

Influencing International Environmental Policy: An Assessment

Of the Methods and Impacts of Environmental NGOs

by

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ABSTRACT

International environmental policy (IEP) has the potential to influence the quality of life or the possibility of life, for virtually every organism in the world. Inputs from states and non-state actors shape the substance of such policy. Recently, numerous researchers have studied the role of non-governmental organizations (NGOs) in the formation of IEP. State-centric approaches claim little to no influence on the part of NGOs, while other researchers insist that NGOs have an important role in policy formation. In this paper, a detailed framework is used, which identifies the methods of influence available to NGOs and a variety of factors that may enable or constrain their efficacy. Numerous interviews were conducted with NGO representatives to help inform the framework's emphases. The framework is employed to test the claims of various commentators by ascertaining the extent of NGO policy influence at two recent international conferences: the 1999 International Joint Commission Biennial Conference, and the 2001 Conference of the Parties, Part II, to the United Nations Framework Convention on Climate Change. It is found that NGO policy influence at both conferences ranged from none to slight. The best method of influence available to NGOs is found to be the shaping of public opinion in powerful states, so that it is agreeable to NGO demands. The findings bolster state-centric claims, which place contemporary international political power largely in the hands of governments. Additionally, the findings acknowledge the power of public opinion in forming the preferences of governments. Lastly, public opinion in more powerful states is found to be more significant, in terms of policy influence, than its counterpart in less powerful states.

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CHAPTER ONE

INTRODUCTION

Influencing International Environmental Policy: An Assessment
Of the Methods and Impacts of Environmental NGOs

Transnational Environmental Non-governmental Organizations (TENGOs) are purported by some observers to be experiencing increasing influence on the world stage. Some researchers assert that the current importance of NGOs in contemporary international environmental policy creation can hardly be overemphasized.¹ Others note that TENGOs such as Greenpeace now boast a "consultative status" at the United Nations and command a seat at decision-making and discussion tables at UN sponsored international environmental gatherings, when little more than a decade ago the representatives of such groups could best be heard via their demonstrations and protests *outside* of various gatherings.

However, other observers doubt that the influence of TENGOs is increasing, arguing that the presence of TENGOs at international environmental conferences is tokenistic and that their influence is severely limited by, among other things, their status as non-governmental organizations in a world still dominated by states. For example, while Article 71 of the UN Charter formally recognizes NGO involvement in the UN system, it does not grant NGOs more tangible forms of power—i.e., voting rights. Other observers argue that the level of professionalism and competence to be found in

¹ L.K. Caldwell, International Environmental Policy: Emergence and Dimensions, (Durham: Duke University Press) 1990: 313.

numerous environmental NGOs leaves much to be desired and that in the worst cases, the efforts of such organizations can even exacerbate the problems they set out to solve.²

Thus, while the number of TENGOS readily found at international environmental conferences is said by virtually all observers to be steadily increasing, the debate over the ability of TENGOS to influence the procedures and policy outcomes of such conferences is far from settled.

In light of the aforementioned debate, this research project investigates the experiences of select TENGOS at two recent international environmental conferences, with the aim of ascertaining whether TENGOS can be said to be successfully influencing the processes and the final policy declarations of these gatherings. The primary goals of the study are twofold: to systematically analyze the efficacy of various methods of influence available to TENGOS, and to identify factors which affect the extent of TENGOS influence over conference policy results.

The two recent international environmental conferences studied in this project are:

- The 1999 International Joint Commission (IJC) Biennial Conference, held in Milwaukee, Wisconsin, US, from September 24th – 26th.
- The 2001 Sixth Conference of the Parties (COP), Part II, to the United Nations Framework Convention on Climate Change (UNFCCC), held in Bonn Germany from July 16th – 27th.

This chapter proceeds by presenting justifications for the study of NGOs in international environmental politics. Next, a literature review outlines the development of the study's hypotheses and the considerations that led to the substance of the analytical framework. Lastly, the various foci and methodology of the study are summarized.

² Michael Haley and Anthony Clayton, "The Role of NGOs in Environmental Policy Failures in a Developing Country: The Mismanagement of Jamaica's Coral Reefs" *Environmental Values*, 12.1, Feb. 2003: 29.

Justifications

In the face of issues such as global warming, the depletion of the ozone layer, over fishing, oil spills, land degradation and deforestation, justifying what are intended to be progressive research pursuits in areas linked to matters of the natural environment is intuitively easy. The scope of such issues touches vastly important areas of human existence and indeed, human survival. From the quality of the air we breathe to the foods we consume, interaction with the natural environment directly or indirectly pervades virtually every individual human act. Therefore, studying the varying inputs that ultimately shape the policies, which have the power to significantly affect the global natural environment, is fully justifiable. That said, however, justifying the research of phenomena linked to the natural environment within the field of international relations (IR) requires further explanation.

The study of IR is said by some to be largely a reactionary endeavor.³ In short, interest is generated by, and theories are developed and tested around, prior events. According to John Vogler, the modern academic study of IR was a consequence of the great inter-state conflicts of the first half of the twentieth century. Its problematic was war, endemic insecurity and the possibilities of peace through international cooperation; and its focus was upon nation-state actors in an international system without centralized authority.⁴ Thus the initial birth and the conceptual focus of IR were essentially a product of the times; not surprisingly then, such an evolution of thought, which is reflective of the world that surrounds it, has continued. Below, a brief overview of the main IR orthodoxies with relevance to this project will be explained.

³ John Vogler & Mark F. Imber, The Environment and International Relations, (London: Routledge) 1996: 1.

⁴ Vogler & Imber 5.

The Theoretical Connection to International Relations

As mentioned above, in terms of its historical foci, IR is and has typically been reflective of the key issues in the global political landscape of the times. The once dominant IR orthodoxy of Liberal Internationalism (also known as Idealism or Utopianism⁵), for instance, is said to have flourished in the aftermath of WWI. Its outlook and approach to the international system of the day—one without a centralized authority—was essentially optimistic and liberal. After witnessing the horrors of the First World War, successful management of the international system from the standpoint of a liberal internationalist, required the building of cooperative institutions and the development of binding international law and policy. International institutions and their associated gatherings, such as those studied in this project, were thus viewed with substantial promise during such times.

However, historically, Liberal Internationalist positions were in stark contrast to those of the Realist camp, which developed, in part, around the time of the outbreak of WWII. The rise of Hitler, the collapse of the collective security aspirations of the League of Nations, and the onset of another world war all gave rise to a relatively pessimistic view of the realities and nature of IR. In the Realist conception, a Hobbesian anarchy prevailed in which order could only be precariously maintained through a balance of power. The Realist perspective reduces analyses of the relationship between states to issues of power and self-interest; it assumes that states are guided by rationally defined national motives and that their primary goal is to maximize power.⁶

⁵ Vogler & Imber 8.

⁶ Gabriela Kutting, Environment, Society and International Relations: Towards More Effective International Environmental Agreements, (London: Routledge) 2000: 12.

With respect to this research project, Realism and Liberal Internationalism are at odds with one another in terms of viewing the relevance of TENGOS in today's international political landscape. With its theoretical emphasis on state power and self-interest, Realism is the orthodoxy, which tends to underplay the role and supposed power of transnational NGOs relative to that of states, which are to the Realist, the primary actor in IR. Liberal Internationalism, on the other hand, with its theoretical emphasis on interstate cooperation, despite inherent power imbalances, is the main orthodoxy that is most open to recognizing the political significance of today's conventionally powerless transnational NGOs. It does so by assuming the efficacy of cooperative international institutions such as the United Nations, and of the policies that such organizations produce. It is in these cooperative organizations where relatively powerless transnational NGOs can thus have a voice.

Other challenges to the role of TENGOS in IR also have relevance to this study. Theories differ in numerous ways, with recent debates centering on the various kinds of actors that may be considered important in IR, and the nature of their motivations. Some state-centric approaches suggest that despite the supposedly burgeoning activity of NGOs around the world, the resilience of the state and its continued dominance in various policy areas undercuts any practical gains that may be claimed by NGO enthusiasts. For example, Jeffery Ayres notes, while acknowledging current NGO growth trends, that unquestionably the state still maintains a monopoly over the use of force and repressive power—things that TENGOS are of course without. In addition, it is suggested that the increasing presence of NGOs, and their associated civic activism, are nothing novel.

Ayres suggests that for centuries, social unrest has arisen to contest the practice of slavery, environmental degradation, or nuclear arms proliferation.⁷

From a political economy perspective, analyzing the quest for power via the accumulation of material wealth takes precedence in IR. At the core of this perspective is the study of the complex interplay in the international context between politics and economics, and between states and markets. The key market actors implicitly have at their core a desire to realize profits; capitalist states, by extension, have the responsibility to maintain the necessary requisites for capital accumulation. In this sphere, organizations such as non-profit TENGOS—armed with normative ideas—thus have the most potential for impact when they have the ability to influence the economics of states and international markets.

The observations of political economy scholars such as Stephen Gill, however, suggest that in this sense NGOs are decidedly underdogs when held relative to the power of capital held by industry. Gill suggests that the power of capital is both direct (e.g. capital's superior bargaining power over labour, or relative to states which bid for investment against one another) and indirect (e.g. discipline exercised on firms, their workers, or on governments in the financial, e.g. stock and bond markets).⁸ As a result, Gill claims that, among other things, states are subject to discipline at the hands of industry. The relative power of capital over states is further exemplified by the fact that public policy has been redefined in such a way that governments seek to prove their

⁷ Jeffrey M. Ayers, "Global Civil Society and International Protest: No Swan Song Yet for the State" *Global Civil Society and Its Limits*, (ed.) Gordon Laxer and Sandra Halperin (New York: Palgrave Macmillan) 2003: 27.

⁸ Stephen Gill, *The constitution of global capitalism*, p. 4. (Paper presented to a Panel: The Capitalist World, Past and Present at the International Studies Association Annual Convention, Los Angeles, 2000. 2000; May 27, 2004. <<http://www.theglobalsite.ac.uk/press/010gill.pdf>>

credibility, and the consistency of their policies according to the degree to which they inspire the *confidence* of investors.⁹ From this standpoint, industry pressures on government policy-making decisions are significant. This line of reasoning suggests that the more a given policy has the potential to impact the interests of industry, the more influence capital will have over states.

On another note, even when TENGOS are recognized by important international institutions such as the UN, there are debates about the practical benefits. Observers such as Willets suggest that the possibilities for NGOs to participate in formal negotiations have probably decreased since their formal entrenchment in the UN system. Official formulations, which detail the extent of allowable NGO participation at international conferences may be, in all practicality, constraining to NGO influence. According to Willets, formal policies such as the United Nations Conference on Environment and Development rule that stipulates ‘no negotiation role for NGOs’ has eliminated the existence of previous channels that effectively allowed for NGOs to intervene.¹⁰

In addition to the debates mentioned above, this study can conceptually be viewed as an intersection of debates with regard to the theoretical developments of social constructivism and regime theory within IR. As described by Peter J. Katzenstein, Robert O. Keohane, and Stephen D. Krasner, the theoretical underpinnings of Realism were vulnerable due to some of its core assumptions, including the emphases placed on the central role of states in the international system. As mentioned above, states are said by Realists to be the key actors in world politics, and as such actors, they can be treated as

⁹ Gill 4.

¹⁰ Peter Willets, “From Stockholm to Rio and beyond: the impact of the environmental movement on the United Nations consultative arrangements for NGOs”, Review of International Studies, Vol. 22, 1996: 57-80.

homogenous units acting on the basis of national self-interest. However, various challenges to such assumptions point to the fact that public policy is also the result of clashes among different groups, including non-state actors, that often have conflicting interests. All major challenges to Realism in these regards are grounded in a pluralist conception of civil society and the state. It is argued that states can often only succeed in their policy goals by building coalitions with other states and, importantly, non-state actors, and that such a necessity can vary from one issue area to another.¹¹ Theories about transnational relations then, have developed so that there can be many different actors in the international arena, including non-state actors from civil society.

Social constructivism plays its part in this intersection of ideas by means of establishing the presence of international persuasion in terms of the ideational realm—something largely overlooked in the Realist conception of IR. Authors such as John Gerard Ruggie argue that the building blocks of international reality are ideational as well as material; and that ideational factors have normative as well as instrumental dimensions. States' identities and interests are not merely given and fixed.¹² They are expressed by way of both individual and collective intentionality; that is to say, state identities, interests, and indeed states themselves exist because, through implicit or explicit socially constructed rules and norms, humans agree that they do. States were not found; they were created; their future existence also relies upon this reality.

Arguments such as Ruggie's are relevant for this study because they suggest another way in which TENGOS matter in the international realm. Non-state actors, as

¹¹ Peter J. Katzenstein, Robert O. Keohane, and Stephen D. Krasner. *International Organization and the Study of World Politics* International Organization, 52.4 Autumn 1998: 645-685.

¹² John Gerard Ruggie. "What Makes the World Hang Together? Neo-utilitarianism and the Social Constructivist Challenge" International Organization, 52.4, Autumn 1998: 855-885.

pointed out by many Realist observers, lack the conventional legitimacy and material forms of state power, however, given the ideas of observers such as Ruggie, it does not follow that such realities make non-state actors irrelevant in IR. Through ideational forms of persuasion, it is said that non-state actors—including TENGOS—can be successful at influencing states, not only in the international realm vis-à-vis conferences, but in the domestic realm as well, by lobbying governments and influencing public opinion with ideas. In short, if constructivism's claim that human consciousness has important impacts on state identities and interests—which are brought to the international bargaining realm through ideational channels—then actors such as TENGOS, which arguably have effects on human consciousness, should therefore count as relevant actors in contemporary conceptions of IR theory. Indeed, as is corroborated by this study, virtually all attempts made by TENGOS to exercise influence at international conferences follow this line of reasoning. Their methods largely have forms of ideational persuasion at their root, as opposed to more tangible forms of political power.

Regime theory also has implications for this study in that a part of its theoretical basis recognizes the complexities of the international system and the inherent, explicit or implicit rules, which govern state behavior in that system. According to Stephan Haggard and Beth A. Simmons, regime theory sprang from dissatisfaction with dominant conceptions of international order, authority, and organization. The sharp contrast between the competitive, zero-sum anarchy of interstate relations and the authority of domestic politics seemed overdrawn in explaining cooperative behavior among the advanced industrial states.¹³ Regime analysis, then, attempts to define a focus of study

¹³ Stephan Haggard and Beth A. Simmons. "Theories of International Regimes" in International Organization, 41.3 Summer 1987: 491-517.

that is neither as broad as international structure, nor as narrow as the study of formal organizations. Essentially, Regime analysis assumes that patterns of state action are influenced by norms, and rules, which briefly stated, comprise an international regime. In addition, such governed behavior is wholly consistent with the pursuit of national interests. The nature of such national interests, however, is not settled. Within Regime theory, debates exist between scholars over the relative importance of the material interests of states, vs. ideational factors, such as those illustrated by Ruggie, above.

The relation of this study to regime theory is best explained by pointing to the empirical data which claims an explosion of non-state actors on a global scale, and that such non-state actors are increasingly being included in international negotiations—a realm once reserved almost wholly for states. Thus, if regimes exist as described above, then they seem to be changing in ways which include a certain level of acceptance, on the part of states and international organizations such as the UN, of non-state actors being involved in international activities such as international conferences and negotiations. In short, the aim of this project is to ascertain whether any such newly found acceptance of non-state actors, specifically TENGOS, at international conferences concomitantly results in practical policy influence on the part of these new actors. Another relevant question is: are TENGOS merely being increasingly allowed to observe policy processes over which they have no control?

To sum, in historical terms, the essential point being made thus far is that just as modern Realism was a reaction to the failure of the League of Nations to avert the Second World War¹⁴, so too is the recent rise of academic IR interest in global environmental concerns and the potentially relevant actors, a reaction to contemporary

¹⁴ Vogler & Imber 1.

global political events. However, the point being made is not merely that often an important precondition for IR theoretical development is the need for scholars to have something new to study. Instead, it is the inadequacies of the abilities of certain current and past theoretical orthodoxies to account for *new* realities in the realm of IR, which has spurned theoretical development in an attempt to explain the causes and, ideally, the effects of new IR realities. This point is best illustrated by the development of both social constructivism and regime theory as important theoretical lenses through which to observe contemporary IR.

Lastly, and on a more practical level, given that the Rio Earth Summit of 1992, otherwise known as the United Nations Conference on Environment and Development (UNCED), was at the time estimated to have been the largest diplomatic gathering ever held¹⁵, it is small wonder that global environmental issues, and what have become complex transnational and international efforts to manage them, have begun to attract the interest of IR specialists. As articulated by Hurrell and Kingsbury, the central problem for the IR scholar interested in global environmental politics thus becomes the following: Can a fragmented and often highly conflictual political system, made up of over 170 sovereign states and numerous other actors, achieve the high (and historically unprecedented) levels of co-operation and policy co-ordination needed to manage environmental problems on a global scale?¹⁶ Such a question is relevant to this study because it leads to the important questions of *how* are such management efforts currently being conducted and ultimately *who* are the major players? In addition to the consideration of these questions, another important question to be considered is: if non-

¹⁵ Vogler & Imber 9.

¹⁶ Andrew Hurrell and Benedict Kingsbury, The International Politics of the Environment. (Oxford: Clarendon, 1992) 1.

state actors can be regarded as players at all, what is it about the contemporary international environment that helps or hinders their efficacy? This study addresses these concerns.

The Role of TENGOS

In the above question posed by Hurrell and Kingsbury, what is of particular importance to this project is the recognition being given to non-state actors in terms of their involvement in global environmental management. Some of the non-state actors referred to above fall into the category of transnational environmental non-governmental organizations (TENGOS) also previously mentioned above. The term TENGO and its component parts will now be defined below.

For the purposes of this project, what is meant by the term ‘transnational’ is that the operations and/or concerns of the organizations involved transcend national political boundaries and that these operations and/or concerns exist in more than one state. Furthermore, to follow Scholte, in this study, when an NGO with only one office in one country has active membership in a transnational coalition, it too is considered to be a TENGO, as its implicitly broadened geographic mandate implies, to a certain extent, voluntary ‘transnational’ activities.

The term ‘environmental’ is used in this study to denote organizations whose focus includes issues pertaining to the earth’s natural environment—including both biotic and abiotic spheres. For some organizations in this study, environmental matters make up the entirety of their mandate. Others have a mainly environmental mandate, however, they may be partially active in other civil society spheres. Still other organizations have

more varied mandates, which only include environmentalism as a part of their many issue areas. Thus, if an NGO has environmental issues involved solely, mainly, or partly in its mandate, for the purposes of this study it is considered an ‘environmental’ organization, and thus is denoted as a TENGO.

The definition of the term ‘non-governmental organization’ in this study also follows Scholte’s definition. Scholte uses the term ‘non-governmental organization’ to describe organizations that lie both outside the public sector of official governance and outside the private sector of the market economy. The actions of these organizations involve a deliberate attempt—from outside the state and the market—in one or another organized fashion, to shape policies, norms and/or deeper social structures. Such organizations belong within the conceptual umbrella of civil society, which exists when people make concerted efforts through voluntary associations to mould perceived societal rules: including those that are official, formal, informal and/or legal social constructs. Civil society is the collective noun, while civic groups, organizations, and other similarly construed associations are thus conceptualized as the individual elements within civil society.¹⁷

With these points in mind, an NGO is therefore defined in this study as a voluntary association of individuals, operating outside the spheres of official governance and private, market-based, for-profit economic enterprise, whose actions include conscious attempts to contribute to the shaping of perceived societal norms, legal arrangements, methods of governance, and/or other perceived formal or informal social constructs. It should be noted that contention does exist over the role of NGO funding, in

¹⁷ Jan Aart Scholte, “Global Civil Society: Changing the World?” *CSGR Working Paper* No. 31/99, May 1999.

that some NGOs are recipients of state financial support. The NGOs included in this study are funded independent of government support.

Justifying Interest in the Study of TENGOS

In order to justify the study of TENGOS, one should first recognize that the numbers and activities of TENGOS have, in recent years, risen dramatically. For instance, with respect to the focus of one of the case studies involved in this research project, the numbers of TENGOS attending major UN environmental conferences has steadily risen to a significant degree. For instance, Clark, Friedman and Hochstetler point out that less than 300 NGOs attended the 1972 Stockholm UN Conference on the Environment. However, twenty years later, in 1992, 1,400 NGOs registered with the Rio UNCED, and 18,000 NGOs attended the parallel Rio NGO forum.¹⁸ Mathews suggests that the high level of participation and influence of NGOs at the Rio UNCED was unprecedented. NGOs, she asserts, set the original goal of negotiating an international agreement to control greenhouse gases long before governments were ready to do so. Moreover, NGOs proposed most of its structure and content, and lobbied and mobilized public pressure to force through a pact that virtually no one else thought possible when the talks began.¹⁹

Further justification of the study of TENGOS can be found by recognizing that such academic endeavors are far from complete. Difficulties persist, for instance, with respect to attempts to analyze and measure the various roles of TENGOS in the international arena. Raw empirical data such as those presented above by Clark,

¹⁸ Ann Marie Clark, Elisabeth J. Friedman and Kathryn Hochstetler, *The Sovereign Limits of Global Civil Society: A Comparison of NGO Participation in UN World Conferences on the Environment, Human Rights and Women* *World Politics*, 51.1, 1998: 1-35.

¹⁹ Jessica T. Mathews, *Power Shift* *Foreign Affairs*, Jan-Feb 1997: 50-66.

Friedman and Hochstetler, which attests to the significantly increasing numbers of NGOs attending UN environmental conferences, speaks for itself and is not typically disputed among observers. There is, for the most part, unanimous agreement among IR specialists that TENGOS or other similarly defined civil society organizations are indeed proliferating around the world. What is disputed however, among other things, are claims made by various observers over the extent of policy influence TENGOS are currently enjoying. As previously noted, Matthews essentially claims that an observably increased presence of TENGOS in the sphere of international environmental politics has concomitantly resulted in increased political influence upon policy. On the other hand, researchers such as Arts, and Clark, Friedman & Hochstetler have found TENGO policy influence to be slight, despite rising TENGO activity on the international stage.

Thus, despite phenomena such as the UN's formal recognition of various NGOs, and significantly increasing numbers of such organizations at international conferences, ascertaining the current impact of TENGOS in the international arena remains, in a decisive sense, a necessary but seemingly incomplete research endeavor within the field of IR.

The Role of International Environmental Conferences

International environmental conferences (IECs) offer an opportunity to study the interplay between states and TENGOS—two actors, which receive an abundance of consideration in contemporary IR theory. Furthermore, as a forum in which to analyze power dynamics in relation to the exercise of policy influence, IECs are ideal settings because the final policy declaration or agreement at the conclusion of the conference

provides a researcher with a tangible result that stems from, among other things, the cooperative and/or competing inputs from the two aforementioned actors.

In addition, interest in IECs implies that a researcher is convinced that the policies, which such conferences produce, are at minimum of *potential* significant consequence to the global natural environment and its related facets. The assumption of consequence is at the core of why the various actors involved in this study attend such conferences; from their standpoint, the policy results likely have important reverberations that affect their interests. Therefore, it will be assumed from the outset that the policy outcomes of such events at the very least have the potential to effect change—a potential that the various actors attempting to contribute to a policy's creation are cooperating and/or competing to influence. To forego such an assumption would ultimately beg a very important question: Why do states, non-state actors, and the organizations that arrange such conferences, go to the trouble?

Literature Review

As previously mentioned, there is little to no debate over the contemporary proliferation of TENGOS or other organizations of global civil society. Mathews suggests that despite the difficulties one may have in attempting to measure the size of global civil society (the term can theoretically include neighborhood groups, professional associations, service and advocacy groups, secular and church-based organizations, and so on—who together are promoting a nearly endless range of causes), the true number is in the millions. The gamut is said to run from the tiniest village association to influential but modestly funded international groups like Amnesty International. The term global

civil society can include internationally renowned activist groups like Greenpeace and giant service providers such as CARE, which reportedly has an annual budget of nearly US \$400 million.²⁰

However, civil society enthusiasts like Mathews, above, paint a picture of considerably declining power for governments around the world and such claims, particularly in the realm of influencing international policy, are arguably misleading when one takes into account other relevant literatures. Clark, Friedman and Hochstetler, for instance, who used three recent UN world conferences as examples of mutual encounters between state-dominated international politics and global civil politics, found that while thousands of NGOs have gathered to form a global presence at UN conferences, little evidence exists to suggest that significant policy influence is being enjoyed by the groups. In their findings, they outline numerous obstacles that constrain their ability to influence the policy outcomes of such conferences.

For example, policy divisions among NGOs, according to Clark, Friedman and Hockstetler, are said to have negative impacts upon their efficacy to influence conference results. In addition, they found that although NGOs themselves are increasingly developing shared procedural repertoires, various governments' inconsistent acceptance of NGO participation at conferences also diminishes opportunities for NGO policy influence. Additional impediments such as inconsistencies with regard to specific rules for NGO attendance and involvement were also found to be a considerable hindrance to the preparedness and overall efficacy of NGO involvement. Overall, it was found that states continue to significantly dominate the procedures and the substance of interaction

²⁰ Mathews 53.

at the conferences they studied—particularly when it came to sovereignty-related issues.²¹

Thus, a reading of Clark, Friedman and Hochstetler suggests that despite the relative proliferation in NGO attendance numbers at certain conferences, considerable obstacles remain which ultimately hinder the ability of NGOs to affect the policy outcomes of such diplomatic gatherings.

