggest how future research could take this work forward.

8.1. Overview of negotiation dynamics across three regimes

There are striking parallels in the impact of process management between negotiations in the regimes of climate change, world trade, and biosafety. Process played a significant role in each of the case pairs culminating in the summits on climate change in Copenhagen and Cancún in 2009 and 2010, on world trade in Seattle and Doha in 1999 and 2001, and on biosafety in Cartagena and Montreal in 1999 and 2000. Organizers applied the respective process levers in very similar ways across regimes. But let us first revisit why traditional structural approaches of interest and power had proven unable to account for the varying results of these negotiations.

Structural variables

The *interests* of countries as one key determinant in negotiations remained constant in all three case pairs. This was mainly due to the fundamental nature of the stakes involved. Regarding climate change, tremendous environmental, economic and social risks around the globe stood against the stellar challenge to fairly distribute the economic burden of mitigation and adaptation among parties. Nothing less than an economic revolution is required for states to transform into low carbon economies. These conditions of climate change remained unchanged from 2009 to 2010. Negotiations on a new trade round touched upon interests, which were equally fundamental. Developed countries pushed for a further liberalization of trade in areas of their competitive advantage, such as investment and services. In contrast, developing countries demanded to first adjust provisions of the most recent agreement creating the WTO, which they considered highly unbalanced. Besides, they called for more accessible and fairer agricultural markets. Rich countries should terminate their subsidies in one of the rare sectors where 'the South' enjoyed partial advantages. Again, these economic drivers underlying the positions of countries were unaltered between 1999 and 2001. Finally, the stakes in the biosafety negotiations evolved during the 1990s as the field enormously gained in economic significance. By the Cartagena summit, the principle coalitions were fully aware of their economic opportunities from export on one side, and the environmental, economic, and health risk from importing on the other. While public pressure continued growing in Europe but also in North America, no profound redefining of national interests took place between the summits in 1999 and 2000, neither among the exporting Miami Group nor among importing countries. So across three regimes, constant fundamental interests cannot explain the outcomes, where success followed failure within only a brief period of time.

We see a comparable picture for the *role of power* in these case pairs. All principal countries supported the final climate compromise in Copenhagen, which had been crafted by the US and the largest emerging economies which comprise the BASIC group. This late but unanimous coalition of great powers notwithstanding, the summit took only note of their suggestion. With very similar power structures in place, the agreement was then adopted in

Cancún, and so one year later than a pure power-based account would have predicted. Power structures in trade in the late 1990s also remained constant between Seattle and Doha. The 'Quad' of the US, EU, Canada, and Japan was still the mightiest group in share of world trade, despite its hegemonic position beginning to weaken due to a greater number, and growing self-confidence of, emerging economies in the WTO. Hegemonic power notwithstanding, the 'Quad' pushed in vain for the launch of a new round of trade liberalization in Seattle. When parties reached agreement in Doha two years later, the power of the launch-favouring 'Quad' had, if anything, decreased in the wake of the financial crisis. Once more, political-economic might revealed itself as a weak predictor of regime evolution. This was not much different for biosafety negotiations. How can power-based theories explain the collapse of talks in Cartagena in 1999 and the adoption of an agreement one year later, when the power structures were largely constant? The dominating biotechnological exporters comprised major economies, such as the US, Canada and several vibrant emerging countries. Despite their resistance throughout both years, these powerful exporters were unable to avert the creation of the Protocol on biosafety in Montreal.

In sum, observations from three regimes speak against the use of hegemonic theory for these short-term developments of a sequence of negotiations. Power thereby shows explanatory shortcomings similar to those of interests. This is not to say that structural theories of interests and power overall may not well explain broader long-term regime evolution, such as the scarce progress in climate protection, where the US and China as the most powerful players showed little ambition over more than one decade now. In this sense, structural and process theory may complement each other in their different perspectives on the object of study to form a comprehensive negotiation framework.

Process management variables

The shortcomings of structural theories led to the examination of the variables of process management, which filled the existing explanatory gap in negotiations across the fields of climate change, trade, and biodiversity. Four process levers in the hands of the organizers revealed astonishing parallels between all cases. They can thereby support, refine, and complement the particular strands of scholarship on process laid out in the beginning.

Transparency and inclusiveness. The Danish Presidency of the climate talks has become a show case of a negotiation process that lacked in transparency and inclusiveness vis-à-vis most delegations. The Danes had prepared a compromise draft behind the scenes, which became infamously known as the 'Danish text'. It infringed upon parties' prerogative to develop their own negotiation text. Moreover, the exclusive composition of the small group of 30 leaders hammering out the final deal offended the excluded 90 heads of state and government. It all peaked in the secretive session of major powers of the US and BASIC-countries. Their compromise was vocally objected to on process grounds by many of the excluded countries. The summit ended in deadlock, merely taking note of the major powers' suggestion.

Learning from Copenhagen, the Mexican Presidency and the UN Climate Secretariat profoundly altered the process. Organizers reached out widely to all countries, including those much neglected in the past, such as the Latin American ALBA coalition. The hosts refrained from drafting their own compromise texts and cautiously reiterated the mantra that there was "no Mexican text". An open-door policy avoided any repetition of the closed small circles that had irritated so many in the year before. Parties could join the small informal rounds on key outstanding issues under the facilitation of the organizers at any time. Welcoming this transparency and inclusiveness, delegates adopted the Cancún Agreements.

We find the same pattern for two pairs of salient trade negotiations. Similar to Copenhagen, the organizers of the Seattle talks chaired a process that was still dominated by the exclusive style of the GATT days when the 'Quad' of the US, EU, Canada, and Japan largely negotiated the outcome amongst themselves. The so-called Green Room of the WTO Director-General had become the symbol of this approach to resolve key issues in a small circle of major trade powers. In addition, the US Conference Chair did not reach out intensively to small and middle powers to reduce their worries of exclusion. The emerging large developing countries however no longer tolerated this lack of transparency and inclusiveness in Seattle and raised stern objections against any outcome from such a negotiation process. In the end, the conference reached a stalemate.

In the aftermath of the Seattle collapse, the chief trade negotiation organizers in Geneva made the process explicitly more transparent and inclusive. WTO General Council Chair Bryn and Director-General Moore enhanced the information flow on essential steps of the negotiations and opened up Green Room meetings to all major coalitions. Having been excluded from key talks before, African representatives were now invited to the small group negotiations in Doha. Director-General Moore carefully built contacts to a range of developing countries by wider travelling than any of his predecessors. Many negotiators and observers considered it the most transparent and inclusive trade negotiations ever. As a result, countries broadly endorsed the process and its outcome in Doha, launching a new round of trade negotiations.

The dynamics of the biosafety negotiations seemed to be little different. The open-ended preparatory talks transformed into the exclusive circles of the 'Friends of the Chair' and later the 'Friends of the Minister' at the Cartagena summit under Chair Köster and his successor Mayr. Parties vocally protested against this kind of process with the vast majority left in the dark during the decisive final days of negotiations on the Biosafety Protocol. Again, dozens of ministers were neither included in trying to solve the outstanding issues, nor fully informed about progress made. This created suspicion and ill will against text coming out of these secretive circles. So the Cartagena summit eventually had to be suspended without a result.

In striking parallel to the shifts in the climate and trade talks, the new COP-President Mayr announced the introduction of a new negotiation format that would guarantee each party the participation in, or at least observation of, small group negotiations. This so-called 'Vienna setting' gave the five major negotiation groups, which reflected all principal interests, a seat at the round table. It allowed all others delegates to follow the negotiations from the back of the room. Parties warmly welcomed this profoundly changed procedure and maintained it during the Vienna and Montreal talks. In addition, Chair Mayr made a conscious point in reaching out to as many delegations as possible in person. Hardly anyone felt excluded, and negotiators in Montreal eventually agreed on the Protocol on biosafety.

Capability of organizers. We find a similar picture with regard to the capability of the host country and the respective supporting Secretariat as organizers. Capability entailed dimensions such as the personal-cultural fit of lead officials, their process and content expertise, and the alignment of the organizers. The Danish Presidency started out with a team from the Danish Climate Ministry that had high expertise in the process and content of climate negotiations. Intense rivalries between the ministry and the Prime Minister's office broke out in the run-up to the politicized summit. They led to the resignation of climate insider Becker only a few weeks before the COP, who served as principal advisor to Climate Minister Hedegaard. The new leading team of Danish Prime Minister Rasmussen, however, had a much smaller network among negotiators and scarce experience in multilateral processes. The most revealing moment was the pitiful statement of Rasmussen as COP-President in the crucial hours of the closing night of

Copenhagen. Having called for a vote on the compromise proposal (against core provisions of procedure), he acknowledged in front of all delegates that he did not know "your rules". Danish woes with UNFCCC Executive Secretary de Boer aggravated the situation further and undermined any possibility of a joint last minute effort to rescue the summit.

