From collaboration to contestation? Perceptions of legitimacy and effectiveness in post-Paris climate governance

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A B S T R A C T

How do governance arrangements affect perceptions of legitimacy and effectiveness amongst non-state actors? This is a pertinent question as the roles of non-state actors have been strengthened in global climate governance. In this paper, we focus on how actors involved in climate governance processes perceive trade-offs and specific factors that risk undermining legitimacy and potential effectiveness of those arrangements. We argue that different rules of procedural legitimacy generate sociological views about whether an institution or its policies will be effective and, in turn, are 'worthy of support'. To establish this, we engage in an analysis of how nonstate actors have been engaged in the UNFCCC, pre- and post-Paris. We find that efforts to deepen engagement is generating contestation between actors, not fostering collaboration. Focusing on how actors view procedural rules and their potentialities for effective outcomes sheds light on support for those institutions and the development of effective policies.

1. Introduction

In recent years, tackling the collective action problem of climate change has sat atop the international agenda of states and non-state actors alike.[1] A major milestone in these efforts was punctuated by the 2015 Paris Agreement, which recently marked its 5-year anniversary during the second wave of the Covid-19 pandemic. This Agreement is designed to combat human-induced climate change by curbing emissions, decarbonizing economies, managing wide-scale adaptation, leveraging finance, engaging in technology transfer and receipt, and generally promoting sustainable development in earth system governance (Burch et al., 2019). The wide and deep nature of these changes have precipitated a call for 'all hands on deck' (Hale 2016) – intensified collaboration between government, cities, civil society, industry, and other actors. While states will be centre-stage in many of these processes through national-determined contributions (NDCs) and collectively in global stocktakes, sub- and non-state actors will also play key roles in transparency efforts and beyond.[2]

Bringing myriad actors together in these endeavours is necessary to tackle climate change. However, the literature is split on whether broadly inclusive processes will be effective in curbing emissions. On the one hand, the literature on collaborative governance suggests input and throughput legitimacy – the inclusion of actors in deliberative, transparent, and accountable ways – will generate effective policy outcomes (Mena and Palazzo 2012; Hogl et al., 2012; Di Gregorio et al., 2020; Jager et al., 2020). On the other hand, alternate literature suggests that bringing a wide range of actors together with diverse interests highlights differences, deepens conflicts of interest, narrows win-sets, and stymies collective efforts (Hovi et al., 2019; Streck 2020; Allan 2019). Given the importance of tackling climate change, it is crucial to ask when different procedures will enable collaborative outputs, and when they will stoke contestation over competing interests.

To examine this issue, we develop a conceptual framework showing how input and throughput legitimacy – what we call procedural legitimacy – may relate to the (output) effectiveness of policies (Karlsson--Vinkhuyzen and McGee 2013; Gupta and van Asselt, 2019). Specifically, we identify how different dimensions of procedural legitimacy shape included actors' perceptions about both *the legitimacy of the process* and

the potential effectiveness of joint-action.[3] This, in turn, influences whether those actors find institutions 'support-worthy'. We propose that the constellation of actors included (input legitimacy) and the terms of engagement (throughput legitimacy) shape support – and potential effectiveness – by either fostering collaboration or eliciting contestation.[4] Current work on legitimacy and effectiveness has not grappled with the endogeneity of actors' sociological beliefs in this manner (c.f. Andresen and Hey 2005; Brunnée and Toope 2003).

The paper presents a novel empirical insight into *perceptions by non-state actors* of the legitimacy and effectiveness of the process and (potential) outcomes of the United Framework Convention on Climate Change (UNFCCC) through various mobilizations of transnational climate action. To empirically apply this framework, we examine the differential modes of inclusion and engagement of non-state actors within the UNFCCC and the implementation of the Paris Agreement. We hone in on the Subsidiary Body for Implementation (SBI) and the Global Climate Action Agenda (GCAA). The SBI decides on rules for engagement of observers at the UNFCCC and engages a range of stakeholders through Technical Examination Processes (TEP) that identify relevant mitigation options. The GCAA is a multi-stakeholder mechanism to scale-up climate commitments by non-state and sub-state actors to strengthen implementation (Hale, 2020). We analyse four different sets of submissions of non-state actors within the UNFCCC pertaining to their view of the process and outcomes of the SBI and the GCAA, as well as the Paris Agreement more broadly.[5]

The article proceeds in five sections. First, we define legitimacy and effectiveness, as well as reviewing previous literature on how the concepts are theoretically and empirically interlinked. Second, derived from the literature on legitimacy and effectiveness, we advance a conceptual framework that links how perceptions of procedural legitimacy and potential effectiveness shape outcomes by generating either collaboration or contestation among non-states actors. The framework focuses on support-worthiness, namely, actors' assessments of procedural rules, expectations of effectiveness, and the extent to which they should be supported. Third, we examine how non-state actors have been engaged in the UNFCCC and discuss two initiatives to involve non-state actors in inclusive and deliberative processes. Fourth, we undertake a document analysis of all submissions by non-state actors in these initiatives and coded responses in NVivo. Our results demonstrate that clear trade-offs emerge concerning actors' perceptions of legitimacy and effectiveness, leading to less support for the institutional scheme being offered, and thus contestation between actors. We conclude that the goal of the Paris Agreement – due to its multi-actor, multi-level and multi-issue character – is complicated to achieve in practice, and explore how perceptions of effectiveness should be balanced against other normative considerations as we strive toward more robust earth system architecture governance (Burch et al., 2019).

2. Previous literature: legitimacy, effectiveness, and non-state climate governance

Much work on the legitimacy and effectiveness of governance arrangements converges on three conceptual sources: input, throughput, and output (Scharpf 1999). Input and throughput legitimacy stems from a *procedural* logic where the quality of the decision-making process is critical. Generally, input legitimacy pertains to the scope of inclusion, while throughput legitimacy examines the deliberative quality, transparency, and accountability of policy formation (Schmidt 2013). Output legitimacy is associated with a consequential logic of effectiveness, and relates to whether governance arrangements contribute to collective problem-solving. Previous research has examined the trade-off and synergies between legitimacy and effectiveness in global environmental politics (Andresen and Hey 2005; Karlsson-Vinkhuyzen and McGee 2013). Less is known about *how* trade-offs and synergies play out in practice, especially in climate governance. We begin by defining legitimacy and effectiveness, then canvassing the potential trade-offs and synergies in theory as well as practice, especially regarding non-state climate action.

2.1. Legitimacy

At its core, legitimacy is the justification and acceptance of authority (Bernstein 2011). It refers to a belief that a rule or social order should be obeyed for certain normative reasons (i.e. it is support-*worthy*), and not only followed because of coercion or self-interest (Hurd 1999: 381). Debates on legitimacy frequently invoke a separation between normative and sociological accounts. Buchanan and Keohane (2006: 405) posit that to contend that 'an institution is legitimate in a normative sense is to say that it has a *right to rule* whereas an institution is legitimate in a sociological sense when it is widely *believed* to have a right to rule'. In other words, normative legitimacy means defining and justifying *ex ante* standards against which institutions can be assessed and evaluated (such as democracy or fairness) whereas sociological legitimacy means the acceptance of the rule-making authority among relevant constituencies, regardless of the standards upon which these judgements are based. In broad terms, then, legitimacy can be defined as rule-making that is considered worthy of support, even if abrogation would be relatively costless (Scharpf 1999). What grounds 'worthiness of support', however, demarcates the split between normative and sociological legitimacy.