Another researcher, Bas Arts, who similarly studied NGO participation at two UN conferences between 1990 and 1992, found that there are various potentials for NGO influence at international environmental conferences. These potentials however, were also found to be significantly constrained due to various factors. Briefly put, Arts concludes that NGOs made *some* difference in international policy formation and implementation, although the affect was marginal and was not found in all cases. According to Arts, the political influence of NGOs on conference policy is dependent on a number of factors, some of which are outlined below.

Two important factors, which can enable or constrain NGO abilities to exert political influence, are explained by Arts. Firstly, expertise in particular substantive knowledge and diplomatic skills on the part of NGOs are said to be especially significant. For example, NGO conduct regarding the effective use of scientific information or the use of a so-called ‘wrong approach’ by NGOs (those that may be seen as overly confrontational, radical, idealistic etc.) was found to have a substantial impact upon policy influence efficacy.

Secondly, the similarity between NGO demands on the one hand and existing rules on the other was found to have a significant impact on influence potentials²². To

²¹ Clark, Friedman & Hochstetler 21 .

elaborate, should TENGOS be lobbying for something extreme, such as the immediate abolition of nuclear power generation amongst a large number of states who are heavily dependent on such sources of power, the likelihood that the TENGO demands will be taken seriously, let alone result in policy influence, would be severely diminished.

Arts also found that the substance of current environmental regimes could enable or constrain NGO influence. As regimes frame negotiation and decision-making processes on related issues, they concomitantly make some policy outcomes more likely than others. For instance, issues pertaining to definitions, how definitions are agreed upon, and which actors can participate in related negotiations can have profound effects on the practical substance of conference results. Arts suggests that formal rules of the game and in particular those of the UN system can thus co-determine to what extent NGOs have access to treaty formation and implementation.²³ According to Arts then, such policy regimes can be potentially enabling or constraining to TENGO influence depending upon the existing regime rules.

Overall, Arts concludes that NGOs influenced policy outcomes of the conferences he studied, to a limited extent. In the cases he used, many conference topics that were priorities to NGOs remained unaffected by them, the level of NGO goal-achievement was generally quite low, and most NGO impact was indirect in nature, although some relevant policy outcomes were nonetheless impacted. Furthermore, he concludes that other policy players were generally more influential than NGOs—i.e. governments, scientific bodies and business groups.

²² Bas Arts, The Political Influence of Global NGOs: Case Studies on the Climate and Biodiversity Conventions, (Utrecht: International Books, 1998) 320.

²³ Arts 320.

Arts considers his conclusions to be generalizable to a significant extent, because of the substantial differences between the natures of the two cases in his study. In short, despite the substantive differences with regard to the themes of conferences, the relevant variables and the outcomes in terms of the limited political influence of NGOs were quite similar, which according to Arts, arguably lends a degree of universality to his conclusions.

Of a more general nature, Scholte offers an assessment of the consequences of global civil society and its organizations, of which TENGOS are a part, in relation to matters of sovereignty, identity, citizenship and democracy. Of importance to this discussion, he suggests that indeed there has been a significant growth of global civil society in the late twentieth century and that it has played an important part in recasting politics. Yet, Scholte cautions, we must not exaggerate this expansion or its associated changes. Nor should we assume, with liberal-internationalist naïveté, that these developments have been wholly positive.²⁴ Among other things, Scholte reminds us that civil society organizations are far from infallible and should also not be generalized as necessarily well intended in their nature. In addition to pointing out obvious racist or other ill-intentioned organizations, he also suggests that poor policy preparation and implementation on behalf of well-intentioned organizations runs the risk of causing harm where the organization may be aiming to help. He claims, for instance, that various environmental groups have in similar respects hurt their cause with sloppy treatment of scientific evidence.

²⁴ Jan Aart Scholte, "Global Civil Society: Changing the World?" CSGR Working Paper, No. 31/99, May 1999.

The theoretical insights of Stephen Krasner with respect to the role of TENGOS in international policy formation are also relevant to this study. Krasner employs a state-centric approach in his analysis of the interactions between transnational organizations and states. In short, Krasner suggests that the outcomes of struggles between states and transnational actors are a function of the relative power of the two entities. Of particular relevance to this study, he claims that the normative policy positions adopted by TENGOS will often reflect the preferences of private and public actors in the world's most powerful states.²⁵ By tying relative state power and normative legitimacy together, Krasner cites an example of industrialized-world normative values being championed by western environmental groups in Africa. He suggests that if in conflict, environmental groups will adopt the normative values most associated with more powerful states over weaker states, because they perceive their chances of normative victory as better.

Ultimately, goal attainment boils down to power politics. Krasner claims that between two entities, the actor that possesses the most control over resources that the other actor wants will win, for instance, a struggle over a particular environmental policy. But there are nuances. The relative power of states also dictates the extent to which the preferences of non-state actors will reflect state normative values. Due to resource control and its associated legitimacy, wealthier states are better positioned to influence the normative values of TENGOS than are less wealthy states.²⁶ As organizations largely dependent on public and private donations for their funding, this line of argument has particular relevance to environmental organizations. This point relates to Krasner's

²⁵ Stephen Krasner, "Power politics, institutions, and transnational relations," Bringing Transnational Relations Back In: Non-State Actors, Domestic Structures and International Institutions, Thomas Risse-Kappen (ed.) (Cambridge: Cambridge University Press): 266.

²⁶ Krasner 266.

overall argument, as in the end, he suggests that the actor with the best ability to manipulate its power and resources will exert the most influence over policy.

Another commentator, Kendall Stiles, offers a different state-centric approach with relevance to this research project. By situating increasing NGO activity within the broader international economic and political context, Stiles sees NGO influence and power as a function of western state interests.²⁷ Like Krasner, Stiles argues that the more powerful states in the world have the greatest ability to shape the policies and actions of transnational NGOs. In response to dwindling official development assistance resulting from the international debt crisis in the 1980s, Stiles argues that NGOs became the recipient of significantly increased funding. Such funding was made available as western governments cut their foreign aid expenditures and international institutions such as the World Bank imposed structural adjustment policies on developing countries that limited the provision of social services in indebted countries. The result was that western governments, looking to cut their costs, did so by outsourcing the provision of aid through NGOs. At the same time, the need for NGOs to help deliver aid increased in developing countries, as indebted states reduced their social services to comply with the World Bank.

In his argument, Stiles suggests that the priorities of western governments caused, and were served by, increased NGO activity. After the end of the Cold War, Western desires to strengthen democratic principles in developing countries, for instance, were manifest by forcing reluctant, aid receiving governments, to give up some of their domestic decision making power to international and local NGOs. Such increased NGO

²⁷ Kendall W. Stiles, "Grassroots empowerment: states, non-state actors and global policy formulation" Non-State Actors and Authority in the Global System, Richard Higgot, Geoffrey R.D. Underhill, Andreas Bieler (eds.) (London: Routledge, 2000) 32-48.

power, thus, came vis-à-vis donor states seeking an inexpensive and convenient tool of foreign policy. Heavy NGO dependence on western public funding, therefore, also makes NGOs dependent on the foreign policy whims of the world's wealthier states.

In sum, according to the findings of previous researchers, systemic issues such as those described by Arts, as well as those described by Clark, Friedman and Hochstetler (where the nature of a specific policy regime can significantly affect NGO influence upon that policy) are not the only main determinants of NGO efficacy. The arguments of both Krasner and Stiles suggest that the relative power of states can help to explain the substance of TENGU demands and the relative chances of their policy successes. Moreover, the point illustrated above by Scholte and indeed corroborated by the work of other researchers above, is that in addition to looking outward to systemic or resource barriers which impede the ability of NGOs to impact policy, NGOs need also to be internally critical—both individually and as a cohesive group—with the aim of identifying and correcting the potential in-house ills that may impede their policy influence.

In addition to the considerations above, there are alternative avenues of NGO efficacy. Influencing international environmental policy is, of course, but one measurement of potential TENGU success. Scholte regards numerous endeavors as valuable to civil society organizations, and thus to civil society in general. They include the following efforts: to enhance civic education, to promote civic voice, to fuel debate, to increase internal and governmental transparency and accountability, to legitimate certain kinds of authority, and to enhance social cohesion. All of these pursuits and 'positive potentials', it is argued by Scholte, would further the benefits, of and to, global

civil society. These points largely agree with those of Wapner, below, which suggest that TENGOS have domestic influence opportunities by way of helping to broadly change public attitudes with respect to environmental issues. Thus some of these 'other' pursuits can also have indirect effects in terms of policy influence. If, as outlined above, the theoretical implications of social constructivism are taken into account, such multifarious pursuits of civil society ultimately help to shape the underpinnings of the governments, who do have voting rights at international conferences.

On the international level, foreign policy priorities of western governments can help to shape the activities and priorities of NGOs. The works of both Kendal and Stiles suggest that overall, state resource control can have important practical ramifications for NGOs. Such considerations help to promote the argument that levels of TENGO resource control and funding independence are important factors to TENGO policy influence.

Evidence gathered from relevant literatures suggests that while there is little to no debate surrounding what some regard as an explosion in global civil society and its related facets such as TENGOS, plenty of debate does exist regarding the practical effects of such a proliferation of NGO activity in numerous regards. To date, the most compelling and detailed studies of various NGO attempts to affect international policy suggest that the rise in transnational NGO activity and attendance at international environmental conferences does not necessarily translate into an increase in NGO abilities to significantly affect policy. Various theories have been posited by observers of civil society in general, which suggest that there are both systemic constraints with regard to the 'rules of the game' at conferences, and internal constraints to influence, with regard to the conduct of NGOs individually and as a group. This research project, therefore,

primarily attempts to further investigate such claims with the goal of formulating constructive criticisms and suggestions, which may contribute to the overall efficacy of TENGOS and ideally transnational NGOs in general.

Methodology

The research strategy used in this study employs an explorative, multiple case study approach. Below, the criteria that were utilized in the search for cases are explained, as are various other considerations that arise with respect to case study research.

Case Selection

In his work *Guide to Methods for Students of Political Science*, Van Evera presents what he considers to be eleven important case-selection criteria, which should be utilized in the process of identifying cases²⁸. Those most relevant to this study will be outlined below. In addition to the general criteria suggested by Van Evera, it should be noted that the most important consideration that superseded all of the concerns below was that the case studies be recent, as the goal of this study is to ascertain, to the best extent possible, the *contemporary* state of affairs with respect to TENGO influence in international environmental politics. Such a stipulation reflects the suggestion made by many of the commentators above, that growth in TENGO activity and influence is a recent development. It was thus decided that potential case studies first had to meet the requirement of having taken place in the last five years. Another consideration specific to

²⁸ Stephen Van Evera, *Guide to Methods for Students of Political Science*, (New York: Cornell University Press, 1997) 77.

the goals of this study was, of course, to ensure that TENGOS were in attendance—though no cap or floor was placed on the necessary numbers present. Given the trends outlined above regarding the proliferation of TENGOS themselves, and other trends that indicate their increasing attendance at IECs, difficulties were not expected, nor were they encountered, in the search for a conference that was well attended by TENGOS.

To Van Evera, the foremost consideration in case study selection involves data richness, for simple reasons regarding researcher access to information and resources. In this study, sources of information are of many types, therefore this consideration was multifarious. Firstly, in this respect, a sufficient case study needed a conference result to analyze—an accessible document, for instance, which details the policy products of the conference. It is in this document that TENGO policy influence, or a lack thereof, would be evidenced. Secondly, the ability to interview numerous TENGO representatives who attended a conference in question was an important requirement, due to the need to ascertain the nature and details of various TENGO activities that took place before and during a conference, and due to the desire to produce new information with minimal reliance on secondary sources.

When testing hypotheses, Van Evera suggests that researchers should seek out cases where extreme values exist in terms of the cases' independent, dependent, or condition variables—depending on the specifics of the hypotheses to be tested. The distinctions between such variables are important to the design of this study. Briefly, a variable is simply a concept that varies.²⁹ A dependent variable is a variable that contains variations for which researchers seek an explanation; an independent variable is a

²⁹ Jeremy Wilson, "Analyzing Politics, An Introduction to Empirical Methods", (Scarborough: Prentice Hall Canada Inc., 1988) 40.

variable that may affect or cause the variations observed in the dependent variable; and a condition variable is a variable that can affect the extent to which independent variables cause variations in dependent variables. In this study, the primary dependent variable being investigated is the final policy outcome. There are two groups of independent variables; TENGOS and TENGO methods of influence. Condition variables are conceived as factors, which impact the effectiveness of TENGO methods of influence.

To illustrate, in order to test a prediction regarding the cause of certain extents of TENGO policy influence by using extreme variables, it would be ideal to find cases where in one instance, the final policy declaration (the dependent variable) of an international environmental conference was heavily influenced by TENGOS and their methods of influence (independent variables), and in another instance such policy influence was virtually absent. A researcher could then analyze, for example, the strength of counterbalancing lobby groups (a condition variable) at each conference, which can lead to TENGO policy influence disparities. Similarly, to test the hypothesis of an NGO enthusiast, which equates greater numbers of TENGOS at conferences with greater policy influence³⁰, a researcher would ideally seek out cases where the number of TENGOS at select conferences was significantly different and ascertain the extent of policy influence (the dependent variable) at each conference. In this example, the singular group of TENGOS involved is an independent variable, and the number of TENGOS, which comprise the group is the condition variable.

To be sure, there are variables that can be more than one type. For instance, procedural rules at a conference can be viewed as a dependent, condition or independent variable, depending on the approach of the researcher. As a dependent variable,

³⁰ See discussion on Matthews, above, pg. 6-7.

procedural rules could be the end target of TENGO influence. According to Arts, such endeavors can be considered as valid TENGO influence over policy because procedural rules can make conference policy outcomes more or less likely. As a means to this end, procedural rules can also be a condition variable to TENGO methods of influence. Procedural rules could, for instance, enable TENGOs to address decision makers for longer periods of time. Arguably, this could make TENGO speeches more effective at influencing decision makers. Lastly, procedural rules can be seen as an independent variable because they can potentially, in and of themselves, directly impact final policy declarations, or the main dependent variables being studied in this project. It should be noted that in this study, procedural rules are investigated primarily as condition variables, however they can also be viewed as dependent variables.

Despite the advice of Van Evera, who suggests that researchers seek out cases where extreme values exist in the relevant variables, the literature reviews conducted for this study imply that such a pursuit would likely not be fruitful. This is because a range of values in the particular variables suggested by Van Evera—those with respect to the extent of contemporary TENGO policy influence—is not readily available. The more detailed pieces of previous research found that any such varying influence seems to exist only within the range of no TENGO policy influence to slight policy influence. However, the second case study used in this project does have a set of condition variables with high values, which conform to Van Evera's suggestion. The values of the condition variables at play (e.g. high TENGO policy unity, high TENGO conference attendance, high levels of scientific argumentations) supposedly make TENGO influence more likely at a conference, thus the UN case study can be seen as a litmus test for the utility of these

condition variables. These and other condition variables will be further explored in the next section, which discusses the framework developed for this study.

An additional important case-selection criterion posited by Van Evera is that when testing hypotheses, the cases selected will ideally speak to the fact that competing theories make divergent predictions about the cases. In short, as has been established thus far as a justification for the research project as a whole, there are widely divergent claims made about NGO abilities to effect policy outcomes at international conferences in general. Moreover, different individual accounts exist in the literature regarding NGO influence at the same conferences. For instance, while Matthews argues (in the absence of falsifiable data) that NGO influence at Rio was significant, Arts' study found that NGO influence at the same conference was slight.

The two cases chosen for this research project meet the requirements outlined above. Both conferences are recent, and TENGU attendance was high. The theoretical considerations outlined above, stemming from the work of previous researchers, can be applied and tested in the cases chosen. Each conference was arranged by organizations that provide ample resources for researchers to study—in the way of conference transcripts, lists of participants, attendance numbers, final policy documents, conference rules and conference agendas. Importantly, interviews with TENGU conference participants were possible.

The Framework

By reviewing numerous related literatures³¹, some of which have already been outlined above, a comprehensive framework was developed for this research project that incorporates many of the numerous findings of previous researchers. The framework helps to identify a variety of influence methods available to TENGOs before and during a conference, in addition to identifying a number of condition variables that have been shown to impact the extent to which certain influence methods may be effective. The framework is elaborated below.

Methods of Influence

TENGOs can use various methods to attempt to exert influence in the international environmental policy arena. A method of influence is defined in this study as a tool or an action, which can be employed by TENGOs to attempt to exert influence. Below are lists of the methods of influence that are explored in this study. They are divided between those methods that can be applied by TENGOs *at and/or prior* to a conference, and those that can only be applied *at a conference*.

³¹ The following literatures were consulted to create this framework: Arts, 1998; Michele Betsill and Elisabeth Corell, "NGO Influence in International Environmental Negotiations: A Framework for Analysis." *Global Environmental Politics* 1(4): 65-85; Clark, Friedman & Hochstetler, 1998; Ken Conca, 'Greening the UN: Environmental Organizations and the UN system' in Thomas G. Weiss & Leon Gordenker (eds) *NGOs, the UN and Global Governance*, London: Lynne Rienner Publishers, 1996; Mathews, 1997; Scholte, 1999; Tora Skodvin and Steinar Andresen, "Non-State Influence in the International Whaling Commission, 1970-1990" *Global Environmental Politics* 3(4), 2003:61-87; Paul Wapner, "Politics Beyond the State, Environmental Activism and World Civic Politics" *World Politics*, 47 (April 1995), 311-40.

At and/or Prior to a conference TENGOS can:

- Attempt to influence domestic public opinion³²
- Directly lobby states³³
- Help formulate conference rules and procedures³⁴

At a conference TENGOS may be able to:

- Attempt to influence domestic public opinion³⁵
- Contribute to the definition of environmental problems³⁶
- Advise states as formal members of state delegations³⁷
- Lobby states by providing written information at a conference³⁸
- Lobby states by making formal speeches at a conference³⁹
- Directly lobby state delegates, one on one, at a conference ‘in the corridors’⁴⁰

Each point will be discussed below.

At And/Or Prior to a Conference

The effects of NGOs attempting to influence domestic public opinion as an indirect method of ultimately influencing international policy has been the subject of numerous studies. Essentially, the argument is forwarded that when the collective preferences of a domestic society are impacted by NGOs, the policy demands of states can in turn reflect such preferences. In this model, states are regarded as “complex organizations where sub-actors pursue multiple and to some extent conflicting objectives,

³² Wapner, 1995.

³³ Arts, 1998; Skodvin and Andresen, 2003.

³⁴ Arts, 1998; Clark, Friedman & Hochstetler, 1998.

³⁵ Scholte, 1999; Skodvin and Andresen, 2003; Wapner, 1995.

³⁶ Conca, 1996.

³⁷ Arts, 1998.

³⁸ Arts, 1998; Skodvin and Andresen, 2003.

³⁹ Arts, 1998.

⁴⁰ Arts, 1998; Skodvin and Andresen, 2003.

and where state policy decisions are weighted aggregates of sub-actor preferences.”⁴¹

The argument suggests that states are not in full control over the societies they represent; instead, they can be influenced and constrained by society and its sub-actors. Business groups, environmental organizations, churches and arguably the aggregate of public opinion itself, can all be considered as sub-actors. By mobilizing domestic public support for certain issues (through public education initiatives, media coverage, protest, etc.) it is thus contended that, in a conference context, NGOs can have influence over a state’s policies via domestic channels. This method of influence relates directly to the earlier discussions relating to TENGO influence via persuasion, as highlighted by the underpinnings of social constructivism theory.

To further illustrate, as Wapner suggests, in 1970 one in ten Canadians said the environment was worthy of being on the national agenda; twenty years later, in 1990, one in three felt not only that it should be on the agenda but that it was the most pressing issue facing Canada.⁴² Similarly, a 1981 study in the U.S. showed that 45 percent of those polled supported the statement that “protecting the environment was so important that requirements and standards cannot be too high and continuing environmental improvements must be made regardless of cost”; in 1990, 74 percent supported the same statement.⁴³ Theoretically then, it is suggested that in a democratic society, political leaders and decision makers concerned about re-election simply cannot afford to ignore such indicators of public opinion.

Directly lobbying states is another approach open to NGOs wishing to influence policy. Through direct interaction with government representatives, NGO representatives

⁴¹ Skodvin and Andresen, 2003.

⁴² Wapner, 1995.

⁴³ Wapner, 1995.

may have the opportunity to impart information, or opinions, make threats of political action, or whatever is deemed appropriate on the part of the NGO lobbyist to influence the position of governments. Again, theories relating to persuasion, which stem from social constructivism have relevance here. Direct lobbying can take place prior to and/or during a conference.

With respect to TENGOS influencing conference rules and procedures, some scholars argue that this type of influence can be of the utmost importance. During the case study discussions, procedural rules are approached in a variety of ways. As previously mentioned, they will be primarily investigated as condition variables. As such they are given attention before and during the conference. They are categorized this way because procedural rules can conceptually be viewed as a tool that can later be used by TENGOS, but one that must be shaped by TENGOS prior to the conference. The procedural rules as they stand during the conference are viewed as a separate condition variable. The distinction is made to help illustrate two things: whether TENGOS attempt to shape the rules and procedures prior to the conference, and whether as the rules stood at the conference, TENGOS found them to be favourable to their participation.

At a Conference

In terms of influencing domestic public opinion at a conference, the same principles apply that applied above to the concept of influencing public opinion, with ideational forms of persuasion, prior to a conference. The sole difference is that the efforts are made during the conference itself, typically on location—though they are not necessarily limited by location.

Definitions used at international gatherings are important to all actors present. Thus NGOs often attempt to contribute here as well. In cases where the formation of binding international law is concerned, definitional issues can be key, as they are in the second case study presented in this research project. Definitions, for instance, which could outline what is meant by the terms ‘sustainable’ or ‘unsustainable’, in terms of resource use, may have far reaching implications for various citizens, industries, and governments.

Some NGOs have privileged access to international conferences by being members of state delegations. Ken Conca suggests that this is one of the most influential means to affect political influence available to NGOs.⁴⁴ It is arguable, however, that this type of privileged role is likely one that is exclusive to TENGOS that are willing to compromise their policy demands to become members of state delegations, or those that had relatively moderate demands to begin with. Thus, there are some potentially significant trade offs. Nonetheless, according to Conca the benefits can still be significant. Certain aspects of a conference are often closed to NGOs, however as an official member of a state delegation, a participant with a double role as a NGO member and a state advisor will also be privy to state meetings behind closed doors. They may therefore have the ability not only be privy to privileged information and to advise a government behind the scenes, but also to attempt to persuade other delegates by formally speaking on the behalf of the state(s) the TENGOS represent.

⁴⁴ Ken Conca, “Greening the UN: Environmental Organizations and the UN system” NGOs, the UN and Global Governance, Thomas G. Weiss & Leon Gordenker (eds.) (London: Lynne Rienner Publishers, 1996)112.

NGOs may also choose to provide written information to persuade state delegates. For example, ECO, a journal produced and written by the Climate Action Network, which consists of over 300 environmental NGOs from around the world, is distributed to delegates and other TENGU members daily at major international environmental conferences. It is also distributed electronically worldwide for the duration of an international gathering. Contributors include so-called leading independent scientists and political analysts.

Where possible, other conventional lobbying tactics can also be used. Speech giving can be an important means of influence as it may fuel debate between delegates. Issues raised by NGOs at a conference may not otherwise be given attention.

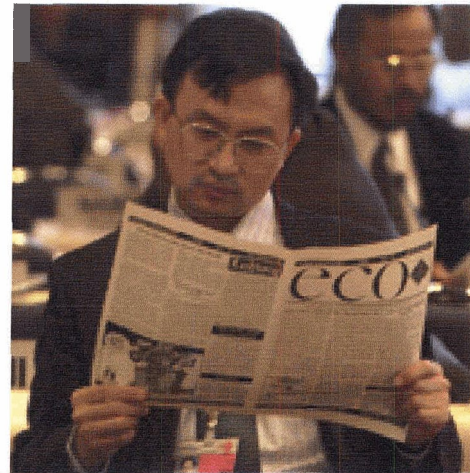


Illustration 1. Delegate Reads ECO
(source: Earth Negotiations Bulletin, 2001)

The opportunity for NGOs to give a formal speech at a conference may be one of the few chances NGO participants have to verbally communicate their demands and ideas to state delegates. In addition, and with similar effect, opportunities may also exist for NGO representatives to verbally communicate with state delegates one on one, or, 'in the corridors'. Again, ideational persuasion is at the root of such influence attempts.

Condition Variables to Methods of Influence

The various influence methods outlined above, which TENGUOs may use in their attempts to influence policy, are said to have varying degrees of effect based on a number of variables. In this study, some of these variables are arguably within the control of

TENGOs and are deemed as *internal condition variables*. They include organizational, philosophical, or otherwise tactical approaches and decisions, which have been made by TENGOs with respect to their actions at or prior to the conferences in this study. Each of the condition variables that are analyzed in this study have been gleaned from the conclusions of previous researchers, some of which have been touched upon above.

According to Van Evera, a condition variable is a variable that governs the size of the impact that independent variables (TENGOs and their influence methods) have on dependent variables (the final policy declaration).⁴⁵ Below, the internal condition variables are divided into those which are under the control of TENGOs as a group of organizations, and those which are under the control of TENGOs as individual organizations. The term *external condition variables*, denotes factors that are typically beyond the control of TENGOs.

⁴⁵ Van Evera, 1997.