In light of the Copenhagen breakdown, Mexican President Calderón resolved early rivalries among the Mexican ministries. He chose the foreign ministry to lead the facilitation, while the environment ministry would provide expert input on substance. Foreign Minister Espinosa and her chief advisor de Alba were both seasoned diplomats who knew the multilateral system inside out. Moreover, they were highly empathic personalities combined with a non-directive attitude and good sense of humour. This stood in contrast to the more direct Danish form of communication and granted the Presidency wide access across negotiation groups. Such access provided rich insights on parties' motivations, essential to finding eventual common ground. Relations of the host country with the UN also improved tremendously with new UN climate head Figueres. Unlike her predecessor de Boer, Figueres preferred a cooperative, behind-the-scenes support of the Presidency. Their alignment paved the way for Cancún's success.

The story of the Seattle organizers mirrors that of the Danes: it proved to be full of strife, lack of process expertise and empathy. The long-lasting fight between developed and developing countries over the succession of the WTO Director-General paralysed preparations of the ministerial summit in Seattle. The controversy also weakened the position of incoming Director-General Moore. Moreover, the US approach to its Conference Chairmanship hampered any progress. Chair Barshefsky ignored minimum facilitation standards. She negotiated on behalf of the US while simultaneously trying to facilitate talks as chair. Negotiators accused her of a crude and directive chairing style, when she bluntly rejected carefully drafted proposals by key delegates. Finally, the US proved incapable of ensuring access to the conference venue for many delegates in the face of thousands of anti-trade demonstrators, so one of only a few days was lost to find a compromise.

The capability of the Doha organizers was the opposite of that of Seattle. Director-General Moore had built much stronger relations with developing countries, and had gained experience over two years of running the process. The support of Harbinson as General Council Chair, an old-hand of trade negotiations from Hong Kong-China, served him as a vital asset. Harbinson was one of the key drivers behind compiling a single negotiation text from parties' inputs on time. The document remained largely unaltered in Doha and served as the basis for the launch of the trade round in Doha. The network and skilful leadership of Moore and Harbinson was complemented by the behind-the-scenes approach of the Qatari chairmanship of the Doha summit. Mirroring the empathic and indirect style of Espinosa and de Alba, host Chair Kamal achieved a seamless cooperation with his fellow organizers of the WTO. His high process expertise surprised many, and so he maintained neutrality in his chairing and never obviously pushed for Qatari interests – in marked contrast to the Americans.

Despite less available data, the biosafety talks appear in a very similar light. Köster of Denmark had accumulated abundant content and process experience by the time he chaired the Cartagena expert negotiations. Köster refrained from a clear violation of neutrality, yet he eventually forced the text through despite the still vehement objection by many parties. It was therefore hardly surprising that agitated parties had lost any goodwill to still reach a compromise in Cartagena. This directive and pushy chairmanship approach reminds of Köster's counterparts as chairs at the Copenhagen and Seattle negotiations. This negative dynamic could barely be compensated by the head of the Biodiversity Secretariat Zedan, as he had taken up his position merely a few months before. Besides, little evidence is available that would show a deep cooperation between Köster and Zedan. Even worse, Köster and Mayr worked in two parallel small groups ('Friends of the Chair' and 'Friends of Minister'), which raised suspicion of divergences between key organizers in the decisive hours of Cartagena.

Incoming Colombian Chair Mayr was in some respect the personal-cultural mirror image of Köster. Negotiators across the board praised his empathy, sense of humour, creativity, and the less directive form of communication. He began rebuilding trust into the leadership and process after the controversial negotiations had come to standstill by the end of Cartagena. His approach is reminiscent of the Mexican climate facilitators Espinosa and de Alba, with whom he interestingly shares a Latin American cultural background. The more indirect form of communication was also true for Kamal, the Qatari chair of the trade negotiations. These parallels support the importance of the right personal-cultural fit. Finally, Mayr brought process expertise from previous political assignments, and both he and Secretariat head Zedan had one year after Cartagena to expand on this before they successfully facilitated agreement on the new Protocol in Montreal.

Authority of the lead organizer. The chair of a summit negotiation fulfils elementary functions for moving negotiations forward and for bringing them to a successful conclusion in the often delicate moments of a closing plenary. Broadly accepted authority among the large majority of key negotiators is therefore a vital element for succeeding in this task. Climate Minister Hedegaard had gained a fair amount of trust in her person as first President of the Copenhagen summit. It was undercut by the leakage of the 'Danish text' in the first week and the Presidency's reaction to it. With the start of the pivotal high-level segment, the 'disappearance' of Hedegaard, as many perceived it, and the takeover of Prime Minister Rasmussen proved disastrous. A mere few months into office, Rasmussen lacked prior multilateral experience and showed only minor empathy for the situation. The Danish Prime Minister soon reached the lowest authority levels possible. Hardly any lead delegate accepted him in his role as Conference President, as indicated by some unquotable comments. This poor standing among major delegations deprived him of any meaningful lever to steer Copenhagen to a successful outcome.

The contrast to Mexican Foreign Minister Espinosa could not have been greater. Her year-long multilateral experience and strong empathy quickly created trust among delegates who were still haunted by the experiences of the final days in Copenhagen. A great relief about her chairing style was noticeable in the room when Espinosa held plenary stocktaking sessions during the two weeks in Cancún. With increasing goodwill, parties forgave process mistakes that may have otherwise caused an outrage during the Danish Presidency. The close to unanimous support for Espinosa culminated on Cancún's last day: negotiators gave minute-long standing ovations after she had released the compromise text, and one senior Secretariat official described the appreciation of her as that of a 'rock-star' in an interview. This broad authority with all parties was pivotal when Espinosa faced the sole opposition of Bolivia to the final package during the night of the closing plenary. In what was a borderline decision to overrule the explicit objection of one party, Espinosa gavelled consensus on the adoption of the Cancún Agreements. It is difficult to imagine that parties would have accepted such a decision by Rasmussen given his long record of process violations.

In contrast to climate, two lead organizers steer the trade negotiations in the more institutionalized WTO system: the Conference Chair of the host country and the WTO Director-General. In Seattle, the lack of neutrality and empathy by US Conference Chair Barshefsky largely undermined her authority among delegates. She offended expert negotiators from the start by asking them to leave the room as she was unsatisfied with their preparatory work. Ministers should now take over to give political guidance. Her suggestion was rejected, which delegations celebrated vocally. At the summit, the US organizers were even booed in open session against any diplomatic convention. WTO Director-General Moore of New Zealand faced initially low authority among many developing countries after his succession fight with Supachai Panitchpakdi of Thailand. Sidelined by the preponderance of the American hosts, Moore had no opportunity to rebuild his authority during the few days of the Seattle Ministerial. Overall then, neither of the two summit heads was accepted widely enough to provide essential leadership.

These conditions improved a lot by Doha. Over more than two years, Moore was able to nurture the trust of delegates. His explicit inclusion of delegations formerly marginalized in WTO negotiations earned him the sympathy of many developing country negotiators. His greater experience as Director-General improved his process navigation and thereby increased his authority among delegates. In contrast to Barshefsky, Qatari Conference Chairman Kamal applied a greater behind-the-scenes approach and proved less prone to offending delegations. Many negotiators appreciated his calm but skilful facilitation. They accepted Kamal as open-minded mediator even more, as he showed neutrality in chairing the summit. In sum, Moore and Kamal could rely on their well-established authority in steering Doha towards a successful outcome.

The biosafety talks mirror this pattern of low versus high levels of authority in their failures and successes. Danish official Köster had chaired expert negotiations over several years. Yet when they culminated in Cartagena, he suffered severe blows to his authority. Köster paid dearly for the use of the exclusive 'Friends of the Chair' group, formed in the old spirit of the GATT-days. This undercut his trust and authority among delegates. When it became obvious that he tried to push through the adoption of the Protocol draft to be forwarded to the political summit in Cartagena, he further lost significant goodwill among delegates. His authority reached a new low point in these decisive final hours.

