

Breaking the Deadlock: Why and How Voting Can Advance the Climate Negotiations 30 Years On

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Executive Summary

Since 1989, governments have negotiated agreements and decisions to combat climate change, yet international cooperation continues to lag dangerously behind what science demands. We are at a critical juncture: time is running out, but the international community still has the tools to act decisively. The International Court of Justice (ICJ) recently reaffirmed that international cooperation on climate change is a matter of legal obligation, and States cannot negotiate their way out of their responsibility. Yet, a key factor limiting progress in the United Nations Framework Convention on Climate Change (UNFCCC) has been the reliance on consensus decision-making, which often results in lowest common denominator outcomes.

This consensus-based approach contrasts with practice in many other UN forums, where decision-making by qualified majority or other forms of voting is the norm. Voting allows negotiations to move forward without giving any single country veto power over the outcome. Experience shows that when voting is possible, negotiations tend to be more productive, compromise solutions are more constructive, and final agreements adopted by consensus are often stronger and more ambitious than they would be under a strict consensus requirement.

This paper examines the use of voting as the standard practice in other UN processes and the lessons it offers for the UNFCCC. It explores how such procedures have been applied in practice and considers procedural pathways to reform decision-making within the UNFCCC. The aim is to identify actionable strategies that can accelerate climate action while there is still time to respond effectively to the climate crisis.

The Problem

For more than thirty years, countries have been participating in negotiations aimed to stop dangerous climate change through multilateral cooperation. Yet, the annual growth in

global emissions of greenhouse gases is accelerating¹—wreaking havoc around the globe and negatively impacting peoples’ lives and livelihoods, destroying the environment, and, in the most extreme cases, threatening to displace entire populations and submerge States. Countries and communities facing this harm are left with few means to address it.

Why—despite the clear scientific evidence and lived reality of climate change—does progress under the UNFCCC remain so slow? One reason is crystal clear: governments with vested interests in the status quo and no desire to bear responsibility for the escalating crisis are able to block consensus, thereby paralyzing decision-making and preventing the ambitious outcomes that science and justice require.

The reality of a process that is limited to consensus-based decision-making – in particular when it is poorly defined and stringently applied – is a race to the bottom where one Party or a small minority of Parties can hold the negotiations hostage. The result is a stalemate that most often leads to less ambitious decisions in an attempt to appease the conservative minority.² Various examples in the history of the UNFCCC demonstrate how the insistence on consensus has led to slower and less ambitious outcomes, including on the following critical issues:

- Fossil fuels: It took 28 Conferences of the Parties (COPs) to recognize the need to move away from fossil fuels—despite them being the known primary driver of climate change, responsible for 68 percent of total greenhouse gas (GHG) emissions and 90 percent of all carbon dioxide emissions.³ When the Parties finally decided to take on coal for the first time at COP26 in Glasgow, objections by a handful of countries led to a last-minute ‘huddle’ which watered text down from a “phase out” of coal to a “phase down.”⁴

¹ UNEP, Emissions Gap Report, p. 5 (2025), www.unep.org/resources/emissions-gap-report-2025 (noting that “In 2024, they reached a record of 57.7 GtCO₂e, representing a 2.3 per cent (1.4 GtCO₂e) increase from the previous year (figure 2.1, table 2.1) (Crippa et al. 2025). This rate is high compared with the 2023 growth rate (1.6 per cent). It is more than four times higher than the annual average growth rate in the 2010s (0.6 per cent per year) and comparable to that of the 2000s (on average 2.2 per cent per year). At the same time, atmospheric CO₂ concentrations rose to 423.9 parts per million in 2024, while CH₄ and N₂O concentrations also continued to increase (World Meteorological Organization [WMO] 2025a).”).

² See, e.g., Joanna Depledge, “Guest post: The challenges of consensus decision-making in UN climate negotiations,” *Carbon Brief* (Mar. 5, 2024), www.carbonbrief.org/quest-post-the-challenge-of-consensus-decision-making-in-un-climate-negotiations.

³ United Nations, Causes and Effects of Climate Change, www.un.org/en/climatechange/science/causes-effects-climate-change.

⁴ See Seth Borenstein & Jamey Keaten, “Agreeing to agree: Everyone must come to consensus at COP28 climate talks, toughening the process,” *Associated Press* (Dec. 11, 2023), apnews.com/article/consensus-climate-change-cop28-gore-702d7774066a35e49454d59a220e02f0; United Nations: Climate Action, “COP26 Day 13: An agreement to build on,” www.un.org/en/climatechange/cop26-day-13-agreement-build.

- Science and 1.5°C: After asking the Intergovernmental Panel on Climate Change (IPCC) for a report on the impacts of global warming of 1.5°C and related pathways, Parties could not even “welcome” it due to objections from three countries.⁵
- Loss and damage: Decades-long denial of the need to address loss and damage can at least partially be explained by the consensus-based decision-making model. From the very start of the UNFCCC, the US has taken a hard-line position on the topic, allowing others to hide behind them as there was no threat of voting. At COP26, the US was still leading the opposition to proposals by developing countries on loss and damage finance, preventing the establishment of any mechanism.⁶ While one can only speculate, it is highly probable that the significant pressure in 2022 and at COP27 that forced the EU to change position, isolating the US and eventually leading to the establishment of the Fund for Responding to Loss and Damage,⁷ could have come much earlier in a majority-based decision-making model.
- Agenda fights: Proposed new agenda items have often stalled the start of climate conferences and taken precious time from critical negotiations. For example, after the failure of COP29 in Baku to adopt an ambitious climate finance goal in line with legal obligations, the G77 and China proposed an agenda item on Article 9.1 of the Paris Agreement ahead of the 62nd session of the Subsidiary Bodies of the UNFCCC (SB62). The inability of Parties to come to consensus on this proposal, or take it to vote, postponed the start of the negotiations for almost 2 days. Similarly, a disagreement on an agenda item, notably on decision-making, at the 38th session of the Subsidiary Body of Implementation (SBI38) blocked the entire body from commencing work that session as the Russian Federation, Belarus, and Ukraine consistently objected and rejected any proposed compromise on proceeding.⁸ Current practice means that this extreme scenario could happen again.

