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The Marrakech Partnership for Global Climate Action

Democratic Legitimacy, Orchestration, and the Role of International Secretariats

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8.1 Introduction

Over the past three decades, the secretariats of international organizations (IOs) have faced a dilemma. On the one hand, these bodies are tasked with helping to solve some of the most pressing issues facing the international community, including the spread of infectious diseases, spiraling conflict in civil war zones, a lack of equitable trade and investment between countries, and the adverse impacts of climatic change. On the other, these bodies often face a lack of fiscal resources, finite staff capacity, and the inability to issue hard or legally binding regulation. Due to this tension, international secretariats – and the bureaucracy that they comprise – have increasingly turned toward *orchestration* as a mode of governance. Orchestration is defined as "the mobilization of an intermediary by an orchestrator on a voluntary basis in pursuit of joint governance goals" (Abbott et al. 2016: 719). As described by Abbott et al. (2015), it is an attenuated type of governance: Governors, acting as orchestrators (O), seek to direct the governed as targets (T) through third-party intermediaries (I) (see also Chapter 3). This indirect form of governance differs from a traditional principal–agent (P–A) relationship in which governors set firm mandates and boundaries for the governed, seeking to reward compliance and sanction deviation.

At a Global Climate Action High Level Event at the United Nations Framework Convention on Climate Change (UNFCCC) twenty-sixth Conference of Parties (COP26) in Glasgow in November 2021, the UN Secretary-General António Guterres stressed that a decarbonized and resilient world meeting the 1.5°C goal requires an "all hands on the deck" approach involving governments, business, and civil society. He emphasized the participation gap between the Global North and South with regard to nonstate climate commitments and announced the decision to establish a high-level expert group to develop standards to measure and evaluate net zero commitments by nonstate actors (UN News 2021). The online Global Climate

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Action Portal (GCAP), which consists of voluntary climate actions from almost 33,000 actors, was relaunched at COP26 to track the progress of climate commitments. This represents a shift toward emphasizing the democratic legitimacy of transnational climate governance action: to promote broadened participation and representation of vulnerable stakeholders as well as strengthened transparency and accountability mechanisms of the "groundswell" of nonstate climate action. These shifts, and the relationship between the secretariat, orchestration, strategies, and democratic legitimacy, are the topics of this chapter.

As noted in Chapter 1, many scholars today acknowledge that orchestration has become a prevalent activity in international relations as IOs – seeking to tackle transnational problems without the ability to exercise hard law – turn toward soft forms of governance and steering. Recent studies of the UNFCCC Secretariat demonstrate that it, by itself and in tandem with other actors, especially after the adoption of the Paris Agreement, engages in orchestration (see Chapter 3; Hickmann and Elsässer 2020). To date, the lion's share of work on orchestration has been either conceptual (expounding the constituent features of the concept), exploratory (showing the mechanisms through which it works), or explanatory (focusing on the effectiveness and/or problem-solving ability of the activity).

In this chapter, we analyze the normative dimensions associated with orchestration, such as democratic values related to participation, accountability, transparency, and deliberation. We note that orchestration, for all its importance, triggers a set of legitimacy questions. That is, the indirect mode of governance muddles who should be held accountable for which actions, to which set of standards, and which agents have the right to demand said accountability. We treat this as a democratic issue. Our core argument is that the practice of orchestration engenders a democratic duty. Orchestrators – be it intergovernmental organizations or states – need to ensure that their own actions, and those of intermediaries, are democratically legitimated by affected stakeholders, including both targets and additional actors implicated in the orchestration relationship.

In making this argument, the chapter is divided into four sections. First, we advance the orchestration concept and introduce a novel theoretical element focusing on meta-intermediaries. Second, we turn to democratic theory and argue that orchestration, by virtue of the usage of public authority, triggers a democratic demand. Building on earlier work (Bäckstrand and Kuyper 2017) we develop this argument and contend that a "democratic values" approach represents a useful way to evaluate the accountability and legitimacy of orchestrators. Next, we apply this argument to orchestration by the UNFCCC Secretariat, notably through the Marrakech Partnership for Global Climate Action (GCA), which is a multistakeholder framework for accelerating climate action among nonstate actors in line with the Paris Agreement's goals of decarbonization by 2050. While previous

research on orchestration of the UNFCCC has predominantly focused on the effectiveness nonstate action in the GCA (Hale et al. 2021; Hsu et al. 2015), we show how and why nonstate climate action requires democratic legitimation. To that end, we apply the democratic values approach and demonstrate that substantial democratic deficits exist. The final section concludes by discussing the intrinsic and instrumental importance of evaluating orchestration through a democratic legitimacy lens and the implications for international secretariats.

8.2 Orchestration and Global Governance

International organizations have emerged as key players in the governance of different issue areas in world politics. These IOs are established to solve global collective action problems that sovereign states in isolation cannot manage due to complexity, a lack of information, or free-riding that might undermine problem-solving efforts. In the early post-World War II era, IOs were largely the handmaidens of states, particularly powerful ones. States gave mandatory financial contributions to IOs and, in return, received both formal and informal power concerning the direction and operation of that organization. International secretariats then derived their formal mandate from states through a classic principal–agent relationship.

However, in recent years, this model has eroded in a more polycentric world of complex and hybrid multilateralism. Today, the resources and funding allocated to international secretariats are constrained by states in highly selective ways (Graham 2017; see also Chapter 6). Moreover, it has become clear that international secretariats often have an independent set of preferences that may or may not coincide with those of the states that empower them. Secretariats are often populated by bureaucrats that want to solve collective action problems in line with their own normative vision, are granted mandates by states to tackle issues on their own, or seek to influence state preferences directly through interactions with delegates (Chapters 3 and 4). Literature has also shown that secretariats tackle problems in ways they see fit, either by stretching mandates through agency slack (see also Chapter 5) or by carving out new space to act entrepreneurially by sourcing public and private finance directly.