This was in astonishing contrast to Colombian Environment Minister Mayr. Coming in just before the high-level summit in Cartagena, he suffered a bumpy start when convening the small and exclusive 'Friends of the Minister' group to rescue the Cartagena talks last-minute. The meeting ended without result and offended excluded delegates. Yet, he slowly regained the confidence of delegates with his quick turn to the transparent 'Vienna setting', an innovation which they credited Mayr for. His empathetic attitude contributed to the sympathy delegates had for him. One expression of this was the acceptance by negotiators of continuing to use Mayr's negotiation format until the Protocol was adopted in Montreal. They also followed suit with several other of his non-conventional suggestions, such as the holding hands of all delegates at one point, or the use of coloured teddy bears in Montreal to determine the speaking order of the principal groups. This trust gave him broad access to negotiators, which provided critical information on a possible middle ground between parties, finally enabling the Cartagena Protocol.

Negotiation mode. Organizers have partial influence over the negotiation mode of parties. They foster open-ended arguing and the search for a joint solution through the creation of sheltered and stress-reducing negotiation settings and a trust-generating, neutral chairmanship. Or else, organizers tilt parties towards defensive, positional bargaining with a mere exchange of positions based on a zero-sum understanding. While the mode varies from phase to phase, positional bargaining dominated in Copenhagen overall. Parties were fighting for their positions in a high pressure situation with the fear of possibly losing out in a far-reaching agreement. They made very little progress until the high-level segment opened. In contrast, the US and BASIC-countries negotiated in a greater arguing mode in their exclusive small group meeting of the last day and thereby achieved at least a political compromise on core issues. Yet as we have seen, their last minute proposal reached the thousands of other delegates too late, who were moreover offended by the intransparent process.

On the way towards Cancún, the organizers had therefore placed prominent emphasis on creating a substantive and frank exchange between parties. To this end, they convened workshops during the year on all pivotal negotiation issues, such as on finance and on the monitoring of commitments. Based on the same idea were exchanges in other fora, such as the Petersberg Dialogue and the Cartagena Dialogue. They were all meant to enhance understanding between the groups and to generate innovative ideas. This spirit of arguing and a more conciliatory attitude continued in Cancún. In the last week of the summit, the inclusive consultations on selected core issues led by ministers from a developing and a developed country each contributed to a constructive, interest-revealing mode. Their political guidance helped expert negotiators to climb out from their long-held trenches: they now exchanged more on the actual interests underlying their positions, instead of merely fighting for the greater gain or avoidance of costs in a tit-for-tat fashion.

Negotiations for the launch of a new trade round were already characterized by mere positional exchanges in the run-up to Seattle. This did not improve during the summit. Countries held the entire process hostage insisting on first dealing satisfactorily with their respective priority issues. Even the more exclusive Green Room meeting in Seattle, which often enhances arguing, did not shift parties away from bargaining. Participants of these meetings reported fierce positional strategies. Parties seemed to conceive of a new trade round as a win-lose situation and were thus unwilling to employ conciliatory strategies to trade on differences in interests. The chaos, stress, and deep dissatisfaction with the process management of the organizers did not improve the goodwill of parties to take more creative approaches either.

Doha also saw a rough start with little movement on any side of the different groups. Yet soon, the negotiation mode altered towards more arguing. The US and EU established a much more constructive relationship, not least based on the excellent understanding between their lead negotiators Zoellick and Lamy. The positive dynamic extended to other groups and when the summit reached half time, the behaviour of countries indicated a greater sense of arguing. All major groups started making concessions, from developed countries such as the US, EU, and Japan, to developing countries. As stated before, yielding also occurs in positional bargaining, but it is much more likely to be the result of integrative arguing. There, parties identify the varying values they place on specific issues and then compromise by trading on their differences. This integrative, arguing approach contributed to the launch of the Doha trade round.

Negotiations on biosafety began with a long arguing phase to identify the core issues for a protocol and the negotiation agenda. In the year before Cartagena however, parties hardened their positions and moved to mere bargaining. The realization of the high stakes by exporting and importing countries accelerated this dynamic: from opportunities for the biotechnology industry to economic, environmental and health risks. In this mood, delegations no longer engaged in any substantive debate and repeated their positions mantra-like by the start of Cartagena. African Group negotiators and the G-77 limited any exchange with the Americans after furiously leaving a first meeting with US negotiators due to the attempt by the latter to dictate conditions of an agreement one-sidedly. Last minute efforts by Köster and Mayr to extract concessions in a more open-minded, small group setting did not move parties to a more constructive mode. As Köster pushed the Protocol draft through on the last day of expert negotiations, parties maintained their positional style until the political summit also ran into deadlock.

Post-Cartagena, Mayr tried to get parties back to exchanging in a frank and constructive way, using the negotiation format of the 'Vienna setting' as one salient tool. A small circle of only ten delegates of all negotiation coalitions gathered around the table, and anyone else interested sat at the back as observer. The format built trust through transparency and thereby opened up delegates to speaking more freely. At the same time, the restricted number of negotiators created space to effectively exchange about everyone's interests. The lower level of stress and the sheltered environment gradually enabled parties to focus more on concepts and argument than on pure bargaining. This spirit of Vienna remained during the summit in Montreal, while the positional exchange about concessions also continued of course, especially in bilateral negotiations in the last hectic days of Montreal. Nevertheless, the EU-US bilateral during the night of the closing plenary considered the underlying interests of most parties involved, indicating a decent degree of arguing. Participating negotiators eventually crafted the decisive elements of the compromise for the Cartagena Protocol.

To conclude, abundant evidence across all regimes confirms the hypothesis that the four levers of process management have been at work and contributed to failure and success. Let us finish by summarizing the remaining alternative explanations beyond structure, which had served as final cross-check.

Alternative, non-structural variables

The search for alternative explanations across all cases shed light on two non-structural factors that come with the 'passage of time' between two negotiations: the effects of initial failure and of groundwork from preceding summits. The first negotiation round of each case pair had originally been supposed to reach convergence in the respective regime, but ended in initial failures: a comprehensive climate agreement on mitigation and adaptation in Copenhagen, the launch of a new trade round in Seattle, and a set of biosafety rules for the movement of living modified organisms in Cartagena. Their breakdowns raised pressure to succeed at the following attempt and warned delegates not to endanger the multilateral negotiation forum of the regime, as numerous interviewees revealed.

The second explanation for a greater probability of agreement is the 'stepping stone effect'. Climate delegations had negotiated for long hours in Copenhagen resolving myriad details. Leaders eventually crafted the political compromise of the Copenhagen Accord. So in Cancún, negotiators could build on this foundation and accelerate agreement. A similar dynamic occurred in the biosafety talks, where difficult compromises had been struck and the Protocol had been largely developed before Cartagena collapsed. Delegates in Montreal could therefore move forward much more quickly. Only the Seattle trade talks turned out to be so chaotic and adversarial that little preparatory output was left over for negotiators in Doha two years later.

Both alternative explanations carry explanatory power. Many delegates affirmed extraordinary urgency to succeed after the initial, grand failure. Previous groundwork assisted negotiators extremely well and allowed proceeding at a faster pace in the second negotiation round. But are these alternative factors always necessary or at least sufficient to reach agreement? This seems rather unlikely. Long preceding negotiations to develop abundant detail of negotiation substance do not suffice by themselves. In all cases studied here, negotiators already had extensive content available after negotiations over several years. So, it is at least difficult to say that it was exactly this one additional round (like Cartagena for biosafety) that created the missing bit of input. Similarly, if an initial, grand collapse was always needed, we would never see an agreement at the round when it is expected. While this was true for the three cases studied here, the Kyoto Protocol for instance was adopted without the prior collapse of a summit, for instance. Other cases are easily conceivable.

Nevertheless, the availability of advanced negotiation material and greater motivation for an agreement do complement process management factors (without being necessary or sufficient on their own). They can even interact with process factors, as a greater willingness for success opens delegates up to compromise in an arguing mode. Moreover, advanced negotiation material also allows a greater exchange on content in arguing terms as issues are better understood. So, rather than being mutually exclusive process factors increase the likelihood of agreements jointly with these two alternative explanations.