Current literature attempts to bridge this divide (i.e. Black 2008). Bernstein (2011) – in a Habermasian vein – focuses on whether or not those affected by a policy or institution find it acceptable, but asks how these perceptions are balanced against deeper constitutive norms. Likewise, Macdonald (2016) argues that legitimacy is about whether affected actors view rules and policies as worthy of support (a sociological feature) but stresses that the conditions for that support – whether actors are able to critically and collectively assess whether that support is actually warranted (a normative feature) – remains key for determining whether actual support-worthiness obtains in given cases. In previous work (Nasiritousi and Verhaegen 2020), we have focused on legitimacy assessments by stakeholders to examine how different dimensions of legitimacy derived from the normative literature are assessed by key stakeholders of specific institutions. What these studies have in common is that they emphasize that perceptions of legitimacy are important for understanding institutional support.

In this vein, we focus here on input, throughput, and output legitimacy, and the role of sociological perceptions by involved actors (Scharpf 1999; Schmidt 2013).[6] On these measures, input legitimacy – rule *by* the people – pertains to how the interests of *relevant included actors* are represented in the political process. Throughput legitimacy – rule *with* the people – highlights how policies incorporate values such as quality of *deliberation, procedural fairness, transparency* of negotiations,

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[3] This also includes perceptions about the appropriate content of both policy the likelihood of institutional effectiveness.

[4] The terms 'collaboration' and 'contestation' are here used descriptively, not normatively. In many instances collaboration could be problematic and contestation warranted, or vice-versa. We are limited to the descriptive relationship of actors and their views, and do not undertake a broader normative evaluation (though future research should examine this).

[5] To be clear, we focus on examining the relationship between perceptions of legitimacy and effectiveness in terms of support-worthiness in this paper. We do not actually measure the effectiveness of the GCAA or the Paris Agreement more broadly.

[6] We drop the term 'output legitimacy' in favour of '(perceived) effectiveness'.

and *accountability*.[7] Finally, output legitimacy – rule *for* the people – focuses on the performance and effectiveness of institutions and their policies. It can be separated into three dimensions: policy outputs, governance outcomes, and problem-solving impacts (Nasiritousi et al 2020; Lederer 2011: 1901; Underdal 2002).

We are interested in how potentialities for effectiveness are perceived by included actors. In line with Ernst's (2019) examination of stakeholders' perceptions of fairness and effectiveness of the German energy transition, we map assessments by non-state actors of the legitimacy and effectiveness of the UNFCCC and its SBI/GCAA mechanisms. Since actors may have different standards to define and assess effectiveness depending on their values and interests, perceived effectiveness may differ from actual effectiveness as defined below (Nasiritousi et al 2020). In the case at hand, we are concerned with how non-state actors perceive the legitimacy of procedural rules, as well as the actions of other included non-state actors within that framework, as they pertain to perceived effectiveness of each-others' actions and the institution as a whole.

2.2. Effectiveness

Actual effectiveness is evaluated by distinguishing between *output, outcome*, and *impact* (Underdal 2002). Here output can be conceptualized as the activity produced by an institution: the number, type, orientation, instrument, and target of given policies (Tallberg et al., 2016). Outcome, by contrast, refers to the effect that policy outputs have on the behaviour of targets, i.e. if it can induce and secure compliance from the most important actors. Finally, impact refers to the ability of observed behavioural changes to solve the original problem motivating policy in the first place. As such, these three metrics operate in a linear way: *ceteris paribus* output conditions outcome, which together shape the impact of a policy or organization in solving a particular societal problem (Nasiritousi et al 2020; Tallberg et al., 2016).[8]

Often missing from discussions of effectiveness is how perceptions of input and throughput legitimacy – which we call *procedural legitimacy* – matters. It does so by shaping the conditions under which included actors interact and therefore determines whether those same actors find a policy or institution worthy of support. Actors have, or come to form, different views about what constitutes a legitimate process. The process of procedural legitimacy, especially the scope of inclusion, will contain actors with different perceptions of an institutions' potential for effectiveness, as well as what the goals of the institution itself should be (Ernst 2019). These subjective qualities matter for the perceptions of the actors, as well as for how it generates support-worthiness (and ultimately collaboration or contestation). As discussed above, support-worthiness is critical for effectiveness because – without it – actors will seek to challenge new policy outputs, fail to comply with governance outcomes, and may passively (or actively) undermine potential impacts.

To put this another way, whether an actor finds an institution support-worthy depends on how they perceive the procedural legitimacy *and* potentials for effectiveness. That is, included actors will judge not just the quality of procedural legitimacy, but also look forward, thinking about how that constellation of actors – and the procedural rules – may tackle joint issues and whether this is likely to lead to

effective problem-solving. In the instance that they believe that modes of cooperation will enhance effectiveness, this can heighten support-worthiness, creating either collaboration. Inversely, if they perceive that modes of cooperation are illegitimate, and that potential effectiveness is low (or that the 'effective' outcome being sought does not align with their own), then this lowers support-worthiness and deepens contestation over competing interests. This intervening variable of support-worthiness shows how procedural rules interact with actors' perceptions of those rules and the pathways it opens or forecloses for effectiveness. In turn, this helps explain when actors support or do not support an institution and its policies, which matters for effectiveness in practice. To show the importance of support-worthiness, we focus on how non-state actors perceive of the legitimacy/potential effectiveness of UNFCCC rules, as well as how they perceive the actions of each-other within this system. But first, we discuss literature and examples from climate governance to situate our analysis.

2.3. Legitimacy and effectiveness: trade-offs and synergies in practice

Focusing on support-worthiness helps make sense of the fact that literature on legitimacy and effectiveness often reaches contradictory findings: some of the literature finds synergies between procedural legitimacy and effectiveness, while other work finds the opposite (for the former, see Glass and Newig 2019; Jager et al., 2020; for the latter, see Hovi et al., 2019). For instance, political theorists, governance scholars, and policy practitioners have attached much hope to the notion that participatory, collaborative, and deliberative modes of governance will strengthen both democratic legitimacy and performance of policies. This includes both conceptual explorations of the linkages between legitimacy and effectiveness (Andresen and Hey, 2005; Karlsson-Vinkhuyzen and Vihma 2009), as well empirical studies (Lederer 2011; Lövbrand et al., 2009; Brink and Wamsler 2018). Literature on polycentric (climate) governance has also focused on relationships between legitimacy and effectiveness, again finding that procedural legitimacy often enhances effectiveness.

This win-win narrative is linked to the issue of support-worthiness: the effectiveness of international agreements depends on whether that agreement is perceived to be legitimate among core constituencies (Andresen and Hey 2005; Biermann and Gupta 2011). If actors affected by environmental decisions are given a chance to influence the rule making process, policy objectives are then likely to reflect norms that are perceived as legitimate, which will in the end lead to more stringent compliance. What these studies often miss is the extent to which actors consider *both* the legitimacy of the process *and* its potential effectiveness. That is, actors consider whether procedural arrangements might create effective outcomes, what those outcomes should be, and whether the conflux of actors will pull in different directions in the outcome and impact stage. Procedural rules and perceptions of effectiveness are critical for whether actors opt to support a policy, institution, or wider governance arrangements (Black 2008; Neuner 2020).