In many of these instances, secretariats are then turning toward orchestration as a way to engage other actors – intermediaries – in shared goals and projects. Although states (Hale and Roger 2014) such as Sweden (Nasiritousi and Grimm 2022), regions (Chan et al. 2019), and cities (Gordon and Johnson 2017) engage in orchestration, international secretariats from the European Union, the World Trade Organization, the G20, the World Health Organization, and the International Labour Organization have also adopted this strategy (Abbott et al. 2015). Orchestration allows secretariats to use the public authority granted to them by states to engage in problem-solving.
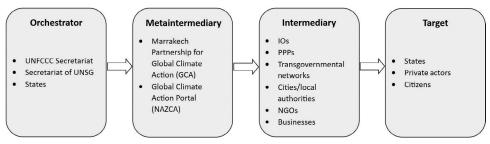
Figure 8.1   The O–I–T relationship

As noted earlier, and illustrated in Figure 8.1, orchestration can be conceptualized in terms of an Orchestrator–Intermediary–Target (O–I–T) relationship. Here, *orchestrators* – such as IO secretariats – seek to mobilize *intermediaries* – such as nonstate actors, other IOs, or actors in transgovernmental networks – on a voluntary basis to impact *targets* in pursuit of a governance goal. Orchestration is indirect and soft as the IO addresses the ultimate targets – such as consumers, states, firms, or the general public – via intermediaries and because the orchestrator lacks hard control over this chain. Through this mode of governance, the orchestrator grants material and ideational resources to the intermediary party who can attempt to pursue its goals without binding restrictions from the orchestrator. Building upon Abbott et al. (2015), we also note that orchestrators often employ "meta-intermediaries" – institutional mechanisms (such as the GCAP) that group together and organize intermediaries – to engage in orchestration.

Given this description, we argue that the UNFCCC Secretariat fits well with the orchestration model (see also Chapter 3 for the same line of argument). In recent years, the UNFCCC has displayed a relatively limited set of governance capacities in terms of staff and budget compared to other IOs. However, it has increasingly engaged in the orchestration of nonstate actors at formal events, such as at COPs and the Intersessionals in Bonn. Second, the UNFCCC has been willing to work with a wide range of intermediaries in this pursuit: transgovernmental networks, civil society, scientists, and investors. Finally, as we will discuss later, efforts by the UNFCCC to tackle climate change through setting up meta-intermediaries – the GCAP,[1] the Lima–Paris Action Agenda (LPAA), which was subsequently transformed to the GCA. These are institutional mechanisms orchestrated by the UNFCCC Secretariat – frequently in tandem with other IOs – to mobilize and catalyze the efforts of intermediaries to enhance mitigation efforts, scale up adaptation actions, and harness finance.

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[1] Previously called the Non-state Actor Zone for Climate Action.

8.3 The Democratic Legitimacy of Orchestration

Most initial work on orchestration focused on theory-building and theory-development: specifying the core concepts and showing its analytical and explanatory potential in different cases. More recent work has shown that the concept does indeed apply to different issue areas and has begun looking at how effective this governance strategy is in mobilizing actors, securing compliance, and solving collective problems (see, e.g., Hale and Roger 2014). In this chapter, we seek to ask a different question: Is orchestration democratically legitimate? In order to make this question relevant, we have to substantiate three issues. First, what is democratic legitimacy? Second, why should it apply to issues of orchestration? And, third, who holds a duty to be democratically legitimate and, inversely, who has a right to exercise democratic control over said duty holder?

On the first question, we place the content of this chapter in a broader context concerning the normative structure of international politics. In recent years, a general recognition has emerged in both academia and policy practice that the power and authority exercised by actors beyond/across national boundaries is normatively problematic. Within the confines of the nation-state, the basic institutional structure of domestic society assigns the relevant rights and duties to different agents, distributes the appropriate burdens and benefits across society, and defines legitimate and illegitimate forms of power. Beyond the state, a lack of such basic institutional mechanisms means that questions of justice and legitimacy arise. Increasingly scholars debate who owes what to whom, in what order or magnitude, and which decision-making procedures should determine those allocations.

Although orchestration undoubtedly also triggers questions of distributive justice and individual/group rights, we focus on whether the decision to engage in orchestration – the procedure and institutional rules it entails – is legitimate (for earlier and similar arguments about public–private partnerships, see Bäckstrand 2008). In broad terms, we assume that decision-making should be appropriately constrained and rendered democratically accountable to the relevant set of agents. This is cashed out in different terms, depending on the type of legitimacy one is concerned with. For instance, those interested in *sociological* legitimacy care about whether decision-making procedures, and their outcomes, are viewed as acceptable by some audience. Those interested in *normative* legitimacy, as we are, care about whether decision-making procedures, and their outcomes, live up to some *ex ante* desirable virtue. In this category, different forms of democracy are employed to form a baseline of normative legitimacy. For instance, liberal democrats care about whether power promotes or undermines individual autonomy, neorepublican democrats are concerned with the exercise – and constraint – of arbitrary power, and deliberative democrats focus on the justificatory quality of decision-making (Habermas 1996).

We choose not to take a side in these contending debates. Rather, we suggest that these different virtues can matter in a broad democratic theory of legitimate public power. As such, and following most recent work, we adopt a *democratic values* approach to judging the legitimacy of decision-making (Dingwerth 2014; Kuyper 2014). Following several different models of democracy, we suggest that the legitimacy of decision-making can be determined by looking at whether the exercise of public power (i.e., decision-making) is *participatory*, *accountable*, *and transparent*, as well as *deliberative*. What do we mean by these values? And how can they be operationalized?

