



# WORKING PAPER

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## Supporting international climate negotiators: Lessons from CDKN

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## About this Working Paper

This Working Paper sets out CDKN's initial thinking on how climate change negotiators from the poorest and most climate-vulnerable countries can be supported to have effective, influential voices. It presents a range of examples drawn from the literature and CDKN's experience to date. It is not intended to be a comprehensive analysis but a contribution to the debate; we expect that more in-depth research and practice papers from CDKN and others will follow. For now, readers are invited to share their views – please see details at the end of the paper.

The authors would like to thank the following individuals for their contributions to this paper: Ari Huhtala, Simon Maxwell, Mairi Dupar, Richard Gledhill, Sheila Page, Paul Eastwood and his colleagues from the UK Department for International Development (DFID) and the Department for Energy and Climate Change (DECC). The authors bear final responsibility for its contents.

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## Introduction

A global climate deal that reflects the interests of the poorest and most climate-vulnerable countries is possible only if climate change negotiators from these countries can make themselves heard. For over two years, CDKN has been supporting negotiators from these countries to take part in international climate negotiations. A limited number of other programmes have supported climate change negotiators,<sup>1</sup> but there has been very little analysis directed at their design, monitoring and evaluation (M&E) or performance, and their lessons are not well documented. This working paper highlights some of the lessons learned from CDKN's experience so far and aims to help negotiators, donors and other international climate change policy-makers better understand how best to support international climate negotiators.

The poorest and most climate-vulnerable countries, which have the most to lose from climate change, are also least able to take part in international climate change negotiations. Without support these countries lack the financial resources to send enough delegates to negotiations, or to keep track of the sessions that are important to them. The delegates they do send often have insufficient technical knowledge or negotiation experience, and they may not have the knowledge or networks to form effective alliances. These constraints affect their ability to lobby others on issues that are important for their countries, or to intervene effectively in negotiating sessions, thereby weakening their influence during negotiations.

## Amplifying the voices of the poorest and most climate-vulnerable countries

CDKN has been supporting negotiators from poor and climate-vulnerable countries since July 2011 through its Negotiations Support programme. This programme aims to increase the influence of the poorest and most climate-vulnerable countries in forging an international climate change deal. CDKN, through the Climate Window of the UK Department for International Development (DFID) Advocacy Fund,<sup>2</sup> provides legal and technical support to inform national policy and negotiating positions; facilitates training and capacity building for negotiators; supports planning for (and meaningful participation in) international talks and key meetings; and improves negotiators' access to information about key issues. We are also developing the evidence base on how best to support climate negotiators and assess the impact of this support.

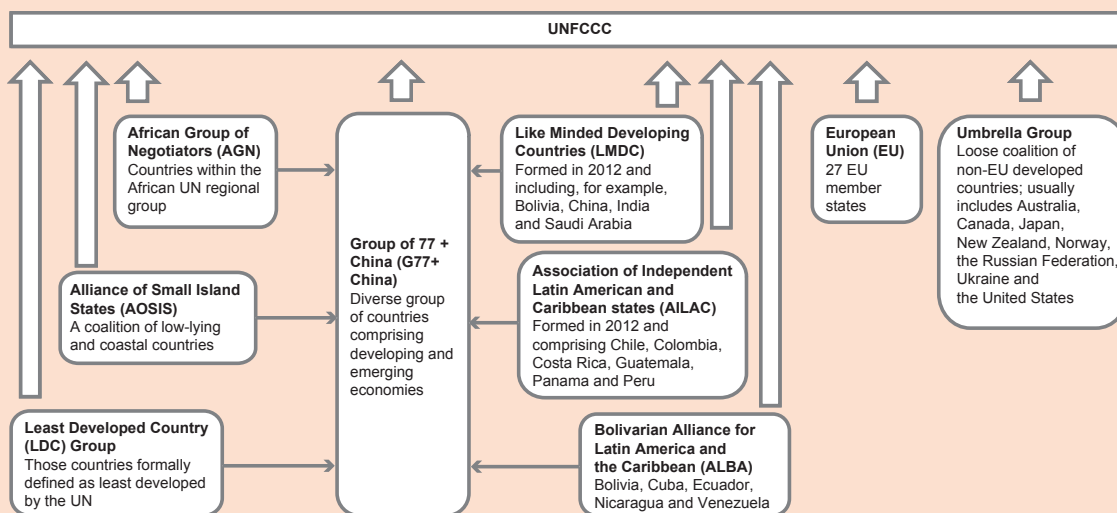
However, in deciding how best to meet this goal, it is necessary to make assumptions about a number of factors, including the effect that support will have on the intended beneficiaries (negotiators from the poorest and most climate-vulnerable countries), what strategies or activities should be supported, how these interact with formal negotiating processes, and what outcomes are feasible given the underlying political economy influencing all of these components.<sup>3</sup>