In policy practice, calls for the participation of non-state actors are often tied to the notion that enhanced procedural legitimacy will lead ultimately to enforceable and effective governance. In many ways, the GCAA reflects an assumption that participatory governance – aptly formulated as an 'all hands on the deck' approach by Hale (2016) – will strengthen the implementation of the Paris Agreement in terms of stronger outputs, outcomes, and impact. By giving non-state actors voice, access, and institutionalized channels for participation in agenda-setting, monitoring, and implementation, stronger ownership over outcomes is expected, which should in turn lead to higher rates of compliance and stronger environmental impact (Ernst 2019).

However, other literature reaches the opposite conclusion. Some scholars suggest that hybrid, collaborative, non-hierarchical, and 'softer' forms of governance, which involve participation and deliberation by non-state actors in collective decision-making, will not yield more effective outcomes in practice (Bäckstrand 2008; Jordan et al., 2018).

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[7] For instance, the UNFCCC has attempted to increase input legitimacy through inclusion. Its throughput legitimacy comes from the consensus principle, which often makes decisions harder to reach. Output legitimacy hinges on whether procedural legitimacy leads to (perceived) effectiveness.

[8] Our view of effectiveness is then fairly narrow, looking at problem-solving and the policies employed in this pursuit. But by focusing on actors' perceptions of what is likely to be effective, as well as what goals should be tackled in an effective manner, we agree that the problem being tackled shifts over time with learning and practical reasoning.

Newig and Fritsch (2009: 198) argue that 'empirical research on the evidence of superiority of collaborative and multi-level forms of governance in terms of policy effectiveness' is scattered in terms of single case studies on participatory environmental governance in many sectors (climate, forestry and biodiversity), levels of governance (local, regional, global) and types of governance (intergovernmental, hybrid and private). They suggest that no conclusive link between effectiveness and legitimacy can be demonstrated by undertaking a comparative meta-study of 47 case studies of environmental governance, suggesting that polycentric systems are no more effective than monocentric ones.

Di Gregorio and her co-authors (2020) have recently demonstrated that there are trade-offs between increased legitimacy of process and effectiveness. Enhancing transparency and participation often limits long-term contributions in the case of the Governors' Climate and Forests Task Force. Hermwille (2021: 1–2) also suggests that more macro-level analysis of effectiveness is lacking, while Oberthür et al. (2021) provide an outline of how cooperation might lead to effectiveness (with the study of effectiveness itself standing as future research). This also matters for policy practice such as the SBI or GCAA: if efforts are made at broad procedural legitimacy without taking perceptions of legitimacy and effectiveness into consideration, policy processes may lead to contestation.

In sum, there are contradictory findings concerning the relationship between procedural legitimacy and (environmental) effectiveness. In part, this ambiguity emerges because of a lack of focus on whether actors actually support an institutions' policies. Trade-offs and synergies emerge because included actors in institutional procedures have different perceptions concerning whom should be included, according to which procedural rules, and whether that constellation of actors will lead to effective outputs. Foregrounding this intervening variable – and how it affects the relationship between procedural legitimacy and actual outcomes by shaping support-worthiness – will be illustrated in the next section.

3. Conceptual framework: linking procedural legitimacy, perceptions and effectiveness

Our general theoretical contribution in this paper concerns how procedural legitimacy and effectiveness interrelate with a focus on actors' perceptions especially vis-à-vis support-worthiness. Despite many studies on these core concepts in general, and in environmental governance more specifically, we still lack empirical evidence about how actors' perceptions matter for trade-offs and synergies between legitimacy and effectiveness. As such, we turn attention to support-worthiness, namely, the conditions under which actors' perceptions of procedural rules and pathways to effectiveness – including what effective outcomes should consist in – generate support for an institution and its policies. We advance a conceptual framework (Fig. 1) that illustrates the complex pathways between procedural legitimacy, perceptions of legitimacy/effectiveness, support-worthiness, collaboration/contestation, and actual effectiveness.

Building upon previous literature and studies from climate governance, we argue that the relationship between procedural legitimacy and effectiveness is a tenuous one. Bridging normative and sociological views, our framework incorporates actors' perceptions, and thereby endogenize actors' views over procedural rules and the relationship to potential versions and depth of effectiveness. Specifically, we suggest that when actors find procedural rules legitimate and perceive effectiveness to be a likely outcome, this generates support-worthiness. We argue that support-worthiness, created through those perceptions, is likely necessary for actual effectiveness because, it means actors are

helping to create new outputs, comply with different outcomes, and ultimately foster deeper and greater impacts.[9] If an institution is deemed worthy of support, this leads to collaboration. If, however, it is not deemed worthy of support, it generates contestation. As this refers to perceptions of procedural rules and output legitimacy, we are not claiming that either collaboration or contestation has moral priority. Rather we use the terms descriptively to show the link from perceptions to support and on to actual effectiveness in our model.[10]

Applying this framework to UN climate negotiations requires mapping actors' perceptions of the particular governance arrangements, focusing on interactions between included agents, and their beliefs. If different procedural legitimacy arrangements change how actors perceive the validity of those arrangements and potential effectiveness, it will alter support-worthiness. The task then is for empirical scholars to determine which procedural rules generate support-worthiness amongst which actors in different contexts. Depending on whose perceptions of support-worthiness matters most, effectiveness could suffer if an institution does not address such perceptions.

4. Empirical context

4.1. Non-state actors, the UNFCCC, and post-Paris action

The past three decades of multilateral environmental summits from Rio de Janeiro in 1992 to Paris 2015 have consolidated a model of 'participatory' or 'bottom-up' multilateralism, where civil society participation, multi-stakeholder dialogues, and institutionalized representation of non-state actors are well-established (Bäckstrand et al., 2017). Similarly, the adoption of Agenda 2030 and the UN sustainable development goals in 2015 reinforced the notion of 'multi-stakeholderism' (Gleckman, 2018), whereby participation by non-state actors in global sustainable development summitry is deemed essential to effective collective problem-solving (Dodds 2019). This is mirrored in climate governance more narrowly, where non-state actors have been of central importance from the start, not least by placing the issue on the international political agenda in the 1980s (Betsill 2015).

In terms of procedural legitimacy, the UNFCCC is an open international regime, granting access to a large number of non-state actors to participate in its conferences of the parties (COPs) as observers. It allows for several modes of engagement, for example by inviting non-state actors to make statements during intergovernmental negotiations and submissions to subsidiary bodies of UNFCCC. At the core of this are the 'major groups' system of the Rio process, in which non-state actor participation is organized around nine constituencies: business and industry nongovernmental organizations (BINGO); environmental nongovernmental organizations (ENGO); local government and municipal authorities (LGMA); indigenous peoples organizations (IPO); research and independent nongovernmental organizations (RINGO); trade union non-governmental organizations (TUNGO); farmers and agricultural nongovernmental organizations (Farmers); women and gender nongovernmental organizations (WAG); youth non-governmental organizations (YOUNGO), and; intergovernmental organizations (IGOs). Each constituency is made up of diverse non-state actors which self-organize around broadly clustered interests. Over the years, the number of accredited observer organizations has grown to more than 2200, and the modes of interactions have deepened (Nasiritousi, 2019).