Internal Condition Variables

TENGOS can be more or less effective as a group, depending on:

- The number of TENGOS at a conference⁴⁶
- The unity of TENGO policy demands at a conference⁴⁷

TENGOS can be more or less effective as individual organizations, depending on:

- The diplomatic approach of TENGO representatives⁴⁸
- The quality of scientific information used in conjunction with lobbying efforts⁴⁹

TENGOS can be more or less effective as individual organizations or as a group depending on:

- TENGO abilities to favorably impact the conference's procedural rules prior to the event

External Condition Variables

TENGOS can be more or less effective depending on:

- The procedural rules as they existed during the conference⁵⁰
- The extent to which TENGO demands concern state abilities to make independent domestic policy choices⁵¹
- The strength of counterbalancing lobby groups⁵² (*i.e. industry lobby groups*)
The extent to which TENGO demands are at odds with current practice or the policy positions of states⁵³
- The existence of consensual scientific data regarding the issues at hand⁵⁴

Each point will be discussed below.

⁴⁶ Mathews, 1997.

⁴⁷ Arts, 1998; Conca, 1996; Clark, Friedman & Hochstetler, 1998.

⁴⁸ Arts, 1998.

⁴⁹ Arts, 1998.

⁵⁰ Arts, 1998; Clark, Friedman & Hochstetler, 1998.

⁵¹ Arts, 1998.

⁵² Gill, 2000.

⁵³ Arts, 1998.

⁵⁴ Skodvin & Andresen, 2003.

The number of TENGOS in attendance at a conference is said to affect TENGO influence over the conference policy result. Mathews develops a positive correlation between high numbers of TENGOS in attendance at a conference and the levels of influence that TENGOS may expect.⁵⁵ When the former is high, the latter is more likely to also be high. Simply put, the more TENGOS there are at a conference, the more pressure they can attempt to exert with the various influence methods they have at their disposal.

Policy unity amongst TENGOS has been identified as an important factor at conferences by a number of researchers⁵⁶. The general reasoning with this condition variable is that TENGO demands as a whole will be more influential in the absence of TENGO infighting. According to Skodvin and Andresen, TENGO policy unity is best facilitated by TENGO membership in transnational coalitions.⁵⁷ These coalitions provide a forum for TENGO meetings so that numerous organizations can coordinate their policy demands—in an effort to reduce or eliminate infighting. In essence, this is a valuable pursuit because it reduces the likelihood that TENGOS will contradict or cancel out one another's demands.

According to Arts, the diplomatic approach of TENGOS affects their political influence. The use of a 'wrong' approach by NGOs (confrontational, radical etc.) can be a drawback to their influence.⁵⁸ Simply, should TENGOS not follow diplomatic norms while articulating their demands at a conference, their views will be taken less seriously, and importantly, they may be barred from the conference.

⁵⁵ Mathews 55.

⁵⁶ See Arts, 1998; Conca, 1996; Clark, Friedman & Hochstetler, 1998.

⁵⁷ Skodvin & Andresen 10.

⁵⁸ Arts 306.

Also stemming from the observations of Arts, the existence and quality of scientific information used by TENGOS is important to their influence efforts. Arts suggests that, for the sake of making their demands credible, NGOs should ensure that their knowledge and arguments are backed by scientific arguments and data otherwise it will not be convincing to others.⁵⁹ Such science-based aids should of course be credible, or up to so-called professional standards, or the utility of the science will be diminished.

With respect to conference procedural rules, the research of Clark, Friedman & Hochstetler has identified that such rules have the ability to enhance or constrain NGO influence at conferences.⁶⁰ Examples of relevant rules include the processes for setting the conference agenda and the rules regarding NGO access to negotiation sessions. With respect to the latter example, rules regarding whether NGOs may address decision makers during such sessions are important. Procedural rules are listed as an internal condition variable and an external condition variable. With respect to the former, procedural rules are categorized as such because it is up to TENGOS to *try* to exert influence here, prior to the conference, for their future benefit. As an external condition variable, once the conference has begun, and the procedural rules have been set, the rules then take affect and are out of the hands of TENGOS.

The condition variable concerning the extent to which TENGO demands concern state abilities to make independent domestic policy choices, was identified as an important influence factor by Arts.⁶¹ In brief, he found that the more NGO demands attempt to impede on the domestic policy choices of states, the less likely they are to be

⁵⁹ Arts 270.

⁶⁰ Clark, Friedman & Hochstetler 4.

⁶¹ Arts 282.

adopted. The general reluctance of states to oppose policy demands of this nature implies a tendency of governments to resist giving up domestic policy control.

With respect to the strength of counterbalancing lobby groups at conferences, the insights of Gill, mentioned above, have relevance here. In short, Gill suggests that industry interests have a significant role in government policy making. The reasoning is essentially, that it is in the interests of states to maintain a stable economy; and an important part of that economic maintenance involves keeping industry interests in mind. Other researchers⁶² have claimed that industry interests are taken into consideration by some states 'as a matter of right'. The more a given policy has the potential to impact the interests of industry, the more industry will be consulted by states. Labeling lobby groups as a counterbalancing force to TENGOs implies that the two groups are naturally in conflict. This is not always the case.⁶³ However, when the interests of industry lobby groups are demonstrably counter to those of TENGOs, such forces are considered to counterbalance the lobbying efforts of environmental groups.

The extent to which TENGO demands are at odds with current practice or the policy positions of states is an important and varied factor. Basically, it is thought that the more TENGO demands are in conflict with the status quo, or the preferences of states, the less likely are their policy successes. Additionally, the works of Krasner and Stiles outlined above suggest that variances exist in this condition variable relative to the power of individual states. When state resource control is taken into consideration, it follows that the policy status quo and/or state preferences, as they apply to *powerful* states, will

⁶² Peter Newell & Matthew Paterson, "A climate for business: global warming, the state and capital" Review of International Political Economy, 5:4 Winter 1998: 679-703, p 684.

⁶³ As will be touched upon later in the study, the insurance industry is reportedly pro-Kyoto Protocol in contrast to the interests of many energy companies.

be a bigger obstacle to TENGO influence relative to those of weaker states.

A related condition variable to that of the quality of scientific data above, concerns the existence of *consensual* scientific data. The findings of Skodvin and Andresen suggest that the more there is consensus amongst the scientific community with respect to the pros and cons of certain policy choices, the more the use of scientific arguments, as a TENGO tool of persuasion, will be effective.⁶⁴ Thus in addition to quality concerns, there are larger substantive considerations as well. In short, it stands to reason that if two opposing viewpoints on the same policy issue are buttressed by conflicting scientific evidence, then the utility of science as a means to bolster one's policy preference is weakened.

Indicators of Possible Political Influence at a Conference

Ultimately the above methods and factors of political influence are put into action by TENGOs, and have varying degrees of effect on a range of indicators, which researchers may analyze to assess the extent of a given effect. The indicators that are analyzed in this study are listed below.

Researchers can qualify the political influence of TENGOs by analyzing TENGO impacts on various dependent variables. In this study, this will be done by analyzing TENGO abilities to:

- Contribute to the shaping of conference rules and procedures⁶⁵
- Contribute to the definition of the environmental issue(s) at hand⁶⁶
- Incorporate text into the agreement⁶⁷
- Prevent the incorporation of undesirable text into the agreement⁶⁸

⁶⁴ Skodvin and Andresen 16.

⁶⁵ Arts, 1998; Clark, Friedman & Hochstetler, 1998.

⁶⁶ Betsill & Corell, 2001.

⁶⁷ Arts, 1998; Betsill & Corell, 2001; Clark, Friedman & Hochstetler, 1998; Conca, 1996.

In conjunction with the indicators listed directly above, explaining how political influence is defined in this study is necessary. A version of the definition used by Arts will be adopted. In this study political influence is defined as the achievement of (a part of) one's policy goal with regard to an outcome in treaty formation and implementation, which is (at least partly) caused by one's own and intentional intervention in the political arena and processes concerned.⁶⁹

Qualitative analyses are then performed to determine the extent of the achievement of all or a part of the intended TENGO policy goals. The qualitative range of policy goal achievement runs between none, slight, moderate, substantial and complete. In addition, as Van Evera suggests, a positive counterfactual has been sought with regard to illustrating TENGO influence; in other words, evidence has been searched for, which establishes that aspects of the conference that are related to the indicators above would have been demonstrably different had TENGOs not attempted to exert any influence.

Also of importance are issues concerning the parameters of the political arena and the processes involved with international conferences. In keeping with the arguments of Wapner, and Skodvin & Andreson mentioned above, the political arena and processes considered relevant to this study are not physically limited to the conference arena alone. As implied by the discussion regarding methods of influence, domestic and international lobbying efforts aimed at governments before and during conferences can yield significant levels of influence. Without considering such avenues of influence, important

⁶⁸ Arts, 1998.

⁶⁹ Arts 58.

factors, which operate behind the scenes of the localized activities at a conference may be unduly overlooked.

Summary

What seemed obvious from the onset of this research project was that TENGO proliferation is occurring and that such a proliferation is manifesting itself, among other ways, in a dramatic increase in the numbers of TENGOs participating at international environmental conferences. As has been illustrated, such claims have not proven to be controversial. What is disputed, however, is whether or not the aforementioned increase in TENGO participation has concomitantly translated into an increase in the abilities of TENGOs to affect the processes and final policy outcomes of the conferences they attend.

Differing accounts and opinions regarding this dispute readily exist in the relevant literature, both from theoretical and observational standpoints. Varying theoretical standpoints, it has been shown, provide for a convergence of current debate with regard to contemporary power wielding in international environmental politics. Historically, Liberal Internationalists and Realists have been at odds with one another over the role, feasibility, and ultimately the belonging of non-state actors in international relations; the former could arguably be considered optimists in these regards, the latter, more or less pessimists. More recently, social constructivists and regime theorists have contributed to the debate. Their arguments have provoked the consideration of theoretical approaches which can account for what, on the surface, seemed then and now to be growing international cooperation in various forms, and a burgeoning global civil society stepping

into the arena armed mainly with ideas and other unconventional forms of political persuasion.

An important question at hand in this study is whether TENGO enthusiasts can justifiably claim victory of sorts, in terms of the affects that such groups supposedly have on the policy outcomes of various international environmental conferences. Literature surveys have indicated that any newly found influence in this regard has been slight, if not wholly absent from the vast majority of observational conclusions. Despite such research efforts, however, debate continues, as many of the relevant phenomena involved are new to the world and, as a result, are not yet fully understood.

This study attempts to make a contribution to this knowledge gap by approaching the question of NGO influence in international politics in a focused, empirical manner. With the framework developed for this research project as a guide, a multiple case study approach is utilized in the following pages to ascertain the extent of TENGO influence at two contemporary international environmental conferences. They are the 1999 IJC Biennial Conference and the 2001 UNFCCC COP 6 Part II. Both were selected because they are recent conferences that were well attended by TENGOs. In addition, the cases have significant differences. The policy product of the IJC Biennial is non-binding to the states involved, while if sufficiently ratified, the policies formed in Bonn will be binding. Also of note, the IJC involves only two states—the US and Canada, while 180 states participated at COP 6 Part II. Both the similarities and the dissimilarities provide for an interesting exploration of the relevant issues, and a varied application of the relevant theories outlined above.

The study concludes with suggestions that have been formulated, in light of various findings, which could aid TENGOS in their pursuits to better affect international political policy in the future. Lastly, the theoretical implications of the study's findings are explored and related back to the various literatures that helped inform this project.

CHAPTER TWO

**CASE ONE: THE 1999 INTERNATIONAL JOINT COMMISSION,
MILWAUKEE BIENNIAL CONFERENCE**

Case One: The International Joint Commission

Introduction

Throughout this case study, various TENGO efforts to influence the policy product of the 1999 IJC Milwaukee Biennial Conference will be systematically assessed in conjunction with the framework outlined in the introductory chapter. The policy matter of most importance to the TENGOs present was to stop the renegotiation of the Great Lakes Water Quality Agreement. It was being argued that government efforts to renegotiate the Agreement would significantly detract from the already insufficient efforts of governments to implement the agreement as it stood. In short, TENGOs were suggesting that the substance of the Agreement was not a problem. Instead, government inaction was.

The policy product of the conference is a biennial report that was published by the International Joint Commission after the completion of the conference. In studying the proceedings of the conference, TENGO methods of influence and various condition variables, which can impact their efficacy, are individually analyzed. Lastly, the biennial report is scrutinized for evidence of TENGO policy demands.

Background to the IJC

The Boundary Waters Treaty of 1909, between the governments of the United States and Canada, established the present day IJC. The Treaty originated primarily out of concern over the apportionment of water for producing hydropower in the Great Lakes and St. Lawrence Seaway region around the turn of the century. It was designed to

resolve disputes and to avoid conflicts that would “inevitably arise between two sovereignties sharing both a continent and a frontier of continental dimensions.”¹

The period between WWII and the early 1960s was referred to by the former Canadian IJC Chairman Maxwell Cohen as the “Great Works Period”, when locks and dams in the St. Lawrence Seaway and the Columbia River systems were developed.²

According to Paul Muldoon of the Canadian Environmental Law Association, since the 1960s, most IJC attention has been given to air and water pollution problems in what is generally agreed to be “the environmental era”, during which even issues of levels and flows have been addressed from new perspectives.³

Today, the functions of the IJC are various. First, using what is sometimes called its quasi-judicial power to apply governing principles for water use, the IJC decides whether to approve construction or other actions that will affect the levels and flows of boundary and transboundary waters. The IJC also has limited control of the operation of locks and other water level control structures in Lake Superior, Lake Ontario and Lake Erie. Second, when requested by both governments in what is called a reference, the IJC investigates specific situations and makes recommendations to the governments on how to address the problems.⁴ The third function of the IJC is its arbitral power to resolve disputes under Article 10 of the Treaty, although its relevance is limited since it has never been used.⁵

¹ Paul Muldoon and Lee Botts. The Great Lakes Water Quality Agreement: Its Past Successes and Uncertain Future. Aug. 13, 2001; Feb. 15, 2004. Environment Canada Website: <http://www.on.ec.gc.ca/glwqa/glreport-2-e.html#_PART2>

² Muldoon and Botts, 2001.

³ Muldoon and Botts, 2001.

⁴ Muldoon and Botts, 2001.

⁵ Muldoon and Botts, 2001.

It is the second aforementioned function—that of specific references—which holds relevance to this case study. In 1972, the Great Lakes Water Quality Agreement (GLWQA) was signed by the American and Canadian governments. Despite the fact that the GLWQA could be terminated by either government with one year's notice, the Agreement is, for all intents and purposes, considered to be a standing reference to the IJC under the Boundary Waters Treaty. Essentially, the reference charges the IJC with the tasks of cleaning up and protecting the natural environment of the Great Lakes and St. Lawrence Seaway.

As a part of this responsibility, the Agreement stipulates that the IJC must produce a biennial report, which assesses the Parties' (the Canadian and US governments) progress in implementing the Agreement. The assessments made by the IJC are then accompanied, in the same report, by a set of compartmentalized policy recommendations. These recommendations aim to generate policy solutions that are specific to the shortcomings, on the part of the Parties, which have been elsewhere identified in the report. Of particular comparative importance, however, and in contrast to the UNFCCC case study discussed in the next chapter, the calls for policy action and implementation made by the IJC are non-binding; the governments who effectively solicit the biennial advice of the Commission under the GLWQA are in no way bound to guarantee implementation of IJC recommendations.

Arguably, however, the credibility of the US and Canadian governments is on the line with respect to heeding IJC advice. Significant resources⁶ are committed by both governments to fund the production of IJC policy advice. In addition, should ecological

⁶ In 1995 the IJC reported an annual operating and Great Lakes research budget of US \$81.7 million. International Joint Commission, 1995-1997 Priorities and Progress Under the Great Lakes Water Quality Agreement. (Windsor:1995) Section 4.2.3.

disaster stem from government actions that effectively ignored publicized IJC policy advice, the governments in question would likely be required to answer some tough questions. Thus, in the past, important IJC policy advice has been implemented by the US and Canada. Of the more notable policies are the 1990 discharge ban of persistent toxic substances in Lake Superior, the 1992 creation of 43 Areas of Concern (the most polluted sites in the Great Lakes basin) together with funding to begin localized clean up, and the 2001 Canadian ban on bulk water exports from the region.

In addition to the biennial progress reports, the IJC is also obliged to hold biennial public forums, the timing of which are staggered to take place approximately a year before the publication of its biennial reports. According to the IJC, their biennial public forums are intended to provide the opportunity for citizens, government officials, industry, environmental organizations, scientists, the media and others from Canada and the United States to meet and discuss issues of concern regarding the Great Lakes ecosystem and to provide information to the Commission.⁷ This provides a suitable context to investigate the complimentary and competing policy demands of these various actors. Examples of these two products of IJC activity—a biennial report and public forum—form the basis of the primary research for this research project.

The Biennial meeting chosen for this project took place in Milwaukee, Wisconsin, from September 24th to the 26th, 1999. It is the most recent IJC biennial meeting that met the necessary requirements outlined regarding case selection. Briefly, it is a recent international conference that was well attended by TENGOs. In addition, access to

⁷ International Joint Commission, The 1999 Milwaukee Biennial, date updated n/a; Jan 10, 2004. IJC Website: <<http://www.ijc.org/rel/Milwaukee/premeet.html>>

information was significant, as the IJC provides verbatim transcripts of TENGO testimony at the public hearing and full access to the final policy document.

Of note, two more recent biennial meetings were possible options: the 2001 IJC Montreal public forum and another in Ann Arbor, Michigan, in 2003. However, at the time of writing, the subsequent 2004 biennial report, which would coincide with the Ann Arbor meeting, had yet to be published. With regard to the Montreal public forum for which there is a coinciding biennial report, according to numerous observers the meeting was significantly skewed, as key US officials and participants were absent due to the original meeting's start date—September 14th, 2001—just days after the September 11th attacks in the US. For reasons relating to the methodological need to find as close an example of a typical IJC biennial meeting as possible, the September 2001 Montreal public forum was ruled out.

Policy Issues at the Conference

Due to the relatively manageable size and nature of the Milwaukee meeting's activities and its subsequent 2000 biennial report, virtually all of the NGO demands and IJC policy recommendations are in some way taken into consideration in the following analysis. There are, however, concentrated areas of analysis where interviewees indicated that a certain policy issue was a priority to their organization, or where a policy issue was found by the researcher to have received relatively high levels of attention during the conference.

The policy issues at the biennial are international in their nature. One interviewee suggested that despite the national boundaries, the policy concerns of citizens and

TENGOs on both sides of the border are virtually the same.⁸ In addition to this symmetry, the policy issues brought to IJC officials are also significantly broad, as the environmental concerns of various actors, from the regions' tens of millions of citizens inhabiting 8 states and 2 provinces, fall within the IJC's jurisdiction. How the binational IJC deals with such demands of its policy priorities is thus a good testing ground for the aforementioned theoretical considerations at play in this study.

Due to the nature of the IJC's official mandate, policy concerns that fall under its jurisdiction are numerous and highly varied. As mentioned above, the IJC is charged with the mission to oversee the clean up of past contamination and to guard against current and future degradation to the natural environment of the Great Lakes and St. Lawrence Seaway. Thus, efforts must be made by the IJC to include in their analyses all past, current and future sources of human induced adverse impacts in the region—from ships, land use activities, shoreline point sources, air pollution and many more—in order for their studies and findings to be as close to complete as possible. Consequently, the range of issues that may be brought to an IJC public forum by environmental NGOs is quite considerable.

In addition to policy issues that deal with specific areas of environmental concern, for example, the clean up of a particular contamination site, views and demands regarding procedural policy issues such as the rules related to the Agreement itself, may also be brought to the fore at IJC biennial conferences. As mentioned in the introduction, in Milwaukee, the integrity of the GLWQA was up for debate. Article X, part 4, of the Agreement stipulates that the Parties shall conduct a comprehensive review of the operation and effectiveness of the Agreement following every third biennial report of the

⁸ John Jackson—see section 'Great Lakes TENGOs' below, for background information.

Commission. After such a review, the Parties may opt to open the Agreement for renegotiation.

At the time of the 1999 Milwaukee meeting, the US and Canadian governments were in the midst of such a review. According to two interviewees, Dr. Mary Durfee⁹ and John Jackson, rumblings were being made by both federal governments in favour of opening the Agreement for renegotiation. In interviews, Jackson and others claimed that stopping the renegotiation of the GLWQA was the top priority for environmental organizations present at Milwaukee. As will be further explained in subsequent pages, this priority also became evident with the analysis of testimonial transcripts from the Milwaukee conference.

TENGO reasons to oppose any renegotiation of the GLWQA were essentially along the lines that to do so would detract from, as they saw it, the current insufficient government efforts to implement the Agreement as it stood. Jackson suggested that the Agreement was a strong document, which, if implemented properly, could have profoundly positive effects on the natural environments of the Great Lakes and St. Lawrence Seaway. Relevant environmental problems, according to Jackson, were not the result of a faulty Agreement. Instead, they were the result of a lack of implementation on the part of the Agreement's Parties—the governments of the US and Canada. Renegotiation would then, in effect, wrongly place the blame for shortcomings associated with clean up efforts, on the mechanisms provided by the Agreement, instead of pointing the finger at the various levels of government on both sides of the border who have not been appropriately exercising its implementation. In light of the fact that such government actions were repeatedly found, by the TENGO community and the IJC in its

⁹ For Dr. Durfee's background, see section entitled 'Great Lakes TENGOs' below.

biennial reports¹⁰, to not meet the demands of the Agreement as it stood, the concern was that if anything, a renegotiated Agreement would likely be a weaker one that generally calls for government actions less.

In addition to the main NGO priority identified above, numerous other demands and viewpoints were voiced at the meeting. Environmentally, the Great Lakes region suffers from a host of problems, including mercury contamination in fish species, the existence of dangerous persistent toxic substances in lake sediment, air pollution, exotic fish proliferation, non-drinkability of Great Lakes water, the loss of wetland habitat and more. Various individual and otherwise less concentrated concerns such as these were also brought to the attention of IJC officials in Milwaukee. With the help of the influence framework introduced in the introductory chapter, these policy issues and how they were dealt with at the conference by TENGOS will be analyzed in more detail below.

Great Lakes TENGOS

The environmental organizations studied in this research project are varied and numerous. There are individual organizations on each side of the US/Canada border and an umbrella organization, Great Lakes United (GLU), which claims to coordinate and represent the interests of a number of organizations in the Great Lakes region from both countries. Some of the former are organizations that focus strictly on environmental matters and others have a broader mandate that includes environmental concerns amongst their many issue areas.

¹⁰ The contents of IJC biennial reports can essentially be viewed, almost entirely, as constructive criticisms of government inaction. They are laden with further demands for government action. Requests for things such as new initiatives, more resources, quicker implementation, and further, more detailed study are at the core of virtually every recommendation made.

The vast majority of the organizations included in this case study fit the TENGO profile outlined in the introductory chapter. In International Relations terms, they are relatively new organizational entities, the majority of which having been established post 1980. In addition, cumulatively, the environmental organizations that attended the Milwaukee biennial may arguably claim to represent hundreds of thousands of concerned citizens, particularly when organizations such as GLU attend, who claim the support of environmentalists, conservationists, hunters and anglers, labor unions, community groups, and citizens of the United States, Canada, and First Nations and Tribes. Moreover, the annual budgets of many Great Lakes organizations are reportedly stable, and are also reported to be more often than not, increasing¹¹. Participation at IJC biennial meetings until the mid to late 1990s was also steadily increasing, with over 2000 people attending the 1995 IJC biennial meeting in Duluth, Minnesota. However, for reasons that will be explored in subsequent sections, participation numbers at biennials have since dropped.

A large proportion of the data used for analyses of TENGO influence in Milwaukee was gleaned from a number of interviews with TENGO representatives who participated at the Milwaukee forum. In addition, one interviewee (Paul Muldoon, see below) did not attend, but nonetheless has attended numerous IJC biennials and is regarded in the Great Lakes region as an authority on various IJC matters. To illustrate the general background of the organizations and the credentials of the individuals who participated in this case study, the participants and their organizational affiliations are listed below.

¹¹ Charles Stewart Mott Foundation, Charles Stewart Mott Foundation Annual Report, 2002; Jan 17 2004. <<http://www.mott.org/publications/websites/annual2001/en-intro.asp>>

- Tanya Cabala, Director of the Lake Michigan Federation (LMF), a Michigan based TENGO, which specializes in issues regarding water quality and conservation, habitat recovery, land use and the promotion of clean energy. They have offices in Michigan and Chicago and are a member of GLU.
- Dr. Mary Durfee, Associate Professor of Political Science at Michigan Technical University and in 1999 the US Co-Chair of the Lake Superior Bi-national Forum (LSBF), an official (government sponsored) citizen's advisory group on Great Lakes issues. The LSBF is not a GLU member.
- John Jackson, Board Member of the aforementioned Great Lakes United. Jackson is also the Coordinator for the group Citizens' Network on Waste Management (CNWM), and the Executive Director of the Ontario Toxic Waste Research Coalition—both are based in Ontario and members of GLU.
- Rebecca Katers, Executive Director of the Clean Water Action Council (CWAC), an organization based in Green Bay, Wisconsin. The CWAC focuses on fresh water issues including marine conservation, air pollution, wetland losses and water consumption in the Great Lakes basin. The CWAC is a member of GLU.
- Paul Muldoon, Associate Faculty Member at the University of Toronto's Institute for Environmental Studies, and Executive Director for the Canadian Environmental Law Association (CELA), a Toronto based not-for-profit organization that attempts to lobby governments, educate the public, and provide subsidized legal services related to environmental law. CELA is a GLU member.

It should be noted that neither Paul Muldoon nor Dr. Mary Durfee were asked the same questions meant for TENGO participants, that the others were. Paul Muldoon was not present at the Milwaukee forum, though a representative from his organization who is no longer employed by CELA was. In Dr. Durfee's case, as noted above, the organization she was involved with at the time is not considered an NGO, because it is sponsored by both the US and Canadian governments. Therefore, the interviews conducted with these two participants were of a more spontaneous nature and did not proceed with the framework in mind. In the analysis below, when TENGO responses are referred to, the responses of Muldoon and Dr. Durfee are excluded.