Overall, thirty years of COP decisions, negotiations growing in size, agenda items, dialogues, and work programmes have not achieved the objectives of the UNFCCC: to prevent dangerous climate change. This model of decision-making has created a situation and a regime in which the same Parties that continually fail to comply with agreed outcomes or satisfy their duties under the UNFCCC and Paris Agreement nonetheless continue to shape the collective framework.

⁵ IISD, Summary Report, 2–15 December 2018: Katowice Climate Change Conference - December 2018, enb.iisd.org/katowice-climate-change-conference-cop/summary-report.

⁶ Third World Network, Loss and Damage Fight at COP26, Nov 19 2021, twn.my/title2/climate/news/glasgow01/TWN%20Climate%20News%20Update_No17_19Nov2021.pdf

⁷ E&E news, “U.S. isolated on loss and damage”, www.eenews.net/articles/u-s-isolated-on-loss-and-damage/ IISD, Earth Negotiations Bulletin, “Summary of the Bonn Climate Change Conference”, 3–14 June 2013, enb.iisd.org/events/bonn-climate-change-conference-june-2013/summary-report-3-14-june-2013

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Consensus Blocks Ambition – and For Now, Adoption – of a Global Plastics Treaty

The development of a new environmental treaty is shedding new light on a decades-old problem: consensus-only decision-making. Negotiations on an international legally binding instrument on plastic pollution (Intergovernmental Negotiating Committee on Plastic Pollution, INC) are currently at a stalemate due to a weaponization of consensus, with a handful of countries blocking the majority from moving forward.

Similar to the Rules of Procedures (RoPs) used by default for the adoption of MEAs over the past 60 years, the provisionally adopted RoPs for the INC allow for two-thirds majority voting as a “last resort” (Rule 38.1).⁹ However, building on decades of experience derailing the UNFCCC decision-making process, a small group of countries led by petro-states tried to reopen provisionally approved RoPs during INC-2 to set a new precedent. After two days of blocking the meeting, it was decided to introduce an interpretive statement indicating that there is disagreement on rule 38.1.¹⁰ The result is that while the provisional rules allow for voting on substantive issues, the practice has been to aim for consensus on everything, and at all cost, to avoid further procedural blockage. This has effectively led to a failure to reach an agreement with already two additional meetings achieving no outcome, mainly due to a handful of oil-producing countries blocking discussions and preventing the adoption of a treaty that would control the production of plastics or regulate toxic plastic components.

The big difference with the UNFCCC is that the draft RoPs being applied in the INC actually allow for qualified majority decision-making on substantive matters and therefore countries have the tools at hand to break the deadlock. Civil society has been urging Parties to move ahead with a vote in the interest of securing an ambitious Plastics Treaty and saving multilateralism.¹¹ Going forward, those aiming for a progressive and effective treaty will have to invoke the rules and call for a vote when consensus is not possible. This will not only be critical to set ambition levels where they need to be, but also has implications for the future of the Plastics negotiations once an agreement is reached. The INC still has to decide on how decision-making will happen at COPs, and a walk down the UNFCCC consensus-path must be avoided at all cost.¹²

⁹ UNEP/PP/INC.1/3, “Draft rules of procedure for the work of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment”, Nov 17, 2022, wedocs.unep.org/bitstream/handle/20.500.11822/41260/Draft_Rules_Procedure_E.pdf

¹⁰ IISD, Earth Negotiations Bulletin, Daily report for 31 May 2023, 2nd Session of the Intergovernmental Negotiating Committee to Develop an International Legally Binding Instrument on Plastic Pollution, Including in the Marine Environment (INC-2), enb.iisd.org/plastic-pollution-marine-environment-negotiating-committee-inc2-daily-report-31may2023.

¹¹ Climate Home News, “Show courage to vote for a strong plastics treaty, campaigners urge countries”, Aug 12, 2025, www.climatechangenews.com/2025/08/12/show-courage-to-vote-for-a-strong-plastics-treaty-campaigners-urge-countries/

¹² Center for International Environmental Law, 10 Things To Know About INC-5.2, The Final Stretch in the Fight For a Global Plastics Treaty (July 22, 2025), www.ciel.org/things-to-know-plastics-treaty-geneva/.

The Solution

Consensus-based decision making is of course not all bad—in fact, it should be the aspiration. As Angela Merkel – president of COP1 – has noted “... a search for consensus is important even with qualified majority voting. When you’re not dependent on getting unanimity and a qualified majority is possible, you should still try to find a consensus. But, of course, the search for consensus must not be used as a blockade.”¹³ It is better if all countries agree fully on the necessary steps to meet the objectives. While consensus should remain the preferred option, it cannot be the only option.

Having procedures in place for decision-making by voting in the absence of consensus is valuable for a variety of reasons.

1. Brokering consensus: the prospect of voting can induce Parties that would otherwise block progress to come to the table and work together rather than publicly display their opposition, and potentially their isolation, in a vote
2. Overcoming minority blockers: the prospect of voting means that one Party, and in reality one powerful Party, or small group of Parties cannot continue to block decisions.
3. Allowing the majority to move forward: it can allow for greater ambition because it enables the global majority who want effective climate action to continue to push and not succumb to pressure and less ambitious outcomes for fear of not getting any agreement.
4. Exposing those who block progress: it ultimately exposes the Parties who are trying to block progress. Too often, negotiations go behind closed doors and the public is left to speculate about who is to blame when outcomes fail to meet the moment. Having transparent voting means that those who do not want the ambitious outcome have to declare it to the world.