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[9] There are strong conceptual reasons to think that support-worthiness is crucial for effectiveness. While we cannot track this causally from our data, it should be an avenue for future research.

[10] Future work should focus on the underlying normative conditions that would justify collaboration and contestation in different circumstances.
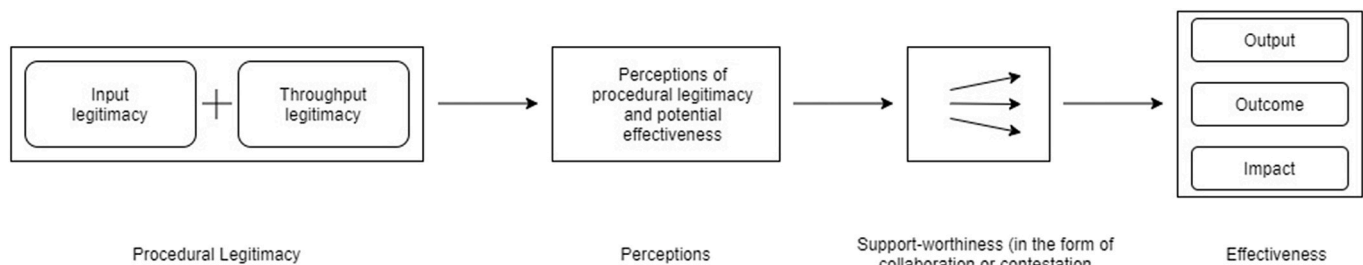
Fig. 1. Conceptual framework linking procedural legitimacy, actors' perceptions and effectiveness.

4.2. SBI and Non-Party Stakeholders

During this time, the UNFCCC has organized, marshalled, and orchestrated much climate governance. Prior to COP 15 in Copenhagen in 2009, all representatives from accredited organizations who wished to attend as an observer at a COP were able to enter the conference as such. At COP 15, however, the number of participant non-state actors had grown beyond the physical capacity of the conference venue. The resulting restrictions put on non-state actor participation at COP 15 meant that this conference became known as a low point for UNFCCC-non-state actor relations. This marked a turning-point in non-state actor participation at the UNFCCC COPs as a quota system, and differential badge system, was introduced for the succeeding conferences in order to ensure manageable numbers of observers (Kuyper and Bäckstrand 2016; Nasiritousi and Linnér 2016). As a result of the animosity created by the restrictions at COP 15 for non-state actors, the UNFCCC body tasked with deciding on the arrangements of intergovernmental meetings – the SBI – opened up submissions in 2010 for how non-state actor participation could be enhanced in the UNFCCC process. After the signing of the Paris Agreement, the body again requested submissions on this topic to discuss opportunities to further enhance the effective engagement of non-Party stakeholders. The 2015 Paris Agreement further brought the intergovernmental sphere and transnational spheres of climate action closer together through new mechanisms: the GCAA organized by the UNFCCC Secretariat as well the parties (Chan et al. 2018, 2021; Van der Vern et al., 2017).

4.3. Global climate action agenda: roadmap

COP21 cemented the notion that mobilizing state *and* non-state actors would be essential in realizing the goals of the Paris Agreement. Displaying dynamics of hybrid multilateralism (Bäckstrand et al., 2017), the focus on non-state actor contributions continued a trend of engagement by the UNFCCC. In the lead-up to COP21, the Lima-Paris Action Agenda (LPAA) sought to showcase the major advancements by non-state actors across 12 different issue areas. To prolong this engagement, the decision accompanying the Paris Agreement established two 'High-Level Champions' tasked with interfacing between the UNFCCC and non-state actors.

These High-Level Champions operate on a rolling basis, with terms lasting two years and a new appointment being made annually to ensure continuity. The High-Level Champions mobilize non-state actor commitments Non-State Actor Zone for Climate Action (NAZCA) (now rolled in to the Global Climate Action Portal), the Talanoa Dialogues, and other avenues. For example, the Marrakech Partnership adopted at COP22 in Marrakech consists of seven thematic areas that represent 80% of the global greenhouse gas emissions. At COP23, COP24 and COP25 an annual Yearbook on Global Climate Action was adopted, showcasing how the emissions gap in different sectors such as energy, building, and transport can be closed (UNFCCC, 2017a,b; 2019, 2020). These yearbooks are framed as an accountability mechanism by the UNFCCC

Secretariat as they endeavour to report to what extent climate actions are transformative and can lead to decarbonization.

Institutionally, a Climate Action Collaborative Forum was set up with the aim of contributing toward scaling-up, broadening, and tracking climate action. The role of the Champions also includes monitoring non-state contributions, providing platforms for publicity, facilitating high-level events at COPs and Intersessionals, and helping organize technical expert meetings (TEMs). While originally envisaged as a way to ramp up pre-2020 climate action, it was decided at COP25 to extend the term of the High-Level Champions until 2025 to continue to engage non-state actors to enhance ambition (UNFCCC 2019 Decision 1/CP.25). The UN's Secretary Climate Action Summit in New York in 2019 also focused on the importance of non-state and sub-state contributions to close the emission gap, which is reiterated in research assessing the emission reduction potential of non-state climate action (Hale et al., 2021; Hsu et al., 2020). A key priority for the High-Level Champions in the 2020 Yearbook of Climate Action is to enhance engagement, inclusion and agency of non-state actors (UNFCCC 2020). Although it has shifted in content over the years, these different elements are all part of the Global Climate Action Agenda, which aims to strengthen linkage between intergovernmental and transnational climate action (Streck 2021).

We take the GCAA to be a fairly broad process then, including the LPAA Technical Examination Processes, the Marrakesh Partnership with the High-Level Champions and the Roadmaps, NAZCA, Momentum for Change, and the Talanoa Dialogues. Furthermore, the Climate Action Pathways as part of GCAA were launched in 2019 as sectoral based approach to achieve the 1.5° temperature in the Paris Agreement. LCAA is also loosely linked to the UN Climate Summits and Regional Climate weeks, though these are less clearly related to our data. Our conceptualization maps very closely the recent work of Chan et al. (2021) in their depiction of the GCAA catalytic pathway for action.

In the lead-up to COP22 at Marrakesh, then-High-Level Champions called for state and non-state actors to make submissions on how best global climate action should be ramped up. Publishing their own 'Roadmap for Global Climate Action', the Champions called for submissions in response to five key pillars of their activity.[11] That is: (1) How should pre-2020 ambition be managed in terms of urgency and ambition across scales and sectors?; (2) What role should the Champions play in mediating between non-state actors and state NDCs?; (3) How should non-state actor contributions, especially through NAZCA portal, be assessed?; (4) How should high-level events both before and during COPs be organized to gain maximum exposure?, and; (5) How should

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TEMs be organized in light of the global climate action agenda? These questions were answered, to varying degrees, in non-state submissions as discussed below.