The 1999 International Joint Commission Biennial Conference

Thus, the stage has been set for what can be regarded as a contemporary International Relations standoff, with bi-national government-appointed officials on one side, representing the IJC, and a host of environmental NGOs and TENGOs on the other, representing civil society. As previously alluded to, the stakes are in effect, relatively *low*, as the environmental groups are merely attempting to have their concerns relayed to the US and Canadian governments via the IJC's non-binding, year 2000 biennial recommendations. Still, the best opportunity for relaying such concerns, according to both the IJC and environmental groups at the time¹², was at the 1999 IJC Milwaukee meeting.

Certain aspects of the framework detailed in the introductory chapter will now be used to ascertain the efficacy of TENGO approaches to influence the recommendations made to the Parties of the GLWQA, in the IJC's 2000 Biennial Report. Most of the information presented in this section was gleaned from recent interviews with the individuals mentioned above. All questions that were posed to interviewees were formulated in conjunction with the design of the framework outlined in the introductory chapter. For a summary of the framework see pages 31-43.

Questions were divided to place separate emphases on activities before and during the conference, with a section of questions pertaining to each of the following: pre conference activities, activities at the conference, and conference results and/or post conference reflections of the interviewees. Questions were also designed to touch upon TENGO influence methods and numerous condition variables, which may impact the

¹² As previously pointed out, participation at IJC biennial meetings has dropped significantly. Presently, environmental groups have largely reevaluated the efficacy of being heard by US and Canadian governments via the IJC.

extent to which certain influence methods are effective. The framework is designed to isolate various methods of influence available to TENGOs and the numerous factors, which may have made such influence attempts more or less effective.

In brief, this investigation found a number of areas that led to the relatively modest success of TENGOs attempts to influence policy at the biennial. Insufficient resources, media apathy, unconcentrated policy demands, moderately strong counterbalancing lobby groups, and poorly attended and timed speaking opportunities, all contributed to the small extent of TENGO policy success. Factors that contributed to the few successes that were achieved by TENGOs include their professional conduct, the existence of mutually agreeable TENGO policy stands, largely modest policy demands, and conference rules and procedures that provided significant TENGO access to IJC decision makers.

The complete list of questions is in Appendix A. Only answers that proved useful in the foregoing analysis are utilized below.

Prior to the Conference

The section that follows presents the relevant condition variables and influence methods pertaining to TENGOs before the Milwaukee conference. Each is dealt with separately and is followed by analyses.

Pre-Conference Condition Variables

The following condition variables were relevant to TENGO activities prior to the conference: TENGO attempts to affect the rules and procedures of the biennial; whether

there was, among TENGOS at the conference, a united stand regarding policy issues and demands; the quality of scientific information gathered by TENGOS to aid the articulation of their policy demands; the existence of consensual data regarding the policy issues at hand; the extent to which TENGO policy demands were at odds with current practice; and the extent to which TENGO demands concern state abilities to make independent domestic policy choices. As noted in the introduction's discussion surrounding the framework, condition variables pertain to actions that, theoretically, may increase the likelihood that various influence methods—designed to influence the policy outcomes of the conference—are effective. These condition variables may have their effects at the conference, but they are also decided largely by TENGO initiatives, or other realities in play prior to the conference. Analyses of the first two condition variables mentioned above were informed by interviews. The relevant interview responses are firstly discussed below, and analyzed along with the other condition variables in the section that follows.

TENGO Interview Responses

The ability of TENGOS to influence the rules and procedures of a conference can affect their abilities to exert influence over the conference's policy results. Rules and procedures pertaining to agenda setting and non-state participation, for instance, can control what is discussed at a conference and who attends. Of the TENGO respondents, 2 reported not to have been able to influence the rules and procedures of the conference, and one, Jackson, reported to have contributed in the IJC's organizing efforts with respect to setting the agenda of workshops at the biennial.

On the topic of whether there was a united front in terms of policy demands amongst TENGOs, each respondent claimed that there was. All interviewees suggested that GLU was particularly instrumental in achieving this policy coordination and that it was an important priority for their organizations to attend conferences well prepared in this regard.

- *Analyses of Pre-Conference Condition Variables*

With respect to Jackson's claims to have influenced the biennial's rules and procedures, a closer look suggests that the extent of this influence, and its result, was likely minimal. As noted above, Jackson claimed to have been able to organize his own official workshop at the conference, which all conference participants could attend, that encouraged greater producer environmental responsibility. The message from the IJC approved workshop was that producers should increasingly bear in mind not only the environmental consequences of the production methods and bi-products that produce an item, but also the environmental consequences that the product itself has during its use and disposal. The records of the conference, however, suggest that Jackson's workshop was somewhat of a sideshow to the official conference agenda. IJC officials and commissioners, for instance, do not appear to have been obliged to attend or comment on the workshop, or any issues it may have addressed. While the existence of Jackson's workshop was verified by the IJC website, it was not mentioned once in any of the conference's official transcripts. Thus, TENGO influence over the rules and procedures at the Milwaukee biennial, and the effectiveness of this influence, seems to have been very slight, if registering at all.

Concerning TENGO claims of a united front with respect to policy issues and demands in Milwaukee, two different considerations were taken into account. Unity is perceived in two ways in this study. Firstly, unity is considered to regard the extent to which TENGOs agree with the substance of one another's policy demands, or find such demands mutually agreeable. Second, unity is considered to be evidenced by mutually agreeable policy priorities. The analyses performed for this study¹³, of the conference transcripts, suggests that while there may have been agreement among TENGOs regarding the appropriateness of one another's particular policy positions, there was very little in the way of a concentrated policy front, which reflects the main TENGO policy priorities. Conference transcripts showed that during the public forum, 71 policy demands were articulated by 32 different representatives of TENGO organizations. Of the 71 policy demands, 53 dealt with separate issues, a further 8 separate policy demands were repeated twice, 1 was repeated 9 times (demands to not renegotiate the GLWQA), and 1 was repeated 3 times. Thus, independent of the substance of the demands, TENGOs present in Milwaukee were articulating mutually agreeable yet highly fragmented policy concerns. From one angle TENGO demands were united in that there is no evidence that suggests there was infighting amongst the organizations over policy issues, but importantly, TENGOs seemed to fail to come to agreement prior to the conference on what their policy *priorities* would be. Pre-conference meetings amongst TENGOs were not entirely effective at fully coordinating TENGO demands. The condition variable thus receives a moderate value here, because despite the highly

¹³ The analyses in this section were performed on the conference transcripts by the author of this study. All figures presented in this paragraph are the result of the author's primary research.

fragmented nature of their demands, it is also important that TENGOs were not challenging one another's opinions during the biennial.

Regarding the quality of scientific information used by TENGOs to legitimize their demands, qualitative analyses were difficult, due to the simple lack of scientific evidence utilized by Great Lakes TENGOs during their lobbying efforts. As previously mentioned, no literatures were created by TENGOs in this case study to sway IJC decision makers. The analysis was thus left to the testimonial transcripts¹⁴, where what was noticeably lacking was the very scientific basis to which this condition variable refers.

When held relative to the content of the IJC biennial report TENGOs are attempting to influence, one cannot help but come to the conclusion that the testimony of some TENGO representatives is seemingly out of its element, in terms of the depth, complexity, and subtleties that are displayed with respect to the issues at hand. The point is that IJC biennial reports are very detailed documents, which, due to the various scientists conducting and publishing research for the Commission, have a thorough scientific basis. The testimony of TENGOs at the Milwaukee biennial meeting on the other hand was found to be relatively general or vague.

There are numerous potential reasons for this. For instance, a public meeting, where time is limited for each speaker, is not the best forum for a detailed water chemistry lecture. Thus, a knowledgeable speaker's ability to present the relevant details with respect to their policy concern will understandably be constrained. On the other hand, speakers may know, for instance, that something is awry when fish in a particular

¹⁴ Testimonial transcripts of the Milwaukee biennial are provided by the IJC on their website: <<http://www.ijc.org/re/milwaukee/transcript/index.html#pubhear1>>

stream are seemingly dying at significantly increased rates, but they may not personally have an understanding of the scientific explanations that could account for the phenomena. The results of these and other potential scenarios, however, are that IJC officials, through public meetings, are not likely to be presented with sufficient details they may need to understand or act on an issue brought to them by TENGOs. Thus the quality of scientific information used by TENGOs in Milwaukee was low.

Concerning the existence of consensual scientific information with respect to TENGO policy demands at the biennial, again the large range of such demands rules out a detailed analysis. The value of this condition variable as a whole is thus inconclusive. However, with respect to the main TENGO policy goal in Milwaukee—to stop the renegotiation of the GLWQA—consensual opinion, among IJC decision makers did exist, which no doubt led to the policy conclusions arrived at by IJC officials. In this policy area, the existence of consensual opinion existed completely.

With respect to the extent to which TENGO policy demands in Milwaukee were at odds with current practice, cursory analyses of conference transcripts showed that extremes in these regards did not exist. As previously established, the range of policy issues brought to the attention of IJC officials by TENGOs was very large—which rules out a detailed analysis here. However, TENGO demands were, by and large, interpreted as relatively reasonable. The logic of this condition variable intends to establish the rule that when TENGO policy demands are so extreme or removed from current practice that they require significant, if not impossible action on the part of decision makers to be met, the demands will not be incorporated into text of the conference policy result. Requests for the immediate abolition of coal burning power plants, for instance, in a community

that relies upon them heavily and as yet has no alternatives, is a good example. TENGO policy requests in Milwaukee, however, were largely found to implicitly preserve important aspects of the status quo in ways that would not require significant and immediate social revolution for their implementation. Importantly, with respect to TENGO demands against renegotiating the GLWQA, maintaining the status quo was exactly what they were seeking. Thus TENGO policy requests were not significantly at odds with current policy practices.

Regarding the extent to which TENGO policy demands at the conference attempted to impact state abilities to make independent domestic policy choices, this condition variable's value was quite high. Simply put, environmental policy formation in these instances requires domestic action on the part of the governments involved. IJC policies were non-binding, however the issues at hand nonetheless have the potential to directly impact sovereign governance issues, such as domestic funding priorities and local environmental management procedures. The value of this condition variable was high.

Pre-Conference Influence Methods

TENGO representatives were asked what measures their organization employed to lobby IJC decision makers before the biennial took place. As noted in the introduction, TENGO lobbying efforts for a conference are not solely limited to the time of the conference itself. Other researchers¹⁵ have identified that pre-conference lobbying efforts can be crucial to TENGOs to garner public awareness of the meeting and the issues at stake, and ideally, to sway public opinion on such issues so that it better reflects the

¹⁵ See Arts, 1998; Scholte, 1999; Skodvin and Andresen, 2003; Wapner, 1995.

views of the TENGOs at the conference. Such measures can thus accord TENGO representatives the opportunity to claim a better degree of democratic legitimacy at a conference—because if they are successful at bringing a significant amount of public opinion on side, then they are present at a conference, in effect, representing the desires of a more significant ‘constituency’, as opposed to being perceived by the relevant authorities merely as the representatives of minority views or ‘special interests’. Despite these possibilities, however, each TENGO representative interviewed claimed that no pre-conference lobbying activities were employed by their organization, with respect to conference itself or specific conference issues.

- *Analyses of Pre-Conference Influence Methods*

With respect to the question posed above—which established that none of the organizations involved in this case study employed any pre-conference lobbying tactics—a telling consistency emerged. They all mentioned a variant of the following claim: the resources simply were not available to do so. This reality touches upon another related observation, which suggests that Great Lakes area TENGOs seem to be less resource endowed than those involved in the second case study involving climate change talks. From the smaller number of total staff at each organization¹⁶, to the seemingly limited permanent positions available¹⁷, the lack of resources at the average Great Lakes area

¹⁶ Staff size was typically available on the organization’s web site. The LMF reports 11 staff; GLU reports 10 staff; CWAC reports a “small staff of unpaid volunteers and students”; and CELA reports 11 staff. In contrast to the second case study which involves two TENGOs, Greenpeace and the WWF, with offices in numerous countries on every continent with hundreds of staff members in total. The Suzuki Foundation reports 35 staff, and the Pembina Institute reports 38 staff.

¹⁷ Interviews were much more difficult to set up with TENGOs from the Great Lakes, relative to the TENGOs involved in the second case study. Over half of the TENGOs that were contacted for this case study (approximately 15) reported that the representatives who attended the Milwaukee biennial were no

TENGO seems to severely limit their pre-conference lobbying capabilities. Two out of three respondents indicated that if the resources were available, pre-conference lobbying would be a bigger priority to their organization. Also of importance here could be the more broad attempts made by the TENGOs involved in this study to raise public awareness with respect to environmental issues. However, given the difficulties associated with measuring the impacts of such TENGO pursuits in the context of this case study, ascertaining the extent of pre-conference lobbying tactics was intentionally limited. Only TENGO lobbying efforts that targeted the public or IJC decision makers with issues related to TENGO lobbying demands at the biennial were investigated.

At the Conference

This section is similar in set up to the section above regarding matters that dealt with TENGO activities before the conference. Below, condition variables and influence methods are dealt with, which were in play during the conference. Each is again followed by a section of relevant analyses.

Condition Variables at the Conference

The following condition variables could affect TENGO influence methods at the Milwaukee conference: the favourability of existing conference rules and procedures to TENGO participation at the biennial; the strength of counterbalancing forces present; the number of TENGOs in attendance at the conference; and the diplomatic approach employed by TENGOs. Again, interview responses informed the analysis of the first two

longer associated with their organization. In contrast, each TENGO contacted for the second case study (approximately 10) reported that their representative in Bonn was still employed by the organization.

condition variables and are discussed below. The remaining condition variables are dealt with in the next section.

TENGO Interview Responses

To ascertain the extent to which the rules and procedures at the biennial seemed favourable to TENGO participation, the question was posed to TENGO representatives who were there. Each respondent claimed to have attended numerous IJC biennials prior to the Milwaukee conference, including other related official conferences, thus their opinions on the matter were considered valuable. The responses were mixed. Briefly put, Jackson felt as though the opportunities provided by the IJC for TENGOs to voice their concerns were not adequate. Katers claimed that the conference was conducive to TENGO participation and Cabala felt that the IJC's provisions for receiving the views of TENGOs was "pretty standard".

When asked about the strength of potential counterbalancing forces (i.e., industry lobby groups) at the conference, Cabala claimed that there was not much presence on the part of industry. The responses of Jackson and Katers agreed with Cabala's claim, but they added that industry groups were present in a non-participatory way. Instead of outwardly participating by speaking, they claimed that industry representatives were participating in an observational role and were there to, as Jackson put it, "essentially keep an eye on things".

- *Analyses of Condition Variables at the Conference*

The rules and procedures at the biennial were higher than standard when held relative to other similar gatherings between states and TENGOS. When compared against the second case study in this research project, the rules are more conducive to TENGOS participation. The rules are similar, perhaps most importantly, from the standpoint that TENGOS were not granted voting rights in either case study, a rule that was found to be standard while researching numerous other conferences for this research project. The rules were different in that TENGOS access to deliberations between decision makers was significant, as even IJC board meetings prior to and after both the conference and the publishing of the biennial report are open to TENGOS attendance.¹⁸ The ability to publicly address the decision makers during the conference was also provided for—within time limitations, to any member of the public wishing to make a statement. In contrast to the rules and procedures regarding the second case study, participants at Milwaukee were not required to be approved for observer status. They only needed to register their intent to attend. Thus, the rules and procedures as a condition variable are regarded to have been above standard, or significant, in Milwaukee.

Concerning the strength of counterbalancing forces at the conference, a potentially telling but effectively unverifiable claim was made by Dr. Durfee, which suggested that the strength of these forces was very high. To illustrate her claim, Dr. Durfee pointed to the observation that the IJC's resolve, since the early 1990s, has been significantly self-reduced. This point was corroborated by every observer informally or formally consulted for this case study. She suggested that after the 1993 IJC biennial in

¹⁸ According to the IJC, access to a wide range of board meetings held by various groups within the IJC prior to and after the conference is completely open. It is reportedly at these meetings where many relevant decisions with respect to the content of the biennial reports are made.

Windsor—a biennial marked by relatively extensive protest and attendance by TENGOs, and one that according to Dr. Durfee was decidedly anti-industry, Industry lobby groups pressured the American government to encourage the IJC to tone down its criticisms. In response to the pressure, the American government is said to have ascertained the costs it incurred to help sponsor the Windsor biennial and in the following year it reduced the IJC's annual budget by that exact amount. At subsequent biennials, Dr. Durfee suggested that industry was present as a “watch-dog to the watch-dog”, in keeping with Jackson's claims.

As mentioned, evidence to support Dr. Durfee's claim about retaliatory budget cuts was not found. Instead, evidence to the contrary was. In 1995, the IJC reported that its 1994 annual budget actually rose and peaked before it began a steady decline toward the end of the 1990s¹⁹. While it is tempting to draw the conclusion that perhaps it is the steady decline of the IJC's annual budgets that may represent the strength of industry lobby groups, such a conclusion would not be well founded. In fact, during this period on both sides of the border, nearly all government-sponsored programs were on the receiving end of steady budgetary cuts. For instance, Environment Canada as a whole reportedly suffered budget cuts totaling a third of its operating budget during the 1990s²⁰. Thus in the face of verifiable evidence to the contrary of Dr. Durfee's claims, the existence in Milwaukee, and indeed at all biennials, of a significantly disproportionate amount of influence on the part of industry lobby groups can not be claimed. It has not been ruled out by this analysis, but it can equally not be proven.

¹⁹ International Joint Commission, 1997-1999 Priorities and Progress Under the Great Lakes Water Quality Agreement. (Windsor:1997).

²⁰ International Joint Commission, “What Environmental Challenges Will We Face in the Next Century?” Focus, Vol. 22, 3, 1997.

To get a further idea of the value of this condition variable in Milwaukee, the findings of previous researchers on this topic, in different contexts, were also consulted. Peter Newell and Matthew Patterson argue from a political economy approach that state positions on various environmental policies are intricately linked to state roles in capital accumulation. While making claims regarding states and climate change policy, the principles at the core of their arguments still apply to this discussion. Essentially, the role of the state in maintaining the conditions for capital accumulation, and the extent to which a specific aspect of environmental policy can constrain state abilities to play such a role, combine to explain various state bargaining positions.²¹ The ‘hegemony of GDP growth as the benchmark by which policies are judged [by states]’ suggests that when industries that make up a significant portion of a national economy are threatened by a piece of policy, industry influence over state decisions will be high.

To use such a framework as a guide to ascertain the strength of counterbalancing forces in Milwaukee, one would need to ascertain the extent to which various industries would want to influence Great Lakes environmental policy, and the extent to which such industries are integral to the well being of a national economy. Also, the nature of the policy issues at stake is important. Extensive analysis in these regards is beyond the scope of this study, however some general assumptions can be made.

In attendance at the biennial was the Council of Great Lakes Industries (CGLI). With such heavy corporate hitters amongst its membership as BP Corporation, The Dow Chemical Company, General Motors Corporation, Inco Limited and various industry associations dealing with businesses ranging from forestry products to energy production,

²¹ Peter Newell and Matthew Paterson “A climate for business: global warming, the state and capital”, Review of International Political Economy 5:4, Winter 1998: 679-703.

it is safe to say that significant economic activity is tied to the Great Lakes Basin. Yet it is also safe to say that given the non-binding nature of the IJC's biennial report, industry lobby groups would be less concerned with its contents than they would be in the case of other binding policy products of international conferences—that Newell and Patterson refer to. Industry motives to maintain healthy public relations images would be a reasonable alternative concern to them. Thus, they may have been present to keep an eye on how they were being characterized at the conference, by the public and IJC officials. Yet given the small extent of media exposure of IJC biennials, it can be assumed that such concerns would have been relatively minor.

Industry lobby groups were nonetheless present in Milwaukee, which indicates that there exists from their standpoint at least the potential for IJC policy decisions to impact their interests. An observation made by Jackson and Cabala may be relevant. Each claimed that industry groups rarely addressed decision makers during biennial public forums. In Milwaukee they did not. It could be argued that this inactivity of industry during biennials is indicative of industry influence behind the scenes. Surely IJC decisions impact industry to some, if not a potentially significant, extent. If consultations were not being made at all between industry and the IJC, then perhaps industry lobby groups would see biennials, as TENGOS do, as one of the few opportunities they have to voice their concerns to decision-makers. The strength of industry groups then, or the 'watch dogs of the watch dogs' in Milwaukee will be assumed as moderate, given the effectively low overall policy stakes but high theoretical potential for their influence.

Concerning the condition variable dealing with the number of TENGOS in attendance at the conferences in this study, a high value is considered best for TENGO

influence. However, high TENGO attendance may be necessary for increased chances of TENGO influence, but not sufficient. It stands to reason that with respect to all the influence methods dealt with in this study, the more TENGOs there are to increase the frequency of their actions, the greater are the chances of their success. Increased media attention, information gathering, speech giving, and one on one interactions with decision makers, for instance, all have the potential to positively impact TENGO chances for policy influence. The number of TENGOs in Milwaukee was reportedly good, but less than in recent previous years. The value was therefore deemed significant.²²

With respect to the diplomatic approach employed by TENGO representatives at the conference, speculatively it is assumed to have been largely positive. The idea behind this condition variable is that should TENGO representatives conduct themselves in an unprofessional manner, their lobbying efforts will be less effective. No media reports were found, nor were claims made by TENGO representatives, which suggested that TENGO lobbying tactics at the conference were extreme, exceedingly confrontational, or more akin to actions associated with 'activism' than diplomacy. Members of GLU in Milwaukee, for instance, were not found to be disruptive to conference proceedings during the public forum. Therefore, TENGO representatives are largely assumed to have been respectful of the conference rules and procedures that governed the appropriateness of their conduct. This likely worked in favour of their policy influence efforts.

²² All interviewees claimed that TENGO participation at IJC biennials steadily increased from the late 1980s to the mid to late 1990s. In Milwaukee, attendance was said to be good, but less than in recent previous years.

Influence Methods At the Conference

With respect to TENGO activities at the Milwaukee conference, representatives were asked a variety of questions pertaining to their organization's lobbying tactics, participation opportunities, organizational arrangements, and various other perceptions that the respondents may have had at the conference. TENGO representatives uniformly responded that their participation entailed attending or hosting various workshops (similar to Jackson's above), which were held in conjunction with the conference, and speaking to IJC officials both during the public forum and unofficially in the corridors. In addition, hosting a news conference for the benefit of local media was said by Jackson to have been an important activity to his organization.

TENGO representatives were also asked whether they were able to contribute to the defining of environmental problems or terms at the conference. In the framework, the influence potential of these endeavors is established. For example, to impact what would be officially implied by the term 'pollution' in conference texts or agreements could be of paramount importance to TENGOs. Too narrow a definition here could lead to a lack of detection during scientific studies of particular polluting substances, which TENGOs consider to be harmful to the environment.

In response to the question, each interviewee indicated that they were not able to do so. Jackson went a step further and claimed that his organization was not attempting to influence any of the definitions of terms used at the conference. He reiterated that GLU was present with one main preoccupation in mind, which was to stop the renegotiation of the GLWQA.

Regarding the influence method concerning the distribution of literature, no TENGO representatives claimed to have distributed literature, which outlined the policy positions they were lobbying for, to decision makers.

- *Analyses of TENGO Influence Methods at the Conference*

From the discussion above, the following participation opportunities were cited by the respondents as activities which may have resulted in policy influence: speaking at the public forum, speaking with delegates informally in the corridors, attending or hosting workshops and meeting with the local media. They shall be dealt with in that order.

According to Jackson, TENGO opportunities to address the IJC were at the end of the public forum. He added that by this time, the room was “half empty”, and that numerous officials who attended the biennial—including the elected officials that the IJC makes its recommendations to—had left the forum. IJC officials remained.

Whether it is simply due to fatigue and timing, or lack of interest, is difficult to fully ascertain. However, the message relayed by all of the interviewees was that they felt as though their inputs were not highly valued or actively sought. According to all observers consulted for this study, this is still the best opportunity that TENGOs have to relay their concerns to the IJC. Thus, the importance of this aspect of participation to TENGOs is seemingly high. If such opportunities are scheduled at the end of a supposedly long day, and participation is not mandatory for all of the officials present (particularly those of the elected governments), then the implied message coming from conference organizers is that hearing the views of the public is a relatively low priority.

From this cursory analysis alone, it seems as though the main method of influence that TENGOS used in their attempts to influence the conference results was not very effective. The ultimate analysis of this participation opportunity will take place during the analysis of the conference results.

With respect to being able to interact with officials in the corridors at the conference, none of the respondents indicated that this was a fruitful endeavor in terms of policy influence. Therefore, the efficacy of these influence opportunities in terms of impacting policy will be considered to have been limited.

The same can be said for the workshops that TENGOS were able to attend, and in some cases organize and host. As mentioned above, attendance at the workshops was not mandatory for the ultimate decision makers at the conference and no workshop issues were found to have reverberations in other official aspects of the conference. The influence products of these two activities were also likely limited, as there were no claims made or evidence found that would suggest otherwise.