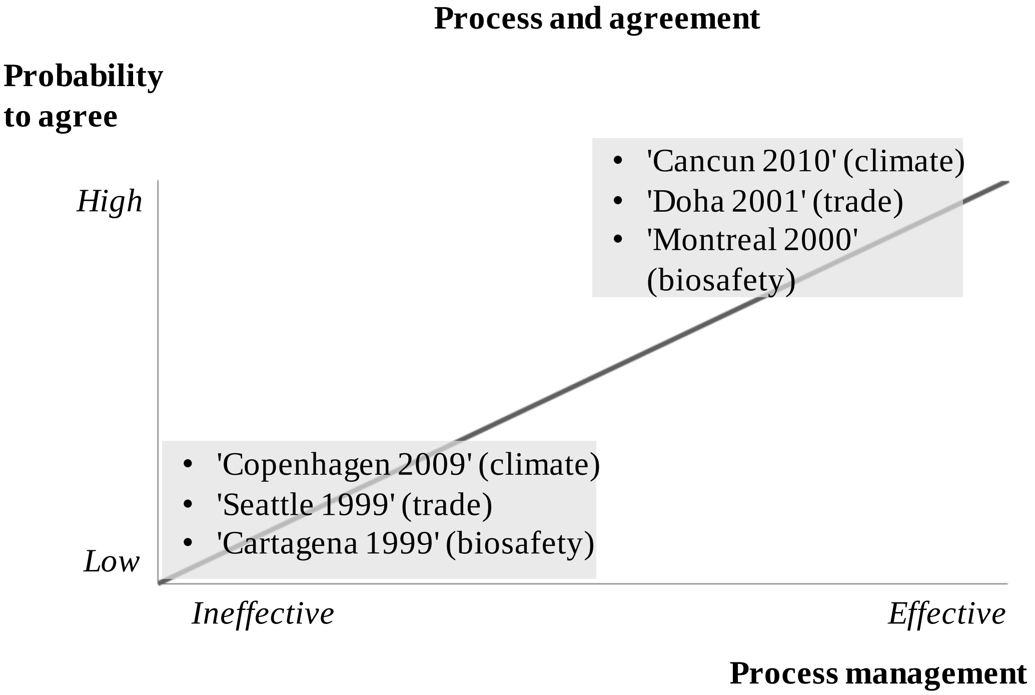
Finally, this study could *not* find substantial evidence for an influence of alternating negotiation strategies by countries or outstanding individual negotiators that made a difference from one year to another. This is not to say that they remained constant or never influenced an outcome, but that this cannot be shown across all three cases. The only clear-cut exemption was the biosafety talks where the Compromise Group of small and middle powers contributed to facilitation as a new actor in the second negotiation round in Vienna and Montreal. They helped ease the tension between the adversarial camps.

In sum, this research discovered astonishing parallels between the negotiation dynamics of three regimes in the environmental and economic realm. While structures were largely constant, process management varied together with the outcomes of these negotiations. Alternative explanations eventually completed the picture. I will now discuss the significance of these results.

8.2. Significance of results

What have we learnt from these observations to answer the original research question, and how does this contribute to the wider theory of International Relations? I begin by answering the research question. Empirical data and analysis across three regimes has shown that good process management favoured the successful conclusion of the summits in Cancún, Doha, and Montreal for cooperation on climate change, trade, and biodiversity. It also revealed how a dismal process worsened the likelihood of success, adding to the collapses of Copenhagen, Seattle, and Cartagena. As outcomes varied despite constant structural variables of interests, power, and problem structure only the altered process variables could explain the difference. This confirms the core Hypothesis (1.1) which holds that *process management by the organizers altered the probability of an agreement in multilateral negotiations* (Figure 19).

Figure 19: Process management altered the probability of agreement



Note: The summits' names are only shortcuts for the process management of all organizers (host country and Secretariat) during the whole year of each respective Presidency, not just during the summit.

This narrows the explanatory gap left by structural theory for the three case pairs of negotiations on the salient global issues of climate change, world trade, and biosafety. It discovers and details causal relationships between independent and dependent variables of regime building (George and Bennett 2005, 26, 27). It holds political importance as another round of negotiations with disastrous process management would most likely have inhibited agreement on demanding multilateral challenges once more. The delay in action would have cost many countries dearly in environmental, economic, and social terms.

Regarding the limits of this first finding, it would have been extremely helpful to quantify to what extent probability was altered, as discussed at the outset of this work. However, the dynamics of 'multilateral negotiations' as a highly complex social object of study do not allow attributing simplistic statistical values to these variables. Nevertheless, the four steps of correlation, process-tracing, examination of alternative explanations, and the comparison across three regimes at least allow stating with confidence that process management caused a significant delta in probability of agreement, without claiming its necessity or sufficiency.

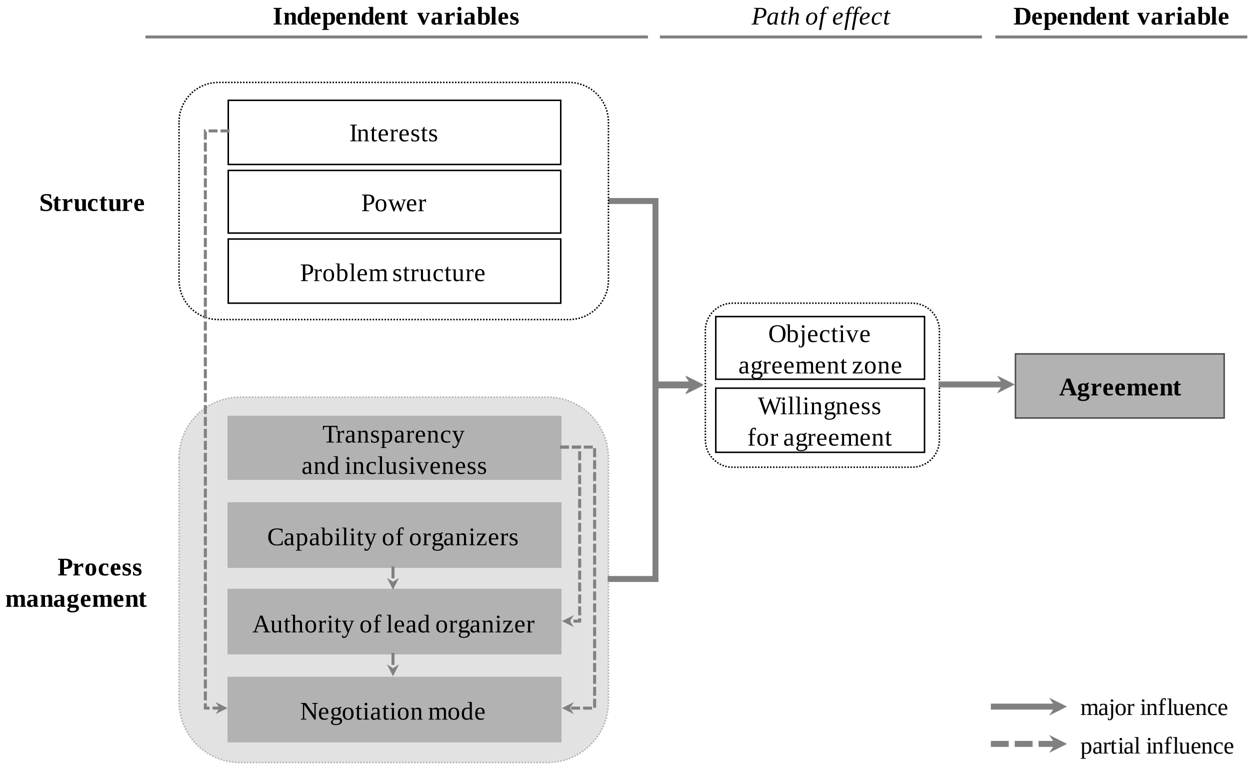
Let us now turn to Hypothesis 1.2. Can we say that process management is a *necessary or sufficient variable* for any agreement in multilateral negotiations? *Necessity* requires that agreement is *only* possible when effective process management is given. This appears inconceivable from a simple scenario. Let us imagine a negotiation where interests of countries fully converge. In this case, parties would hardly be bothered about the kind of process management. They would be prone to agree to meet their common interests, and would probably conclude their talks successfully. In such a case, effective process management would not be necessary. Let us change the scenario to examine sufficiency. Interests of parties are now fully opposed to each other at the outset. If process management was a *sufficient* variable, a perfect process would *always* lead to agreement, despite these clashing interests. Our thought experiment will now demonstrate that this is unlikely. In our case of this absolute lack of congruence of interests, even the best managed negotiation cannot move delegates to an agreement. Parties will remain in opposition to each other and the negotiation will collapse. An effective process is therefore no guarantee for success. In sum, process management has the important limitation that it is, by itself, neither necessary nor sufficient with respect to multilateral negotiations, let alone multilateral cooperation as such. In short, process per se does not cause states to cooperate.