Participation means that those impacted by the exercise of authority should have the opportunity and ability to be involved in how that authority is wielded. This entails, following other liberal theories, an equal capacity to shape the rules, laws, and regulations that will impact their lives. We note that equality of participation may often necessitate forms of representation as individuals cannot always be directly involved in decision-making processes. National representatives or "nonelected representatives" (interest groups, nongovernmental organizations [NGOs], etc.) can all help connect individuals with sites of authority (Macdonald 2008). Precisely how equal participation is secured will and should vary depending upon the institutional scheme in need of democratic regulation, in this case orchestration.

Accountability, in a democratic sense, means that those impacted by decision-making should have the right to hold power wielders "to a set of standards, to judge whether they have fulfilled their responsibilities in light of these standards, and to impose sanctions if they determine that these responsibilities have not been met" (Grant and Keohane 2005: 29). This criterion, following neo-republican conception of democracy, gives implicated individuals the opportunity to hold decision-makers at different levels of governance accountable for their actions and stop the arbitrary exercise of authority that can undercut individual autonomy. Operative accountability mechanisms provide an ex ante incentive for decision-makers to take consideration of how impacted parties will react to decisions being made in their name.

For accountability to be meaningful, *transparency* is required. Transparency is here conceptualized as the disclosure of actions taken by public actors and institutions. Said disclosure should be offered to those bound up by decisions. Although it does not require third-party monitoring, transparency is often promoted and enhanced by demands for information. Several scholars have claimed that an overabundance of transparency can also limit a public's ability to discern and view relevant information (Peixoto 2013). We agree with this, and suggest that if publics find transparency procedures either obfuscatory or misleading, then accountability measures are necessary (this is why we tackle accountability and transparency together).

Finally, *deliberation* provides those impacted by decisions with a rationale for how rules are being formulated and applied in various contexts (Habermas 1996). This value derives from the field of deliberative democracy that stresses the importance of providing reciprocal and generalizable arguments for how authority is exercised and how it is connected to the public use of reasoning. Reciprocity means that justification is mutually acceptable to parties in a deliberation, whereas generalizability connotes a set of reasons that could be shared by different parties due to shared institutional or moral structures. Deliberation also means that representatives of those impacted have an opportunity to put their reasons forward, have said reasons considered by decision-makers, and justify policies in light of those reasons.

Having now stipulated *how* an actor could be democratic, we must now say *why* it applies to the issue of orchestration and *who* should be democratically legitimated by which set of actors in orchestration relationships (though we have already touched upon both issues in the preceding discussion).

On the first issue, we have several reasons to think that orchestration triggers a democratic demand. In essence, orchestration is an explicit or implicit attempt to change the behavior of others. Specifically, orchestrators seek to use resources to mobilize and catalyze intermediaries in order to affect the actions of targets. In most general terms, democratic legitimacy requires a holder – one that must live up to a set of democratic standards – and a *demos* – one that is capable of exercising democratic restraint over the holder. There are very deep and complex debates about what *kinds of actions* trigger democratic demands (see, e.g., Goodin 2007). In fundamental terms, most democratic theorists agree that only certain activities demand democratic legitimacy. We categorize these types of activity into three groups: affectedness, significantly affectedness, and subjectedness.

In terms of affectedness, an actor should be democratically legitimate when they *affect* the interests of others (Goodin 2007). Those affected become the relevant demos and are given participatory, accountability, and deliberative rights over how the holder wields that power. Some scholars find affectedness too broad – that is, actors might often be only weakly affected by some action and therefore do not deserve democratic standing. These scholars stress that only those *significantly affected*' should be able to democratically constrain power wielders (see Macdonald 2008). Finally, other scholars also find this narrower conceptualization still too broad. Instead, they argue that only *subjection* to legal or coercive power requires democratic legitimation (see Abizadeh 2012). Across these three variants, the scope of the demos narrows as only certain types of actions trigger democratic demands.

Following other recent work, we take affectedness as the baseline. When an agent exerts power that affects the interests of others, that group becomes the demos with a corresponding democratic right to shape the exercise of that power.

It is clear on this metric that orchestration triggers a democratic demand. This is because orchestration, by its nature, is an effort to steer, mobilize, and nudge the actions of others. In other words, orchestration is an explicit attempt to use public power and authority to affect the interests of others.

We could have gone with a more restrictive version here, either the "significantly affected" or the "subjectedness" criteria. We stay with affectedness as it is arguably the most prominent in the literature on democratic theory (Goodin 2007; see also Koenig-Archibugi 2017). Moreover, we suggest that – while the scope of the demos would be narrowed on these competing views – both would still apply in the case of orchestration. On the "significantly affected" view, orchestration certainly does have the quantitative and qualitative capacity to dramatically shape the lives of individuals. For instance, Gordon and Johnson (2017) show how orchestration by city networks entails quite stringent rankings schemes, which in turn impacts the scale of mitigation, adaptation, and financing projects adopted within the orchestrated jurisdictions. On the subjectedness criterion, orchestration by states, cities, and even IOs has legal effect. That is, states, cities, and IOs (using power delegated or captured from states) employ public authority in crafting orchestration policy. While this might result in "soft" forms of steering and *facilitative* rather than *directive* orchestration (Hickmann et al. 2021), it is the employment of authority that subjects others that triggers a democratic demand. As Hale and Roger (2014) show, states use different forms of authority (material, epistemic, moral, relational) in orchestration processes. But ultimately the ability to do this and the resources used in orchestration are ultimately derived from public authority which does bind citizens. Thus, even on this most narrow view, there are good reasons to think that orchestration requires democratic legitimation.