Concerning TENGOS interactions with the media, only one interviewee, Jackson, indicated that this was a priority at all to the organization he represented. Jackson's media interaction took the form of him hosting his own unofficial news conference for the local media. No substantive details were given regarding the scope of media interest or the content of his presentation. However, in the absence of details or statistics, what can be said with a good degree of certainty is that the profile in terms of media coverage at IJC biennials is not significant when compared to other international environmental conferences. Moreover, matters regarding the IJC do not receive much, if any, media

coverage in national media²³, nor is the IJC a household name. According to Dr. Durfee, even the world of academia is largely disinterested in IJC matters—evidenced by a nearly complete lack of published studies concerning the organization. The result is that the Milwaukee conference was disproportionately more important to civil society groups, when held relative to the concerns of the public at large. If the above points are assumed to be true, then influencing decision makers at the IJC with pressure from public opinion—garnered by TENGO media exposure—is highly unlikely. In light of these points and the fact that Jackson was the only participant to mention any interaction with the media, TENGO media exposure was likely not effective at influencing the results of the conference.

Conference Results

Interviewees were asked a number of questions pertaining to their abilities to influence the conference results—in this case, the content of the 2000 IJC biennial report. To begin, TENGO representatives were asked if they were able to incorporate text into the IJC report. Both Katers and Cabala did not believe that they had. Jackson, on the other hand, claimed that the IJC's 2000 recommendation to the Parties to not renegotiate the Great Lakes Water Quality Agreement was a clear example of TENGO success at the 1999 Milwaukee Biennial.

TENGO representatives were also asked if they were able to prevent the incorporation of text into the 2000 report. Again, both Katers and Cabala did not believe

²³ Archival searches for press coverage on the Milwaukee Biennial in the Chicago Tribune and the Globe and Mail did not produce results.

that they had, while Jackson pointed out the other side of his above claim—that the IJC did not recommend to the Parties to go ahead with renegotiating the agreement.

With respect to the question, which asked if the interviewees were aware of other TENGOS being able to influence the content of the IJC’s 2000 recommendations, none of the respondents suggested that they were.

Lastly, interviewees were asked to, in effect, identify a positive counterfactual or a way in which the conference would have been different in their absence at the biennial. Each of the respondents believed that, in similar ways, the conference would definitely have been different without their presence. Jackson suggested that TENGOS are crucial to introducing topics for debate, while Cabala similarly claimed the same. Katers articulated the same point as Cabala and Jackson but went on to suggest that perhaps TENGOS may not be able to claim a demonstrable or progressive impact, but nonetheless they are “holding agents” in that they are able to prevent environmental policies from getting worse. In the absence of TENGOS, she suggested, industry would completely have its way with the IJC.

- ***Analyses of the Conference Results***

The areas of influence claimed by TENGOS at the conference and in the conference’s product—the 2000 IJC biennial report, are the recommendation made to the Parties to not renegotiate the GLWQA and the prevention of so-called ‘worse’ environmental policy making in the absence of TENGOS participating at the conference. They will be dealt with in that order. Lastly, additional areas of possible influence that were identified, during comparisons of the conference transcripts and the biennial report,

will be analyzed. These additional influence areas may have stemmed from the biennial testimony of other TENGO representatives not involved in this study.

Regarding Jackson's claim that TENGOs "won a major victory in terms of their influence—as evidenced by the IJC recommendation [cited above] to not renegotiate the Agreement", there are significant reasons to doubt the extent of any influence claimed. Firstly, from Dr. Durfee's standpoint on a government sponsored IJC advisory committee, she claimed "there was 100 percent agreement among IJC officials to proceed with the [aforementioned] recommendation prior to the biennial". Secondly, Muldoon concurred with Dr. Durfee's claim by stating it was "highly unlikely" that the IJC would have recommended renegotiating the Agreement, in light of previous biennial reports published by the IJC.

IJC motives for supporting the Agreement as it stood can be understood with a reading of their numerous reports. Such reports continually establish their stand that the Agreement is not the problem in terms of insufficient attempts made by governments to protect the natural environment, over which the Agreement has jurisdiction. This point was corroborated, however not exhaustively, by perusing a plethora of IJC publications and recommendations made to the Parties over recent years leading up to the 1999 biennial, none of which at any point blame the Agreement for government shortcomings associated with protecting the natural environment of the Great Lakes and St. Lawrence Seaway. Instead, and in general, IJC reports have historically pointed to their concerns with implementation, funding levels, research strategies, and other problems that implicitly endorse the Agreement as it stood, and criticize the way in which it had been utilized. Implicit support aside, the 2000 IJC biennial report calls the Agreement "one of

the most farsighted of international agreements negotiated in modern history”²⁴. Thus, along with TENGOs, the IJC’s position was that the Agreement, as it stood, was not problematic. In light of these points, however, it seems very probable that TENGOs found the resulting IJC recommendation at issue here *agreeable* to their policy position, but they were ultimately not responsible for the recommendation being made.

The TENGO claim pertaining to their abilities to prevent ‘worse’ environmental policy-making and in effect act as a ‘holding agent’ is more difficult to fully verify or refute. However, to partially do either, hypothetical scenarios can be envisioned—albeit on the extreme—in which the claim could seem to be valid. For instance, if the IJC were to make a recommendation to the Parties that was significantly contrary to public opinion (i.e. suggesting the disposal of unprotected, spent nuclear fuel rods into the Great Lakes) the presence of TENGOs at a biennial could reasonably be assumed as an effective catalyst for the exposure of such a policy to the media. In this situation, TENGOs could be highly influential in their efforts to identify and publicize such a policy—something that might not happen in their absence given the established lack of public awareness of, or attention to, IJC issues. However, this form of influence can only reasonably be assumed to exist under extreme circumstances—for instance, if the IJC were to make a recommendation that would be so environmentally disastrous that even laypersons in the public would fully understand the consequences and create an outcry over. Thus in terms of the Milwaukee conference, given the lack of public awareness of IJC issues, influence as a ‘holding agent’ does not seem to exist when more nuanced, and perhaps no less significant, issues are at stake, as implied by the findings of this study thus far.

²⁴ International Joint Commission, 2000 Biennial Report, (Windsor: 2000) 2.

Despite the sole claim of influence made by Jackson above, other potential areas of influence were found in the IJC report, which perhaps would have been identified by other commentators had the number of interviews conducted been greater. All told, approximately 74 recommendations were made by the IJC in its 2000 Biennial Report to the Parties.²⁵ Some recommendations were implied by careful wording²⁶ on the part of IJC authors, and others were plainly and explicitly presented. During the analysis of the entire document, a total of three recommendations made by the IJC roughly reflected the policy demands made by TENGOs during the biennial's public forum. The origins of these recommendations will be discussed below. The IJC articulations are listed first and numbered 1), 2), 3); they are then matched directly below with those made by citizens during the biennial:

- 1) [IJC]: Given the public's right to know the achievements in each Area of Concern and what actions to expect in the future, the Parties should prepare a consolidated report on Remedial Action Plan progress that lists the accomplishments to date, funds expected, what remains to be done and the funds and timing required to finish the necessary work. Governments must clearly state what role they will be playing with each Area of Concern and what resources they will be dedicating to restoring the impaired beneficial uses.²⁷

Manfred Gershlin, Canadian Treasurer of Great Lakes United; Chair, Public Advisory Committee, Bay of Quinte Remedial Action Plan stated:

...citizen monitoring and surveillance of remediation initiatives is denied. Communities are denied the opportunity to monitor and to evaluate the success of the huge amount of money or millions that are being spent to remediate and, at the same time, this resource has been removed from local Remediation Action Plan activities... Both the federal and provincial governments rely to a great degree on environmental indicators [to assess progress] rather than what we in our

²⁵ This figure was ascertained by the author of this study, by counting the number of recommendations made by the IJC in its biennial report.

²⁶ A sentence such as "Remedial Action Plan progress had been slow" was construed as a recommendation to the Parties that more progress is required in this area.

²⁷ IJC 2000 Biennial Report: 6.

community consider to be important questions in terms of being able to identify where we are and what our status is, how well our ecosystem is responding...²⁸

- 2) [IJC]: In the status assessment of the St. Mary's Area of Concern and the Detroit River Area of Concern, the Commission concluded that inadequate consultation with citizens is an obstacle to progress in these two areas. The Parties' commitment to provide financial and in-kind support for a set of core binational public involvement activities may go a long way toward overcoming some of the problems of public involvement that historically have troubled these Areas of Concern.²⁹

Cathy Evans, of the Michigan Statewide Public Advisory Council, stated:

Today my comments will primarily reflect the need for adequate public involvement [in Michigan Areas of Concern]. [Speaker cites some positive examples of citizen involvement]... These have proven to be vary valuable in getting the local communities involved in the process, making linkages to other goals... and sharing successes and sometimes not the successes to make a better Remedial Action Plan program... There is a big gap between us and the next level of government...³⁰

- 3) [IJC]: In the Commission's view, fish consumption advisories can only be an interim solution. They have been shown to have limited effectiveness among anglers, and, for First Nations and tribes, fishing is an integral component of culture and treaty rights. The long-term solution is clearly the restoration of the chemical integrity of the Great Lakes ecosystem to minimize exposure and subsequent bioaccumulation of persistent toxic substances in the tissue of fish.³¹

Marty Sinclair, of the National Sierra Club (US), stated:

[regarding fish consumption advisories]... usually the tactic [governments] tend to employ is to warn people repeatedly and emphatically that the fish are poisoned... the strategy is to stay away from the fish... where I'm from, the raccoons, and the martens, and the other wildlife don't read. They keep eating the fish... Indigenous people say eating the fish is what we do. That's our culture. They are going to continue eating fish. [Government] strategies should lower the human body burden of these chemicals by cleaning up the fish and cleaning up the water...³²

²⁸ IJC Milwaukee Transcripts: 10-11.

²⁹ IJC 2000 Biennial Report: 8.

³⁰ IJC Milwaukee Transcripts: 28.

³¹ IJC 2000 Biennial Report: 14.

³² IJC Milwaukee Transcripts: 12-13.

With respect to these potential areas of influence, reliably ascertaining the cause of their inclusion in the report proved difficult, as the same necessary tests regarding the validity of Jackson's earlier claim of influence apply here. Yet evidence suggesting that the IJC would have made these recommendations in the absence of TENGO inputs was not found. This is not to say that such evidence does not exist; attempts to analyze the minutes of the relevant meetings³³ of the IJC boards that deal with these issues were not fruitful. Therefore, due to a lack of detail in the minutes, and an inability to interview the IJC officials present at the meetings, it is difficult to know for sure whether these issues were important to the IJC independent of TENGO inputs. However, it is arguable that a strong possibility exists that TENGOs are indeed responsible for the inclusion of these recommendations in the IJC's report.

Perhaps the most persuasive point is that each of the recommendations listed above concerns the needs, desires, or welfare of *citizens*. Moreover, the recommendations are quite specific and pertain to particular, and relatively small groups of people (citizens near Areas of Concern, citizens of the St. Mary's and Detroit River areas in Michigan, and First Nations citizens) out of the tens of millions citizens under the jurisdiction of the GLWQA. It is thus quite feasible then, that these concerns were brought to the awareness of the IJC, by citizens themselves, as opposed to being detected by the IJC, independent of public input, on what can be conceptually construed as a very large and dense radar-screen. The Great Lakes basin is reportedly the home of over 33.5 million people, across 8 US states and two Canadian provinces.³⁴ Thus, given that there is evidence, which

³³ The minutes of board meetings are available on the following IJC website:
<http://www.ijc.org/en/publications/min_pv.htm>

³⁴ International Joint Commission, Ecological Impacts of Changing Demographics Within the Great Lakes Basin, Mar. 2001; Jan. 23, 2004. <<http://www.ijc.org/rel/boards/cglr/pr9901/>>

establishes that the above IJC recommendations are reflective of TENGO concerns in Milwaukee, it will be concluded that the inclusion of these recommendations in the 2000 IJC report was likely to have been *at least moderately* influenced by TENGOs at the biennial.

General Conclusions of the Case Study

In conjunction with the framework outlined in Chapter One, a number of condition variables that can affect the extent of TENGO influence and number of influence methods utilized by TENGOs at the Milwaukee conference have been outlined and analyzed above. The results of this analysis have produced various conclusions, all of which led to the general finding that TENGO influence, at the 1999 IJC biennial and subsequently over the 2000 IJC Biennial Report was likely slight.

Discussions of the various condition variables in play before and during the conference showed that attempts to influence the rules and procedures of the biennial were either not made at all by TENGOs involved in this study, or that the attempts that were made, and the resulting successes in this regard, likely had little impact. The rules and procedures as they existed at the conference were found to have been relatively standard when compared with those of other related conferences, and thus did not significantly hinder, or provide for, substantive TENGO influence over the conference results. A moderate strength of possible counterbalancing forces at the conference was found to have been probable, but were likely not a significant hindrance to TENGO opportunities for influence. Lastly, the supposedly united front in terms of policy

positions and demands amongst TENGOs was found to have been limited both in its scope and influence efficacy.

Influence methods available to TENGOs at the conference were found to have been largely ineffective due to TENGO inabilities to fully take advantage of them, TENGO inaction, and the low quality of participation opportunities granted to TENGOs by conference planners. Uniformly citing resource limitations, TENGO representatives consulted for this study claimed that no pre-conference lobbying activities were planned or executed by their organizations. TENGOs did not claim to have any interest in, or to make attempts at, influencing the defining of environmental problems or terms utilized at the conference or in the 2000 IJC Biennial Report. Moreover, the main opportunity for TENGO participation—time allotted to public comment during the forum—was found to be poorly attended by relevant officials, and timed in such a manner that was not conducive to significant attention or influence efficacy.

TENGO representatives involved in this study implicitly conceded defeat on virtually all issues they raised at the conference. As previously mentioned, the issues raised were numerous. From demands for more stringent municipal sewage regulations, to requests for zero discharge of persistent toxic substances in all of the Great Lakes, the TENGO representatives interviewed for this study claimed to have had virtually no influence over the conference result. The exception was of one influence claim, made by Jackson, who declared TENGO success from being able to incorporate a recommendation into the 2000 report, which encouraged the Parties not to open the GLWQA for renegotiation. The validity of this claim was proven to be highly questionable, as it was

demonstrated with a good degree of certainty that the recommendation would have been made in the report with or without TENGO support on the matter.

Yet, had any IJC policy position at the conference significantly flown in the face of public opinion, TENGOs would likely have been important catalysts to help increase levels of public awareness of such positions, though this was not found to have been a reality at the biennial.

Lastly, other possible areas of TENGO influence were identified during comparisons of the IJC's biennial report and transcripts of public testimony. It was speculatively found to be likely that these IJC recommendations were the result of TENGO influence at during the public forum.

Overall, when taking the entirety of the conference's product into consideration, there seems to have been *some* TENGO influence over the 2000 IJC Biennial Report. However, where influence was claimed by TENGOs in this study, such claims were disputed by analyses, and where it was elsewhere found to have been likely (in relative scarcity with respect to the total of separate TENGO demands being at 53, vs. the number of similar IJC recommendations at 3) it was found to be difficult to claim any influence with certainty. On the whole, TENGO influence at the 1999 IJC Milwaukee Biennial Public Forum was found to have been slight.

CHAPTER THREE:**CASE TWO: THE 2001 UNITED NATIONS FRAMEWORK CONVENTION ON
CLIMATE CHANGE, CONFERENCE OF PARTIES TO THE
KYOTO PROTOCOL, IN BONN GERMANY**

Case Two: The United Nations Framework Convention on Climate Change

Introduction

Beginning on July 21st, 2001, hundreds of TENGO representatives and state delegates convened in Bonn Germany for 10 days of talks that would attempt to hammer out a number of important policy details with respect to the Kyoto Protocol. Previous talks, only six months earlier, had failed as state-negotiating positions resisted compromise. The resulting pressure for agreement in Bonn, with intense international media coverage, was considerable.

TENGO policy demands were concentrated on a small number of issues. Interviews conducted for this study established that the key policy areas of importance to TENGOS regarded a number of definitional issues, in particular those to do with forestry and forest management practices. TENGOS were pushing for strict definitions that would limit state abilities to rely on their forests to cut their greenhouse gas emissions on their behalf. Also at stake were various options available to industrialized states to aid developing countries in their efforts to cut greenhouse gas emissions. In this policy area, TENGOS were against allowing wealthy countries to gain credit from the Protocol for providing developing nations with nuclear energy capabilities. According to environmental organizations, the provision of nuclear energy was hardly an environmental solution given the sustainability and disposal concerns associated with nuclear waste bi-products.

By conducting a number of interviews with TENGO representatives who were present in Bonn, various approaches used by environmental organizations to lobby

delegates on their policy stands were identified. Also during interviews, questions were posed to TENGO representatives that helped identify some of the factors, which were at play in Bonn that both helped and hindered TENGO influence attempts. With the framework identified in the introductory chapter, this case study proceeds by systematically identifying and analyzing TENGO approaches to impact the policies of decision makers. Emphases are placed on events before and during the conference. In each time frame, special attention is also given to a number of circumstances and factors that impacted the efficacy of TENGO influence tactics.

In this case study, relevant background issues to the UNFCCC are first explored. Next, specifics dealing with the TENGO policy issues mentioned above are outlined. The following section details the specific TENGOs and the representatives that participated in this study. TENGO methods of influence and the relevant condition variables at play are then dealt with; this is done in separate sections that deal with such phenomena before, then during conference. Lastly, the final policy agreement produced by the conference is analyzed for evidence of TENGO influence.

Background to The UNFCCC

The United Nations Framework Convention on Climate Change (UNFCCC) was adopted in 1992, and established the mechanisms that later led to the creation of the Kyoto Protocol, in 1997. The Protocol, in essence, recognizes the validity of prevailing scientific theories in the field of climate change, which attribute global warming to certain human activities; namely, the release of greenhouse gases into the earth's atmosphere.

Greenhouse gases are thought by the vast majority of climatologists to be the cause of current global warming because of the way these gases interact with the earth's atmosphere. Briefly put, prevailing research posits that greenhouse gases effectively create a blanket around the earth, which traps energy from the sun in the earth's atmosphere, causing global temperatures to rise. Without steadily increasing releases of such gases from anthropogenic sources, it is thought that the earth's average temperature would be relatively stable; instead, scientists have observed steady rises in average global temperatures and suggest that such rises began around 1850—or roughly at the beginning of the industrial revolution.¹

Key greenhouse gases include carbon dioxide, methane, and nitrous oxide. Anthropogenic sources of these gases stem from a range of activities, including the burning of coal, oil and natural gas. Other basic activities, such as raising cattle and planting rice, emit methane, nitrous oxide, and other greenhouse gases.² Also important to the atmospheric equation here are the earth's naturally occurring mechanisms, which help absorb greenhouse gases and thus, in theory, reduce the effects of releasing such gases into the atmosphere. Trees, for instance, are one of the most effective and often cited examples of the earth's natural global warming defense mechanisms, because they absorb carbon dioxide. However, as is well documented, deforestation is a concern the world over.

The Kyoto protocol attempts to address these problems by calling on industrialized nations to reduce greenhouse gas emissions, such as those mentioned above, by an average of 5.2 per cent from 1990 levels between 2008 and 2012.

¹ United Nations, Understanding Climate Change: A Beginner's Guide to the UN Framework Convention. Dec. 1994; Feb. 3, 2004. <<http://unfccc.int/resource/beginner.html>>

² United Nations, 1994.

Nations who are Parties to the UNFCCC have to date met nine times, at meetings called the Conference of Parties (COP), since the Convention was first adopted. The Kyoto Protocol was established at COP-3, and provided the basis for three mechanisms to assist industrialized Parties in meeting their national emission reduction targets: an Emissions Trading System (ETS); Joint Implementation (JI) of emissions reduction projects between industrialized Parties, which allows industrialized Parties to invest in emission reduction projects in other industrialized Parties for credit; and a Clean Development Mechanism (CDM), which encourages joint projects between industrialized and developing country Parties.

However, it was left for subsequent COP meetings to decide on the bulk of the rules and operational details that would determine how cuts in emissions would be achieved and how countries' emission reduction efforts would be measured and assessed. At COP-4 in Argentina, 1998, the Parties met to set out a work schedule for reaching agreement on the aforementioned rules and details of the Protocol and for strengthening implementation of the UNFCCC. The resulting Buenos Aires Plan of Action outlined a work schedule for the Parties with a critical deadline at COP-6 for the parties to attempt to reach agreement on a large package of issues. The outstanding details to be finalized included rules pertaining to the three mechanisms mentioned above, a regime for assessing compliance, accounting methodologies for national emissions and emissions reductions, and rules pertaining to so-called 'carbon sinks', which essentially reward countries' efforts to create and maintain forests with emissions reduction credits.

As is well known, at COP-6, negotiations broke down as delegates failed to reach agreement on a number of the matters mentioned above. Importantly, some of the issues

outlined in the introduction that were of particular importance to TENGOS were at the core of the negotiating discussions that broke down. This failure, of course, gave rise to COP-6 part II, which is the second case study for this research project. It is where delegates reconvened to reach agreement on outstanding issues. Those policy matters with particular relevance to this project will be outlined in more detail below.

Policy Issues at the Conference

As has been described above, there was a large range of issues in need of settlement at COP-6 part II. However, in a research project of this scope, only those policy issues that were of particular importance to TENGOS at the conference will be included in the analysis below. This makes sense from a practical standpoint, partly because of the nature of climate change itself, which is an exceptionally complex and truly global phenomenon. Briefly put, the complexity arises from the sheer number of factors involved. As previously mentioned, climate change inducements are said to originate anywhere from Asian rice fields and coal based power generation, for instance, to Canadian forests and a cattle farmers. Moreover, economically, and on a global scale, efforts to curb the release of greenhouse gases have the potential to manifest incredibly complex ripple effects in world markets and in virtually every national economy. Thus, to take into account the entire gamut of policy issues that are raised at a COP, which attempts to deal with these complexities, is beyond the scope of this project. In addition to the benefit of narrowing the volume of data, focusing on issue areas that were most important to TENGOS accords researchers the opportunity to analyze policy areas where environmental groups concentrated the bulk of their energies; the reasoning being, if

there is influence in any policy area on the part of TENGOs, it will most likely be found in areas where the largest amounts of their resources were committed.

In each interview conducted for this case study, TENGO representatives who participated at COP-6 part II were asked what their organization's main policy priorities were. The consistent responses of four interviewees from different major TENGOs directed the focus of this case study to the following two areas: the definitions associated with the so-called 'carbon sinks' mentioned above (also referred to as carbon sequestration), and the rules regarding the inclusion of nuclear energy in the CDM, also mentioned above.

As is well known, the overarching goal of the Kyoto Protocol is to facilitate global reductions of greenhouse gases. Issues regarding carbon sinks relate to the section of the Protocol that recognizes ways in which states can contribute to greenhouse gas reductions by utilizing the natural environment that comprises their territory. Issues regarding nuclear energy apply to the policies of the Protocol that call on wealthy states to aid less developed states in their pursuits to reduce their emissions. Each policy area will now be briefly discussed below, and a brief summary of NGO demands, with regard to each policy area, will be outlined.

Carbon Sinks

The issue of carbon sinks falls under a section of the Kyoto Protocol called Land Use, Land Use Change, and Forestry (LULUCF). Under Articles 3.3 and 3.4 of the Protocol, countries can gain credit for certain human-induced activities related to land use. Here, the Protocol essentially recognizes that forests play a significant role in the

reduction of greenhouse gases and that countries can gain reduction credits for three main activities: afforestation (planting trees on previously un-forested land), reforestation (replanting trees on recently deforested land), and so-called ‘additional human-induced activities’ (it was up for debate among states in Bonn to decide exactly what this phrase meant). However, prior to COP 6 part II, and indeed COP 6 part I, these were, in all practicality, merely guiding principles pertaining to LULUCF activities. It was during both COP 6s that the detailed definitions of the words and phrases *afforestation*, *reforestation*, *deforestation* and *additional human-induced activities* had to be agreed upon by delegates. As mentioned above, the previous breakdown of negotiations at COP 6 part I was blamed largely on issues surrounding definitional details and rules regarding carbon sinks in the LULUCF.

While TENGO views on sinks were in some ways marginally varied, the vast majority of environmental groups at the conference were united in their stance, particularly with respect to issues that are detailed in this case study. This statement was unanimously corroborated during interviews. To ascertain the substance of this united stance, a position paper was consulted, which was published in 2000 on various COP 6 topics by the Climate Action Network, an umbrella TENGO which represents the views of over 340 various major and smaller TENGOs from around the world, who claim to be “working to promote government and individual action to limit human-induced climate change to ecologically sustainable levels”³ (CAN’s membership includes those organizations whose representatives were interviewed for this case study).

³ Climate Action Network, The Climate Action Network Is, date created n/a; Jan. 27 2004.
<<http://www.climatenetwork.org/>>

At the conference, TENGO views were essentially along the following lines with respect to sinks: Firstly, from the outset, TENGOs were opposed to the very idea of incorporating sinks into the Protocol. Briefly put, they argued that pursuing carbon sinks projects would detract countries' pursuits from working toward the over arching goal of the Protocol, which is to reduce the total *emission* of greenhouse gases from their sources⁴. Instead, according to TENGOs, sinks projects encourage countries to find various ways of manipulating the environment so that they may proceed, in a business as usual fashion, to continue to emit increasing amounts of greenhouse gases while hoping that the earth's natural environment can be augmented in a way that will help it deal with such emissions. With sinks, government energies would be channeled toward attempts to deal with greenhouse gases after they are emitted, instead of cutting the total *production* of such gases in the first place.⁵ However, having lost this battle during the formation of the Protocol, fallback stances were created for COP 6 part II, which dealt with the reality of the state of negotiations—sinks were in.

At the conference TENGOs lobbied for strict limitations and clear definitions with respect to the rules and terms surrounding carbon sinks. With respect to the amount of carbon that countries may count as emissions reductions due to carbon sinks, TENGOs—opposed to the idea of sinks as it was—argued vaguely for caps at the lowest levels possible. In addition, TENGOs pushed for the exclusion of the potentially broad term 'additional human-induced activities' as another category under which sinks could apply. This category could include carbon sinks projects to do with forest management, cropland management, grazingland management and re-vegetation practices. With these

⁴ Climate Action Network, COP 6 Position Paper, Nov. 2000; Jan. 21, 2004.