¹³ David Herszenhorn et al, “Poland, failing to tar tusk, paints itself into a corner,” *Politico* (Mar. 10, 2017), www.politico.eu/article/poland-failing-to-tar-donald-tusk-paints-itself-into-a-corner-eu-council-president/; Henry G. Schermers & Niels M. Blokker, “International Organizations or Institutions, Voting Rules and Procedures,” *Max Planck Encyclopedia of International Law* (Dec, 2021), opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e498#.

Brokering Consensus: Resolution Requesting the Advisory Opinion on Climate Change from the International Court of Justice

In 2023, the UN General Assembly (UNGA) adopted the resolution requesting an advisory opinion on climate change from the ICJ by consensus.¹⁴ Arguably not every country supporting the resolution fully endorsed the two questions put forward, but none was willing to isolate itself by calling for the vote knowing that it would go forward. Thus, the possibility of voting enabled the ultimate adoption by consensus of the resolution.

Voting does not undermine multilateralism, it enhances it. The High-Level Advisory Board on Effective Multilateralism (HLAB) that was established by the United Nations Secretary-General called the overreliance on decisions by consensus a frequent obstacle to effective multilateralism as it “allows a small number of States to block action that is clearly needed to address issues of global concern.”¹⁵ In recommending a shift towards qualified majorities, the HLAB explicitly mentioned the role it could have addressing long-standing shortcomings in environmental governance.

Importantly, voting in multilateral fora is far from unprecedented. As detailed in the fourth section of this brief, many multilateral institutions, such as the UNGA, conferences of the parties for environmental agreements, and human rights institutions allow for voting in at least some circumstances. Even institutions directly related to the UNFCCC, like the Green Climate Fund (GCF), have procedures for voting in the absence of consensus.

Recent Relevant Example: Voting on a COP host

As COP30 begins, the question of which Party will preside over COP31 remains unsettled. No agreement has been reached on the choice between Australia+Pacific States and Türkiye. At the most recent Convention on Biological Diversity (CBD) COP, Parties faced a similar conundrum with no consensus on whether to have the next COP in Azerbaijan. Ultimately, Parties agreed to have a secret ballot vote in line with rule 46 of the CBD’s Rules of Procedure.¹⁶ While this was a procedural decision, not a decision concerning substantive policy outcomes, it is not irrelevant, especially given the considerable time that Parties spend discussing hosting matters. It stands as another demonstration of how a majority vote could help unlock effectiveness and boost the efficiency of the process.

¹⁴ UNGA, Resolution 77/276 Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change, UN Doc. A/Res/77/276 (Apr. 4, 2023), docs.un.org/en/A/RES/77/276.

¹⁵ High-Level Advisory Board on Effective Multilateralism (HLAB), *A Breakthrough for People and Planet: Effective and Inclusive Global Governance for Today and the Future* (New York: United Nations University, 2023).

¹⁶ Convention on Biological Diversity, Draft proceedings of the meeting, CBD/COP/16/L.1, pp. 6–7 (Nov. 1, 2024), www.cbd.int/doc/c/f8db/776f/0c155c403be48987bff29f86/cop-16-l-01-en.pdf.

Why Now?

30 Years and Counting

The UNFCCC was signed in 1992, and since then, nearly thirty COPs have taken place. It's been ten years since the Paris Agreement was signed in 2015. Despite these multilateral agreements and their near-universal ratification, Parties continue not to deliver. Far from a halt to dangerous climate change, the years since the adoption of the UNFCCC have seen the opposite. Escalating climate change has led to a dramatic rise in climate damages and a corresponding rise in climate litigation. And COP after COP has failed to put us on the path necessary to keep the temperature rise below 1.5°C.

2025 should have been a critical year in the Paris Agreement's ambition cycle, with Parties submitting new and more ambitious Nationally Determined Contributions (NDCs). Yet, with a mere 64 new NDCs included in the UNFCCC synthesis report,¹⁷ two-thirds of countries have failed to live up to even the simplest obligation of submitting a plan, let alone upholding their duty to ensure the plan is in line with limiting warming to 1.5°C. The consequences of this flagrant flouting of climate duties are all too real: 2024 saw annual emissions grow to new highs.¹⁸

Multilateralism is at an All Time Low

Multilateralism is under threat in general due to a variety of factors, such as rising authoritarianism and a failure to hold States accountable for persistent breaches of international law. The credibility of COPs is at an all-time low, with trust shattered. Last year's COP29 proved to be the culmination, with many describing it as the worst they had ever seen.¹⁹

The answer, however, is not to abandon cooperative action, but to enhance it, not to reject it, but to remake it. We cannot afford to give up or despair. Effective multilateralism is the basis of any effective solution to the climate crisis, and strengthening the existing systems, as well as adopting new ones, is the only way forward. Climate change is a global problem—it knows no borders as harmful activities and harmful impacts do not necessarily

¹⁷ UNFCCC, 'Nationally determined contributions under the Paris Agreement. Synthesis report by the secretariat.' (28 October 2025), FCCC/PA/CMA/2025/8, unfccc.int/sites/default/files/resource/cma2025_08.pdf.

¹⁸ WMO, Carbon dioxide levels increase by record amount to new highs in 2024 (Oct. 15, 2025), wmo.int/news/media-centre/carbon-dioxide-levels-increased-record-amount-new-highs-2024.