CDKN's support to negotiators is 'demand led' in response to requests from ministers, negotiators and other officials from the poorest and most climate-vulnerable countries. It is therefore shaped and driven by those it aims to help. However, this principle operates in balance with the broad types of intervention described above, as agreed between CDKN and DFID. We try to maximise the impact our resources have on increasing the influence of the poorest and most climate-vulnerable countries by working, as a priority, with existing negotiating groups (see Figure 1) or with countries where we can engage with leaders in the negotiation process.

In practice, the support we provide varies based on demand. It includes technical support – on issues such as law, climate science and the United Nations Framework Convention on Climate Change (UNFCCC) process – during or between negotiation meetings, as well as support for negotiators to agree strategies and joint positions outside of negotiation sessions.<sup>4</sup> The reasoning behind this approach is set out in CDKN's Negotiations Support 'Theory of Change' (see Box 1).

CDKN assessed the impact of its initial support to negotiators by measuring the change against Dimensions of Change 1–5 (Box 1). The M&E framework used to do this comprised an adapted outcome mapping approach married with a logical framework. This revealed change associated with CDKN's support within each of these dimensions.<sup>5</sup> This Working Paper details six lessons about supporting negotiators that were learned from this impact assessment, each highlighted by case studies and other examples, some of which are referred to anonymously to protect the confidentiality of negotiating groups (see Boxes 2–4).