<<http://www.climatenetwork.org/pages/publications.html>>

⁵ Climate Action Network, 2000:15.

carbon-absorbing strategies legitimized under the protocol, TENGOs were warning that nearly any patch of land with vegetation on it could then be counted toward national emissions ‘reductions’. TENGOs argued that “the sheer scale of credits that would be available to Parties under many of the related proposals made by them would completely negate the Kyoto Protocol reduction targets.”⁶

The following definitional positions were forwarded by TENGOs:

Regarding the definition of the term ‘forest’ CAN argued that

“a biome-based definition for forests in essential. That is, a definition based on different biological types of forest [because different types of forest have different carbon sequestration potentials]. The definition should pertain to forests containing trees, and should not encompass, as some Parties have suggested, small shrubs, bedding plants or badly mown lawns.”⁷

With respect to defining the terms ‘afforestation and reforestation’, CAN suggested that

“the boundary for the division between afforestation and reforestation should be 50 years before the first commitment period not, for example, 1990. Any definition of reforestation should not include post-harvest regeneration [which would allow credits to be given for reforesting freshly cleared forest]. This would result in severe accounting and ecological problems.”⁸

Concerning the definition of the term ‘deforestation’, CAN pressed for a definition that ‘adequately addressed forest degradation’:

“We... define deforestation as the conversion of forest to non-forest, or the reduction of canopy cover by more than 20% of its previous level, which is not, within one year, followed by the establishment of the same forest type (biome), that has the potential to achieve the same level of biomass, on the same site. Deforestation includes the conversion of mature natural forest to any different land cover.”⁹

⁶ Climate Action Network, 2000:16.

⁷ Climate Action Network, 2000:16.

⁸ Climate Action Network, 2000:16.

⁹ Climate Action Network, 2000:16.

With regard to the LULUCF, definitional disagreements amongst various countries concerning the above phrases and terms were both the main stumbling blocks, which led to the breakdown of the previous COP 6 part I talks, and the main policy areas that TENGOS sought to influence at COP 6 part II.

Nuclear Energy and the Clean Development Mechanism

To understand the basics of the debate over including nuclear energy in the CDM, it is important to understand some of the basics of how the mechanism and the Protocol work together. In simple terms, the Kyoto Protocol only binds industrialized nations to reduce their greenhouse gas emissions. They are referred to as Annex I countries. The term Non-Annex I countries thus denotes developing countries and so-called ‘economies in transition’, a phrase used in the Protocol to characterize countries such as those in Eastern Europe which are transitioning toward market economies. By doing so, the Protocol essentially recognizes two things: the right of Non Annex I countries to develop without significant economic hindrance stemming from the Protocol, and the fact that it is industrialized countries, particularly in terms of per capita statistics, which emit the overwhelming majority of greenhouse gases into the earth’s atmosphere.

Under the CDM, an Annex I country can invest in an emissions cutting project in a non-Annex I country and claim credit for the cut in emissions that the project achieves toward their own emissions reduction targets. The inclusion of nuclear energy in the CDM would thus imply that a country such as Canada could invest in the building of a nuclear power plant in India, and should that power plant lessen, for instance, India’s reliance on coal burning power generation (which produces carbon dioxide as a bi-

product), then Canada could subtract the forgone carbon dioxide emissions in India from Canadian domestic emission totals. Thus, by reducing India's carbon dioxide emissions, the Canadian government can in effect count such reductions as having taken place in Canada.

The TENGO stance regarding this policy issue was straightforward. Simply put, TENGOs lobbied for the exclusion of nuclear power from the CDM. CAN stated that "all nuclear... projects should be excluded from the CDM because of environmental concerns and incompatibility with sustainability goals."¹⁰ There were no gray areas or conditional limitations proposed by TENGOs with respect to this policy issue.

Climate Change TENGOs

Similar to the previous case study, climate change TENGOs operate both as individual entities and under an umbrella organization, in this case, the aforementioned Climate Action Network. Another similarity is that some organizations that were involved at the COP 6 part II operate from a strictly environmentally oriented mandate, while others deal with climate change under a broader mandate that includes environmental concerns among their numerous civil society priorities.

With the exception of discussions detailing the individual lobbying tactics of specific organizations, in some areas TENGOs will be treated as a whole in the following analysis because, as previously ascertained, their demands with respect to the policy emphases in this case study were virtually unanimously agreed upon. For the sake of establishing the credentials of the individual organizations and interviewees that were

¹⁰ Climate Action Network, 2000:2.

involved in the gathering of data for all of the analysis in this case study, each organization and interviewee is listed below.

- Alex Boston, Senior Climate Change Campaigner at the David Suzuki Foundation, a Canadian based TENGO, which specializes in various domestic and global environmental matters. They have an office in Vancouver and are a member of CAN.
- Dr. Matthew Bramley, Director of the Climate Change Program at the Pembina Institute, a Canadian based TENGO specializing in environmental and development oriented policy research and education. The Pembina Institute has offices in Drayton Valley, Calgary, Edmonton, Vancouver and Ottawa. They are also a member of CAN.
- Stephen Guilbeault, Head of Climate and Energy Campaigns at Greenpeace Canada, a renowned TENGO with a largely environmental mandate. They have offices in 40 countries across Europe, the Americas, Asia and the Pacific, and are also a member of CAN.
- Mark Kenber, Senior Climate Change Policy Officer at the UK office of the World Wildlife Fund for Nature, a well-known TENGO with an entirely environmental mandate. They too have offices in over 40 countries across the world and are a CAN member.

The 2001 COP 6 Part II

Similar to the first case, certain aspects of the framework detailed in the introductory chapter will now be used to ascertain the efficacy of TENGO approaches to influence the policy outcomes of COP 6 part II, in Bonn Germany. Again, most of the information presented in this case study was gleaned from recent interviews with the individuals mentioned above. Essentially, interviewees were asked questions pertaining to the activities of their organizations, in conjunction with the framework developed for this study.

Questions were divided to place separate emphases on activities before and during the conference, with a section of questions pertaining to pre-conference activities,

conference results and post conference reflections of the interviewees. They were designed to touch upon TENGO influence methods and numerous condition variables, which may impact the extent to which certain influence methods are effective. Given the profile of the Bonn talks, the framework's applicability to this conference is particularly significant with respect to actions and factors concerning pre-conference lobbying tactics performed by TENGOs. Anticipation of the conference was heightened due to the failure of the previous talks to reach conclusion; the Kyoto Protocol by this point was a household name in many nations. Accordingly, considerations with respect to public opinion were important to both TENGOs and states alike. Also, given the aforementioned broad societal dimensions involved with global climate change talks, and the breadth of the conference's relevant actors and its associated policy issues, the framework helps to narrow the research focus on the issues with particular relevance to this case study. For a complete summary of the framework see pages 31-43.

The complete list of interview questions is in Appendix A. Only answers to questions that proved useful in the foregoing analysis are utilized below.

Prior to the Conference

The section that follows presents the relevant condition variables and influence methods pertaining to TENGOs at the Bonn conference. Each is dealt with separately and is followed by analyses.

Pre-Conference Condition Variables

The following condition variables were relevant to TENGO activities prior to the conference: TENGO attempts, prior to the conference, to affect the rules and procedures of the COP; whether there was, among TENGOs at the conference, a united stand regarding policy issues and demands; the quality of scientific information gathered by TENGOs to aid the articulation of their policy demands; the existence of consensual data regarding the policy issues at hand; the extent to which TENGO policy demands were at odds with current practice; and the extent to which TENGO demands concerned state abilities to make independent domestic policy choices. As previously noted, condition variables pertain to actions that, theoretically, may increase or decrease the likelihood that various influence methods—designed to influence the policy outcomes of the conference—are effective. All of these condition variables have their effects at the conference, but are also decided largely by TENGO initiatives or other realities prior to the conference. Analyses of the first two condition variables mentioned above were informed by interviews. The relevant interview responses are firstly discussed below, and analyzed along with the other condition variables in the section that follows.

TENGO Interview Responses

Being able to influence the rules and procedures of the conference prior to its occurrence can be vastly important to the efficacy of NGO influence. In Bonn, the rules and procedures regarding observer access to plenary discussions, state-to-state negotiations and official speaking opportunities, for instance, had important effects on the extent to which TENGOs could actively participate at a conference—as opposed to

having solely an observational role. However, none of the TENGO representatives claimed to have any influence over the forming of the conference's rules and procedures; half regarded such attempts as a low priority. Whether TENGOs felt as though the rules and procedures were sufficient for their participation at the conference will be dealt with later.

As alluded to in the section *Policy Issues at the Conference*, the question of whether there was a united front in terms of policy demands amongst TENGOs, was posed to TENGO representatives. Each respondent claimed that there was. In addition, all interviewees claimed that CAN was particularly instrumental in achieving this policy coordination. Also as noted earlier, in some marginal areas policy positions were varied among TENGOs, but with respect to the key policy demands being studied in this case study, policy unity was virtually complete.

- ***Analyses of Pre-Conference Condition Variables***

The fact that none of the TENGO representatives interviewed for this study expressed success or interest in attempts to influence the conference rules and procedures that governed the Bonn meeting could suggest that there is evidence of a missed opportunity on the part of TENGOs. However, for the most part, the rules and procedures applicable in Bonn were decided upon long before the actual talks took place, in 1996. In each COP meeting since the initial drafting of the 1996 'Draft Rules and Procedures', the same general rules have again been adopted, by state consensus, as a part of the conference's opening procedures.¹¹ The 1996 draft rules are in effect a rules and

¹¹ United Nations, Draft Report of the Conference of Parties in its Eighth Session, (FCCC/CP/2002/L.1) 2002; Feb 3, 2004. <<http://www.ccsr.u-tokyo.ac.jp/unfccc3/records/600002177.html>>

procedures template, which is sometimes subject to minor changes as special circumstances necessitate. TENGO representatives were not asked whether they attempted to influence the decisions, which led to the production of the 1996 set of procedural rules. The value of this condition variable is therefore inconclusive.

With respect to TENGO claims of policy unity, the unanimous affirmative responses of all TENGO representatives interviewed, and the verification of these claims from numerous position papers published by the organizations¹², suggests that such unity did indeed exist. Interview respondents who claimed that membership in CAN was particularly instrumental at facilitating the TENGO united stand suggested that it was through meetings of CAN members, that this policy unity was achieved. The reasoning and findings regarding the benefits of such an approach, as claimed by Arts, Conca, and Clark Friedman & Hochstetler is sound, as it simply illustrates the point that densely concentrated lobbying efforts, by numerous NGOs on smaller numbers of specific issue areas, have a better chance at success than do lobbying efforts of a more sparse or scattered nature. Thus, given that policy unity was a priority claimed by all TENGOS involved in each of the case studies, and that there is support for this theory from numerous researchers, it will be assumed that the influence benefits gained by TENGOS from this condition variable were full.

Concerning the quality of scientific information used by TENGOS in Bonn, the climate change TENGOS that participated in this study are of the world's and Canada's most resource endowed environmental NGOs. Relative to their Great Lakes counterparts,

¹² Climate Action Network, COP 6 Position Paper; David Suzuki Foundation, "Fueling the Climate Crisis: The Continental Energy Plan" Climate of Change, 2001; Jan. 14, 2004. <http://www.davidsuzuki.org/files/fuel_report.pdf> ; Greenpeace, Extended Quantitative Analysis of the COP-6 President's Text (June 2001), June, 2001; Jan 12, 2004. <<http://archive.greenpeace.org/climate/climatecountdown/pronkanalysis.htm>>

they employ numerous professionals from all over the world with a significant measure of stability. The quality of scientific information that they can produce, and through their networks have access to, is as a result relatively high. TENGO position papers with respect to the policy issues at hand in Bonn, read much like the text of the conference agreements. They are complex, multifaceted, detailed and well organized.

Organizations such as Greenpeace or the WWF have the resources to hire so-called professionals, or experts, to a much greater degree than other TENGOs do, to aid them in their articulation and presentation of their policy demands. The result is that the quality, in substantive terms, of their policy positions is relatively good. Unlike Great Lakes TENGOs, such organizational capabilities enabled TENGO policy demands at COP 6 part II to be well researched and extensively scientifically grounded. The value of this condition variable was thus found to be significant.

With respect to the existence of consensual scientific data regarding TENGO policy demands, the findings are mixed. Exploring the details of each policy demand here is not feasible within the scope of this study. However, to gain an indication of the value of this condition variable, climate change science as a whole can be taken into consideration. A reading of UN sponsored scientific accounts of climate change suggests that there is in fact consensus with respect to the causes of atmospheric phenomena such as global warming.¹³ However, dissention from the validity of prevailing scientific theories on climate change does exist, perhaps most famously from the US administration who pulled out of the Kyoto Protocol, shortly before COP 6 part II, citing the “flawed

¹³ See United Nations, 1994.

scientific basis”¹⁴ of the agreement as one of its prime motives. The scientific basis of this debate is complex; it will not be explored here. However, the ramifications for climate change negotiations are simpler.

Some interviewees involved in this study suggested that, in Canada’s case, as in the case for other states, countries were able to exploit the dissenting US stance over the scientific validity of the Protocol for their own gain. In effect, because the Protocol can only be considered internationally binding if its total signatories’ emission sums are above 55 percent of the world’s total, efforts to keep as many states on board as possible was a blanket policy priority at the conference—with a newly found force. US emissions account for 25 percent of world totals. Thus, fears that if policy compromises were not made, then more states would leave the Kyoto fold and nullify the entire agreement, arguably worked to the advantage of states such as Canada. The point is that momentum for the above bargaining technique increased as a direct result of US dissatisfaction with the scientific evidence behind climate change theories. Over an issue such as carbon sinks, for instance, Canada could then threaten, with considerable consequence, to not ratify the protocol should its policy demands not be met.

Therefore, despite whether or not scientific consensus did actually exist at the time, the perception of a powerful state that the science in question was fundamentally flawed, led to the relevant consequences to which this condition variable refers—that a lack of scientific consensus backing up a policy demand (or in this case an entire policy regime) hurts the legitimacy of that demand. Krasner’s claims regarding the relative power of states in international bargaining processes also have relevance here. Briefly,

¹⁴ BBC News, World Weighs Climate Treaty Chances, July 27, 2001; Feb 4, 2004.
<<http://news.bbc.co.uk/1/hi/sci/tech/1408771.stm>>

US criticisms of climate change science, coupled with the fact that the US economy is the world's largest, would have lent their criticisms considerable weight in Bonn. For instance, if the Dominican Republic's government publicly denounced the validity of climate science, there would likely be no policy reverberations in Bonn at all.

It is also arguable that what was at the core of US scientific criticisms was actually its own economic self-interest, as the Protocol has potentially significant ramifications for various US industries, notably energy. The theoretical insights of Newell and Paterson would validate such a claim, as they emphasize the role of important domestic industries in formulating state policy making preferences.

In the end, US dissent over the validity of climate change science impacted important aspects of the conference. In essence, negotiations proceeded as if consensual scientific data did not exist. While bargaining, states could exploit the fragility of the Protocol's ratification chances by threatening to withdraw their support from the accord. This reality worked significantly to the disadvantage of TENGGO policy demands, as necessary compromises to keep states on board effectively watered down the substance of the Protocol.

Regarding the extent to which TENGGO policy demands emphasized in this study were at odds with current policy practices, the value was moderate. Instead of looking at current policy practices, however (as the policies that this condition variable refers to were actually being established in Bonn), the substance of various state policy positions, relative to those of TENGGOs, were taken into account. The logic of this condition variable simply suggests that the more extreme TENGGO policy demands are, or the more they contrast the policy demands of states, the less likely they will be adopted. In line

with the claims of Krasner and Stiles, however, the value of this condition variable is also guided by considering the power of particular states that TENGGO demands are up against.

In Bonn, TENGGO policy positions were not specific to the TENGGO community. With respect to all of the policy areas that were claimed to be important to TENGGOs at COP 6 part II, such as the definitional issues at hand, the exclusion of nuclear energy in the CDM, and the exclusion of carbon sinks from LULUCF activities, TENGGOs had a powerful alliance with the policy demands of the EU. TENGGO policy stands were thus not at odds with some powerful state policy positions at the conference. They were, however, at odds with the preferences of various other powerful states, most notably the so-called umbrella group, comprised of the US, Japan, Canada, Norway, Australia, New Zealand, Russia and Ukraine. The umbrella group was, for instance, pro carbon sinks, and against stringent carbon sinks caps. Therefore, in light of both TENGGO policy allies and their adversaries, TENGGO demands are considered to have been moderately at odds with the policy preferences of states.

Regarding the extent to which TENGGO policy demands in Bonn applied to state abilities to make independent domestic policy choices, this condition variable's value was very high. Simply put, policies to do with climate change can potentially require significant domestic policy action on the part of the governments involved. Domestic governance issues, particularly to do with important domestic industries that can be paramount to the stability of national economies, were fully relevant in the Bonn talks. As previously mentioned, the range of industries and daily human behaviors potentially affected by particular policies discussed in Bonn was massive.

Pre-Conference Influence Methods

TENGO representatives were asked what measures their organization employed domestically to lobby government positions before the COP took place. The aforementioned consequences of such actions largely concern pressure on governments vis-à-vis the prevailing opinions of domestic electorates. TENGO responses to this question were both varied in that a number of different approaches to domestic lobbying were reported, and consistent in that each TENGO representative did in fact indicate that pre-conference lobbying was a very important aspect of their overall lobbying tactics.

Alex Boston reported that the Suzuki Foundation's pre-conference lobbying tactics included the following: publishing an educational report¹⁵, and buying advertising in prominent newspapers, which aimed to "paint the Canadian government as a villain with respect to its negotiating demands at COP 6 part II". According to Boston, these decisions were made out of the recognition that, with respect to environmental issues, an image of international leadership and a reputation of integrity are important to both the Canadian federal government and public. He believed that such measures helped to pressure the Canadian government to "make compromises in its negotiating stances and to ultimately come up with a deal at the conference."

Dr. Matthew Bramley of the Pembina Institute reported that his organization's pre-conference lobbying efforts were scattered, with a variety of approaches employed. They included helping other organizations with reports such as that mentioned above by the Suzuki Foundation; meeting with Canadian government officials for what were supposed to be consultations—which he deemed to be "much more akin to briefings than to anything resembling two-way dialogue"; making speeches at public rallies and

¹⁵ David Suzuki Foundation, 2001.

meetings organized by other NGOs; and responding to media requests regarding his organization's position on various issues. Bramley believed that the employment of such measures helped to send a signal to the Canadian government that NGOs and the Canadian public would be watching what happened at the conference.

Steven Guilbeault, of Greenpeace Canada mentioned a number of pre-conference tactics his organization employed. They included organizing a conference in Ottawa shortly before the COP was to take place—which a number of NGOs attended and spoke at, including Dr. Bramley; scaling the CN Tower and hanging a large banner from it reading 'Canada and Bush: Climate Killers' (Guilbeault was one of the two climbers); placing ads in bathrooms (free add

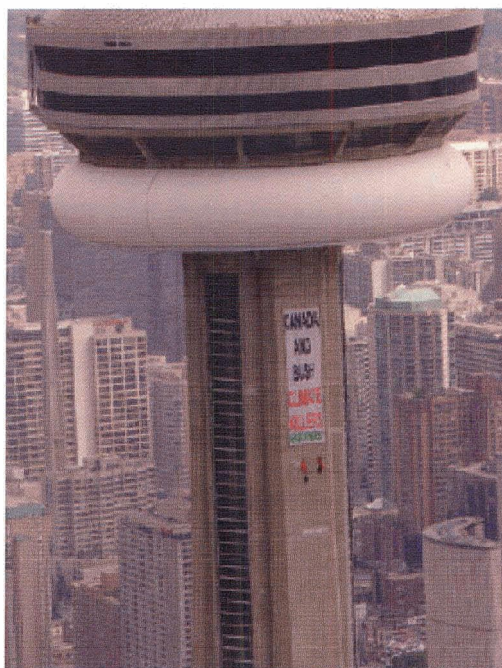


Figure 2. Greenpeace Climbs CN Tower (Source: Greenpeace, 2001)

space was donated to Greenpeace by Zoom Media); publishing educational reports; and buying airtime on Greater Toronto Area radio stations. Guilbeault claimed that Greenpeace concentrated its pre-conference lobbying tactics to the Toronto area, due to their belief that of the most populated provinces in Canada (Ontario and Quebec), Ontario was the most important to influence and Toronto was thus the “battleground”. This conclusion was arrived at in part because of polls in Quebec, which indicated already strong public support for the Kyoto Protocol. When asked about the efficacy of his organization's tactics, Guilbeault responded that they must have been effective at

pressuring the government, because at the Bonn conference he claimed that he was pulled aside by a “senior Canadian government official and asked to stop his organization’s lobbying activities”.

Mark Kenber, of the UK branch of the World Wildlife Fund, also pointed to a number of pre-conference lobbying tactics that his organization undertook. They included the preparation of position papers, meeting with the press, and meeting with British government officials. Kenber claimed to have a relatively close relationship with some government officials, because he had been involved in his line of work for a number of years. He suggested that the British government would consult him before releasing details regarding their Kyoto positions so as to avoid being “shot down by the WWF in the press the following day.” In addition to such consulting roles, Kenber believed that NGO lobbying tactics would generate discussion amongst the public and help promote a more specific awareness of what the British Government’s policy positions were.

- ***Analyses of Pre-Conference Influence Methods***

The underlying premise of the types of domestic lobbying attempts made by TENGOs above is, fundamentally, along the lines that influencing public opinion in favour of TENGO policy positions will pressure governments to align their negotiating demands closer to those of the lobbying environmental groups. One would then expect that any such public pressure, in a democratic society, would work along democratic premises: that if governments act in a way that is contrary to public opinion on *important issues* then their electoral support will show signs of erosion; and if an erosion of electoral support was significant, then a government sufficiently concerned with its

domestic reputation and ultimately its re-election would change its stance. It was through this indirect approach that TENGOS in this study attempted to lobby governments. None of the respondents reported having made efforts to meet individually with government representatives.

Due to the geographic location of the majority of the interviewees, Canada will be used as an example in this analysis. The fundamental question to the discussion is thus, in a Canadian context: did the federal government have sufficient cause to modify its supposedly vilified negotiating demands before the conference?

The answer is no, and the reasons are many. Amongst these reasons are the following:

Public opinion in Canada was clearly mixed with respect to issues that surrounded the Kyoto Protocol. The following are a series of polls that were conducted by various parties within seven months of the conference dates. Some of the polls are with regards to the ratification of the Protocol—and not with respect to the specific issues that were at stake in Bonn, however, they may be used to provide indications of the state of public awareness and policy priorities roughly seven months, give or take, from the time of the conference.

While Greenpeace released a poll in March 2002, seven months after the completion of COP 6 part II, which suggested that 78 percent of Canadians favoured ratifying the Kyoto Protocol¹⁶, other polls conducted around the time of the conference for Canadian Federal Government agencies, suggest that the 2002 Greenpeace poll may arguably be regarded as an empty statistic, which only tells a small part of the public

¹⁶ Globe and Mail. *Global Warming Not a Hot Topic, Polls Show*, August 19, 2002; Jan 16, 2004. <<http://www.globeandmail.com/servlet/ArticleNews/front/RTGAM/20020819/wxenvi/Front/homeBN/breakingnews>>

opinion story with respect to Kyoto issues. For instance, reports prepared by Decima Research for Environment Canada, Natural Resources Canada, and Canada's Climate Change Secretariat before the conference in April, and after the conference in December, 2001, (reports that were not made public but were acquired by the Globe and Mail under the Access to Information Act) suggest that "public awareness and opinions about climate change have changed relatively little over the past two or three years."¹⁷

They furthermore suggested that a large majority of Canadians may respond 'yes' to a question about the appropriateness of Kyoto ratification, but the April Decima Research study also showed that amongst the Canadian electorate, "there is a huge gap between professed concern for the environment and the way people actually behave...[as, for example, while] people say they will reduce their own car use in the name of reducing their emissions, transportation data indicates increasing car use and decreasing public transit use."¹⁸

In addition to pointing out to the Canadian government a significant level of inconsistency between professed Canadian environmental sentiments and action, the Decima reports also showed that while Canadians were well aware of general issues surrounding the Kyoto Protocol and global warming, such issues ranked very low on the electorate's priority list. Only two respondents out of the 2,202 surveyed in the fall of 2001 for the December report specifically mentioned global warming as the country's most important issue.¹⁹ Moreover, when pressed to name Canada's most important

¹⁷ Globe and Mail, 2002.

¹⁸ Mining Association of British Columbia. The Kyoto Protocol and Climate Change—A Position Backgrounder by the MABC, Nov. 7, 2002; Jan. 20, 2004.

<http://www.mining.bc.ca/files/cat_industry_news.html>

¹⁹ Globe and Mail, 2002.

environmental issue, “only 7 per cent mentioned greenhouse-gas emissions, global warming or climate change.”²⁰

Thus, around the time of the conference, it can be said that on the whole, Canadians’ professed environmental attitudes may have been in principle pro-Kyoto, but the Protocol in general was not an important issue in the collective mindset. By extension, the same can surely be said regarding the relatively detailed negotiating positions in specific issue areas that had been adopted by the federal government. Considering that the reports cited above were commissioned by, and prepared for, the Canadian federal government, one can also assume that federal climate change policy makers were well aware of the negotiating freedom made available to them by a largely apathetic Canadian electorate. TENGO lobbying tactics prior to the conference undoubtedly contributed to public awareness regarding the conference’s existence and sent a signal to the Canadian government that *some people* were watching what was happening in Bonn. However, the more detailed Decima statistics suggest that any pre-conference pressure that was exerted by TENGO actions on negotiators was at best slight.