5. Perceptions of legitimacy and effectiveness in practice

5.1. Data and coding

Four sets of submissions to the UNFCCC were analyzed in order to study perceptions of legitimacy and effectiveness of non-state actor participation amongst different observer groups: non-state actor submissions to the SBI on opportunities to (further) enhance the effective engagement of observers in 2010, 2017 and 2018, as well as non-state actor submissions on the GCAA in 2016. These submissions were chosen since they cover issue around the procedural legitimacy of non-state actors in climate change governance from before and after the adoption of the Paris Agreement. As noted, the aim of the study is not to make causal claims about the connections between perceptions of legitimacy and perceptions of effectiveness on one hand, and actual effectiveness in terms of outputs, outcomes, and impacts on the other. It is beyond the scope of our study. However, we seek to illustrate how the procedural rules set within the UNFCCC affect non-state actors' perceptions of legitimacy and effectiveness. In turn, we examine how non-state actors perceive the constellation of actors and the policies/institutions likely to be generated as support-worthy, which in turn may have consequences for effectiveness as illustrated in Fig. 1.

Our analysis thus focuses on how non-state actors perceive the legitimacy and effectiveness of the UNFCCC process. When the submissions of state actors were excluded, the number of documents analyzed came to 16 for the 2010 submissions, 56 for the 2016 submissions, 43 for the 2017 submissions, and 8 for the 2018 submissions. We excluded state documents as non-state actors to focus on a singular group – albeit a wide one – in our analysis (see more below).

The submissions were read in full and coded in NVivo. First, they were categorized by who wrote the submission (cases represent type of non-state actor by constituency).[12] Fig. 2 shows the number of submissions per constituency or type of non-state actor for each year of submissions. Next, sections of the submissions that explicitly or implicitly mentioned issues related to legitimacy and effectiveness were coded. To this end, dimensions of legitimacy and effectiveness that have been outlined as important in previous literature were used to identify relevant sections in the submissions: inclusion, transparency, procedural fairness, accountability on one hand; output, outcome, and impact on the other. While the submissions were not explicitly about these topics, a significant number of them mention these dimensions. Overall, the submissions provide insights into what aspects of legitimacy and effectiveness non-state actors themselves perceive to be most pertinent for the UNFCCC process. In what follows we analyse what these submissions say about potential trade-offs between different dimensions of procedural legitimacy and how this impacts support-worthiness (Table 1). We also look at the general issues concerning legitimacy and effectiveness as perceived by non-state actors (Table 2). Finally, we use both to make our key arguments about how perceptions of legitimacy/effectiveness relate to support-worthiness specifically (i.e. between actors), and in terms of support for policies and the institution more generally.

The study thereby provides a novel empirical mapping of perceptions by key non-state actors of the legitimacy of engagement in the UNFCCC process and the GCAA. As our data comes from non-state actors who opt

to submit their views, these might be more 'extreme' views as those with more resources and strongly-held views are likely to make submissions. This, however, is not problematic for our argument concerning the connections between perceptions of legitimacy/effectiveness, support-worthiness, and actual effectiveness. This is because those actors with strong views on the process are more likely to support or derail outputs, outcomes, and impacts. As such focusing on actors with heightened preferences around procedural rules and potential effectiveness is appropriate as a 'most-likely' case design linking the object of study with the hypothesized relationship.[13] Also part of this most-likely design, examining non-state actors (as opposed to state actors) allows us to study these views in the public sphere, which is relatively unmediated compared to official state positions which are typically tightly constrained or filtered at intergovernmental meetings. While studying how states view legitimacy and effectiveness is crucial further work, we focus on non-state actors due to their recent heightened status granted through the Paris Agreement which has broadened and deepened their participation in global climate change governance (Saerbeck et al., 2020; Streck 2020).

5.2. Findings

Our empirical analysis explores non-state actors' perceptions of UNFCCC efforts to engage and enhance non-state action to implement the Paris Agreement. The overall results point to the fact that perceived trade-offs between different dimensions of procedural legitimacy and effectiveness are increasingly coming to the fore as more non-state actors are involved and modes of non-state actor engagement grow. In particular, tensions between different non-state actor groups are becoming more visible as the UNFCCC has developed modes of participation that strengthen the roles of non-state actors as outlined above. As inclusion is opened and deepened to tackle the wide-ranging nature of climate change, it both crystalizes and drives shifts in the perceived legitimacy of the process. We find that conflicting perceptions of what constitutes legitimacy and effectiveness for the work of the UNFCCC has created animosity and discontent amongst large segments of non-state actors.

In Tables 1 and 2 we show examples of trade-offs between different dimensions of procedural legitimacy and effective outcome found in the submissions. This is, actors' perceptions about how procedural rules are affecting potential effectiveness, and their support for the institution more broadly. We further identify non-state actors that mention the issues raised. In essence, Table 1 indicates that the access and representation of a broader set of stakeholders can lead to conflict, thus resulting in lower levels of support-worthiness (Hanegraaff and Poletti, 2018). This, in turn, has implications for effectiveness related to output, outcome, and impact. Beyond explicit trade-offs between different dimensions of procedural legitimacy and effectiveness, we also identify a specific set of factors that may undermine legitimacy and/or effectiveness as perceived by different stakeholders (Table 2). Overall, the central factor producing tension appears to be linked to how different non-state actors perceive of procedural fairness, or the lack thereof, in the UNFCCC process.

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[12] While we look at type of actor, we do not look at geographical spread. Previous work has shown that NAZCA submissions are overwhelmingly from the global North, this kind of measurement is difficult here. The number of submissions is low and the author is not always clear. The submissions also come from NGOs and BINGOs in particular that span many countries, including North and South.

[13] Though it should be noted that those in the UNFCCC might be institutionally more constrained than those in broader (civil society) system of world politics. So while we still consider this a 'most-likely' design, it is possible that civil society feels more excluded procedurally and resistant to outcomes, outputs, and impacts. Comparative research studying the support levels of those within and outside key institutions would be welcome. A limitation in our material is thus that we do not have data on those actors who have decided not to join or have dropped out of participating in the UNFCCC. But the material provides an indication of the key issues of concern amongst a set of participating actors, thereby offering a first assessment of their perceptions of legitimacy and effectiveness of the UNFCCC process.
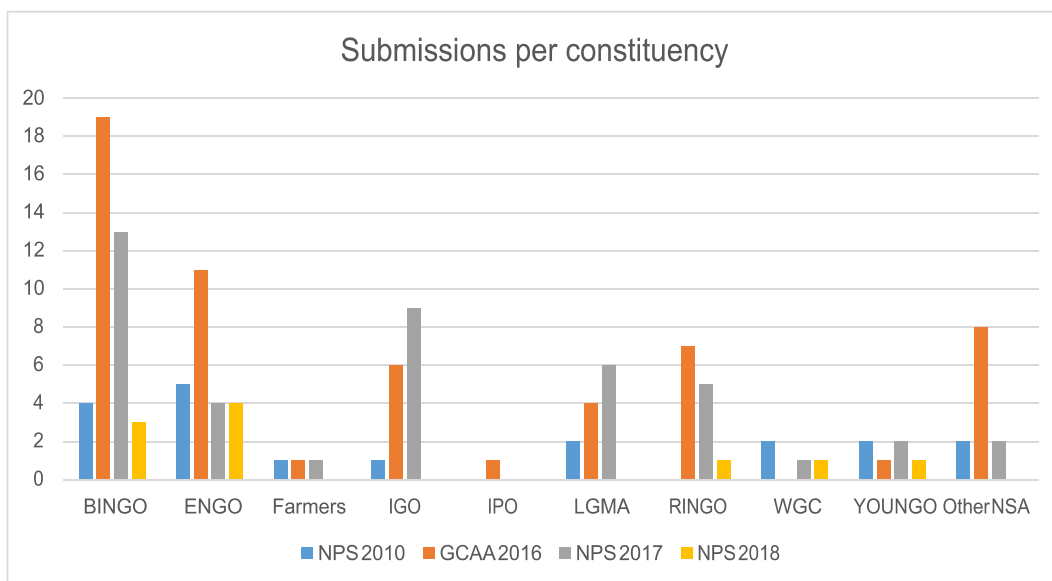
Fig. 2. This figure shows the number of submissions made to the different submission rounds per constituency.