¹⁹ Carol Schaeffer, "The 'Worst COP' Concludes with a 'Heartbreaking' Climate-Finance Deal," *The Nation* (Nov 27, 2024), www.thenation.com/article/environment/cop29-baku-climate-final-deal/; Matt McGrath, "Huge deal struck but is it enough? 5 takeaways from a dramatic COP29," *BBC* (Nov. 24, 2024), www.bbc.com/news/articles/cp35rrvv2dpo; Laura Paddison, "The UN climate summit ended in bitterness and accusations of betrayal. Now fears are growing for its future," *CNN* (Nov. 25, 2024), www.cnn.com/2024/11/25/climate/cop-failures-future.

take place in the same country. It is therefore critical that the international climate treaty regime functions and is implemented in a way that enables the achievement of its ultimate goals.

Effective Cooperation on Climate is a Legal Obligation

The ICJ was explicit in its recent Advisory Opinion on the legal obligations of States in respect of climate change²⁰: “Climate change is a common concern. Co-operation is not a matter of choice for States but a pressing need and a legal obligation.”²¹ The Court’s opinion made clear that States must use all means at their disposal to prevent climate harm in line with their obligations under the UNFCCC and Paris Agreement as well as under other conventional and customary international law. States are responsible not just for their actions, but for their inaction on climate, including the failure to regulate private conduct or to cooperate in implementing global solutions. In the face of an ever more urgent climate crisis, the Court said, the legal duty of States to cooperate in preventing climate harm and protecting human rights from climate impacts requires them to determine whether existing treaties and their implementation are fit for purpose or whether additional cooperative action must be taken, including new obligations.²² Currently, the UNFCCC and Paris Agreement are not serving their purpose. That means States have a legal obligation to fix the existing regime, to ensure it is capable of delivering the required ambition at COPs and beyond, or to supplement it through additional avenues for cooperative action to prevent harm. And a prime place to start is by allowing for voting.

Increasing Calls for Reform

The slow pace or complete lack of progress under the UNFCCC has not gone unnoticed. The lack of progress has led to the development of new treaty initiatives, domestic and regional lawsuits, and requests for advisory proceedings from the ICJ as well as regional human rights courts and the International Tribunal for the Law of the Sea, to clarify States obligations to act on climate change and the consequences for breaching those. Increasingly, various actors are calling for a reform of the process,²³ including the incoming COP Presidency, highlighting the need for COP reform²⁴ and mandating a “Circle of

²⁰ International Court of Justice, *Obligations of States in Respect of Climate Change*, Advisory Opinion, para. 94 (July 23, 2025), www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf.

²¹ *Id.* at para. 308.

²² *Id.* at para. 307 (“The customary duties of States to co-operate and to prevent significant harm to the environment constitute a legal standard for determining whether any existing forms of co-operation, including treaties and their implementation, still serve their purpose and whether further collective action must be undertaken, including the establishment of further treaty-based obligations.”).

²³ See, e.g., Carbon Brief, *COP Experts: How Could the UN climate talks be reformed?*,

www.carbonbrief.org/cop-experts-how-could-the-un-climate-talks-be-reformed/; United Call for Urgent Reform of the UN Climate Talks, www.ciel.org/wp-content/uploads/2025/06/United-Call-to-Action-TheCOPWeNeed.pdf; Club of Rome, www.clubofrome.org/cop-reform-2024/.

²⁴ Third COP President-Designate letter (May 23, 2025), unfccc.int/sites/default/files/resource/Third_CPD_Letter.pdf.

Presidencies” to seek solutions on strengthening multilateralism and global climate governance²⁵ as well as proposing new ideas for climate governance.²⁶ Any meaningful reform of the UNFCCC must scrutinize its consensus-based decision-making model, which lies at the core of the ineffectiveness of the climate regime.

Voting is not elusive in other forums; on the contrary, many other multilateral spaces allow for voting. The option for voting is not always used, and its application depends on the topic, but it remains an option and something Parties have in their back pocket to help achieve more ambitious outcomes in various processes [See annex for more information on the rules that other institutions have and instances where they have voted].

How to Do This Under the UNFCCC

Currently, there are two options on the table that seem the most straightforward ways to move the UNFCCC from a consensus-based model to a model that allows for a qualified majority to make decisions when consensus cannot be reached. This does not exclude the possibility of other pathways existing or being developed.

Adopting the Rules of Procedure

The draft rules of procedure contain rules for voting, including options for how to proceed when all efforts to reach consensus have been exhausted, and also contemplate having different voting rules depending on the type of decision being made. For decades, COPs have taken place using the [draft rules of procedure](#) primarily because Parties cannot agree on the provision on voting. The paragraphs on voting have remained in brackets, so have not been applied.

Every year, the adoption of the rules of procedure is on the agenda of the COP and therefore they could be adopted, including with rule 42 on the process for voting in the absence of consensus. In relation to this agenda item, every year COP Presidencies are meant to hold consultations on the matter, and therefore any Presidency has the tools at hand to prioritize this matter if they wish to do so.

Ever since the deadlock triggered by the Russian Federation, Belarus, and Ukraine at SB38, the Presidencies are also supposed to hold consultations on the matter. However,

²⁵ COP30, Circle of Presidents, (Sept 4, 2025) cop30.br/en/brazilian-presidency/cop-30-circles/circle-of-presidents

²⁶ Speech by President Lula at the 3rd Session of the G20 Leaders' Meeting: Energy Transition and Sustainable Development in Rio de Janeiro (Nov 19, 2024), www.gov.br/planalto/en/follow-the-government/speeches-statements/2024/11/speech-by-president-lula-at-the-3rd-session-of-the-g20-leaders-meeting-energy-transition-and-sustainable-development.

consultations on both agenda items are often seen as a formality and have not yielded any results.²⁷

Benefits and Challenges

Adopting the draft rules of procedure potentially would be the most straightforward path. Having the draft rules of procedure adopted would unlock the benefits discussed above. Technically, the rules of procedure, like all other decisions, have to be adopted by consensus under the current practice. For thirty years this has not been possible as Parties have blocked their adoption from COP1,²⁸ and those Parties who have resisted doing so in the past can continue to block their adoption.