**Figure 1: Negotiating groups within the United Nations Framework Convention on Climate Change<sup>6,7</sup>**



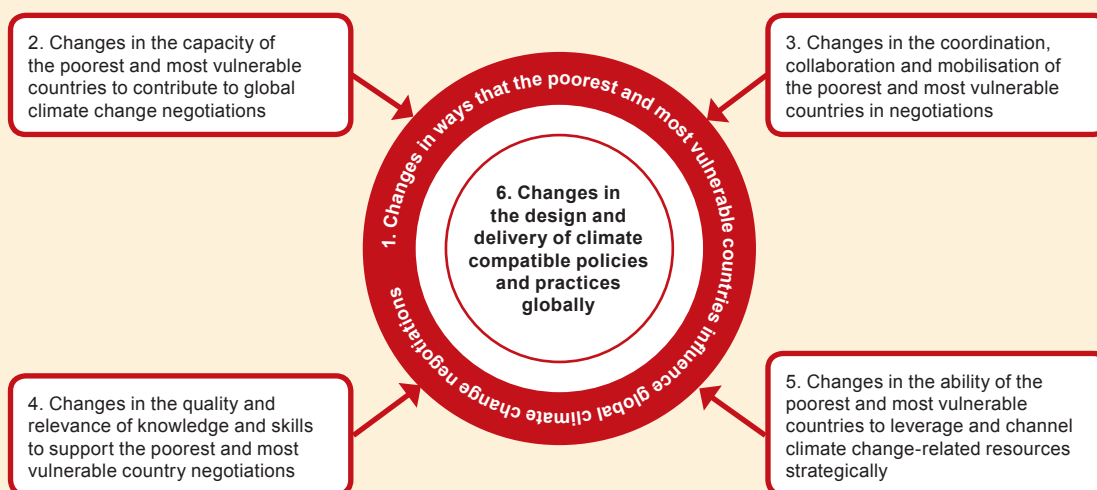
Source: CDKN

### Box 1: Theory of Change and Dimensions of Change

When designing the Negotiations Support programme, CDKN developed a 'theory of change' that articulated its understanding and assumptions about the problems the programme seeks to address, how change may be brought about among negotiators, the interventions CDKN would support, and the types of change needed to achieve the goal.<sup>8</sup>

The types of change included in the Theory of Change, and how they support CDKN's overall goal ('Changes in the design and delivery of climate compatible policies and practises globally') are summarised as six dimensions of change. These are shown in the diagram below.

**Figure 2: Dimensions of Change for CDKN Negotiations Support**



Source: CDKN

## Six lessons for supporting international climate change negotiators

### 1. Delegations benefit from early agreement on joint priorities

Negotiating positions are usually stronger when held collaboratively among country delegations, or even between negotiation blocs, rather than in isolation. Evidence for this can be seen in the alliance that emerged during the 17<sup>th</sup> Conference of Parties to the UNFCCC (COP17) among the EU, LDC and AOSIS groups.<sup>9</sup> This

alliance had a formative influence on the design of the Durban Platform for Enhanced Action.<sup>10</sup> The Durban Platform included agreements to extend the Kyoto Protocol and to develop a globally binding climate deal by 2015 that would be enacted by 2020. These were both key elements of the EU's agreed position prior to the negotiations. The EU formed an alliance with the AOSIS and LDC groups, as well as with other progressive countries involved in the 'Cartagena Dialogue for Progressive Action' (an informal forum of about 45 global North and South countries in favour of ambitious outcomes from the negotiations). Agreement was reached in Durban in part because of the strength of this alliance, which made it more difficult for China and India, among others, to dissent.<sup>11</sup>

Such alliances rarely emerge spontaneously and are usually the result of various bilateral or multilateral meetings among potential partners. Indeed, the above-mentioned 'Durban Alliance' may not have merged if it were not for meetings such as those between negotiators from AOSIS, LDC and the EU within the Cartagena Dialogue. Coordination and mobilisation among groups is more likely to occur where members have been able to agree on priorities in advance meetings. But many negotiators from small delegations only have the opportunity to meet each other face to face in the margins of negotiating sessions, at which time it is too late to undertake research and analysis, reach agreement over technical issues or draft submission text. When negotiation meetings are held they can be poorly attended, especially when invitees are faced with busy negotiation schedules and competing priorities. This can lead to a downward spiral of non-cooperation among countries, even though their interests are aligned.

Supporting delegations or negotiating groups by organising meetings and working sessions in advance of formal negotiations provides them with the opportunity to agree on priorities and plan their approach to upcoming negotiations. Box 2 provides an example of this kind of support. Groups can request further assistance such as the commissioning of new research, training in negotiation skills and support in the writing of negotiating text. Collaborating in advance increases the likelihood that submissions or interventions will be supported by several countries in a negotiating group – or even from other groups.

### **Box 2: Support for Least Developed Countries**

CDKN has funded the International Institute for Environment and Development (IIED) and the consultancy Climate Analytics to provide ongoing support to the Chair of the LDC Group. This has included:

- providing a legal advisor and administrative assistant to the LDC Group Chair
- supporting the LDC Group's strategic planning before and during the UNFCCC negotiation process (for example negotiator workshops, travel and accommodation costs)
- supporting a core team of technical advisors to the Chair drawn from LDCs
- training the LDC negotiation teams in legal, technical and process aspects of the negotiations, as well as in negotiation techniques
- supporting the LDC Group's outreach and communication strategy
- providing an advisor to the LDC Group's representative to the Green Climate Fund and the Standing Committee.