Yet, Hypothesis 1.2 is more nuanced. It holds that *effective process management by itself is insufficient and unnecessary for a negotiated multilateral agreement. Effective process management is necessary for an agreement however when interests initially overlap only narrowly and decision-making is consensus-based. This overall constellation (process; interests; decision rule) is unnecessary but sufficient for reaching agreement (Figure 3)* (George and Bennett 2005, 26). First, the structural variable of interests of parties must be such that we find an original narrow overlap of interests, and thus not a full convergence or collision as in our two thought experiments. In the case pairs of climate, trade, and biosafety, it was exactly this interest constellation with moderate chances for an agreement, where the changed probability made the decisive difference for success or failure. Second, we need consensus-based decision-making, as is the provision for most multilateral regimes. In case of consensus, even the smallest countries must be taken on board as parties cannot reach an agreement by building mere majorities. So, we may even consider process management as *a necessary variable together with the unnecessary but sufficient conjunction of two other variables*.

Let us repeat its limitations however: good process management *alone* is insufficient as it is no guarantee for success if parties do not want an outcome. Furthermore, many other circumstances are conceivable to reach an agreement, so that process as variable is unnecessary, e.g. when interests highly converge anyway at the outset. So, process management may only be considered a necessary *part of* an unnecessary but sufficient set of variables (George and Bennett 2005, 26). It is the case when skilful process management *and* a small overlap of interests in a consensus-based negotiation lead to an agreement in multilateral negotiations. This, at least, has been the constellation and result across the three regimes studied here.

The findings also support *the second set of hypotheses on the four elements of process management (2.1) and their effect (2.2): transparency and inclusiveness, capability of organizers, authority of the lead organizer, and negotiation mode affected the probability to find a compromise inside the zone of objective agreement that meets the core interests of everyone, and to create the subjective willingness of negotiators to agree additional to a pure interest-based analysis of costs and benefits* (Figure 20). In a nutshell, process management led to the successful conclusion of a multilateral negotiation through these objective and subjective levels, in our cases the Cancún Agreements on climate change, the launch of the Doha Round on trade, and the Cartagena Protocol on biosafety. Earlier summits had either been a complete failure (such as Seattle on trade), or had only reached a political agreement that was not accepted by all parties and cost countries billions of dollars by delayed action (such as Copenhagen on climate).

Figure 20: Comprehensive negotiation framework probed in three regimes


Independent variables
Path of effect
Dependent variable
Structure
Interests
Power
Problem structure
Process management
Transparency and inclusiveness
Capability of organizers
Authority of lead organizer
Negotiation mode
Objective agreement zone
Willingness for agreement
Agreement
major influence
partial influence

One limitation of Hypothesis 2.1 needs to be highlighted however. All four elements of process management had by and large the same shape in the cases of failure, and the opposite shape in the cases of success. This evidence does therefore not allow determining exactly how many of them need to be given for process management to be considered 'effective' versus 'poor'. It could be all of them, it could also be less but we cannot say how many or which of them, as all four elements were always present. It is easily conceivable that a multilateral negotiation reaches agreement in the absence of one of the elements of process management, despite only a small overlap of interests and consensus-based decision-making, and so in an event when effective process management is hypothetically most needed. Yet, borrowing from the idea of family resemblance in social science concepts, as presented by Goertz (Goertz 2006, 35), we may still be able to qualify a process management in a negotiation as 'effective' if only a subset of 'm of n' elements is found as 'good' (e.g. only one lead organizer had not a high capability).[1347] Finally, as the four process elements partially influence each other, the odds are high that most of them are either given, or not. The minimum number of process management elements thus needs to be identified in future work.

So what have we learnt? In a nutshell, process management with its four elements can tip the balance in favour or against an agreement under certain structural circumstances. It works on an objective and subjective level. Overall, the kind of process alters the likelihood of multilateral cooperation. Process management *per se* however does not cause multilateral agreement and cooperation.

How does this learning *relate to the wider theory of International Relations*? The variable of process management complements traditional *structural* IR theories in cases where they failed to explain the outcomes. As we have seen, all three case pairs cast substantial doubt on the *neorealist thinking* of the role of power in regime building. In none of the negotiations, were the most powerful countries able to push only their interests through. At the climate summit of Copenhagen, the US and China with their mighty allies had reached a compromise, yet it was rejected by a group of small countries. During the biosafety talks, the Protocol was even created against the initial wish of the US as the hegemon of the time. One could of course argue that many neorealists would not bother about short time-horizons or even more generally about such institutionalized multilateral cooperation. Yet, the delay in climate mitigation and in trade liberalization caused by the initial collapses of the climate and trade summits had significant current opportunity costs (e.g. trade) and sizeable future additional expenses (e.g. climate change) of billions of dollars for the major powers. Neorealists that take these salient economic aspects of power seriously then have difficulties in substantiating why a hegemonic constellation of countries could not push their interests *instantly* through.

[1347] Goertz (p. 38) illustrates this point with the concept of the welfare state by Alexander Hicks. A welfare state is given when at least three of its four elements are present: unemployment compensation, old age pensions, health insurance, or workman's compensation.

We find a similar picture for interest-based theories. *Liberal institutionalist approaches* have problems in explaining why countries with constant interests in an agreement failed to compromise in one year while they successfully concluded one or two years later. The respective incentives for regime cooperation were continuously given. The same is true for *game theorists*, as the constellations of players and their respective pay-offs in the three case pairs were held constant by the before-after research design. Under these unaltered circumstances, how could game theory substantiate why one negotiation ended in stalemate, while the following one reached agreement? In addition, micro-level analysis of delegates as executing actors of the strategies of their countries revealed abundant evidence that decisions in the final heated days and nights of a summit were not only rational, but the result of highly subjective processes. This raises doubts about the applicability of rationalist theory to regime creation through multilateral negotiation processes.

In sum, these traditional *structural* IR theories could hardly explain the difference in outcome. This is at least true for the short- and mid-term evolution of such negotiations and their regimes. As noted earlier, however, systemic approaches may still be well-equipped to account for broader and longer-term developments of cooperation, such as the standstill of the Doha Round on trade for over a decade now, or the limited progress on substantial climate protection given the low support of some major powers. In this sense, structure and process *complement* each other when looking at the entire short- to long-term cycle of multilateral cooperation. Jointly, they form a comprehensive negotiation framework.

Filling the explanatory gap left for the salient multilateral negotiations studied here, this dissertation makes *two major contributions to the field of International Relations*. *The first contribution is of an empirical and theoretical nature: based on the collection and analysis of abundant first-hand data, the dissertation strengthens the position of 'process', which complements traditional structural IR theory*. Regarding the *unique empirical evidence*, this research has created a database comprising all structural and process factors. It allows for a numerical and structured analysis of each of these variables, while accounting for the origin of respondents and their coalition membership (such as a UNFCCC official, or a BASIC-group delegate). The file contains material from 60 expert interviews with all principal actors of the in-depth study of the climate but also the trade negotiations (such as the current and former UNFCCC Executive Secretaries, lead officials of the Danish and Mexican climate Presidency, and chief negotiators from key countries). I was able to cross-check the data through my participant observation as member of a lead European delegation to the UN climate summit in Doha in 2012. This provided unique insights into confidential negotiations and bilateral meetings otherwise closed to observers, as well as to the negotiation strategy of a national delegation. I further draw on observation of the climate summits of Cancún and Durban in 2010 and 2011, and of the trade ministerial talks in Geneva in 2011.

With respect to the *theoretical nature of this first contribution*, the thesis *supports and refines IR theories that emphasize process*. Its evidence illuminates that they were able to capture the key drivers behind the climate, trade, and biosafety negotiations in a more comprehensive way. This is not to say that structure does not matter. As detailed above, a small overlap of interests is one condition for process management to make its greatest difference. But, as we have seen, structure alone does not get us very far in explaining outcomes of a sequence of negotiations. Let us now highlight to which specific process theories this research contributes.