Table 1
Examples of perceived trade-offs between different dimensions of legitimacy found in the submissions to the UNFCCC.

Trade-offs between:	Example	Found in submissions from e.g.
Inclusion/ procedural fairness vs. impact	Conflict of interest issues have been pointed out as a significant challenge to the legitimacy of the UNFCCC's processes. Business groups counter this argument based on the necessity to include all businesses for the effective implementation of the Paris Agreement and based on the principle of non-discrimination	Urging conflict of interest policies at the UNFCCC: CJN (2017); Women and Gender Constituency (2017); Friends World Committee for Consultation (2017); Friends of the Earth Togo (2018); Health of Mother Earth Foundation (2018); Joint Civil Society Submission (2018); Pacific Islands Climate Action Network (2018); WEDO (2018). Against treating businesses differently from other observer groups: Global CCS Institute (2017); Business Europe (2017); IETA (2017); United States Council for International Business (2017); Business Europe (2018); IETA (2018); United States Council for International Business (2018)
Inclusion vs. transparency	Greater participation of actors at the COP has placed limits on access for non-state actors to the negotiations. Without access to the negotiations, transparency is reduced	WBCSD (2010); ICC (2010)
Transparency vs. impact	The means to ensure transparency of the Global Climate Action Agenda should not be too burdensome to discourage participation and implementation of action	WRI (2016); BSR (2016)
Inclusion vs. meaningful action	There is a lack of time in the negotiation process for effective inclusion of non-state actor views	WWF (2010); WEDO (2010); WBCSD (2010); Global CCS Institute (2017)

Table 2
Specific factors that may undermine legitimacy and/or effectiveness as identified in UNFCCC submissions.

Specific factors that may undermine legitimacy and/or effectiveness		
Favourable treatment of particular constituencies or particular non-state actors	Some constituencies or some non-state actors are perceived as being favored above others in the UNFCCC process, thereby undermining legitimacy and effectiveness	WEDO (2018); Global CCS Institute (2017); The Climate Group (2017); United States Council for International Business (2018)
Procedural fairness undermined by non-transparent allocation of accreditation badges	The size of the organization should be one criterion for the allocation of badges to ensure fairer representation	University of California (2017)
Animosity between stakeholders due to lack of procedural fairness	Unclear rules of engagement in for example Global Climate Action Agenda, Action Days or TEMs undermine legitimacy and creates conflicts between actors	World Water Council (2017); Global CCS Institute (2017)
Fair and balanced participation undermined by lack of resources of some groups	Lack of resources means that not all actors (particularly from developing countries) can participate or participate effectively; it is not necessarily the most legitimate non-state actors that get to participate and influence	YOUNGO (2010); WBCSD (2010); ICC (2010); WEDO (2010); Young European Leadership (2017); Women and Gender Constituency (2017); YOUNGO (2017); ICC (2017); WEDO (2018)
Barriers to effective participation for some non- state actors	Interaction with states are generally based on how long the organization has attended COPs, not on democratic grounds	Young European Leadership (2017)

We find that, increasingly over time, non-state actors are split on their views concerning modes of participation for observers. There are particularly three areas of contestation found in the document analysis of submissions: 1) Should all observers be treated equally or should there be differentiation of observers depending on resources and

interests?; 2) Should there be strict requirements about transparency and accountability on participating observers or does this place undue costs on observers and reduce participation?; and, 3) Should there be greater clarity in the rules of procedure on the terms of engagement, or would this distract from other more important matters? We find the first and second issues to be key in driving an increase in contestation and a lack of support-worthiness.

Regarding the first issue, the contestation over inclusion revolves around equality vs fairness.[14] On one hand, with the increase in the interest of non-state actors to participate procedurally at the UNFCCC, contestation has arisen over accreditation of observers and invitations to specific bodies of the UNFCCC. Some are calling for equal treatment for all observers while others call for differential treatment. For example, the Women and Gender group called on the UNFCCC to "ensure equal participation in all meetings, with no imbalanced representation" and provided examples of committees where the Women and Gender constituency only has two seats while the Business and Industry constituency has up to 11 seats. This, they acknowledge, is due to the Women and Gender constituency lacking resources to send additional representatives, but the imbalance they write "results in a significant over-representation and influence that needs to be carefully reviewed" (Women and Gender group 2017).[15] Similarly, the Climate Group write in their submission that "it is important that the UNFCCC's engagement with non-Party stakeholders consider businesses, cities, states and regions in a balanced manner, so that they are all equally included in the process and the impact of their respective actions valued accordingly" (The Climate Group 2017).

Others, however, argue that fair inclusion is not the same as equal inclusion for all observers. When it comes to accreditation to the UNFCCC conferences, for example, the University of California writes that large research institutions are disadvantaged when they receive the same number of accreditations as smaller organizations. They therefore call for "fairer representation of large entities" where the size of the organization should be a factor in determining accreditation (University of California 2017). Youth groups, meanwhile, call on the UNFCCC to support observer groups (particularly from the Global South) that are under-represented: "Fair and balanced participation of each group of stakeholders requires consideration being given to relevant factors affecting the participation of each group. Processes and mechanisms for participation should be designed to minimize inequality and facilitate the participation of those constituencies that are most directly affected and might not have the means for participation without encouragement and support". Without appropriate accreditation, participation can be hampered. Arguing that accreditation can have an impact on perceived effectiveness and thus their support, the World Business Council on Sustainable Development writes: "Without appropriate access, observer organizations will no longer attend the sessions, thereby diminishing the transparency and legitimacy of the negotiations and hindering the process of implementation" (WBCSD 2010).

A second, related, issue concerns the different interests and motives of observer groups. Most prominently, we find that many actors are concerned with 'conflict of interest' issues. That is, many stakeholders are concerned that an enhanced role for non-state actors in the UNFCCC process risks admitting the views of private actors (such as the fossil fuel industry) whose commercial aims to maximize profits contradict the Paris Agreement: achieving net zero emissions in the second half of the 20th century, achieving a 1.5-degree pathway, and leveraging 100 billion dollars of annual finance to these ends (see also Rayner, 2001).