During 2011 and 2012, the LDC Group and its Chair increased their engagement and profile in the negotiations, even being courted by other key negotiators and quoted and featured in a number of international news stories. Gambia, representing the LDC Group, was cited as playing a key role in forging the Durban Alliance that emerged at COP17.<sup>12</sup>

## **2. Delegations require continuity between meetings**

Delegations are convened by a country or negotiating group for each formal negotiation session, although members may also attend meetings between sessions throughout the year. Since negotiating themes are often interrelated – for example technical discussions about monitoring REDD+<sup>13</sup> may impact upon the content of discussions on measurement, reporting and verification (MRV) – it is important for members of a delegation to communicate with one another so that countries or negotiating groups can present a consistent position among different meetings and over time.

However, such consistency can be undermined in a number of ways. When the chairing and staffing of a negotiating group is handed over from one country to another, that accumulated knowledge can be lost and the incoming Chair and members may not have the experience to perform their role. Delegations often rely on a limited pool of experienced negotiators, who often have other responsibilities outside of climate negotiations. Problems can arise when these delegates are asked to take on extra responsibilities such as

serving as thematic coordinators within groups. Also, small delegations – as many delegations from poor countries are – feel the effect of the natural turnover of members more keenly than do larger delegations. Paradoxically, donor assistance can actually exacerbate these issues in that delegates who have benefitted from support and been recognised for their experience may be asked to take on responsibilities elsewhere in the negotiations or are recruited by outside organisations, leaving a vacuum in the team.

Therefore, projects should consider ways to help maintain the ‘institutional memory’ that exists within delegations. CDKN has done this in a number of ways: by supporting the development of web-based resources for storing and sharing negotiation documents and strategies for future reference; by making training available to less experienced negotiators, such as supporting their ‘shadowing’ of senior colleagues; and by ensuring continuity of support services to negotiating groups so that, when the Chair and country changes, there is less knowledge lost.

### 3. Administrative support is critical to maximise limited time and resources

Climate negotiations are complex, with numerous negotiating tracks taking place in parallel. Bilateral and multilateral meetings occur in the margins of these, as well as many other informal meetings. These meetings can be central to reaching agreements. Yet, as negotiations intensify, many meetings are subject to change at the last minute.

Without administrative support, new delegates can feel overwhelmed and confused. Smaller delegations are at a disadvantage even before the negotiations begin: unless booked early, flight and accommodation costs can be prohibitively expensive, with smaller groups unable to take advantage of scale discounts. On arrival, even experienced negotiators can waste valuable time and miss opportunities trying to determine which meetings are taking place where.

CDKN has funded administrative support to several negotiating groups during and between negotiating sessions. Such support – which is inexpensive compared to technical support – has lifted the burden of coordinating meetings from negotiators, freeing up their time to focus on the technical substance of negotiations.

### 4. Delegations benefit from technical assistance during and in advance of negotiations

The content of the UNFCCC negotiations has expanded to cover not just climate science, but also such issues as international law, trade, other development issues and, more recently, financial instruments.

Acquiring technical knowledge of these various issues remains a barrier for poor and climate-vulnerable countries. While larger delegations may be able to recruit technical specialists, smaller or poorly resourced delegations often cannot afford such expertise. Furthermore, delegates are sometimes selected from government departments based on seniority rather than relevant experience, and this can also limit a country’s capacity to influence negotiations.

Technical support can include the production of briefing papers in advance of negotiations, or the provision of technical advice on legal or scientific issues, either in the negotiation room itself or remotely. Boxes 3

#### **Box 3: Support to the Republic of the Marshall Islands**

CDKN funded the non-profit diplomatic advisory group, Independent Diplomat, to provide advice and technical assistance to the Republic of the Marshall Islands, and through the Marshall Islands, to support the work of AOSIS. In 2011/12, the Marshall Islands coordinated AOSIS working groups on mitigation (including MRV) and on legal issues.