The findings support and refine existing scholarship of *constructivism* in multilateral negotiations on one side (O'Neill, Balsiger et al. 2004; Ulbert, Risse et al. 2004; Deitelhoff and Muller 2005; Zürn and Checkel 2005; Risse and Kleine 2010) and of *negotiation literature* on arguing and bargaining more specifically within and beyond IR on the other side (Sebenius 1992; Wagner 2008; Thompson 2009; Hopmann 2010; Odell 2010). The collected evidence finds that the hypothesized dynamics of constructivist and negotiation theory were mostly in place. This research departed from constructivist tradition by not focussing on selected, *specific* lines of discourse (such as the evolution of the debate on REDD+ forest protection in climate mitigation). It rather took an *overall* view of discourse in each negotiation and operationalised negotiation modes by borrowing from negotiation literature, which had detailed the concepts of arguing and bargaining in all kinds of negotiations previously (e.g. Thompson 2009). The thesis thereby built on the few approaches that explicitly connect constructivism and negotiation theory for multilateral negotiations (e.g. Odell 2010).

This research finds that discourse in a constructivist sense is enabled through the negotiation mode of arguing, in contrast to positional bargaining where no profound exchange occurs. Substantive exchange about an issue, i.e. constructivist discourse, develops and possibly transforms the understanding of preferences of a country. This could eventually lead to a change of positions that can make the decisive difference for reaching an agreement. The dissertation adds detail to this still only vaguely answered question of through which paths such a change in preferences exactly occurs in a multilateral negotiation. Evidence from climate, trade, and biosafety demonstrated that the choice of negotiation mode between arguing and bargaining and the kind of discourse affected the likelihood of an agreement. So overall, the process variable of 'negotiation mode' supports and refines the central hypotheses of constructivism on discourse and of negotiation literature on arguing and bargaining.

Next, recent scholarship on institutions and the function of 'the chair' posited that *bureaucracies and individuals* can make a large difference in reaching international cooperation (Odell 2005; Depledge 2007; Biermann and Siebenhüner 2009; Tallberg 2010; Blavoukos and Bourantonis 2011). The results of this dissertation affirm this notion, as also argued by works on agency beyond unitary states, such as by transnationalism, bureaucratic theory, and Foreign Policy Analysis. This research found that especially the lead organizers (often from the host country) and their interaction with the respective regime Secretariat played central roles in facilitating agreement. Their agency must be considered next to states and to abstract structural categories of interest and power. Moreover, this study refined existing approaches by providing a detailed operationalisation of leadership through negotiation organizers based on the collected evidence. Two related variables stood out: the capability of organizers and the authority of the key organizer in negotiations. Indicators for the capability of negotiation organizers entailed the personal-cultural fit, process and content expertise, and institutional alignment. The study also drew a precise picture of the causal pathways from the capability and authority of organizers to the negotiation outcome.

Finally, the interdisciplinary research on *transparency and inclusiveness* is supported and further refined by this work. It serves to bring this process element closer to the attention of IR theory. Despite gaining growing attention across fields of IR such as in conflict, trade, and climate change studies, as well as beyond IR (Odell 2009, 284; Müller 2011; Albin and Young 2012; Davenport, Wagner et al. 2012, 45, 53), the process element of transparency and inclusiveness is still only scarcely studied. This dissertation developed a nuanced concept of transparency and inclusiveness in multilateral negotiations based on the findings of the in-depth study of the climate change case pair. The breakdown into seven indicators allows for its empirical examination across regimes, such as for trade and biosafety. Further, this research also highlighted how this process variable causally affected the outcomes. We eventually find that transparency and inclusiveness has been a principal element of process management and may serve well in future research on multilateral negotiations. To conclude on its first contribution, this work uncovered new, strong empirical evidence for the importance of process next to structure in IR theory. Theoretically, it supported and refined a series of specific theories on individual process factors.

This brings us to the *second major contribution* of this dissertation. In the spirit of regime theory to strive for inclusionary explanatory frameworks (Osherenko and Young 1993; Odell 2010; Bayne and Woolcock 2011; Keohane and Victor 2011; Biermann and Pattberg 2012), it went beyond strengthening and complementing existing particular process approaches: in addition, *it provides a novel, comprehensive framework of multilateral negotiations, which integrates structural and process variables,* and *their detailed paths of effect on outcome; the latter requires an objective alignment of interests with the suggested outcome, and a subjective willingness by delegates to agree.* For this framework construction, the research 1) extracted key variables of process management from scholarship and primary data, and integrated them into a holistic framework, 2) detailed its causal mechanisms that connected process management and outcome for climate negotiations, and 3) probed the entire approach in two additional case pairs of the trade and biosafety regimes.

The comprehensive negotiation framework overcomes the approach to examine only one or two of these factors in isolation, which proves overly restrictive in light of the multiple analytical lenses, myriad levels, and agents – such as structural vs. non-structural; domestic vs. multilateral; individual vs. government vs. state aggregate. The collected data demonstrated the high value of a comprehensive model. It yielded a holistic picture of the events by looking at structural circumstances *and* at the entire set of process factors. It leaves us with a better understanding why the initial summits of climate change, trade, and biosafety collapsed, and why they succeeded one or two years later. To be clear: the second contribution is not about replacing existing individual strands of process research. Instead, this work supports, refines, and integrates them into one comprehensive negotiation framework that rests on strong empirical evidence.

To conclude, IR scholars may consider this comprehensive negotiation framework for future work. When they set out to explore the reasons behind the outcomes of regime building through multilateral negotiations, the framework could provide a more holistic tool to cover all relevant aspects. So far, the data shows that process management by the organizers was a major factor in the creation of the Cancún Agreements on climate change, the launch of the Doha Round on trade, and the Cartagena Protocol on biosafety. It revealed the 'power of process'. To close with a comment by former UNFCCC Executive Secretary Yvo de Boer, made after Copenhagen: "Good process management is absolutely critical."[1348]

8.3. Further research

This finding suggests further research on the role of process management. *Empirically*, it would be valuable to apply the novel framework to *additional instances of regime building* to further test and refine its use. This could be done vertically within one regime by studying other major successes and failures, such as the 20 years of climate negotiations. This adds a deeper contextual dimension to the focused study of the case pair of the Danish and Mexican Presidencies. A horizontal approach could also be developed, which would reach beyond the trade and biodiversity cases of this study. The caveat here is to remain within consensus-based regimes and to ensure a comparably complex problem structure. Negotiations such as on the Montreal Protocol on the ozone layer for example, dealt with a much narrower problem than the three regimes of this research. In these instances of lower complexity, process management might also be of lesser importance.

[1348] Personal interview in London in 2011, exact date anonymized.

Another empirical approach would be to strengthen the hypothesis by *individual level experimental design*. Building on the approaches and insights of interdisciplinary negotiation analysis (jointly with social and individual psychology, and economics for instance), a controlled experiment could test process management theory in a larger n-situation through multiple runs of a negotiation simulation. The design would mirror the conditions of a complex, multilateral negotiation, which would require multiple players and at least a one or two-day game period. The set up would create dynamics that contain the four process management factors in question, and then collect data on the behaviour of participants. Such a probably student-based simulation can help in filling the data gap that the secrecy of real-world negotiations leaves, even in cases where participant observation within a national delegation is possible: how exactly do delegates act in salient bilateral meetings? How do they come to the eventual decision of the delegation on the agreement in the final hours?

One collateral *empirical finding* of this research hints at the importance of a closer examination of the individual level. The same people often negotiate on the various issues. For example, some delegates and ministers at the biosafety talks also participated in climate negotiations, such as Bernarditas de Castro Muller of the Philippines and Jan Pronk of the Netherlands; trade negotiators became facilitators on climate change, such as Steffen Smidt of Denmark; previous trade *and* climate change summit delegates later went into biosafety negotiations, such as Kiyo Akasaka of Japan. These examples of lead negotiators of their respective countries could be continued endlessly. This illuminates why social psychological dynamics at place in one realm of negotiations would also apply to similar (or even identical) people in another regime, if the latter is comparable in its setting as a huge, complex, and consensus-driven multilateral negotiation. The biosafety negotiations chair, Juan Mayr, wrote on the salience of process *across* regimes: "I consider this matter to be of great significance in the present context of multilateral negotiations on trade and environment, which is characterized by mistrust and limited participation" (Mayr 2002, 219). Taken together, additional empirical evidence may strengthen the finding that these dynamics occur in very similar fashion across multilateral regimes.