At the Conference

Similar to the section above regarding matters that dealt with TENGO activities before the Bonn conference, the section below deals with condition variables and influence methods that were in play *during* the conference. Each is again followed by a section of relevant analyses.

²⁰ Globe and Mail, 2002.

Condition Variables at the Conference

The following condition variables could affect TENGO influence methods in Bonn: the favourability of existing conference rules and procedures to TENGO participation, the strength of counterbalancing forces present; the number of TENGOS in attendance at the conference; and the diplomatic approach employed by TENGOS. Again, interview responses informed the analysis of the first two condition variables and are discussed below. The remaining condition variables are dealt with in the section that immediately follows.

There were mixed reviews from TENGO representatives regarding how they felt about the conduciveness of the conference's rules and procedures to their participation and ability to exert policy influence. Three quarters felt as though the rules were roughly 'fair'. Another respondent felt that the rules were not very conducive to TENGO participation, and suggested that TENGOS should have much greater access to address the plenary floor. All in all, however, most of the respondents were relatively content with the participation rights granted to them by their observer status.

With respect to the perceived strength of any counterbalancing forces surrounding the conference, i.e. industry lobby groups, respondents unanimously claimed that these forces were very strong. Each believed that at the conference itself the power balance was seemingly in equilibrium—in terms of numbers and access levels—but with regard to before the conference, there was no doubt in the minds of TENGO interviewees about a supposedly far greater ability of industry lobby groups to exert significant influence over the policy positions of governments. However, examples or offerings of evidence were not presented by any of the respondents to corroborate such claims.

Some interviewee responses on a related subject are note worthy, however. A question was posed to TENGO representatives, which asked whether there are recurring policy areas that they find difficult or impossible to influence. It was suggested by Boston that constraining growth in the oil and gas industry is an area that TENGOs had particular difficulty with. Dr. Bramley claimed that every issue is particularly difficult, if not impossible for TENGOs to influence. Kenber suggested that issues that have anything to do with economics fall into the category proposed by the question. If these observations are taken at face value then it seems that there was significant pessimism amongst TENGOs, regarding their abilities to influence the policy areas discussed here. All of the relevant policies had potentially serious implications for the oil and gas industry or more broadly, economic indicators in general. This topic will be dealt with in more detail part way through the section below.

- *Analyses of Condition Variables at the Conference*

On the part of TENGO representatives, the relatively accepting impressions of the conference's rules and procedures could imply some recognition of the well documented fact that historically, and particularly recently, TENGOs have come a long way with respect to their abilities to gain greater access to international conferences. Due to the small range of responses and a lack of claims suggesting that extremely limiting or extremely unrestrictive rules were encountered by TENGOs, it is therefore claimed that the rules and procedures of the conference produced a condition variable of a moderate value.

To revisit the topic of counterbalancing forces, to fully ascertain the extent to which such forces had policy influence in Bonn would likely require a separate research project of a similar magnitude to that being carried out here, with respect to TENGOs. The views of the respondents in these regards were strong, though not referenced with evidence. However, in the absence of such details, some points can be made which suggest what this condition variable's value likely was.

It should not be assumed that industry groups had no influence over policy in Bonn. In line with the political economy approach to climate change policy employed by Newell and Paterson, most governments who pursue stability in their domestic economies will surely consult representatives from the relevant and major industries that may be affected by state decisions. Newell and Paterson suggest that in pursuing their interests, fossil energy companies are clearly privileged in state policy-making processes regarding climate change.²¹ Governments routinely consult and take account of the interest of energy lobbies when proposals are being formulated. In a formal sense, this consultation takes place through participation in policy committees. Furthermore, governments are said to consult some industry lobbies almost as a matter of right.²² The access to policy makers which energy interests are permitted is a function both of their key role in the economy and their expertise in helping governments to define realistic response strategies within appropriate time-frames and based on best available technology. Moreover, control of energy production by many of the industries that make up the lobbies means that they are, by definition, a force with which governments have to negotiate on issues of energy planning and implementation.

²¹ Newell and Paterson 684.

²² Newell and Paterson 684.

However, Chad Carpenter has also noted that leading up to COP 6 part II, significant rifts within the oil and gas sector had developed over policy stands. There was not a united front amongst such industries around the time of the Bonn conference. This was evidenced by important companies leaving the Global Climate Coalition (GCC—an umbrella industry lobby group). By COP 6 part II, Shell Oil Co., British Petroleum, Ford Motor Company, DaimlerChrysler, GM, Dupont and Texaco had all withdrawn from the GCC due to ‘irreconcilable differences over the ratification of the Kyoto Protocol’²³. Some public statements made by defecting companies indicated that their stances had not changed regarding the Kyoto Protocol. Others however, followed up their disillusionment with the GCC with action.

Numerous observers²⁴ cite various but related reasons for these defections. When Ford withdrew from the GCC in 1999, its chairman William C. Ford went on record saying, “I expect to preside over the demise of the internal combustion engine”.²⁵ Further, Ford claimed that despite its continued anti-Kyoto stance, “membership in the GCC was something of an impediment to pursuing our environmental initiative in a credible way”.²⁶ BP’s position was different. They argued that “it was time to act to prevent global warming rather than continue to debate whether it would occur or not”.²⁷ BP followed its defection by announcing plans to bring its own carbon emissions to 10 percent below its 1990 levels by 2010, exceeding the Kyoto goal of roughly 5 percent for

²³ Chad Carpenter, “Business, green groups and the media: the role of non-governmental organizations in the climate change debate,” *International Affairs*, 77, 2 (2001) 313-328.

²⁴ These were media, investment company, and scholarly observations: Dow Jones Newswires, GM Quits Global Warming Lobby Group, Joining Ford, Daimler, March 15, 2000; May 28, 2004. <djnewswires.com>; Socially Responsible Investing, Global Climate Coalition Cools Down, July 26, 2000; May 28, 2004. <<http://www.socialfunds.com/news/print.cgi?sfArticleId=320>>; Sharon Beder, “The Decline of the Global Climate Coalition,” *Engineers Australia*, Nov. 2000: 41.

²⁵ Socially Responsible Investing, July 26, 2000.

²⁶ Dow Jones Newswires, March 15, 2000.

²⁷ Beder 41.

industrial countries.²⁸ Dupont also followed its defection with action. By 2000, it had already cut its 1990 greenhouse gas emissions by 45 percent, and planned to reduce them by a total of 65 percent by 2010, silencing critics that claimed that meeting the Kyoto goal is not feasible.²⁹ Thus, the once united stand amongst members of the industry community associated with climate change was under significant strain at the time of Bonn.

The above reality coupled with other points made by Newell and Paterson suggest that not only was the oil industry divided in important ways, but other industry lobby groups, particularly those representing insurance company interests, were decidedly pro-Protocol. The insurance industry is particularly threatened by the impacts of global warming, due to the so-called impending 'extreme weather events' and the resulting property damages associated with climate change. Up against energy interests, the competing insurance lobby, together with the interests of companies involved in renewable energy, energy efficiency, and conservation can thus be seen as intra-capital struggles to influence state policies.³⁰ Such points are also in line with the arguments of Skodvin and Andresen, who suggest that industry demands can realistically only be seen as one important aspect of a complex set of competing demands on state policy.

Thus, the points above suggest the following with respect to the strength of counterbalancing forces in Bonn: There existed privileged access to policy makers on the part of energy lobby groups, but the messages coming from such groups was somewhat mixed. In addition, other important industry lobby groups existed, which had competing interests with those of the energy industry. A further point is also relevant, which

²⁸ Beder 41.

²⁹ Beder 41.

³⁰ Newell and Paterson, 694.

suggests that if certain industry lobby groups had their way, there likely would be no Kyoto Protocol to negotiate. Thus the strength of counterbalancing forces in Bonn is concluded as moderate.

Concerning the condition variable dealing with the number of TENGOs in attendance in Bonn, a high value is considered best for TENGO influence. As was the case with the first case study, high TENGO attendance is also considered to be necessary to increased chances of TENGO influence, but not sufficient. If more TENGOs are present, one would expect a greater likelihood for increased media attention, information gathering, speech giving, and one on one interaction with decision makers—influence methods which all have the potential to positively impact TENGO chances for policy influence. The number of TENGOs in Bonn, as previously mentioned in the introduction, was exceptionally high relative to a similar context decades ago³¹; the condition variable's value is also accordingly high.

The diplomatic approach employed by TENGO representatives in Bonn was found to be positive, and the condition variable's value is thus significant. The value is not complete in order to avoid claiming that their conduct was absolutely perfect; this is after all a speculative conclusion. The logic of this condition variable suggests that actions made by TENGOs in order to voice their policy positions, which are not in keeping with diplomatic norms will not result in positive policy results. No media reports were found, nor were claims made by TENGO representatives, which suggested that their lobbying tactics in Bonn were extreme, exceedingly confrontational, or more akin to actions associated with 'activism' than diplomacy. Greenpeace participants, for instance,

³¹ Less than 300 NGOs attended the 1972 United Nations Stockholm Conference on the Environment (Clark, Friedman & Hochstetler 9). Over 1500 attended the 2001 Bonn talks. (United Nations, Final List of Participants, FCCC/CP/2001/INF.2, 2001: 2).

were not found to have been organizing small, protest-like actions on the COP plenary floor. In order to maintain their status as official conference observers in the future, avoiding such actions is necessary. Therefore, TENGO representatives are largely assumed to have been respectful of the conference rules and procedures that governed their conduct.

Influence Methods at the Conference

Similarly with the first case study, in the following section of questions pertaining to TENGO activities in Bonn, representatives were asked a variety of questions pertaining to their organization's lobbying tactics, participation opportunities, organizational arrangements, and various perceptions that respondents may have had at COP 6 part II. These questions were designed to work in conjunction with the aforementioned influence framework. Below, TENGO responses will often be presented as a whole when they were similar.

When asked about their opportunities to participate in the conference, TENGO representatives reported that their official observer status accorded them limited opportunities for substantive participation. They were allowed to attend the plenary sessions, for instance, and some were given the opportunity to address delegates during the plenary once. However, both Guilbeault and Kenber reported that most national delegates only remained in attendance at the plenary sessions to hear speeches from the so-called major players (i.e. the US, the EU, Russia, etc.). There was, according to these interviewees, a relatively empty plenary floor during the speeches made by TENGO representatives.

On the whole, TENGO representatives reported having access to individual delegates ‘in the corridors’ but did not at all indicate that such access was productive. In addition, Kenber claimed that WWF International had representatives on the national delegations of Indonesia, Denmark and Switzerland, which gave them access to the internal workings of state negotiations but did not do the same for negotiations between states involved in policy coalitions. The main benefit of such an arrangement was said to be that the WWF, and other NGOs that they shared information with, were privy to negotiating positions and other matters that they would otherwise have been oblivious to; the potential for information gathering was stressed by Kenber as the main bi-product of having WWF members on state delegations—not policy influence. As this influence method could arguably benefit TENGO efforts on the whole, it will be assumed that this approach yielded at least some limited tactical results.

All TENGO representatives reported that interacting with the media was a large part of their activities in Bonn. Dr. Bramley, for instance, recalled giving “over 25 interviews to journalists representing major newspapers from around the world” over the course of the conference. In addition to media interactions, all TENGO representatives from Canada reported that interaction with the Canadian government was also substantial. Canadian officials in Bonn seemingly made it a priority to hold nearly daily policy briefings for the benefit of Canadian TENGOs throughout the days of the conference. TENGO representatives were briefed on the substance and logic of the Canadian government’s policy stands. Boston suggested that it was during these briefings that TENGOs had the best opportunity to directly question and challenge the Canadian government on its policy positions. He also stressed, however, that they were very much

‘briefings’ in the true sense of the word. TENGOs were briefed on what government positions were. The meetings were not significant opportunities for TENGOs to successfully sway government policy stances.

On the subject of TENGO abilities to contribute to the defining of environmental terms or problems—a subject, as previously outlined, which was of particular importance at the Bonn conference—all respondents claimed to have had no ability to do so. Both at the COP 6 part II and at previous COPs, TENGO representatives reported that the defining of environmental terms was conducted, independent of their inputs, by states. Coming into Bonn, all respondents indicated that from their standpoint, most environmental definitions, with the exception of those being debated at the conference, had been previously set. The corresponding definitions, which were agreed upon by states are listed below. To view TENGO policy demands with respect to these definitions, see page 96.

The agreed definition of a forest:

“Forest” is a minimum area of land of 0.05-1.0 hectares with tree crown cover (or equivalent stocking level) of more than 10-30 per cent with trees with the potential to reach a minimum height of 2-5 meters at maturity *in situ* [original italics]. A forest may consist either of closed forest formations where trees of various storeys and undergrowth cover a high proportion of the ground or open forest. Young natural stands and all plantations which have yet to reach a crown density of 10-30 per cent or tree height of 2-5 meters are included under forest, as are areas normally forming part of the forest area which are temporarily unstocked as a result of human intervention such as harvesting or natural causes but which are expected to revert to forest.³²

The agreed definition of afforestation and reforestation:

“Afforestation” is the direct human-induced conversion of land that has not been forested for a period of at least 50 years to forested land through

³² United Nations, Report of the Conference of the Parties on the Second Part of its Sixth Session, Held at Bonn From 16 to 27 July 2001, FCCC/CP/2001/5/Add.2 (2001): 9.

planting, seeding and/or the human-induced promotion of natural seed sources. “Reforestation is the direct human-induced conversion of non-forested land to forested land through planting, seeding and/or the human induced promotion of natural seed sources, on land that was forested but that has been converted to non-forested land. For the first commitment period, reforestation activities will be limited to reforestation occurring on those lands that did not contain forest on 31 December, 1989.”³³

The agreed definition of deforestation:

“Deforestation” is the direct human-induced conversion of forested land to non-forested land.³⁴

Concerning the above range of definitions, defining the term ‘forest’ was the biggest priority to all parties involved, as the subsequent definitions are all dependent in important ways on the initial definition of forest. As illustrated earlier in this chapter, the main claim of TENGOs in this regard was that a biome-based definition for forests was essential. That is, a definition based on different biological types of forest, because different types of forest have different carbon sequestration potentials.³⁵ TENGOs were concerned that in the absence of such a biome detailed definition, severe accounting irregularities would persist in a world with vastly varying types of tree cover. In the agreed definition, no reference is made to this demand.

In a related section of the CAN position paper, from which many TENGO positions are gleaned, forestry assessment units are proposed. With respect to the minimum size of a plot of land that may be considered a forest, TENGOs were pushing for 1 hectare.³⁶ They were concerned that a smaller minimum unit would allow states to consider treed plots of land in areas such as subdivisions as forest. However, the low end

³³ United Nations, FCCC/CP/2001/5/Add.2: 9.

³⁴ United Nations, FCCC/CP/2001/5/Add.2: 9.

³⁵ Climate Action Network 17.

³⁶ Climate Action Network 17.

of the size range agreed upon by states above is 0.05 of a hectare, which does not come close to fulfilling this demand.

With respect to the definition of ‘afforestation’ and ‘reforestation’, TENGO demands were succinct. They requested a 50-year divide between the definitions of afforestation and reforestation, with reforestation starting at the beginning of the first commitment period, in 2008.³⁷ Comparisons of the dates and numbers show that TENGO demands with respect to the 50-year mark are essentially the same. The land allowable to be afforested under the Protocol must not have had tree cover for at least 50 years.

The TENGO loss here, however, is in the definition of forest and one of the potential methods listed as afforestation. According to the agreements, a forest includes an area of land that is at minimum 5 percent of a hectare. Of that 5 percent, only 10 percent of it needs to be covered by trees that have the *potential* to reach a minimum of 2 meters in height. Thus, when governments plant saplings on a small percentage of a small percentage of a hectare of land that has not had trees on it for at least 50 years, they have created a ‘forest’ under the Protocol’s definition of afforestation, and thus may receive credit, to a limit³⁸, for reducing their nation’s greenhouse gas emissions. Similar afforestation credits are also available to governments who, as loosely suggested, “promote natural seed sources”, which depending on how that is interpreted (note that the word ‘promote’ is used, not ‘create’), may allow future governments to claim responsibility for natural regeneration that could have occurred anyway.

³⁷ Climate Action Network 17.

³⁸ Complex country specific limits were placed on the amount of credits from forest management that states may claim. Briefly, limits are calculated by multiplying the total area of forested lands in a state by a series of values (some applicable numerical ranges are included in the definition of forest) that are chosen by the parties. Amounts for all countries are generally limited to 15% of the sinks’ full potential and total yearly credits are limited to 3% of 1990 emission levels. See UN document FCCC/CP/2001/5/Add.2.

Regarding the definition of ‘reforestation’, TENGOs were looking for the exclusion of post-harvest regeneration.³⁹ Turning a once mature, established forest into a field of saplings should be discouraged under the Protocol, as significant reductions in carbon sequestration potentials would result. The definition of reforestation proposed by TENGOs suggests that if it is not adopted, then severe accounting and ecological problems could result. Under the set of agreed forestry definitions listed above, the two forests would be considered one and the same.

Concerning the definition of the word ‘deforestation’, TENGOs argued the following: Any degradation of tree canopy cover above 20 percent of its previous level that is not replaced by the same forest type with the same level of biomass should be considered deforestation. With forest degradation also in mind, TENGOs were pushing for the definition to include any conversion of mature natural forest to any different land cover. The agreed definition, however, does not refer to such specifics. It is essentially based on the above definition of forest, which was shown above to not fulfill TENGO demands.

TENGOs were opposed to the very idea of carbon sinks in the first place. Their definitional proposals above were fallback stances, which stemmed out of necessity from previously lost battles over the inclusion of carbon sinks in the Protocol. The key definition of forest largely flew in the face of TENGO demands. Subsequent definitions, while in some areas agreeable to TENGOs, were ultimately undermined to a significant extent. TENGO concerns regarding the threatening ecological consequences of weak definitions in these respects are ultimately not addressed. In light of the above points and

³⁹ Climate Action Network 17.

the absence of TENGO claims of a policy victory here, TENGO influence in these respects is found to have been nil.

Lastly, Guilbeault from Greenpeace reported that his organization had distributed literature at the conference. He cited a Greenpeace position paper entitled ‘Greenpeace: Extended quantitative analysis of the COP-6 President’s text’. In addition to this paper, CAN published and distributed a position paper on behalf of its members entitled ‘Climate Action Network, COP 6 Position Paper’. Considering that it is difficult to ascertain exactly how widely these papers were distributed, and ultimately which decision-makers read the publications, their effectiveness will be roughly implied by the findings in this chapter concerning the conference policy results.

- *Analyses of Influence Methods at the Conference*

An unexpected finding of this study was the observation of an apparently close-knit community (particularly amongst Canadian TENGOs, as they formed the basis of the research) of activists and civil society lobbyists within the climate change sector. Interview questions, where feasible, were thus designed to take advantage of this close community as much as possible. Essentially, respondents were asked at times to comment on the performance of other TENGOs within their community. The reason being, if Greenpeace Germany managed to push through its policy positions into the Bonn agreements, there is little doubt that Steven Guilbeault of Greenpeace Canada would be aware of this—in addition to the many other groups with whom they share information and resources. The aforementioned Climate Action Network is a good example of a TENGO vehicle for such information collaboration. Moreover, as outlined in the

introduction, previous studies have indicated that TENGO influence in these contexts is typically slight, if detectable at all. Therefore it is reasonable to assume that should observable TENGO influence have happened at the conference, news would likely travel quickly throughout the TENGO community.

Thus, in terms of answering the study's main research question regarding policy influence then, the limited sample size of TENGO respondents should not be a significant hindrance to the applicability of the study's claims to nearly all TENGOs.

The picture emerging above is that despite increasing TENGO abilities to attend and address plenary meetings, become members of state delegations, meet with state delegations—both formally in briefings and informally 'in the corridors', and conduct interviews with the media, TENGO impressions of the utility of such new found abilities to substantively realize policy results are minimal. Each action will be dealt with below.

Attending and addressing the plenary is arguably, in principle, a monumental ability of today's TENGOs at international environmental conferences. It can be regarded as an important symbol of openness and an embrace of freedom of speech on the part of the event organizers, as well as a recognition of civil society organizations as agents in international politics. As was previously stated in the introduction, it was not very long ago that the physical presence of TENGOs and their voices were confined to the parking lots at such events. However, as has been indicated by Guilbeault and Kenber, the impacts of the newfound official freedom of expression at such events may be ultimately underwhelming in terms of audience persuasion. Guilbeault claimed that TENGO participants do not have access to delegates one on one during plenary sessions. In addition, both interviewees who commented on TENGO abilities to address the plenary

stated in simple terms that the plenary was poorly attended at the time of TENGO talks. To delegates, the emphasis of plenary gatherings, according to the interviewees, was to hear the policy positions of the major players at such conferences.

If it is true that when so-called 'major players' address the plenary, the plenary is full, and when 'minor players' do so, the plenary is poorly attended, then the conclusion can be drawn that the majority of national delegates with access to the plenary perceive TENGOs to be minor players. Such a conclusion actually depends on the validity of Guilbeault and Kenber's above statements. Yet, considering that these observations are in essence not very flattering for the TENGO representatives who cited them, the statements will be considered as accurate. One might more realistically suspect that other motives would lead interviewees to *underestimate* the extent to which delegates in the plenary departed as their representatives took to the stage.

Thus considering that firstly, TENGO representatives are not allowed to interact with delegates during plenary sessions; secondly, when TENGOs were making an address they were doing so to a relatively poorly attended plenary; and thirdly, that their messages were seemingly perceived to be of marginal importance by the majority of delegates; the impact, in terms of policy influence, of TENGOs attending and addressing the plenary at Bonn was likely minimal.

In addition to having access to delegates, en mass, in the plenary, TENGOs had access to delegates one on one in the corridors. Briefly put, no indication was given by interviewees that this was a productive endeavor, for themselves or others in the TENGO community, in terms of policy influence. Therefore, it shall be assumed that this was largely the case and that such interactions had little to no impact.

As previously indicated, some TENGOS had the ability to attend COP 6 part II as members of state delegations. Kenber claimed that the WWF, for instance, had representatives on the state delegations of Indonesia, Denmark and Switzerland. Speaking with the WWF representatives that Kenber referred to was not possible. However, Kenber did interact with them at the conference and claimed that their main purpose was information gathering. He stated that the WWF representatives on state delegations did not have a disproportionate amount of policy influence relative to those representatives not on state delegations. Instead, WWF members of state delegations had advantageous access to information and to other delegates. Ultimately the question of whether having representatives on state delegations translated into influence over the final policy agreements of the conference will be settled in the final analysis of the policies the conference produced.

The nearly daily briefings for Canadian TENGOS, which were held by the Canadian delegation in Bonn, were another potential avenue for TENGO policy influence. Herb Dhaliwal, then Canadian Minister of Fisheries and Oceans, hosted the briefings—a gesture that some TENGO representatives seemed surprised about given his senior role in the Federal government. However, TENGO perception was that these meetings were briefings, not consultations. The Canadian government's level of communication and openness regarding their policy positions may have been in some respects admirable (i.e., relative to such levels in the past), but TENGO representatives merely reported being able to question and criticize the government's positions, not to influence them. Thus the efficacy of attending such briefings, in terms of influencing policy, was likely none.

Interacting with the media was reportedly a large part of TENGO activities during COP 6 part II. Whether it was through interviews or more unconventional publicity stunts, TENGOs made it a priority to attempt to get their messages out. Analyzing numerous national or international public opinion polls to ascertain the extent of TENGO success in this regard is beyond the scope of this research project. However, as were previously noted, public opinion polls conducted in Canada from around the time of the conference provide a litmus test with respect to the majority of the organizations included in this study.

The aforementioned polls did not show much substantive TENGO success. Within seven months of the conference, 78 percent of Canadians may have supported the Kyoto Protocol in general⁴⁰, however, the same can not be said for how many Canadians understood the issues at stake at the conference. Statistics also show that Canadians held COP 6 part II issues very low on their 'policy needs' priority lists. Only 2 Canadians of 2202 polled in the fall of 2001, roughly 2 months after the conference, mentioned climate change as the most pressing issue facing Canada.⁴¹ Other statistics showed cursory levels of understanding and marked apathy amongst the Canadian electorate on related issues. Thus, there seems to have been a failure on the part of Canadian TENGOs to successfully convey their message in any lasting way. Instead, their public relations campaigns produced a vaguely informed electorate whose COP 6 part II concerns were highly outweighed by other pressing issues of the day. These polls provide strong evidence for the claim that the Canadian government received very little pressure from its domestic electorate to alter its negotiating positions to better reflect those of TENGOs.

⁴⁰ Globe and Mail, 2002.

⁴¹ Globe and Mail, 2002.

Conference Results

With respect to the policy results of the conference, TENGO representatives were asked a variety of questions pertaining to their abilities to influence the final policy agreements. In keeping with the aforementioned influence framework, the questions posed to respondents were designed to touch upon various indicators of influence outlined earlier.⁴²

TENGO representatives were asked whether they were successful at incorporating *desirable* text into the Bonn agreements, and if so, where. Overall, three out of four respondents claimed that they were not able to incorporate text into the final agreements. Definitional issues seemingly remained untouched by TENGOs. However, Guilbeault of Greenpeace claimed to have successfully lobbied for a cap on the carbon sinks that were eventually incorporated into the agreements.