During the first year, CDKN support enabled the Marshall Islands to author or contribute to 38 submissions and textual proposals in the UNFCCC process, and provided 160 other written outputs for the Marshall Islands and AOSIS, including diplomatic and technical briefings, talking points, statements, press releases and legal analysis. CDKN support also allowed Independent Diplomat to sit alongside the Marshall Islands and other AOSIS negotiators and provide advice during climate negotiations and related meetings.

Independent Diplomat’s work has helped the Marshall Islands to establish itself as a vocal and active force within the formal UNFCCC negotiations and in other diplomatic forums. In particular, the Marshall Islands is an active participant in the Cartagena Dialogue for Progressive Action, an informal grouping of developed and developing countries seeking ambitious outcomes from the climate negotiations. The Marshall Islands has also developed and begun implementing a new climate diplomacy strategy, which aims to integrate climate change considerations into the country’s foreign policy and all of its diplomatic encounters.

and 4 show examples of such technical support and the outputs produced that, while important to monitor for project management and accountability reasons, can be more difficult to assess for their impact (these issues are considered in a separate CDKN Working Paper<sup>14</sup>).

#### Box 4: Legal support in the UNFCCC process

The Legal Response Initiative (LRI) was set up in 2009 to help provide *pro bono* legal advice on climate change to developing countries. Through training, briefing papers, legal opinions and real-time assistance, LRI seeks to reduce the disparity among negotiators and non-governmental organisations (NGOs) in the climate negotiations.

The LRI leverages expertise offered *pro bono* by lawyers from private practice law firms, NGOs, members of the bar and academics. It operates at three levels:<sup>15</sup>

- Liaison officers represent the LRI at all negotiation sessions and work with delegates to draft legal queries requiring advice.
- A core team runs a 'situation room' based in London at the city firm Simmons & Simmons, which fields legal queries drafted by the liaison officers to a legal expert who is located in a convenient time zone.
- A network of legal advisors is responsible for providing the legal advice within the timeframes requested by the delegates.

CDKN has been funding the LRI's running costs since November 2011, enabling the registered charity to scale up their legal support service, extend their network of *pro bono* advisers and provide specific legal training to negotiators.

During the first year of CDKN's support, the LRI provided advice in response to 105 legal queries. Some advice took the form of draft negotiation text that was placed directly into text submissions – or of legal analysis that was responsible for interventions – by a number of countries.

CDKN is trying to replicate the LRI rapid response model in the area of climate finance. In November 2012 CDKN launched the Climate Finance Advisory Service, which will offer answers to queries from climate finance negotiators (during and between meetings of the Green Climate Fund and UNFCCC), briefing materials, and a website with access to all information provided.

CDKN's impact assessment suggests that this type of technical support can increase negotiators' knowledge of technical areas, as well as their ability to draft negotiation text and make other interventions (see Box 5). Yet, while this does seem to produce results, it raises the question of whether these benefits are sustainable in the longer term, after donor funding for technical consultants ceases. Therefore CDKN has also supported a number of training courses and workshops, which are more akin to conventional long-term capacity building. It is difficult to track the impact of these on performance in the negotiations, but we believe that such training is still very important: we have collected anecdotal evidence from participants on how they consider their own skill levels have improved, and they feel empowered by the experience.