Without speculating as to which kind of *conceptual* refinements this added data would lead, two aspects deserve special consideration. First, *process management variables are interlinked* with some degree of co-variation. For example, high capability of organizers is often (but not necessarily) correlated with greater acceptance of the lead organizer. Future study may discover stronger indication for a co-variation and may eventually lead to a simplification of the theory by the merging of process variables. Next, the emphasis of this research was on levers (mostly) in the hands of the organizers, understood as process management factors. In contrast, we found only minor indications of the influence of process factors *under the control of parties* on the outcome (e.g. negotiation strategy, individual negotiators). It may be promising to more rigorously assess the connection between process variables of organizers and of parties. For instance, how does process management by the organizers influence the choice of negotiation strategy by parties?

Finally, while process management helps in explaining the outcome of a negotiation, it sheds only a dim light on the successive evolution and *implementation of the agreement*. Climate and trade regimes have been moving extremely slowly despite interim negotiation successes. One extreme case is the Doha trade round that was launched in 2001, but has still not materialized in an agreement on new binding trade rules. Granted, addressing implementation is too vast to be included here. It is studied by an entire sub-field of regime research. Nevertheless, one may draw attention to an interesting connection between process and implementation: a more transparent and inclusive process, which is in addition based on thorough arguing, is likely to produce better accepted and more comprehensive outcomes with a higher ownership of the agreement. Chances are then greater for a smooth implementation.

This last part briefly outlined potential avenues for future research. It would be exciting to see empirically where and under which conditions the comprehensive negotiation framework holds. It would furthermore be conceptually intriguing to continue refining the framework towards a parsimonious and still inclusive theory of regime building. For now, I conclude that process management can, under certain conditions, make the decisive difference in reaching multilateral cooperation on salient global challenges of today, such as climate change, trade, and biosafety.

Appendix I: Copenhagen Accord and Cancún Agreements

	Copenhagen Accord[1349]	**Cancún Agreements**
Mitigation	• Limit global temperature increase to 2°C • Shift from specified, binding top-down emission reduction goals to a voluntary bottom-up system • Annex I parties: commit to voluntarily quantified emission targets for 2020, submitted by 31 January 2010 • Non-Annex I parties: commit to voluntary mitigation actions, submitted by 31 January 2010 • Two blank appendices with mitigation tables for Annex I and II parties • Concede longer time frame for emission peaking in developing countries	• Limit global temperature increase to 2°C • Work to identify global goal for substantially reducing emissions by 2050 • Annex I parties: considering submitted quantified emission targets, urges parties to increase ambition to meet IPCC recommendations; avoid gap between Kyoto Protocol commitment periods; continue option to use emissions trading and project-based mechanisms • Non-Annex I parties: increase ambition to reach at least some mitigation relative to business-as-usual by 2020 • Work to identify time frame for emission peaking
MRV / ICA	• Annex I parties: emission reduction and financing monitored, reported, and verified • Non-Annex I parties: mitigation actions reported through national communications every two years. Internationally unsupported mitigation subject to domestic MRV and ICA; supported mitigation to international MRV	• Annex I parties: enhance reporting on emission reduction and provision of financial, technology and capacity-building support • Non-Annex I parties: enhance reporting on mitigation and support received. Guidelines for the MRV/ICA of two mitigation forms to be developed: internationally (un)supported mitigation

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[1349] Analysis of *both* outcomes draws also on UNFCCC documentation and IISD (2009). "Summary of the Copenhagen Climate Change Conference." Earth Negotiations Bulletin **12**(459).

Finance	• Annex I parties: joint commitment for new resources for adaptation and mitigation in developing countries: a) US$30 billion for 2010-2012; b) mobilize US$100 billion a year by 2020; funding coming from a wide variety of public and private sources • Copenhagen Green Climate Fund: shall be established as operating entity of the financial mechanism • High-Level Panel under the COP- to study financing implementation	• Annex I parties: invitation to submit information on resources for fast-start and long-term financing to Secretariat by May 2011, 2012, and 2013 • Green Climate Fund (GCF): is established as operating entity of the financial mechanism • GCF-governance: governed by 24 board members (equal share of developed and developing countries); administered by World Bank as interim trustee • Standing Committee under the COP to assist in examining financing implementation
Technology and capacity-building	• Technology Mechanism: shall be established to accelerate technology development and transfer for adaptation and mitigation	• Technology Mechanism: shall be established to accelerate technology development and transfer for adaptation and mitigation • This includes: Technology Executive Committee and a Climate Technology Centre and Network • Capacity-building support: to be enhanced
Others	• No official UNFCC COP-decision • Level of detail: 3 pages (w/o appendices) • Review: assessment of the implementation of this Accord to be completed by 2015 • REDD+: immediate establishment of a mechanism and financial mobilization from developed countries	• Official UNFCCC COP-decisions • Level of detail: 27 pages (w/o appendices) • Review: periodically check adequacy of long-term global goal and progress, to be completed by 2015 • REDD+: further measures detailed • Cancún Adaptation Framework and Adaptation Committee: established to promote implementation of enhanced action • Response measures: work programme established to consider economic and social consequences of measures

Appendix II: Questionnaire to organizers of the UNFCCC negotiations

Date:
Place:
Interviewee:
Professional position (current and previous related position):
Email:

-- All answers will be treated anonymously --

I. What role did you have at the COP-15 and 16 negotiations?

II. Generally comparing negotiations and outcomes during the Danish and Mexican Presidencies of the UNFCCC climate negotiations in 2009 and 2010.

Negotiation phase of COP-15 and 16

1. Why did you not get an agreement at COP-15 in Copenhagen?
2. Which were critical moments in the year leading up to *and* during COP-15?
3. How did you get to an agreement at COP-16 in Cancun?
4. Which were critical moments in the year leading up to *and* during COP-16?
5. How well aligned was the interaction between host country and UNFCCC-Secretariat during 2009 and 2010?

Preparation phase for COP-15 and 16

6. To determine countries' position which role did the following criteria play?
    a. Was it enough to approximate the *absolute* gains or losses for a country? Or, did the gains or losses matter only *compared* to those of other countries?
    b. In this sense what was at stake for countries, e.g. what size was the financial impact?
    c. Did the power distribution among countries matter to reach an outcome, and if so, how?
    d. How did domestic factors play a role to determine countries' positions?

III. Specifically, what role did these conditions play for the outcome of COP-15 AND 16?

7. **Transparency and inclusiveness of the negotiation process**
    a. Did all parties know the crucial moves and steps before and at COP negotiations?
    b. How were parties included in the negotiations?

   c. Did this kind of transparency and inclusion have an influence on whether they agreed to the proposal?

8. **Capability of Conference Presidents** (Hedegaard & Rasmussen / Espinosa)**, host head negotiators** (Lidegaard / de Alba)**, UNFCCC Executive Secretaries** (de Boer / Figueres)
   a. In hindsight, what was done well or not so well by you and these organizers? E.g. on process and content matters at the COP.
   b. How did that influence the reaching of an agreement?
9. **Acceptance of authority**: **Conference Presidents** (as above in question 8.)
   a. Did you manage to establish full authority in your negotiation role among parties?
   b. Did that influence parties' rejection or acceptance of the proposal, e.g. in the final nights when accepting the overruling of Bolivia at COP-16?
10. **Negotiation mode: Arguing and problem-solving vs. bargaining**
    a. Did you see open-ended *arguing and problem-solving* about content ["constructive discourse which is open to a change of minds based on facts and logical insights in order to find a joint solution"]? This would be in contrast to *bargaining* ["discuss the distribution of an assumed fixed set of gains and burdens, based on merely stating countries' positions"].
    b. Did this negotiation style get parties closer to or further away from an agreement? How?
    c. In which negotiation setting did arguing or bargaining happen?
11. **Which other variables played a role for reaching an outcome from your perspective?**
    a. Why did those that objected in Copenhagen no longer reject the agreement in Cancun?
    b. Were there any non-climate related side agreements at COP-15 or COP-16?
    c. Which impact had the "failure" of COP-15 non-agreement on COP-16?
12. Who would you recommend to interview further?

Thank you very much for your contribution to this research.

Note: This is the semi-structured questionnaire developed after the first phase of exploratory interviews. Questionnaires for delegates and observers were adapted to their perspective on the capability and authority of the organizers for question 8 a. and 9 a.