So far, we have shown how to measure democratic legitimacy and why it applies to orchestration efforts. We have used the affectedness view to make this claim, though we believe our argument is compatible with "stronger" versions of democratic theory. Finally, we have to show who owes democratic standing and to whom. As should be clear, we argue that the orchestrator requires democratic legitimation. That is, the orchestrator should be democratically responsive in terms of participation, accountability (and transparency), and deliberative justification to those they affect. The affected demos is primarily the targets on the ground but may also be other actors that are implicated in the actions of the orchestrator.

While the intermediaries are also affected by the orchestrator, we want to suggest that – because intermediaries often join with the orchestrator voluntarily and in the pursuit of shared goals – their democratic claim against the orchestrator is diminished. Much more important is how the orchestrator is rendered democratically accountable to those affected "on the ground." Similarly, the orchestrator has a duty to those affected to ensure that the efforts by intermediaries are

also democratically legitimated. By this we mean that intermediaries should be open to participation, accountability, and justification as their actions affect targets. However, the primary duty remains with the orchestrator: If intermediaries violate the democratic rights of those affected, the orchestrator should remove the resources granted to those intermediaries.

As such, we move forward with this conceptualization. In the following case, we show how the UNFCCC Secretariat, states, and High-Level Champions (HLCs) jointly have engaged in orchestration through the establishment of meta-intermediaries such as the Marrakech Partnership; how intermediaries are mobilized through this meta-framework; and how these efforts have affected targets and other actors (who become the demos). The normative task of determining appropriate standards for those involved in different forms of governance activities is particularly vital in the case of orchestration because, as Abbott et al. (2016: 727) note, this process obfuscates clear lines of accountability. Specifically – and correctly – they argue that orchestration "cuts the chain of electoral accountability because the orchestrator lacks hard control over intermediaries. Ultimately, intermediaries exercise their authority in an (externally) uncontrolled and unaccountable way." This, however, does not alter the fact that the decision to engage in orchestration, and its ongoing impact, affects targets and others. This, in turn, triggers a democratic right for that demos to ensure that orchestrators are responsive for the decision and process of orchestration, including the activities of intermediaries. The discussion we outline here of both the democratic values approach and the specification of who owes democratic accountability to whom thus provides a much-needed normative backdrop to the process of orchestration.

8.4 The GCA: Orchestration in the UNFCCC and Beyond

To show how our normative conceptualization of the link between democratic theory and orchestration applies, we turn toward an illustrative case study of the orchestration efforts of the UNFCCC Secretariat in alliance with other actors. We are not seeking to make definite conclusions about the democratic legitimacy of orchestration by the UNFCCC Secretariat in tandem with the HLCs but rather show how our framework can be applied. This should inform future work on the democratic legitimacy of orchestration efforts in global climate change and other issue areas of world politics.

The Paris Agreement, reached at COP21 in 2015, entails a changing role for the UNFCCC and its secretariat (Falkner 2016). Most centrally, the agreement cements the UNFCCC as an orchestrator of transnational nonstate and substate climate action primarily directed to mitigation although orchestration of adaption actions has increased (Chan and Amling 2019). That is, the UNFCCC Secretariat

is now crucially involved in the mobilization of voluntary commitments by nonstate actors – or "nonparty stakeholders" – to achieve the goals of the Paris Agreement.[2] This focus on nonstate actor contributions solidifies a long-standing trend of engagement by the UNFCCC Secretariat. Prior to COP21, the LPAA – a joint undertaking by Peruvian and French COP presidencies, the Office of the UN Secretary-General, and the UNFCCC Secretariat – was formed to demonstrate the major advancements by nonstate actors. The UNFCCC Secretariat is responsible for managing the Non-state Actor Zone for Climate Action (NAZCA) online portal (renamed the Global Climate Action Portal) to showcase the efforts of different nonstate and substate actors as they commit to emissions reductions and adaptation actions, or provide climate finance.[3] The rationale for NAZCA in the run-up to COP21 in Paris was to have a back-up option showcasing the universe of transnational climate action had the intergovernmental negotiations failed to produce a treaty (Hale 2016).

The Paris Agreement then leaves the UNFCCC Secretariat as an orchestrator of state and nonstate action in two different ways. First, the 2016 COP21 decision accompanying the Paris Agreement (UNFCCC 2016, Decision 1/CP.21) reiterates the importance of the secretariat as an implementing body of the UNFCCC, organizing the COPs and Intersessionals (including high-level events and side events), coordinating the submission of nationally determined contributions (NDCs), convening the NAZCA/GCAP portal with data partners,[4] and facilitating the technical examination process (TEP). Second, the decision was also to establish two HLCs, tasked with interfacing the convention and voluntary and collaborative climate action. These HDCs provide guidance to the secretariat, help organize the COPs and Technical Expert Meetings (TEMs), and collaborate with the executive secretary of the UNFCCC and the COP presidents to bolster and catalyze nonstate climate action to 2020. We focus here on the role of these HLCs and their interaction with the secretariat to accelerate nonstate and substate climate action.

These HLCs operate on a rolling basis, with terms lasting two years and a new appointment being made annually to ensure continuity. The first two champions in 2016 were Laurence Tubiana, France's Climate Change Ambassador, and Hakima El Haite, Minister Delegate to the Minister of Energy, Mines, Water and Environment of Morocco. In 2017 it was again Hakima El Haite, joined by Inia B. Seruiratu, Minister for Agriculture, Rural and Maritime Development and National Disaster Management in the Republic of Fiji. In 2018 M. Tomasz Chruszczow,

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[2] Before the Paris Agreement, the UNFCCC Secretariat engaged in orchestration through the Momentum for Change initiative established in 2011. Befitting the focus of this book, however, we hone in on the actions of the secretariat and HLCs.