#### Box 5: The impact of pre-meeting support

In the run-up to COP17 and in Durban, Pa Ousman Jarju, then Chair of the LDC Group, received technical and legal advice on key issues from Achala Chandani of IIED, who was funded by CDKN. Ms Chandani provided preparatory briefings to Pa Ousman and the LDC Group. Pa Ousman commented:

*"I was part of all the high-level meetings and was called by the COP President twice to ensure that there is an outcome acceptable to LDCs during the final AWG [Ad Hoc Working Group] plenaries.<sup>16</sup> The LDC Group agreed to the Durban outcome because it met most of our demands. This is the first time we have been recognised as one of the key brokers in the UNFCCC negotiations and we are proud to be associated with it.*

*This would not have been possible without the support of Achala and her team, the core team and everybody who provided support in any form through the CDKN support to the LDC Group."*

### 5. Impact on negotiating outcomes is possible, and can happen quickly, but it is difficult to assess

CDKN's Negotiations Support projects to date have included several examples of capacity building outcomes, both at the level of individual negotiators as well as within delegations or negotiating groups. Examples include feedback from negotiators citing increases in their own individual technical capacity, such as in their knowledge of the UNFCCC process or their negotiating skills, as well as in the institutional capacity of a delegation or group to function, for example being better able to organise itself or to support communication and learning among its members.



It has also been possible to observe examples where negotiators, delegations or groups that have received support have increased their influence over negotiating outcomes. Influence can be exerted over negotiations during a relatively short time and by a relatively small number of individuals or institutions. This is due to the nature of the negotiating process, which requires governments to develop positions quickly and which often results in formal decision texts that can then be ratified by national governments and turned into policy (such as the Kyoto Protocol).

Measuring a group's influence over negotiating outcomes is not easy. Objective evidence could be provided through direct observation during negotiations by a third party, but this is time- and resource-intensive. A reasonable first measure of increased influence is to identify instances where text from submissions that reflect group interests can be found within final decision texts from COPs or inter-sessional meetings.

However, it is difficult to demonstrate that these examples of increased influence are solely attributable to the support provided to negotiators – such as technical assistance – or that they would not have happened anyway. Interactions among the multiple parties within any international negotiation process are complex. This makes it unlikely that resulting deals will be solely attributable to the strength of the negotiating position held by any one country or group of countries. The deal will also be influenced by a variety of other factors (described above), including political economy.<sup>17</sup> Demonstrating the influence of any country or negotiating group may require triangulation between a variety of sources of information, both formal (such as negotiating texts) and anecdotal (such as observations by other negotiators) – information that can be difficult or time-consuming to collect.

A linear causal chain, which links outputs of support directly to 'capacity building' or to 'policy influence' outcomes may therefore oversimplify the reality of what happens before, during and after negotiations: outcomes may happen because of, or despite, the capacity that exists among the individuals in a negotiation room (not least because of the underlying political conditions that exist among Parties). CDKN has addressed these complexities in developing an M&E framework for measuring the impact of its negotiations support. This is discussed further in the CDKN Working Paper 'A monitoring & evaluation framework for supporting international climate negotiators'.<sup>18</sup>

## 6. Neutrality and confidentiality need to be respected

Box 6 explains CDKN's guiding principle of maintaining neutrality and confidentiality in the support it provides to negotiators. This is particularly important if the donors who support negotiators are funded by countries that are also party to the negotiations. Indeed, CDKN Negotiations Support is funded principally by the UK Government, whose negotiation position may not be consistent with those poorest and most climate-vulnerable countries that CDKN supports.

Donor support for negotiators can create tensions when reporting the successes of support programmes, for example if the supporter claims the credit for a negotiation success. It can also create tension when sharing information for the benefit of other negotiators, because this information may need to remain confidential to avoid undermining the beneficiary's negotiating capital.

Risks associated with any negotiations support project, such as breaches of confidentiality, reputational damage or the perception of political pressure, should be identified and agreed during project planning in a way that is transparent to all those who are directly affected. Appropriate steps should be agreed to mitigate these risks, in order to preserve real and perceived neutrality and confidentiality.

### Box 6: Neutrality and confidentiality

A guiding principle of CDKN's Negotiations Support is the maintenance of neutrality and confidentiality. The negotiating position of a country is a sovereign issue. Thus, it is critical that support is provided in a neutral manner that does not seek to impose a negotiating position on the beneficiary. Negotiators need to own their positions – and the thinking that informs them.