²⁷ Joanna Depledge, "Guest post: The challenges of consensus decision-making in UN climate negotiations," *Carbon Brief* (Mar. 5, 2024), www.carbonbrief.org/guest-post-the-challenge-of-consensus-decision-making-in-un-climate-negotiations.

²⁸ Depledge, *supra*.

Relevant Text from the Draft Rules of Procedure

Rule 41

1. Each Party shall have one vote, except as provided for in paragraph 2 of this rule.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Rule 42

[1. Alternative A

The Parties shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting, except:

(a) as otherwise provided by the Convention, the financial rules referred to in Article 7, paragraph 2 (k) of the Convention or the present rules of procedure[.] [;]

[(b) for a decision to adopt a proposed protocol, which shall be taken by [consensus] [a three-fourths majority of the Parties present and voting]][.] [;]

[(c) for decisions under paragraph 3 of Article 4 and paragraphs 1, 3 or 4 of Article 11 of the Convention, which shall be taken by consensus.]

1. Alternative B

Decisions on matters of substance shall be taken by consensus, except that decisions on financial matters shall be taken by a two-thirds majority vote.

2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the Parties present and voting [, except that adoption of a motion or proposal to close or limit debate or the list of speakers shall require a two-thirds majority vote of the Parties present and voting].

3. If the question arises as to whether a matter is one of a procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.

4. If, on matters other than elections, a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

5. For the purposes of this rule, the phrase "Parties present and voting" means Parties present at the meeting at which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.]

Amending the Convention

Under Article 15 of the Convention, any Party is able to propose an amendment to the Convention. Amendments have to be adopted by the COP and under article 15(3) which allows for voting by three-fourths majority as a last resort. Additionally, Paris Agreement,

article 22 states that the UNFCCC provisions on adoption of amendments (article 15) applies to amending the Paris Agreement.

In 2011, Mexico and Papua New Guinea put forward a proposal to amend Articles 7 and 18 of the Framework Convention.²⁹ This proposal would amend Article 7 of the Convention so as to indicate that Parties shall agree and adopt financial rules, but not rules of procedure, by consensus, and acknowledge that the COP would not adopt the rules of procedure “at its first session.” It also proposed amending Article 18 on the right to vote to specify when a vote shall take place. The proposed additions on voting (see text box) echo that of rules of procedure for other fora.

Additions to Article 18 contained in the proposal from Mexico and Papua New Guinea:

- Without prejudice to the provisions of paragraph 3 of Article 15, the Parties shall make every effort to reach agreement on all matters by consensus. If such efforts to reach consensus have been exhausted and no agreement has been reached, a decision shall, as a last resort, be adopted by a three-fourths majority vote of the Parties present and voting, except the following which shall be taken by consensus:
 - a. the financial rules referred to in Article 7, paragraph 2 (k) of the Convention;
 - b. decisions under paragraph 3 of Article 4 and paragraphs 1, 3 or 4 of Article 11 of the Convention.
- For the purpose of this Article, Parties present and voting’ means Parties present and casting an affirmative or negative vote.

While the proposed amendment was formally submitted and has been discussed by Parties at COP17 and COP18 , it has yet to be adopted. However, it has continued to be included on the provisional agenda for every COP thereafter.

Benefits and Challenges

Unlike adopting the rules of procedure, amending the Convention and/or the Paris Agreement would only require agreement from three-quarters of the Parties. This lower threshold could allow rules on voting to overcome the objections of the countries that have blocked a movement away from consensus since COP1. Further, adopting this amendment would alleviate the need to include voting rules in the Rules of Procedure and therefore could unblock their adoption.

An amendment would have to be ratified by all Parties again and Parties could in theory, decide not to, not all Parties could ratify an amendment and therefore may refuse to be

²⁹ Note they submitted the amendment originally in May 2011 and then submitted an amended version in December at COP17. unfccc.int/documents/6777

bound by it. Thus, there could be different rules on voting for different Parties.³⁰ Also, Parties would have to be willing to discuss the agenda item and take a decision on it. For over ten years, this has not happened.

Models to Adopt

There is no one way that all bodies make decisions, with some choosing a simple majority system and others using a supermajority (two-thirds, three-quarters, etc) or even double majorities, among others. There are also models by which Parties opt-in or opt-out of amendments to a Convention depending on whether they voted for them. These potentials may be delved into in a further iteration of this paper. To read more about these options, see this paper on “Effective Decision-Making³¹.”

Conclusion

The climate crisis is too dire to continue calling incremental steps representing the lowest common denominator “progress.” Science tells us that we are halfway through a critical decade in which we must stop fossil fuel expansion and definitively shift away from a fossil economy. Not doing so will have dire consequences for millions of people around the world, many of whom are already suffering the brunt of climate impacts. The global majority have been demanding climate justice for decades. The option to vote will not solve all the problems, but it is a critical tool to unblock ambition under the UNFCCC and Paris Agreement.

³⁰ See Legal Response Initiative, Analysis of the Proposal by Mexico and PNG to amend the COP’s voting rules (Nov. 24, 2011), legalresponse.org/wp-content/uploads/2013/09/BP36F-Briefing-Paper-Mex-and-PNG-Proposal-to-amend-voting-procedures-in-the-UNFCCC-24-November-2011.pdf.

³¹ www.ciel.org/Publications/effectivedecisionmaking.pdf.