[3] http://climateaction.unfccc.int/about

[4] Including the Carbon Disclosure Project (CDP), Climate Bonds Initiative, UNEP, Global Covenant of Mayors and the Climate Group.

Special Envoy for Climate Change from the Ministry of Environment in Poland, replaced Hakima El Haite. In 2019 Gonzalo Muñoz from Chile took over from Inia Seruiratu. At COP26, which was postponed more than a year to November 2021 because of the Covid-19 pandemic, the champions were Nigel Topping, the ex-executive director of the Carbon Disclosure Project, and Gonzalo Muñoz. The latter was replaced by Mahmoud Mohieldin (previous executive director of the International Monetary Fund) as the incoming champion for COP27 in Egypt. While the Marrakech Partnership was originally set up to mobilize pre-2020 action, COP25 in Madrid 2019 decided to extend the partnership as well as the role of the HLCs to 2025. Furthermore, states decided to establish standards for tracking the progress of nonstate climate action (UNFCCC Decision 1/COP25), including those launched at the UN Secretary-General's Climate Action Summit in New York 2019.

Champions – in collaboration with the secretariat – mobilize and orchestrate nonstate actor commitments through a variety of modes, including high-level events at COPs, the Climate Action Pathways, regional climate weeks, the Yearbook of Global Climate Action, and the Race to Zero, Race to Resilience, and Glasgow Finance Alliance for Net Zero campaigns. These streams are part of a broad push for enhanced action from 2016 to 2025 under the umbrella of the Marrakesh Partnership. The Marrakesh Partnership builds foundationally upon the LPAA and NAZCA, thus deepening the relationship between the HLCs, the secretariat, and the UN Secretary-General (Hale et al. 2021). For instance, initiatives mobilized by the HLC are to be included in NAZCA, and the GCA officially replaces LPAA as the central way to ratchet up ambition and to provide input the 2023 global stocktake of the Paris Agreement (Hsu et al. 2023). Overall, these various mechanisms as part of the GCA enable HLCs and the secretariat to orchestrate nonstate climate action.

In the next section, we ask whether the orchestration efforts by the HLC and the secretariat, in the form of the GCA, are democratically legitimate. Because separating cleanly between the secretariat and the HLC is very difficult empirically, we refer to the democratic legitimacy of the GCA, as it encompasses collaborative actions by both the champions.

8.5 Orchestration and Democratic Legitimacy: The GCA in Practice

In this final substantive section, we empirically assess the democratic legitimacy of the joint orchestration efforts by the UNFCCC Secretariat and the HLC when they work in collaboration. Overall, we find that the secretariat and the HLC have sought to make their orchestration activities more democratically legitimate. Enhancing participation from the developing countries and strengthening accountability are core

goals of the GCA as outlined in the work program from the champions.[5] The Covid-19 pandemic in 2020 was a major setback for global climate negotiations and the GCA. However, in 2021 the secretariat and HLC embarked on an ambitious five-year work program to ramp up climate action, enhance diversity of participation, track progress, and strengthen accountability on the road to COP26 in Glasgow, culminating in the the UNFCCC Secretariat accountability and recognition framework for non party stakeholders.[6] This stands in sharp contrast to efforts before 2019, which were more fragmented and bottom-up. However, democratic legitimation is almost entirely offered to intermediaries, not to those affected (i.e., the demos). This, we argue, creates a democratic deficit that requires further attention for amelioration (Stevenson and Dryzek 2014).

Participation

The HLCs and the secretariat seek to increase nonstate actor participation in the implementation of the Paris Agreement. Indeed, in 2017 the HLCs claimed that a core goal of their role was to "focus on strengthening initiatives and broadening participation by bringing on new initiatives, coalitions and actors who are committed to the implementation of action consistent with the aims of the Paris Agreement."[7] As such, the champions and the secretariat work together to orchestrate climate action by mobilizing intermediaries, with impact actors on the ground. At COP26 in Glasgow the aforementioned workplan of the HLCs – with the goal to enhance inclusion and diversity of nonstate actors in the GCA – was backed up with a number of mechanisms (discussed later).

The champions and secretariat enable participation through many different channels, the most obvious of which is the GCAP platform. NAZCA contains commitments from more than 26,309 intermediaries and 150 cooperative initiatives, that is, joint climate action by constellations of nonstate and subnational actors. The intermediary actors are cities, regions, companies, investor groups, civil society, and academic organizations. The actions include decarbonatization and adaption policies in terms of land usage, ocean and costal zones, water treatment and sustainability, building, transportation, energy, and industry. Well over 75 percent of the actors are cities or companies. To register with NAZCA, actors must enlist with the Carbon Disclosure Project, ICLEI for local governments, Climate Bonds Initiative, the Climate Group, the Global Covenant of Mayors for Climate and Energy, the Global Investor Coalition on Climate Change, or the United Nations Global Compact.

[5] https://unfccc.int/sites/default/files/resource/Improved%20Marrakech%20Partnership%202021-2025.pdf
[6] https://unfccc.int/sites/default/files/resource/Improved%20Marrakech%20Partnership%202021-2025.pdf
[7] https://unfccc.int/sites/default/files/gca_approach.pdf

These meta-intermediaries monitor the commitments of intermediaries, tracking their actions and reporting back to the secretariat and HLCs.