## Conclusions and implications

The poorest and most climate-vulnerable countries have the most to lose from climate change, but they typically lack the resources and expertise to fully represent their interests in international climate negotiations. There is a need to level the playing field with those who have a stronger voice.

Raising the capacity of international climate negotiators to represent their own concerns during the UNFCCC and related negotiations is possible with the right kind of support. CDKN's experience in supporting international climate negotiators to date has yielded six broad lessons. These lessons highlight the major challenges that smaller delegations face and point to best practices in supporting their negotiation efforts.

In summary:

- Negotiating groups should be supported to meet and collaboratively agree on their priorities and how best to achieve them in advance of key negotiation meetings.
- The operation of groups can be improved by ensuring that there is continuity during the handover of key roles between countries and in the turnover of key negotiators.
- Support does not need to be complex: providing administrative help to delegations (such as scheduling meetings) can free negotiators up to concentrate on the business of negotiation. But technical support is also key, both inside and outside of negotiations.
- Measuring and monitoring the effectiveness of this type of support is not straightforward, and an approach should be identified early. Changes in both capacity and influence should be tracked, but limitations in the ability to demonstrate attribution should be acknowledged.
- Care must be taken in work supporting negotiators to ensure neutrality and confidentiality. Risks to neutrality and confidentiality associated with any negotiations support project should be identified and agreed during project planning, and appropriate steps should be agreed to mitigate them.

## Endnotes

- 1 They include the African Development Bank Support to the African Group of Negotiators, the Institute of Development Studies' 'Building and Strengthening Institutional Capacity on Climate Change' programme, and Climate Analytics and the Potsdam Institute for Climate Impact Research's 'Survive' programme.
- 2 See CDKN's web page 'International climate negotiations': <http://cdkn.org/themes/climate-negotiators/>
- 3 These four components of multilateral negotiations – actors, strategies, process and structure – were identified by Sjostedt (2006).
- 4 A full listing of the projects supported under the Negotiations Support programme can be found under the International Climate Negotiations section of the CDKN website: [http://cdkn.org/projects/?s=&fq=themecats\\_taxonomy%3A%22International%20climate%20negotiations%22|type%3A%22project%22|language\\_taxonomy%3A%22en\\_gb%22&core&loclang=en\\_gb](http://cdkn.org/projects/?s=&fq=themecats_taxonomy%3A%22International%20climate%20negotiations%22|type%3A%22project%22|language_taxonomy%3A%22en_gb%22&core&loclang=en_gb)
- 5 See Jefford, S., Hamza-Goodacre, D. and Simister, N. (2013).
- 6 As described in United Nations 'Party Groupings'.
- 7 This diagram is not intended to comprise an exhaustive list of negotiating groups and does not reflect the joint membership and other inter-relationships that exist between groups.
- 8 The authors can provide the Advocacy Fund Theory of Change on request.
- 9 See BBC (2011).
- 10 See van Schaik (2012).
- 11 See van Schaik (2012).
- 12 See BBC (2011).
- 13 Reducing emissions from deforestation and forest degradation plus the role of conservation, sustainable management of forests and enhancement of forest carbon stocks.
- 14 Jefford, S., Hamza-Goodacre, D. and Simister, N. (2013).
- 15 See <http://legalresponseinitiative.org/operation.html>
- 16 Ad hoc working groups are formal committees of delegates within the UNFCCC that consider how to implement elements of the agreements.
- 17 See Sjostedt (2006).
- 18 Jefford, S., Hamza-Goodacre, D. and Simister, N. (2013).

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## About CDKN

The Climate and Development Knowledge Network (CDKN) aims to help decision-makers in developing countries design and deliver climate compatible development. We do this by providing demand-led research and technical assistance, and channelling the best available knowledge on climate change and development to support policy processes at the country level. CDKN is managed by an alliance of six organisations that brings together a wide range of expertise and experience.



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