For this reason, states such a Venezuela and Ecuador in 2016 followed by a set of NGOs have called for the UNFCCC to adopt a definition of conflict of interest that can be modelled on the World Health Organization's (WHO) framework for engagement and limiting the access and participation by the tobacco industry (UNFCCC 2017b: 7; Dambacher et al., 2019).

This 'conflict of interest' paradigm usefully helps us think about the potential trade-offs between legitimacy and effectiveness in terms of actors' support-worthiness. From one viewpoint, actors concerned about the inclusion of other groups with a conflict of interest argue that increased involvement risks undermining the legitimacy *and* effectiveness of the UNFCCC. Climate Justice Now (CJN 2017) write that "[I]f Parties wish to protect the integrity and legitimacy of the UNFCCC and arrive at real and timely solutions to the urgent crisis which is climate change, they must create a political space for climate policy decision-making free of interests that go against the ultimate objective of the Convention …". Their submission, along with several other NGOs, calls on the UNFCCC to create rules of procedure that differentiate between observers based on their interests.
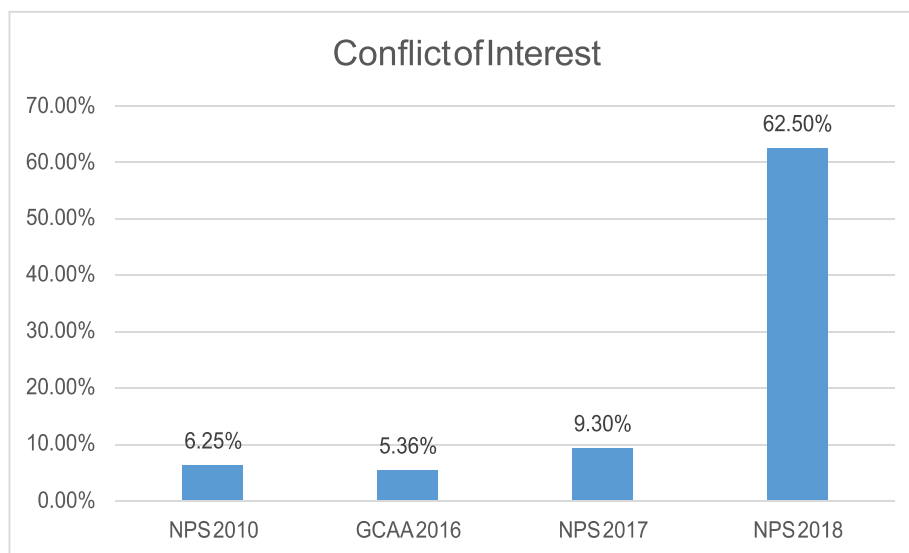
Opposing this, business actors point out that discriminating against certain non-state actors would undermine procedural legitimacy *and* effectiveness as businesses are key actors in the transformation of societies to achieve the goals of the Paris Agreement. According to IETA (2018): "[R]estrictions or prohibitions on business access would miss a huge opportunity to attract its support. In particular, it would risk the loss of private finance and technology at a time when it is needed most". Fig. 3 tracks the percentage of non-state actors concerned over such trade-offs, showing the sharp rise in these concerns after the signing of the Paris Agreement. These examples thus illustrate a trade-off between inclusion as a pure procedural ideal and a lack of additional procedures to measure the quality and credibility of actors and their potential for effective engagement, which leads to contestation between non-state actors about who should be included and on what terms (see also Westman et al., 2020).

Similarly, many of the submissions concern whether there should be strict requirements about transparency and accountability for participating observers or whether this places undue costs on observers and reduces meaningful participation. We find that conflicting perceptions of legitimacy and effectiveness between included non-state actors can have clear effects on support and potentially policy impact. For ENGOs and other environmental groups, inclusion without clear procedural rules about substantive engagement has hampered past impact. As CAN noted in 2016, "[P]ast efforts to integrate commitments from new kinds of actors into high-level, global environmental summits have had mixed results in terms of impact on the ground". They call for non-state actor commitments recorded by the UNFCCC to be quantifiable and verifiable. Similarly, other observers question the use of databases of non-state action where there is no follow-up on commitments to ensure accountability.

In some ways, the 2016 GCAA roadmap recognized this when the High-Level Champions stipulated that inclusion in the process – which grants recognition of climate efforts – must entail tangible targets. Yet others, such as the World Resource Institute, also in 2016, acknowledge that transparency of commitments is important for legitimacy but contend that "it is also important to ensure that the means to enable transparency should not be overly burdensome or discourage participation and implementation of action." Others likewise note, "[T]ransparency and tracking of non-state climate action under the UNFCCC needs to promote the achievement of this action without stifling initiatives with burdensome requirements, and without unduly consuming resources better devoted to the completion of the Paris rulebook" (BSR 2016). This illustrates that non-state actors' perceptions of support-worthiness are linked to how rules of procedure are designed and whether they will generate effective outcomes.

On the third issue – whether there should be greater clarity in the rules of procedure on the terms of engagement, or if this distract from

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[14] For a related debate on the relationship between inclusion and justice, see Stevis and Felli (2020).

[15] All submissions by observers can be found at the UNFCCC submission portal: https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/submissions/submissions-from-non-party-stakeholders (accessed 20 October 2020).

Fig. 3. This figure shows the percentage of submissions per each submission round that explicitly bring up the topic of conflict of interest. The first mention of conflict of interest in 2010 was included in a BINGO submission and written in a different context to the latter submissions.

other more important matters – several submissions highlight that the UNFCCC needs to explain how it involves non-state actors in different events. For instance, at COP22 – under the rubric of the GCAA – the High-Level Champions launched a series of 'Days of Action'. In their submission, the World Water Council (2017) specifically noted that "the mechanisms for engagement, the rules of the game and the future evolution of the GCAA were and still are very unclear. This has created a huge amount of confusion and animosity amongst water stakeholders, who are all rallying for visibility". While the World Water Council explicitly notes that they continue to support this policy, it is also equally clear that confusion, animosity, and conflict can be driven by policies of inclusion absent clear rationale. Given that some degree of policy production is necessary to tackle a collective problem, establishing why actors will promote policy output, or actually seek to induce gridlock, is a crucial element of effectiveness. Moreover, some note that it should not matter whether observers have had much previous interactions with the UNFCCC Secretariat or the Climate Champions to be invited to events but that there should be clear principles set out for fair and balanced participation. Others, however, express hesitation to changing rules and express concern that such discussions may distract from more important topics, such as generating novel solutions to climate issues. This again points at difficult trade-offs – especially concerning what goals should be worked toward – that if left unaddressed could hamper participation and perceptions of support-worthiness.