We know from previous research that this activity is heavily skewed toward the Global North (Chan et al. 2019). In 2016, around 85 percent of NAZCA participation was from the North (Galvanizing the Groundswell of Climate Actions 2015), while in 2022 it was 79 percent as outlined in a GCAP synthesis report.[8] These numbers are hard to assess, though, as Global North actions, such as those concerning industry and manufacturing, have supply chains that run through the South. However, we have seen a shift in participation post-2015. From 2015 to 2019, the total number of stakeholders rose by 60 percent and commitments to action rose by 40 percent. Regional participation has also diversified: In percentage terms Asia-Pacific stakeholders increased by 30 percent over the timeframe, while Latin America and Caribbean stakeholder participation rose by 20 percent.[9] And as concluded in the 2021 Yearbook of Climate Action, participation had increased by 20 percent since 2020 and business actors by more than 80 percent.[10] However, Western and European nonparty stakeholders dominate with almost 17,000 participants, while the African region is represented by only 600 intermediaries.

It is beyond the scope of this study to analyze individual contributions from all intermediaries. However, some general conclusions can be drawn. First, the increased participation of actors, especially from the Global South, vulnerable communities, and civil society, is still limited despite repeated calls for diversification from the HLCs and submissions of nonparty stakeholders. Intermediaries would then be covering a wider portion of the affected demos, and this should shrink democratic deficits. Second, it is unclear how stringent meta-intermediaries are in their assessment of promises as against actual contributions. What is clear, however, is that these meta-intermediaries are looking at emissions disclosures, adaptation efforts, and financing (often green bonds). They are not determining whether the intermediaries are enabling wider "stakeholder" participation (despite the frequent usage of the word "stakeholder" in secretariat and champion documents).

In some instances, this might not be overly problematic. Cities are, at least in democracies, representative of citizens that pay local taxes and through the voting of representatives. Publicly traded companies have some degree of participation from shareholders, though not stakeholders, and this might enable representation if not participation. And some organizations will be representative of their membership (for instance, an Academy of Science will have an internal structure for

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[8]   https://unfccc.int/sites/default/files/resource/GCAP%20Synthesis%20Report_Info%20as%20at%2028%20 Feb%202022.pdf
[9]   https://unfccc.int/sites/default/files/resource/GCA_Yearbook2018.pdf
[10] https://unfccc.int/sites/default/files/resource/Yearbook_GCA_2021.pdf

deciding leadership). However, it remains unclear from the HLCs and the secretariat whether these intermediaries are taking the people affected into consideration and, if so, how. In other words, intermediaries are enacting policies – under the gaze of meta-intermediaries directed by the orchestration of the secretariat and HLCs – with broad and deep implications. There is no mechanism in place to ensure, or even assess, whether intermediary actions have enabled democratic participation of a wider set of affected societal stakeholders.

There are of course many other mechanisms for participation, such as the Race to Zero campaign (which represents 1,049 cities, 67 regions, 5,235 businesses, 441 of the biggest investors, and 1,039 universities), which has grown exponentially since the UN Global Climate Action in New York 2019. Furthermore, the HLCs highlight the importance of regional climate week in Africa, Asia-Pacific, Latin America, and Caribbean in 2021 and 2022 as important building blocks for diversifying participation beyond Europe. Finally, the Race to Resilience campaign was launched in 2021 to mobilize action among investors, cities, and businesses to increase resilience of four billion people from vulnerable groups and communities until 2030. Our argument here is that the GCA does not have inbuilt mechanisms to determine and follow up whether actions by intermediaries are democratically legitimate and how they affect vulnerable stakeholders. This is problematic because of the nature of orchestration: It is unclear who should ensure this balanced participation. In our view, however, it is the orchestrator who directs meta-intermediaries and offers recognition to intermediaries to ensure that those on the ground are able to shape the policies that determine their lives. As the first two HLCs noted: "[W]e believe that more can be done … to actively include in this process more representatives from national and local governments, businesses and civil society from developing countries. We intend to ensure that they are fully engaged and represented in the global climate action agenda."[11] While some steps have been made in this regard, such as the Race to Resilience campaign and "regionalization" of climate action, participation by those on the ground remains a problem.

Accountability and Transparency

While the participation and representational gaps of those affected on the ground remains, accountability and transparency mechanisms have gradually improved since COP25. In 2019 the HLCs decided to improve follow-up and tracking progress of nonstate and substate climate action. Here again, we see a shift in how the secretariat and HLCs have approached these values post-Paris and in the run-up to the global stocktake of the Paris Agreement in 2023, where contributions of

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[11] https://unfccc.int/sites/default/files/high-level-champions-climate-action-roadmap.pdf

nonstate and substate climate action will be an input alongside NDCs. While there has been recognition of the importance of tracking progress and strengthening accountability and transparency, it is unclear how deep this runs (i.e., whether this leads to substantive changes from the orchestrator) and whether this is offered to the demos or just to intermediaries.

Again, we cannot focus on all efforts (and there are many initiatives between the secretariat and the HLCs), so we look at the GCA submissions and the yearbooks of global climate action, which are framed as the main accountability mechanisms by the UNFCCC. In the lead-up to COP22 at Marrakesh, the then HLCs – Laurence Tubiana and Hakima El Haite – called for state and nonstate actors to make submissions on how best global climate action should be scaled up. Publishing their own Roadmap for Global Climate Action, the champions called for submissions in response to five key pillars of their activity: (i) How should pre-2020 ambition be managed in terms of urgency and ambition across scales and sectors? (ii) What role should the champions play in mediating between nonstate actors and state NDCs? (iii) How should nonstate actor contributions, especially through NAZCA portal, be assessed? (iv) How should high-level events both before and during COPs be organized to gain maximum exposure? (v) How should TEMs be organized in light of the global climate action agenda?[12]

These were early efforts from the HLCs and secretariat to be publicly accountable. These actors are also accountable to states as they offer support – fiscal, legal, and normative – for their roles. But as orchestrators, the secretariat and HLCs are charged with determining how best to scale-up, measure, and track the progress of climate action. This can be a more or less accountable process. As can be seen from the earlier discussion, there was an effort to have nonparty stakeholders address directly how the champions and the secretariat should reach out. While there is little sanctioning beyond naming and shaming, this submission option offered nonparty stakeholders a chance to authorize and later hold accountable the work of orchestrators.