Annex I

Decision-making in Other Forums

U.N. Institutions

Institution	Rules for Voting
United Nations General Assembly (UNGA)	<p>UN Charter, Art. 18(1): “Each member of the General Assembly shall have one vote.”</p> <p>Art. 18(2): Decisions on “important questions,” which include issues around peace and security, elections, and expulsion of Members, among others, “shall be made by a two-thirds majority of the members present and voting.”</p> <p>Art. 18(3): “Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.”</p> <p>(Also reflected in the UN General Assembly Rules of Procedure, rules 82–85)</p>
UN Human Rights Council (HRC)	Follows the UN General Assembly Rules of Procedure
United Nations Environment Assembly (UNEA) of the United Nations Environment Program (UNEP)	<p>Rules of Procedure:</p> <p>Rule 48: Each member of the UNEA shall have one vote.</p> <p>Rule 49(1): “Except where the present rules of procedure expressly provide otherwise, decisions of the United Nations Environment Assembly shall be made by a majority of the members present and voting.”</p>
World Health Organization (WHO)	<p>Rules of Procedure:</p> <p>Rule 70: “Decisions by the Health Assembly on important questions shall be made by a two thirds majority of the Members present and voting. These questions shall include: the adoption of conventions or agreements; the approval of agreements bringing the Organization into relation with the United Nations and with intergovernmental organizations and agencies in accordance with Articles 69, 70 and 72 of the Constitution; amendments to the Constitution; appointment of the Director-General; decisions on the amount of the effective working budget; and decisions to suspend the voting privileges and services of a Member under Article 7 of the Constitution.”</p> <p>Rule 71: “Except as stipulated otherwise in these Rules, decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority,</p>

	shall be made by a majority of the Members present and voting.”
International Maritime Organization (IMO)	<p>IMO Convention: Article 62(b): “Decisions shall be by a majority vote of the Members present and voting and, for decisions where a two-thirds majority vote is required, by a two-thirds majority vote of those present.”</p> <p>Rules of Procedure of the Assembly Rule 31: “decisions of the Assembly and of its subsidiary bodies shall be made, elections, including those subject to the provisions of Article 16 of the IMO Convention, determined, and reports, resolutions and recommendations adopted by a majority of the Members other than Associate Members present and voting.”</p>

Other Multilateral Environmental Agreements

Treaty	Rules for Voting
Convention on Biological Diversity (CBD)	<p>Rules of Procedure: Rule 40(1): the rule for voting on decisions on matters of substance, which posits potentially allowing for decisions to be passed with a two-thirds majority vote, is bracketed. Rule 40(2): “Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the Parties present and voting.”</p>
Montreal Protocol	<p>Rules of Procedure: Rule 40(1): “Unless otherwise provided by the [Convention] or by the Protocol, decisions of a meeting on all matters of substance shall be taken by a two-thirds majority vote of the Parties present and voting, except as otherwise provided in the Terms of Reference for the administration of the Trust Fund.” Rule 40(2): “Decisions of a meeting on matters of procedure shall be taken by a simple majority vote of the Parties present and voting.”</p>
UN Convention to Combat Desertification (UNCCD)	<p>Rules of Procedure (Decision 1/COP.1): Rule 47(1): the rule for voting on decisions on matters of substance is bracketed, which posits potentially allowing for decisions to be passed with a two-thirds majority vote. Rule 47(2): “Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the Parties present and voting.”</p>
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	<p>Rules of Procedure (as amended in 2019) Rule 28(1): “Except where otherwise provided for under the provisions of the Convention, these Rules or the Terms of Reference for the Administration of the Trust Fund, all votes on procedural matters relating to the conduct of the business of the</p>

	<p>meeting shall be decided by a simple majority of the Representatives present and voting, while all other decisions shall be taken by a two-thirds majority of Representatives present and voting.”</p>
<p>Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention)</p>	<p>Rules of Procedure Rule 39(1): “The Contracting Parties present and voting shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement reached, the decision shall, as a last resort, be taken by a simple majority vote of the Contracting Parties present and voting, unless otherwise provided by the Convention, ...” Rule 39(2): “Decisions of the Conference of the Parties on matters of procedure shall be taken by a simple majority vote of the Contracting Parties present and voting.”</p>
<p>Basel, Rotterdam & Stockholm Conventions (BRS Conventions)</p>	<p>Rules of Procedure for the BRS Conventions Basel Convention Rule 40(1): “The Parties shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement reached, the decision shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting, unless otherwise provided by the Convention, the financial rules referred to in paragraph 3 of article 15 of the Convention and the present rules of procedure.” Rule 40(2): “Decisions of a meeting on matters of procedure shall be taken by a simple majority vote of the Parties present and voting.” Rotterdam and Stockholm Conventions Rule 45(1): On substantive matters, the text allowing for voting in the absence of consensus is in brackets, but posits doing so by a two-thirds majority Rule 45(2): “Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the Parties present and voting.” While voting is allowed on substantive issues, under the Rotterdam Convention, the actual listing of substances on Annex III, thus requiring prior informed consent before trading, requires consensus. To list a substance, it first goes through the Chemical Review Committee that does the scientific assessment and recommends it to the Conference of the Parties (COP) for approval to list in Annex III. This has resulted in some chemicals being recommended by the Committee and not being listed due to opposition from a small group of Parties.</p>
<p>Agreement under the United Nations Convention on the Law of the Sea on the Conservation and</p>	<p>Part III: Measures Such as Area-Based Management Tools, including Marine Protected Areas Art. 23(1): “As a general rule, the decisions and recommendations under this Part shall be taken by consensus.”</p>

Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ Agreement)	Art. 23(2): “If no consensus is reached, decisions and recommendations under this Part shall be taken by a three-fourths majority of the Parties present and voting, before which the Conference of the Parties shall decide, by a two-thirds majority of the Parties present and voting that all efforts to reach consensus have been exhausted.”
United Nations Convention on the Law of the Sea (UNCLOS)	<p>UNCLOS establishes numerous bodies and each has its own decision-making process, including rules for voting when there is no consensus. One such example is the International Seabed Authority, Assembly:</p> <p>Article 159(7): “Decisions on questions of procedure, including decisions to convene special sessions of the Assembly, shall be taken by a majority of the members present and voting.”</p> <p>Article 159(8): “Decisions on questions of substance shall be taken by a two-thirds majority of the members present and voting, provided that such majority includes a majority of the members participating in the session.”</p>

UNFCCC and related bodies

Institution	Rules for Voting
United Nations Framework Convention on Climate Change (UNFCCC)	<p>UNFCCC, Article 15: The Parties shall make every effort to reach agreement on any proposed amendment to the Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting.</p>
Green Climate Fund (GCF)	<p>Decision B.23/03: Procedures for decision making in the event that all efforts at reaching consensus have been exhausted. When the GCF Board co-chairs make every attempt to reach consensus and then determine that all efforts to reach consensus have been exhausted, then the GCF Board votes on a decision with each member getting one vote. “If at least a four-fifths majority of Board members present and voting vote in favour of the draft decision, the draft decision shall be considered adopted, unless four or more developed country Board members or four or more developing country Board members vote against it.”</p>
Adaptation Fund	<p>Rules of Procedure, para. 45: “If all efforts to reach a consensus have been exhausted and no agreement has been reached, decisions shall be taken by a two-thirds majority of the members present at the meeting on the basis of one member, one vote.”</p>
Fund for Responding to	<p>Decision 1/CP.28, Annex I (Governing Instrument), para. 26:</p>

Loss and Damage (FRLD)	Decisions of the Board will be taken by consensus. If all efforts at reaching consensus have been exhausted and no consensus is reached, decisions will be taken by a four-fifths majority of the members present and voting. The Board will develop procedures for determining when all efforts at reaching consensus have been exhausted. The Board will adopt procedures for taking decisions between meetings
Paris Agreement Implementation and Compliance Committee	Rules of Procedure, Decision 24/CMA.4 , Annex I, Rule 9: If all efforts to reach consensus have been exhausted, then there can be a vote with each member having one vote. “A decision that is voted in favour of by at least three quarters of members present and voting shall be considered adopted.”

Voting in Practice

While consensus is the preferred norm in many multilateral institutions (i.e. the Human Rights Council, many other MEAs), in most institutions voting can and does happen, and has allowed for ambitious decisions to move forward. Some institutions regularly vote, while others do so only in instances where consensus cannot be reached. As regards the latter, this can often enable progress (i.e. when the HRC establishes monitoring mechanisms). Below is a non-exhaustive overview of examples of voting in multilateral fora in practice.

Institution/Convention	Examples of Voting
CITES	Parties regularly vote during Committee meetings, including at COP, and will even vote on text during discussions of decisions if wording cannot be agreed upon. ³²
World Health Assembly	The Pandemic Agreement was originally adopted through a vote by States in a Committee, and that was followed by it being adopted by consensus by WHO Member States. ³³
UN Convention on the Law of the Sea	After all attempts to reach consensus were exhausted, UNCLOS itself was adopted by a vote at the request of the United States of America. ³⁴

³² CITES, Summary record of the eleventh session for Committee I (2022), cites.org/sites/default/files/documents/E-CoP19-Com-I-Rec-11-R1_0.pdf; CITES COP11 Decisions on Amendment Proposals (2000), cites.org/eng/cop/11/decisions.shtml (showing voting on numerous animal listings); Mike Gaworecki, “CITES CoP17 closes after key votes on elephants, lions, pangolins, rosewood, and more,” [Mongabay](https://news.mongabay.com/2016/10/cites-cop17-closes-after-key-votes-on-elephants-lions-pangolins-rosewood-and-more) (Oct. 5, 2016), news.mongabay.com/2016/10/cites-cop17-closes-after-key-votes-on-elephants-lions-pangolins-rosewood-and-more.

³³ World Health Organization, “World Health Assembly adopts historic Pandemic Agreement to make the world more equitable and safer from future pandemics” (May 20, 2025), www.who.int/news/item/20-05-2025-world-health-assembly-adopts-historic-pandemic-agreement-to-make-the-world-more-equitable-and-safer-from-future-pandemics.

³⁴ The United Nations Convention on the Law of the Sea: Multilateral Diplomacy at Work (Dec. 28, 2014), www.un.org/en/chronicle/article/united-nations-convention-law-sea-multilateral-diplomacy-work.

Convention on Biological Diversity:	At the most recent CBD COP, Parties voted to break the stalemate on whether to have the next COP in Armenia or Azerbaijan. ³⁵
Stockholm Convention	In 2015 at COP7, seeing a deadlock due to one Party opposing the listing of a substance in the Convention’s Annex A (elimination), the Parties took a vote, for the first time ever, in order to list the Persistent Organic Pollutant (90 in favor, 2 against, 8 abstained). ³⁶
Human Rights Council	In 2021, the HRC established the mandate for the Special Rapporteur on human rights and climate change through a vote where 4 countries abstained and 1 country voted no, but that was not enough to block the resolution from passing. ³⁷
Rotterdam Convention	At COP9, a vote was called for after a few Parties rejected the proposal to form a compliance committee, including a party noting that consensus shouldn’t be used to block progress. Given the stalemate, there was a vote and Parties overwhelmingly (120 in favor, 6 against) adopted the new annex VII. ³⁸ At COP11, Parties continued to disagree on listing chemicals in its Annex III despite the Chemical Review Committee (CRC) ³⁹ recommending them and some of the recommended chemicals being in limbo for over a decade with a few Parties opposing the listing for several COPs. To try to break the stalemate, Parties voted on whether to create a new annex to list chemicals that the CRC recommended listing, but that could not be approved by the COP (such as chrysotile asbestos). However, this amendment failed to pass as it fell short of the three-fourths majority needed (92 voted in favor, which is less than three quarters of the 132 Parties present and voting), thus the stalemate continues. ⁴⁰
Green Climate Fund	Since the adoption of the voting procedures in 2019, the GCF