This demonstrates that actor perceptions about procedural rules and potentialities for effectiveness shape support-worthiness. Although not the core goal of the paper, we reiterate that support likely matters for compliance and in the end actual effectiveness. In terms of output, the policies produced by an organization are impacted by inclusion. This is because non-state actors become involved in different aspects of the policy process, and can hamper or promote these outputs through lobbying, contentious politics, and by promoting domestic rather than transnational interests (Hanegraaff and Poletti, 2018). Securing output, then, hinges on many of the included actors being willing to support – perhaps even promote – these elements. Yet in the case of the UNFCCC, increased inclusion can actually lead to conflict about who else is included, on what basis, and with implications for different policies. On outcome, it is clear that the behavior of non-state actors supporting a policy once in place is driven by procedural legitimacy. Actors with different views on how a collective problem should be solved are reticent to comply with policy that they think is either unfairly developed or

fruitless. For example, the Climate Action Network (2016) stressed in one of their GCAA submissions that "the criterion of participation needs to be strengthened and refined. The need for comparability and transparency of initiatives would require that final outcomes from the initiatives are quantifiable". These anecdotal examples signify that support for a policy – such as the GCAA generally or NAZCA specifically – hinges upon procedural norms. Finally, impact on the ground is also crucial in any problem-solving endeavour. Actors – in this instance non-state actors – need to go beyond producing policy and being willing to comply, but actually striving to make real changes in either their own behaviour or the behaviour of others.

Ultimately, this analysis reflects the trade-offs between perceived legitimacy and effectiveness in the submissions examined here, shaping support for the policy or institution (in terms of manifest collaboration or contestation). As inclusion is expanded to meet the demands of the Paris Agreement, actors are increasingly recognizing – and demanding – official guidelines concerning procedural legitimacy. This is especially true for ENGOs who are concerned about greenwashing by the business sector and therefore demand stronger procedural norms for those with clear conflicts between their organizational goals and the broad mandate of the UNFCCC. While the business sector does occasionally recognize these conflicts, they also understand their own centrality to the collective problem-solving capacity of the UNFCCC. As they view their own inclusion as fundamental to providing solutions, they are much less willing to adopt targets that are more stringent. As such, the inclusion of non-state actors with different rationales for participation (emission reducers, financiers, watchdogs, etc.) is part of the cause for conflicts between different non-state actors. Establishing how these conflicts are manifest, as one instance of support-worthiness, and what this means for the output, outcome, and impact of policy, is essential for tackling climate change writ large.

Thus, our results illustrate that different procedural rules (or lack thereof) impact actors' perceptions and their interests which they themselves state matters for the level of collaboration or contestation. While our data does not allow us to draw causal links to actual effectiveness, the fact that many non-state actors specifically link their own beliefs about procedural rules and potential effectiveness as reasons to support, and then act upon, UNFCCC policies is indicative. It perhaps also speaks to the deeper issue that, as states and non-state actors are currently not doing enough to address climate change, the institutional set-up of the UNFCCC may be one factor hampering effectiveness in

climate governance. While it is debatable which institutional set-up and rules of procedure would be conducive to effectiveness (see e.g. Eckersley 2012), a first step toward reform is acknowledging the conflicts produced by the current set-up. Our analysis has provided some steps in that direction in regards to non-state participation.

6. Conclusions

We conclude by making three points. First, understanding the trade-offs and synergies between legitimacy and effectiveness is essential for any governance system. In the case of the UNFCCC, the Paris Agreement asks for, perhaps even necessitates, an 'all hands on deck' and collaborative multi-stakeholder approach: stringent national targets backed up by voluntary commitments by non-state and sub-state actors. In this study, we have shown that the inclusion of non-state actors in the implementation process – through mechanisms such as the SBI and evolving GCAA – is hampered by different views about what procedural legitimacy standards should be met according to the differentiated roles of non-state actors and how those arrangements will potentially impact the effectiveness of policies. Although non-state actors engage with climate governance for many different reasons and have different understandings of what effectiveness means, implementing the goals of the Paris Agreement is ultimately the key aim. How this aim is to be achieved remains at the heart of contention, however, and we find that different groups are divided over how to understand inclusion (i.e. how to apportion it), and what kinds of conflicts of interest are arising.

Second, the importance of legitimacy concerns follows directly from the collaborative nature of new forms of governance (such as multi-stakeholder partnerships). While divisions have always been present amongst the non-state actors participating in the work of the UNFCCC, contestation is on the rise here between these groups as the modes of participation have evolved and gained a more prominent place in global climate change governance. However there are still calls for stronger embedding of non-state and sub-state climate action in the UNFCCC, through more active orchestration by the UNFCCC Secretariat and Climate Champions, especially to enhance climate ambitions by non-state actors, and to deepen formal monitoring and review of voluntary climate commitments (Streck 2021). Institutionalizing non-state actors and their voluntary commitments as implementation mechanisms may heighten contestation given the different perceptions of civil society and corporate actors on legitimacy and effectiveness of UNFCCC process and outcome. Given the distributional issues at stake and the politicization of climate change, it is unsurprising that conflicting perceptions of legitimacy and effectiveness emerge among and between non-state actors, shaping their views of support-worthiness. Determining the potential problems of these new modes of engagements with non-state actors requires sensitivity to both normative theory and empirical social science (Black 2008).

Finally, and relatedly, the paper calls for the importance of support-worthiness to be taken more seriously as a key to effective implementation with first global stocktake of the Paris Agreement in 2023. Actors have varying beliefs and perceptions with respect to how procedural legitimacy takes shape and what this means for effectiveness. We have shown that perceptions of legitimacy and effectiveness are driven by how actors interact, and on which terms. We have further linked this to some manifestations of effectiveness, though we lack data to look at impacts and therefore leave it to future studies to corroborate this link. Our findings add to empirical illustrations of how governance arrangements can be collaborative or conflictual. As such, the inclusion of non-state actors with very different rationales for participation (emission reducers, financiers, watchdogs, etc.) can cause conflicts between different non-state actors to come to the fore. While beyond the scope of this paper to make prescriptions, it is clear that finding procedural rules that channel these differences, clarify how different modes of participation are justified, and manage disagreements will be essential for securing support-worthiness and its attendant benefits (such as some

forms of effectiveness). This paper has mapped out some of the trade-offs that can arise in this process, which provides a steppingstone toward addressing rules of procedure that are perceived to undermine the support-worthiness of the UNFCCC.

In short, a key challenge for the UNFCCC is to develop modes of engagement that can balance the different dimensions of procedural legitimacy. As the UNFCCC seeks to engage more stakeholders in its work (Saerbeck et al., 2020), and as the impacts of climate change are becoming more and more visible, contestation is likely to continue to rise and participation will fall short if tensions are left unaddressed. Future work should focus on understanding which procedural norms generate variations in support-worthiness and effectiveness, and how power imbalances between stakeholders may affect collaboration or contestation. It is only by understanding these synergies and trade-offs that we can begin thinking about the 'right' procedural rules to adopt in any specific instance.

CRediT authorship contribution statement

Karin Bäckstrand: Conceptualization, Methodology, Investigation, Formal analysis, Resources, Data curation, Writing – original draft, Writing – review & editing, Visualization, Funding acquisition. **Jonathan Kuyper:** Conceptualization, Methodology, Investigation, Formal analysis, Resources, Data curation, Writing – original draft, Writing – review & editing, Visualization, Funding acquisition. **Naghmeh Nasiritousi:** Conceptualization, Methodology, Investigation, Formal analysis, Resources, Data curation, Writing – original draft, Writing – review & editing, Visualization, Funding acquisition, There were no software developments in this article, nor any related supervision.

Declaration of competing interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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