In practice, however, the submissions were very skewed toward resourceful established actors (Bäckstrand and Kuyper 2017). The UNFCCC Secretariat asks all nonparty stakeholders to join a constituency as part of gaining observer status at COPs and Intersessionals. These are environmental NGOs, business and industry NGOs, farmers, trade unions, indigenous organizations, research organizations, local governments, women and gender organizations, and youth organizations. In 2016 there were around sixty submissions, and these were overwhelmingly from environmental NGOs and the business community (making up around half of all submissions). Similarly, in 2019 and 2020 the HLCs invited written submissions on how to improve

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[12] https://newsroom.unfccc.int/media/658506/high-level-champions-invitation-submissions.pdf

the GCA and received around forty submissions in both these rounds.[13] This indicates that a very small number of intermediaries are engaging in written submissions and thus offering accountability to a limited number of people on the ground.

As with participation, there is very little discussion about whether these submissions actually take on board the views of different stakeholders and how. Of course, many organizations will offer this, but it is democratically beholden on the orchestrator to ensure that accountability efforts of authorization are informed not just by intermediaries but by the wider demos affected by the orchestration efforts and intermediary actions. In the run-up to 2023 global stocktake, there is very little accountability offered in terms of authorization and no ability – as far as we can tell – for affected parties to sanction the HLCs and the secretariat for their (lack of) action (Hsu et al. 2023).

Again, there may be other modes of accountability and transparency for the orchestrators. For instance, the TEPs and TEMs process offer a chance to be transparent about nonparty stakeholder activity. As the champions note, "The TEPs should draw not only on the in-session Technical Experts Meetings (TEMs) but also on the outcomes of relevant regional and thematic meetings outside of the formal sessions of the UNFCCC. Such events, with connections to the Marrakech Partnership for Global Climate Action, can enable greater participation from experts, practitioners and implementers."[14] However, the way this is disseminated lacks transparency.

Likewise, the HLCs and the secretariat have been publishing annual yearbooks on climate action under the Marrakesh Partnership since 2018. These are seen as mechanisms for accountability and transparency. Indeed, the HLCs have mobilized intermediaries to enhance transparency. For instance, the Initiative for Climate Action Transparency (ICAT) was engaged by the them to enhance the transparency of contributions to the Paris Agreement. ICAT adopts a decidedly multistakeholder partnership, working with the Children's Investment Fund Foundation; ClimateWorks Foundation; the German Federal Ministry for the Environment, Nature Conservation, and Nuclear Safety; and the Italian Ministry for the Environment, Land and Sea.

However, and as earlier, it is not clear whether this transparency reaches the demos – those on the ground affected by climate policy. These multistakeholder initiatives clearly have network benefits in terms of information-sharing and transaction costs, but they make it very hard to determine what information is transparent and to whom. At any rate, this is transparency concerning the actions of intermediaries. However, after COP25 in Madrid 2019, reporting to enhance

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[13] https://unfccc.int/sites/default/files/resource/Marrakech_Partnership_Achievements_2019.pdf, https://unfccc.int/sites/default/files/resource/HLC-letter2020_feedback_summary.pdf
[14] https://unfccc.int/files/paris_agreement/application/pdf/marrakech_partnership_for_global_climate_action.pdf

accountability and transparency has been strengthened at the request of the parties through several reforms proposed, including: (i) The GCAP was relaunched at COP26 in Glasgow 2021 to systematically track progress and show differences between "tracked" commitments and actions; (ii) the UN Secretary-General has established a high-level expert group to develop measurement to track climate integrity and progress of nonstate actor commitments; (iii) the yearbooks for climate action, especially in 2020 and 2021, report more systematically on the progress of transnational action along various themes and sectors; (iv) during 2021 in particular, the champions submitted regular reports on the outcomes and progress of the GCA; and (v) the data partners that track commitments have produced an annual (New Climate Institute et al. 2021). This, we suggest, limits the ability of the affected demos to hold orchestrators accountable, or view transparently, the links between the orchestrator, the intermediary, and their lives.

Deliberation

The final value is that of deliberation, which was of course affected by the outbreak of the Covid-19 pandemic in 2020 when negotiations were postponed for more than a year and moved to virtual format with challenges of digital gaps. While participation could come through different forms, and accountability requires authorization and sanctioning, deliberation is about the ability of the rule-makers to justify dialogically with rule-takers the decisions they are making. As with the previous two discussions, we find that the orchestrators are engaged in "summit" deliberation through the GCA events at COPs with predominantly established accredited intermediaries. Given that the link between intermediaries and the affected demos is both unchecked and likely attenuated, this is democratically problematic.