Appendix III: *Confidential* interview list on climate negotiations

Country / Organization	**Name**	**Institution**	**Position**	**Interview location**	**Interview date**
Antigua and Barbuda	Content in this column has been removed for anonymity reasons.	Content in this column has been removed for anonymity reasons.	Content in this column has been removed for anonymity reasons.	Cancún	04.12.2010
Australia				Cancún	30.11.2010
Bolivia				Bonn	17.06.2011
Brazil				Cancún	04.12.2010
Brazil				London-Brasilia phone	08.07.2011
Brazil				Bonn	15.06.2011
Democratic Republic of Congo				London	22.07.2011
Denmark				Cancún	02.12.2010
Denmark				Bonn	16.06.2011
Denmark				Copenhagen	11.08.2011
Denmark				Copenhagen	12.08.2011
Denmark				Copenhagen	12.08.2011
Denmark				Brussels	09.02.2012
Denmark				London-Geneva phone	16.02.2012

European Union				London	27.01.2011
European Union				London	16.08.2011
Germany				London-Brussels phone	20.01.2010
Germany				Cancún	03.12.2010
Germany				Berlin	16.03.2011
Germany				Berlin	26.05.2011
Germany				Durban	10.12.2011
India				Bonn	16.06.2011
Japan				Bonn	04.07.2011
Japan				London	27.07.2011
Mexico				London-Mexico City phone	02.02.2011
Mexico				London-Mexico City phone	08.02.2011
Mexico				Bonn	15.06.2011
Mexico				Bonn	16.06.2011
Mexico				Bonn	07.07.2011
Netherlands				London	17.02.2011
New Zealand				Cancún	07.12.2010

Nicaragua				Durban	09.12.2011
Philippines				Bonn	13.06.2011
Saudi-Arabia				Durban	08.12.2011
Singapore				London-Singapore phone	19.07.2011
South Africa				Hamburg-Pretoria phone	16.03.2012
Switzerland				Bonn	09.08.2011
United Kingdom				London	20.11.2010
United Kingdom				London	04.05.2011
United Kingdom				London	05.05.2011
United Nations				Bonn	28.04.2010
United Nations				Cancún	04.12.2010
United Nations				Cancún	08.12.2010
United Nations				London	17.05.2011
United Nations				Bonn	14.06.2011
United Nations				Bonn	16.06.2011
United Nations				Bonn	03.08.2011
United States				London-Washington phone	20.04.2011

United States				London-Boston phone	02.06.2011
United States				Bonn	14.06.2011
Yemen				Cancún	04.12.2010
Zimbabwe				Bonn	14.06.2011
Daily Telegraph				Cancún	06.12.2010
IISD & Earth Negotiations Bulletin				Cancún	08.12.2010
WWF				Bonn	16.06.2011

Appendix IV: Questionnaire to delegates of the WTO trade negotiations

Date:
Place:
Interviewee:
Professional position (current and previous related position):
Email:

-- All answers will be treated anonymously –

I. What role did you have at trade negotiations so far?

II. Generally comparing negotiations of Seattle (1999) / Doha (2001) / Cancun (2003)

[3rd 4th 5th WTO ministerial conference on the agenda for a new trade round]

Negotiation phase of Seattle / Doha / Cancun

1. Why did you not get an agreement in Seattle in 1999?
2. Which were critical moments before and in Seattle?
3. Why did you get to an agreement in Doha in 2001?
4. Which were critical moments before and in Doha?
5. Why did you not get to an agreement in Cancun in 2003?
6. Which were critical moments before and in Doha?

Preparation phase for negotiations

7. To determine your countries' position, what mattered most to you?
8. In addition to what you mentioned, which role did the following criteria play?
   - a. Was it enough to approximate the *absolute* gains or losses for your country? Or, did the gains or losses matter only *compared* to those of other countries?
   - b. In this sense what was at stake for your country, e.g. what size was the financial impact?
   - c. Is an agreement only possible with the support of the most powerful countries?
   - d. How did domestic factors play a role to determine your position?

III. Specifically, what role did these conditions play for the outcome of trade negotiations?

9. Negotiation style: Arguing and problem-solving vs. bargaining

- a. Did you see open-ended problem-solving and arguing about content? ["constructive discourse which is open to a change of minds based on facts and logical insights in order to find a joint solution"] This would be in contrast to bargaining ["discuss the distribution of an assumed fixed set of gains and burdens, based on merely stating countries' positions"].

   b. Did this negotiation style get you closer to or further away from an agreement? How?
   c. In which negotiation setting did arguing or bargaining happen?

10. **Transparency and inclusiveness of the negotiation process**
    a. Do you think you always knew what happened before and at COP negotiations?
    b. How was your input to the negotiations being asked for?
    c. Did your kind of inclusion have an influence on whether you agreed to the proposal?
11. **Capability**: **Conference Chair** [host country minister] (SEATTLE: Mrs Barshefsky, US; DOHA: Mr Kamal, Qatar; CANCUN: Mr Derbez); **WTO Director-General** (SEATTLE and DOHA: Mike Moore, NZ; CANCUN: Supachai Panitchpakdi); **WTO General Council Chair** (SEATTLE: Ali Mchumo, Tanzania; DOHA: Kare Bryn, Norway / Stuart Harbinson, HK-China; CANCUN: Mr Pérez del Castillo, Uruguay)
    a. How capable did you perceive them on process and content matters?
    b. How did that influence the reaching of an agreement?
12. **WTO Director-General / Conference Chair: degree of acceptance of their authority**
    a. Did they establish full authority in their negotiation roles towards you as a party?
    b. Did that influence your acceptance of the proposal in the final nights?
13. **Which other variables played a role for reaching an outcome from your perspective?**

IV. Concluding

14. Did a difference in process management cause the (non-)agreement?
15. In which other negotiations did process play a major role?
16. Who would you recommend to interview further?

Thank you very much for your contribution to this research.

Note: Questionnaires for organizers were adapted to their perspective on the determination of the position of countries, the capability and authority of the organizers for question 7, 11, and 12.

Appendix V: *Confidential* interview list on trade negotiations

Country / Observer	**Name**	**Institution**	**Position**	**Interview location**	**Interview date**
United Kingdom	Content in this column has been removed for anonymity reasons.	Content in this column has been removed for anonymity reasons.	Content in this column has been removed for anonymity reasons.	London	29.11.2011
Denmark				London-Geneva phone	16.02.2012
St. Lucia				Geneva	15.12.2011
Switzerland				Hamburg-Geneva phone	15.05.2012
Switzerland				Geneva	16.12.2011
WTO				Geneva	16.12.2011
WTO				Geneva	16.12.2011

Glossary

ACP	Group of African, Caribbean and Pacific Countries
AIA	Advance Informed Agreement
ALBA	Negotiation group of Bolivia, Cuba, Ecuador, Nicaragua, and Venezuela (Bolivarian Alliance for the Peoples of Our America)
AOSIS	Alliance of Small Island States
AWGs	Ad hoc working groups
AWG-KP	Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol
AWG-LCA	Ad Hoc Working Group on Long-term Cooperative Action under the UNFCCC
BASIC	Negotiation group of Brazil, South Africa, India, China
BSWG	Ad Hoc Biosafety Working Group
COP	Conference of the Parties
COP/MOP	Conference of the Parties serving as Meeting of the Parties to the Kyoto Protocol
DG	Director-General of the World Trade Organization
EIG	Environmental Integrity Group consisting of Liechtenstein, Mexico, Monaco, South Korea, Switzerland
ExCOP	Extraordinary Conference of the Parties to the Convention of Biological Diversity
G-10	Negotiation Group of Iceland, Israel, Japan, South Korea, Liechtenstein, Mauritius, Norway, Taiwan, Switzerland
GATT	General Agreement on Tariffs and Trade
GMO	Genetically Modified Organism
ICA	International Consultations and Analysis
IPCC	Intergovernmental Panel on Climate Change
ICTSD	International Centre for Trade and Sustainable Development
IR	International Relations
LDCs	Least Developed Countries
LMO	Living Modified Organism

LULUCF	Land Use, Land-Use Change and Forestry
MRV/ICA	Monitoring, reporting and verification / International Consulting and Analysis
NAMA	Nationally Appropriate Mitigation Action
OPEC	Organization of Petroleum Exporting Countries
REDD+	Reducing emissions from deforestation and forest degradation in developing countries, including conservation
SBI	Subsidiary Body for Implementation
SBSTA	Subsidiary Body for Scientific and Technological Advice
TRIPs	Trade-related Aspects of Intellectual Property Rights
UNFCCC	United Nations Framework Convention on Climate Change
Umbrella Group	Negotiation group of Australia, Canada, Japan, New Zealand, Norway, Russia, Ukraine and the US
WTO	World Trade Organization

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