³⁵ IISD (Oct. 31, 2024, enb.iisd.org/un-biodiversity-conference-cbd-cop16-31Oct2024 (noting that the Convention on Biological Diversity had to take a vote on where to have its next COP “An evening plenary addressed organizational matters and held a vote on the venue of ... COP 17 ... With 65 votes, Armenia was elected host of COP 17, with Azerbaijan receiving 58 votes.”); Convention on Biological Diversity, Draft proceedings of the meeting, CBD/COP/16/L.1, pp. 6–7 (Nov. 1, 2024), www.cbd.int/doc/c/f8db/776f/0c155c403be48987bff29f86/cop-16-l-01-en.pdf.

³⁶ UNEP/POPS/COP.7/36 Report of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants on the work of its seventh meeting (2015) para 145 ff; Giulia Carlini, “Chemical CoPs: Mixed Results with a Surprising, Small Revolution at the 11th Hour” (May 22, 2015), www.ciel.org/chemical-cops-mixed-results-with-a-surprising-small-revolution-at-the-11th-hour/.

³⁷ Geneva Environment Network, “Environment @ 48th Session of the UN Human Rights Council” (Oct. 8, 2021), www.genevaenvironmentnetwork.org/resources/updates/environment-48th-session-of-the-un-human-rights-council/.

³⁸ UNEP/FAO/RC/COP.9/23 Report of the Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade on the work of its ninth meeting (2019), para 145 ff.; IISD, Daily Report for 8 May 2019: 2019 Meetings of the Conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions (2019), enb.iisd.org/events/2019-meetings-conferences-parties-basel-rotterdam-and-stockholm-conventions/daily-report-8.

³⁹ The Chemical Review Committee (CRC) is a subsidiary body of the Convention that can recommend substances to the COPs for listing in its Annex III and thus fall into its prior informed consent procedure.

⁴⁰ UNEP/FAO/RC/COP.11/25 Report of the Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade on the work of its eleventh meeting (2023) para 139 ff.; IISD, “The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade” (Apr. 8, 2025), enb.iisd.org/articles/rotterdam-convention.

	Board has voted several times, which has enabled funding proposals to move forward to approval over the objection of a minority of Parties. ⁴¹ In 2025, the first funding proposal was rejected using voting when five developed country Board members voted in opposition. ⁴²
International Maritime Organization	In April 2025, the IMO voted to adopt a Net Zero Framework. ⁴³ However, in October, following a campaign against it from a handful of Parties, the IMO Parties then voted to postpone full adoption of the net-zero framework for another year. ⁴⁴

About CIEL

Founded in 1989, the Center for International Environmental Law (CIEL) uses the power of law to protect the environment, promote human rights, and ensure a just and sustainable society. CIEL is dedicated to advocacy in the global public interest through legal counsel, policy research, analysis, education, training, and capacity building.

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⁴¹ See, e.g., Report of the forty-second Meeting of the Board, 20 June–3 July 2025, GCF/B.42/19/Rev.01 (2025), <https://www.greenclimate.fund/sites/default/files/document/report-forty-second-meeting-board-30-june-3-july-2025-gcf-b42-19-rev01.pdf> (detailing the vote on FP274); Report of the 40th meeting of the Board, 21–24 October 2024, GCF/B.40/24 (2025),

www.greenclimate.fund/sites/default/files/document/report-meeting-fortieth-meeting-board-21-24-october-2024-gcf-b40-24.pdf (detailing votes on multiple funding proposals: FP244, FP247); Report of the twenty-fourth meeting of the Board, 12–14 November 2019, GCF/B.24/18 (2020), www.greenclimate.fund/sites/default/files/document/gcf-b24-18.pdf (explaining voting on FP082); Liane Schalatek & Charlene Watson, Climate Finance Fundamentals 11 (Nov. 2019), [us.boell.org/sites/default/files/2019-11/CF11%202019%20%5BENG%5D%20DIGITAL.pdf](https://www.boell.org/sites/default/files/2019-11/CF11%202019%20%5BENG%5D%20DIGITAL.pdf) (describing the voting on FP082 and how it had been stalled for several meetings).

⁴² See Forty-third meeting of the GCF Board, Consideration of funding proposals [part I] (Oct. 2025), www.greenclimate.fund/boardroom/meeting/b43#videos (see the discussion of SAP052)

⁴³ IMO approves net-zero regulations for global shipping (April 11, 2025), www.imo.org/en/mediacentre/pressbriefings/pages/imo-approves-netzero-regulations.aspx; see also Safety 4 Sea, IMO decides to Postpone Net-Zero Framework (Oct. 17, 2025), safety4sea.com/imo-decides-to-postpone-adoption-of-net-zero-framework.

⁴⁴ Fiona Harvey, “Shipping emissions levy shelved as countries bow to US pressure,” [The Guardian](https://www.theguardian.com/environment/2025/oct/17/shipping-emissions-levy-shelved-as-countries-bow-to-us-pressure) (Oct. 17, 2025), www.theguardian.com/environment/2025/oct/17/shipping-emissions-levy-shelved-as-countries-bow-to-us-pressure; Tosca Ballerini, The United States Halted Adoption of the Net Zero Framework (Oct. 25, 2025), www.renewablematter.eu/en/united-states-halted-the-adoption-of-the-net-zero-framework.