However, there are also positive developments. The HLCs have set up modes of deliberation with nonparty stakeholders. Perhaps the most central was the Talanoa Dialogue. This was set up to enable deliberative collaboration that, evidently, was scaled up by HLCs after 2020.[15] The Talanoa Dialogue involved the champions working with the COP presidents and the secretariat to allow "gender, regional and sectoral balance. Throughout the year, the champions provided guidance to ensure the participation of NPS in the Talanoa process was effective, including on how to tell impactful stories, make effective submissions to the platform and encouraging national governments and non-Party stakeholders to convene regional Talanoas."[16] The Talanoa Dialogues resulted in a UNFCCC document concerning

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[15] https://unfccc.int/sites/default/files/resource/MP_Work_Programme_2020-2021.pdf
[16] https://unfccc.int/climate-action/marrakech-partnership/actors/meet-the-champions/previous-champions#eq-1

the COPs in 2017.[17] This document noted that the HLCs should continue the work of the facilitative dialogue at COP21. The facilitative, as well as the later Talanoa, dialogue requires individuals and organizations to commit to climate shifts with respect to NDCs. This operated as a pre-2020 stocktake. It was guided by generally deliberative ideals: nonconfrontational, empathy/trust building, collective good-building, and so on.

This was echoed in the TEMs. Herein TEMs were suggested as a way that orchestrators could enlist intermediaries for their goals. TEMs and TEPs are enacted throughout the year, now virtually. They cover how land use, food chains, and forestry might matter for climate change. The HLCs do interact with the secretariat about this.[18] However, it is not cohesive and perhaps needs more deliberative quality in terms of those actually affected. Deliberation was limited during 2020, but the previously mentioned regional climate weeks in 2021 were intended to enhance deliberation, partnership, and collaboration between states and nonparty stakeholders and vulnerable communities on the ground. At COP26 in Glasgow both the HLCs and the UN Secretary-General participated in a series of events related to GCA.

Overall, we think that the orchestrators – the UNFCCC Secretariat and the HLCs – could be doing more. It is clear that mechanisms are diversifying, but not that varied positions are making their mark. Looking at actual citizen engagement in terms of participation, accountability/transparency, and deliberation exposes some major shortcomings.

8.6 Conclusions

In this chapter, we have argued that the UNFCCC Secretariat works in close collaboration with the HLCs and also the UN Secretary-General to orchestrate non-state and substate climate action to increase ambition in the forthcoming global stocktake of the Paris Agreement in 2023. This could be seen in many ways as a joint initiative, as states have empowered the champions but asked them to work alongside the secretariat. Likewise, there are several comanaged online portals, such as GCAP/NAZCA, which deepen this relationship. The orchestrator trio – the champions, the secretariat, and the UN Secretary-General – increasingly stress the importance of diverse participation of vulnerable communities across the Global South and values of equity, resilience, and just transition in the GCA. While questions of how effective is orchestration are predominant in the academic and policy literatures, we ask a different question: Is orchestration democratically legitimate?

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[17] https://unfccc.int/resource/docs/2017/cop23/eng/l13.pdf
[18] https://unfccc.int/resource/climateaction2020/media/1308/unfccc_spm_2018.pdf

To answer this, we suggest focusing on democratic values – participation, accountability/transparency, and deliberation. These values tap into different models of democracy and help give expression to the notion that individuals should have a say over how their lives are governed. As such, we have claimed that those affected should have a say in how their lives are directed and constrained.

Our analysis is deliberately circumspect. We are not claiming that the UNFCCC Secretariat and the HLCs are – or are not – democratically legitimate. There are a wide variety of mechanisms such as high-level events at COPs/Intersessionals, NAZCA, the yearbooks of climate action the UNFCCC Secretariat Recognition and Accountability Framework, and TEMs, that substantiate deepened engagement on how to reduce the "participatory" gap between the North and the South, business and civil society, in the Marrakech Partnership. We propose that the democratic legitimacy of these efforts should be given equal attention to effectiveness and be evaluated more systematically in line with our framework. That is, we should ask how the orchestrator, using the intermediaries, remains – or fails – to be democratically legitimated by those actually affected.

At this stage, it appears that democratic legitimacy is weak. Participation after seven years since the birth of the Marrakech Partnership is heavily skewed toward actors in the Global North, and there is no check on how much say stakeholders actually have in the position of their representatives. Accountability is also low, in the sense that those affected cannot authorize or sanction orchestrators. However, in 2021, reporting and tracking of contributions of nonstate commitments were substantively improved through a revamped GCAP. Transparency has also been strengthened by these initiatives from the orchestrators, but without accountability, this is a weak value. Finally, deliberation is limited to the high-level summit format occurring mostly between established intermediaries of businesses, cities, and investors, rather than actually engaging with those on the ground affected by climate hazards. However, the "regionalization" of climate action UNFCCC Secretariat Recognition and Accountability Framework, through regional climate weeks can potentially increase both deliberation and participation from national and local stakeholders.

Future research on the democratic legitimacy of orchestrated global climate action should focus on two streams. First, what is the precise relationship between the secretariat, the HLCs, and the UN Secretary-General? They operate in similar spaces, but the nature of the relationship is understudied. It seems clear that the HLCs were set up on the margins of the secretariat structure, but with much bidirectional cooperation needed to fulfill each other's goals. Both the UN Global Climate Action Summit 2019 and Climate Ambition Summit in 2023 hosted by the UN Secretary-General meant a boost to climate action and has strengthened collaboration between different orchestrators. Second, there is a question as to whether individuals and citizens implicated in orchestrated initiatives are able to democratically legitimize their intermediaries. We should then examine whether

the affected individuals – through cities, regions, firms, or other organizations – have a chance to shape the polces that affect their lives. In turn, we should study whether orchestrators take this on board in their decision-making (i.e., in their relationship with intermediaries).

Ultimately, the orchestration of nonstate climate action might increase effectiveness and ambition, as current transparency efforts seem to suggest. But asking whether the democratic legitimacy of orchestration is always good requires thinking about people on the ground. These people should decide how their governing rules are decided. As such, probing the democratic legitimacy of orchestration might help ensure that relationships between the orchestrator, meta-intermediary, and intermediary are clear, as well as probing whether uptake on the ground is enacted.

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