With regard to the question of whether the interviewees felt as though they had prevented the incorporation of *undesirable* text into the agreements, all four respondents claimed to have successfully lobbied to have nuclear energy excluded from the agreements that were made, regarding the aforementioned CDM.⁴³ However, interviewees did not give specifics regarding how such lobbying successes were realized. Identifications of one key lobbying technique, for instance, or one crucial TENGO meeting with an important delegate were not made. When pressed to suggest some possible methods that led to this result, Kenber suggested that generally, the accumulation of all TENGO efforts directly contributed to this area of success.

⁴² See pages 31-43 for framework.

⁴³ See page 93 for CDM outline.

When asked if they were aware of other TENGOs being able to either incorporate desired text or prevent the incorporation of undesired texts into the agreements, each respondent claimed, roughly, that TENGOs work as a group at such conferences and that successful policy results would not likely be considered by any organizations as an individual accomplishment. Both representatives from the relatively smaller organizations⁴⁴ included in this study did, however, suggest that if any TENGOs present in Bonn were able to exert influence it would have likely been larger groups such as Greenpeace or the WWF. According to these respondents, the size of such groups allowed them to have representatives in contact with delegates from all over the world, specifically including those from the EU, whose policy positions were much more in line with those of TENGOs’.

TENGO representatives were lastly asked a question designed to ascertain their perception of a potential counterfactual value—whether they believed that COP 6 part II would have been at all different if there were no TENGOs present. Each interviewee responded with a variation of the following statement: ‘there likely wouldn’t have been a Kyoto Protocol to debate in the first place if it weren’t for TENGO involvement in international politics.’ With respect to the Bonn conference itself, each respondent indicated that TENGOs could, to a degree, take credit for the fact that a deal was reached at COP 6 part II. Moreover, TENGO representatives believed that the policy results of the conference would have been “worse” in terms of the policies’ negative impacts on the environment, should they not have attended. Inclusion of nuclear energy in the CDM was cited by Guilbeault as an example of how the conference would have proceeded in the absence of TENGOs.

⁴⁴ The smaller organizations were The Pembina Institute and the David Suzuki foundation.

- *Analyses of the Conference Results*

Thus, TENGOs pointed to two main issue areas where they believed they had exerted influence over the policy agreements made in Bonn. They were: caps put on the amount of emission reduction credits that countries may claim from carbon sinks under the LULUCF section of the Protocol; and the exclusion of nuclear energy from the CDM. Only one respondent claimed the former influence effect and all respondents claimed the latter. The will be dealt with in the above order below.

With respect to sinks caps, TENGO concerns were significantly reflected in the agreements. By limiting the amount of credits that states may gain from carbon sequestration to 3% of 1990 emissions totals⁴⁵, states must still eliminate a substantial proportion of their current greenhouse gas emissions by other means, to reach the Kyoto target of 5% below 1990 levels. For example, Canada's emission levels, which in 2003 had risen 18.5% since 1990⁴⁶, still require significant reductions, by means other than carbon sequestration, to be brought down to 2% below 1990 levels.

Results of the overarching battle regarding the definitions, to which caps apply however, were not agreeable to TENGO demands. The definitional demands made by TENGOs with respect to the LULUCF, largely resulted in a lost cause for the environmental groups—a conclusion verified both by comparing the associated TENGO demands and the actual definitions that were agreed upon by states, and by the fact that no such claims of influence in this regard were made by interviewees. In addition, these definitional issues were regarded as important to TENGOs in Bonn—thus the failure of influence attempts in this issue area is significant.

⁴⁵ United Nations, FCCC/CP/2001/5/Add.2.

⁴⁶ Environment Canada, quoted by the CBC, Canada's Emissions Down, Not Yet at Kyoto Target, April 22, 2003; May 29, 2004. < <http://www.cbc.ca/stories/2003/04/22/emissions030422>>

Also significant were the inabilities of TENGOS to exclude the aforementioned ‘additional human-induced activities’ from emissions reductions totals; states agreed to grant reduction credits from such practices as forest management, cropland management, grazingland management and re-vegetation activities. All of these actions are considered to promote carbon sinks under the Protocol. The substance of Guilbeault’s claim, regarding the battle over caps on carbon sinks, will now be further analyzed below.

Carbon sinks were indeed subject to caps in the Bonn agreements. To corroborate Guilbeault’s influence claims, however, the possibility that it was the lobbying efforts of parties other than TENGOS in Bonn, which led to the sinks caps, needs to be ruled out. Yet virtually every piece of literature consulted for this study, including one published by Greenpeace⁴⁷, attributes demands for caps on sinks specifically to the European Union (EU)—a so-called ‘major player’ at the Bonn talks. It is thus possible that the negotiating position of the EU was coincidentally close to TENGO demands. In addition, the analysis below suggests that the similar policy stances between the EU and TENGOS likely stemmed from different priorities.

The EU had much at stake with its sinks cap policy demand. What has been regarded as common sense by many observers, is the fact that the EU simply does not have anywhere near the opportunities that the main proponents of carbon sinks have, to utilize the benefits that sinks would offer to a nation’s emissions reduction targets. The relatively densely populated and sparsely forested land which comprises EU territory would simply put it at a significant competitive disadvantage were carbon sinks reductions not subjected to caps in countries such as Russia, the US and Canada. One

⁴⁷ Greenpeace, Greenpeace Response to the Consolidated Negotiation Text Proposed by the President, Sixth Session (Part Two) of the Conference of the Parties to the UNFCCC, 2001; Jan 17, 2004. <<http://www.law.ugent.be/intpub/GreenpeaceAnalysisCNT.pdf>>

could argue that in light of the virtually unanimous observations made by COP 6 part II commentators⁴⁸, which suggest it was the EU who, for obvious reasons, was strongly in favour of carbon sinks caps, it appears that the caps battle was won by the EU, with TENGOs cheering them on.

The support from TENGOs on a sinks cap, however, may have had some positive effects at legitimizing the policy demands of the EU. The theoretical arguments of Thomas Risse suggest that while state positions may be embodied by self-interested material motivations, the articulation of such demands can rely in part upon normative reasoning for their overall legitimacy.⁴⁹ In the Bonn bargaining realm then, other states' opposition to EU demands effectively pitted such opposing actors against the normative policies of TENGOs, in addition to any material concerns they may have had with the EU's position. According to this analysis, it is arguable that the EU's self-interested policy stand as outlined above would have failed to be sufficiently persuasive without TENGO support. Given the difficulties associated with measuring such TENGO impacts, however, only cautious conclusions can be drawn. From this standpoint, TENGO influence on this issue may have been slight. After all, similar reasoning would also suggest that without a powerful ally in the form of EU self-interest, the TENGO demands in question might not have received any light of day at all.

Regarding the exclusion of nuclear energy from the CDM, a significant principle of the Protocol was upheld, which stipulated that efforts to combat climate change should

⁴⁸ Gary Bull, Zoe Harkin & Ann Wong, UBC Department of Forest Resource Management. What role should forest management play in the global climate change regime? May, 2001; Feb. 20, 2004. <<http://www.policy.ca/archive/20010108.php3>>; BBC News, Climate change: The big emitters, Sept. 2003; Feb. 20, 2004. <<http://news.bbc.co.uk/1/hi/sci/tech/3143798.stm>>; International Institute for Sustainable Development, in United Nations, 'Earth Negotiations Bulletin', Vol. 05 No. 156, May 2000.

⁴⁹ Thomas Risse, "Let's Argue!: Communicative Action In World Politics" *International Organization*, 54, 1, Winter 2000, pp.1-39.

be compatible with overarching principles of global ecological sustainability.⁵⁰ Yet again, such claims are also skewed. It was the EU, as unanimously noted by COP 6 part II observers⁵¹, who opposed the inclusion of nuclear energy under the CDM. The EU's reasons for its stance on this issue, however, are not intuitively obvious. The debate is thus open as to whether TENGOS can claim to have influenced the EU's position and thus the final policy agreements.

To be sure, the EU (minus the support of the UK and France who were lobbying for the inclusion of nuclear energy in the CDM) was publicly citing reasons for its policy position, which largely emphasized the incompatibility of nuclear energy with principles of sustainability. Indeed, at home, nuclear energy was and seemingly still is a hot political topic in the EU; national debates thrive in countries such as Germany, Italy, the Netherlands and Sweden over government plans to phase nuclear energy out, while countries such as Austria, Denmark, Greece, Ireland, Luxembourg and Portugal have never had nuclear energy to begin with.⁵² The Green Party of Germany has been in power as a part of a coalition government since 1998—an election year in which it gained the most votes in its history while campaigning for the complete dismantling of Germany's nuclear power generators. Of note, the same coalition was re-elected in 2002. Thus, anti nuclear sentiment in significant parts of Europe was seemingly prominent around the time of COP 6 part II.

⁵⁰ Climate Action Network 2.

⁵¹ Stephen Singer, WWF International. July, 2003; Feb. 12, 2004.

<www.climnet.org/pubs/ETCDMJletter10_07_2003.pdf>; Jonathan Cobb, The Uranium Institute, 'The Influence of Climate Change Policy on the Future of Nuclear Power' <http://www.world-nuclear.org/sym/2000/cobb.htm> (last updated 2000); Global Change Strategies International Inc. 'A Climate Deal is Reached—Update From Bonn' www.gcsi.ca/downloads/climatedeal.pdf (last updated July 23, 2001).

⁵² European Green Party. Future of Europe: A Non-Nuclear Future, date created n/a; Feb. 23, 2004. <<http://www.nualaahern.com/europe.htm>>

To exhaustively ascertain the extent of TENGO influence over the EU's policy position on nuclear energy and the CDM is, for practical reasons, beyond the scope of this research project. What can be said, though, is that various actors in Europe's seemingly vibrant anti-nuclear civil society can certainly claim at least a modest degree of indirect influence in this regard.

The EU's implicit support for TENGO positions has likely been nurtured at least in part by civil society organizations, who, over time, have incorporated similar lobbying tactics as those attributed to the TENGOs in this study. In addition, the arguments of Risse, above, also apply here, as the EU's public stand on the inclusion of nuclear energy in the CDM was decidedly normative. Moreover, considering that normative reasoning seemingly overpowered both the UK and France (two states with considerable power in the EU and UN) in an internal EU policy split, this policy result is important.

Kenber, the only participant in this study from the EU, gave an indication of the limitations to TENGO influence in this regard when he stated that "essentially, environmental groups can only now claim to have won this battle because governments were going that way already." Yet due to the fact that TENGOs can, with little doubt, lay claim to some of the domestic pressures that initially pushed EU policy in this direction, TENGO influence with respect to the exclusion of nuclear energy from the CDM will therefore be considered moderate.

General Conclusions of the Case Study

Various condition variables, which can affect the extent of TENGO influence, and a number of influence methods utilized by TENGOs at COP 6 part II have been outlined

and analyzed in conjunction with the framework introduced in Chapter One. The results of this analysis have produced a variety of conclusions, which all lead to the finding that TENGO influence in Bonn, and ultimately over the final policy agreements, was overall, slight.

Analyses of the condition variables that were relevant prior to and during the conference have provided varied conclusions. With respect to those that were in play before the conference, TENGO efforts to impact the rules and procedures of the conference were inconclusive, as they were decided long before the event itself. Other condition variables before the conference were well utilized, allowing TENGOs to reap the advantages. With respect to policy unity, TENGOs showed a good understanding of the rewards associated with its attainment, and the ability to follow up such understanding with solid action. As a result, TENGO policy demands in key areas were unified, narrow, and likely more effective. Additionally, the demands of TENGOs were moderately at odds with the preferences of states, as TENGOs had both powerful state allies and adversaries.

Concerning the conduciveness of the conference rules and procedures as they existed in Bonn, it was shown that such things were neither a significant hindrance to TENGO participation and influence, nor were they particularly helpful. With respect to the strength of potentially counterbalancing forces at the conference, the analysis was with all certainty inconclusive, but was speculated to be moderate.

In terms of the issues at stake at the COP and TENGO efforts to lobby states both before and during the conference, the results of such influence methods were found to range between none and slight. With respect to TENGO pre-conference lobbying, despite

the significant and multifarious attempts that were made by numerous TENGOS, analyses showed that in the Canadian context at least, these efforts produced a modestly informed and largely disinterested populous, whose opinions were shown to be unbeneficial to TENGOS causes. At the conference, TENGOS reported a number of ways in which they could attempt to influence policy. However, after the analyses, it appears as though TENGOS efforts in Bonn to attend as members of state delegations, address the plenary, meet with government officials in the corridors, meet with the media, and attend government-hosted policy briefings, all proved to have modest results.

In the end, the conference results proved to be the litmus test for the efficacy of all of the above condition variables and influence methods. Readings and analyses of the conference result—in the form of the various relevant agreements made by states in Bonn—were the main tools utilized for this final assessment. Important to TENGOS were policy issues with respect to various definitions under the LULUCF, and the exclusion of nuclear energy from the CDM. Ultimately, TENGOS policy positions with respect to the definitional issues at hand were seemingly of little to no consequence to states or the resulting agreements. Regarding the caps placed on the amount of credits that states may claim from carbon sinks, analyses showed that the agreement made between states may have been slightly impacted by TENGOS inputs.

Concerning the exclusion of nuclear energy from the CDM, it was found that TENGOS could claim a moderate extent of influence thanks to years of activity and lobbying on the part of European anti-nuclear activists. Each TENGOS representative interviewed for this study stated that TENGOS, as a group, could claim a victory from this policy result. Various commentators repeatedly pointed to the positions of the EU to

explain this policy result, however, it can not be ruled out, particularly in the face of the emphases of numerous aspects of this study, that TENGOS may have ultimately had an important role to play in the formation of the EU's negotiating position.

CHAPTER FOUR: CONCLUSIONS

Conclusions

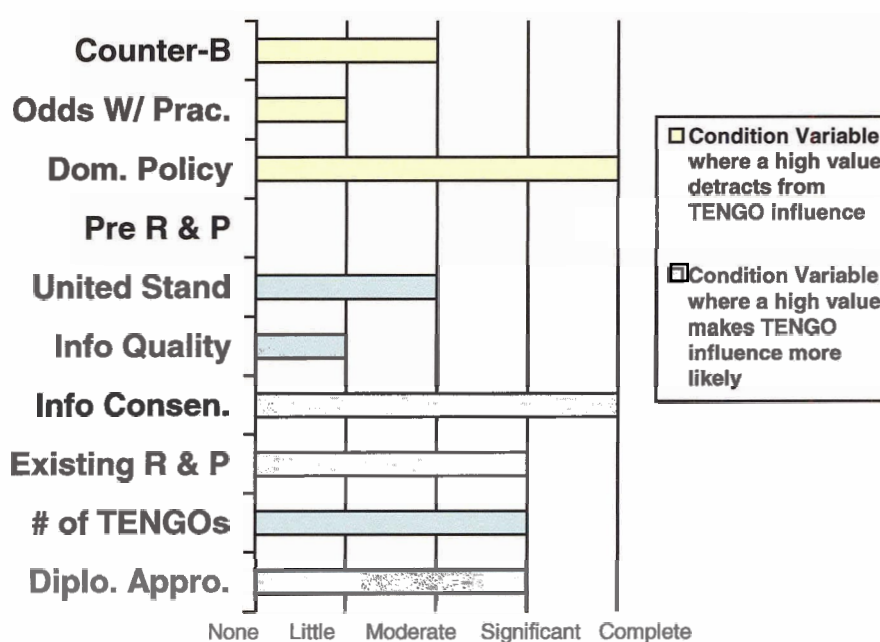
In this chapter, general conclusions will first be summarized from the preceding case studies. The extent of political influence achieved by TENGOs in each case will be reviewed. Next, the theoretical implications of the study's findings will be explored, particularly in light of the variables identified by previous researchers, which were utilized in this study. Lastly, recommendations for TENGOs in general and TENGOs involved in each of the case studies will be made, which aim to contribute to their goals of greater policy influence at international environmental conferences.

IJC Case Study Conclusions

The following conclusions are presented according to the various emphases of the framework, which was utilized to assess the effectiveness of TENGO influence approaches. Firstly, findings regarding condition variable values, which can impact the efficacy of TENGO influence methods are summarized. Following these discussions, the efficacy of each influence method employed by TENGOs at each conference will be summarized.

Regarding each case study summary below, the charts presented rate the condition variables and the efficacy of the methods of influence used by TENGOs as none, little, moderate, significant or complete. The variables will be dealt with in the discussions in the order they appear in the charts.

Figure 1. Case One Condition Variables



Counter-B represents the strength of counterbalancing forces; **Odds W/ Prac.** is the extent to which TENGU demands conflict with current practice; **Dom. Policy** is the extent to which TENGU demands impact state domestic policy; **Pre R & P** represents attempts to influence the rules and procedures of the conference prior to the event; **United Stand** is the extent to which there was policy demand agreement and coordination amongst TENGOS; **Info Quality** is the quality of TENGU scientific information; **Info Consen.** is the existence of scientific consensus; **Existing R & P** is the extent to which the rules and procedures during the conference were favorable to TENGU participation; **# of TENGOs** is the number of TENGOS at a conference; **Diplo. Appro.** represents the diplomatic approach of TENGU representatives.

Regarding the strength of potentially counterbalancing forces at the Milwaukee conference, they were found to be moderate. Industry lobby groups surely play a role in the production of environmental policy making that may affect their bottom lines and matters such as employment opportunities in local communities. However, no evidence was found to suggest that such influence was a significant obstacle to TENGU goals.

Concerning the extent to which TENGU policy demands were at odds with current policy practice, the value was little. TENGU positions were not extreme. They tended to preserve important aspects of the policy status quo. One of the main policy goals of TENGOS in Milwaukee specifically requested the preservation of IJC policies as

they stood. Other policy requests largely did not require revolution on the part of decision makers.

A complete value was given to the condition variable dealing with the extent that TENGO demands impacted policies, which concerned state domestic policy choices. Virtually all issues brought to the fore by TENGOs could have reverberations in the policy jurisdictions of elected officials at all levels of government.

Only one of the TENGO representatives involved in this study claimed to have attempted to influence the rules and procedures of the conference prior to its occurrence. Essentially, it was found that the substance of the attempt in question produced little to no effect.

With respect to a united policy stand amongst TENGOs present in Milwaukee, it was found that TENGO unity was limited in an important way. The large range of issues, which was brought to the conference by TENGOs, significantly dissipated the potency of their approach. The value of this condition variable was found to be moderate.

Regarding the quality of scientific information used by TENGOs to relay their policy demands to IJC decision makers, the value was little. A typical lack of Great Lakes TENGO resources to produce scientific information of a high quality, coupled with the inappropriateness of speech giving to relay scientific evidence, contributed to this value.

Concerning the existence of scientific consensus on the issues related to TENGO demands, the findings were partly inconclusive, as the range of issues brought to the attention of IJC officials was very broad. However, regarding the policy issue that was most important to TENGOs—to not renegotiate the GLWQA—the value was complete.

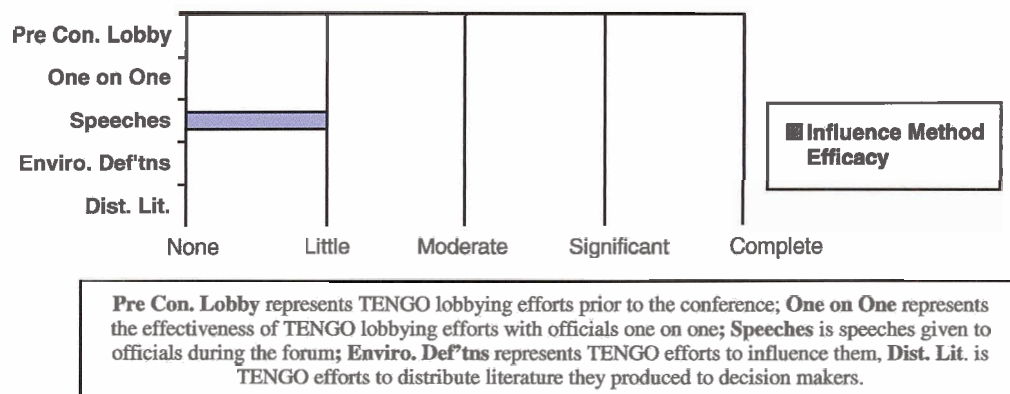
Within the IJC, it was reported that there was consensus on this matter that agreed with TENGO demands.

The rules and procedures of the conference in terms of the opportunities they provided for TENGO participation were found to have been significant. Considerable opportunities existed for TENGO participation in IJC decision-making processes, which could impact the policy product, before, during and after the conference.

With respect to the number of TENGOs present in Milwaukee, the value was significant. Interview responses suggested that participation at the 1999 biennial was good, but less than in recent previous years.

Concerning the diplomatic approach employed by TENGO representatives at the biennial, the value was found to have been significant. Rules and norms of conduct appear to have been largely respected.

Figure 2. Case One Methods of Influence



Due to resource constraints, none of the Great Lakes TENGOs involved in this study were involved in pre conference lobbying activities. As a relatively low profile

international conference, public pressure and general knowledge of the IJC meeting and the various issues at stake was likely negligible to none.

While various TENGO representatives reported being able to interact with relevant decision makers, one on one, in the corridors, none claimed that such actions were fruitful in terms of policy influence. This method of influence was given a value of zero.

Speeches made at the biennial were the only influence method that appeared to have a measure of positive results—though even these results were quite minor. Opportunities for TENGOs to address officials were poorly timed and badly attended. The condition variable concerning policy unity has relevance here, as it was found that the vast array of issues addressed by TENGOs during these speaking opportunities had the effect of thinly spreading TENGO policy pressure.

With respect to any effort exerted by TENGOs to influence environmental definitions and issues at the conference, there were, simply, no efforts spent in these regards. There was no indication given by any of the respondents that such efforts were a priority.

Concerning TENGO efforts at the biennial to distribute literature to decision makers, which outlined their policy demands or concerns, there were similarly no efforts spent on such pursuits.

Case One Results

Policy areas that were important to TENGOs in Milwaukee were very numerous. The sole policy priority that was claimed by all of the organizations involved in this study

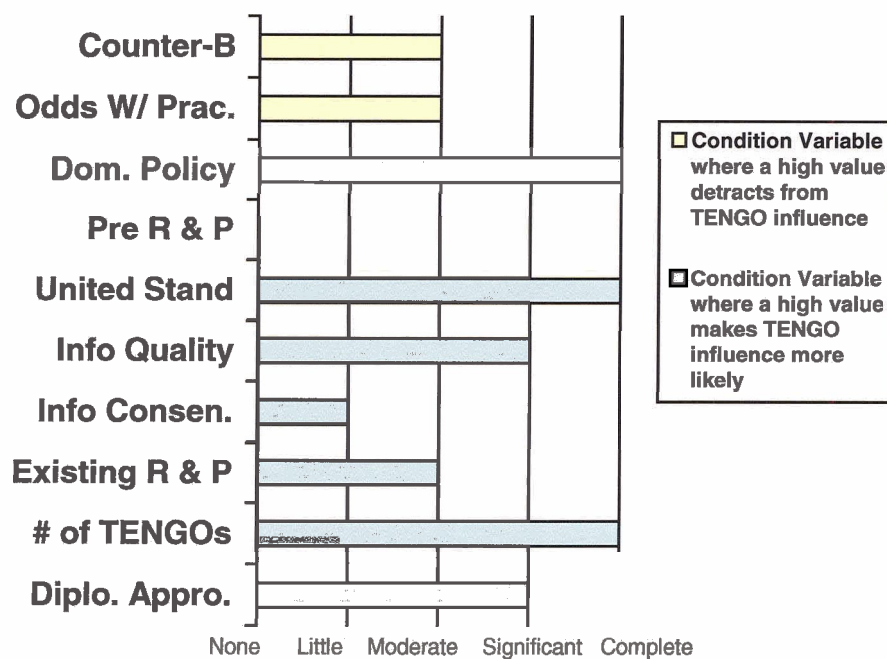
was indeed incorporated into the resulting conference text. However, according to the testimony of two key observers, the policy in question (the IJC's recommendation to the parties not to renegotiate the GLWQA) was to be incorporated by the IJC into its biennial report despite TENGO support. Thus, in this policy area, the IJC report was merely agreeable to TENGOs, not influenced by them.

Tens of policy demands were forwarded by TENGOs in Milwaukee; 53 separate demands in all. Of the 53 TENGO demands made, only 4 were reflected in the IJC report. One has already been dealt with above. It was found that the other three demands were likely to have been of TENGO origin, since they each regarded the concerns of relatively small groups of citizens out of the tens of millions of citizens under IJC jurisdiction. It was also found that under extreme circumstances, TENGOs would likely be effective catalysts for public pressure on IJC policy, by exposing the otherwise obscure operations and policy decisions that are made in the organization. Overall, however, when considering the vast number of policy demands made by TENGOs at the conference, policy influence was found to have been slight.

UN Case Study Conclusions

Similar to the section above, findings regarding condition variable values, which can impact the efficacy of TENGO methods of influence, are explained below. Following the explanations, the efficacy of each method of influence is discussed.

Figure 3. Case Two Condition Variables



Counter-B represents the strength of counterbalancing forces; Odds W/ Prac. is the extent to which TENGU demands conflict with current practice; Dom. Policy is the extent to which TENGU demands impacted state domestic policy; Pre R & P represents attempts to influence the rules and procedures of the conference prior to the event; United Stand is the extent to which there was policy demand agreement and coordination amongst TENGOS; Info Quality is the quality of TENGU scientific information; Info Consen. is the existence of scientific consensus; Existing R & P is the extent to which the rules and procedures during the conference were favorable to TENGU participation; # of TENGOS is the number of TENGOS at a conference; Diplo Appro. represents the diplomatic approach of TENGU representatives.

For comparable reasons cited in the IJC case study, the strength of counterbalancing forces in Bonn was found to have been moderate. Governments are known to actively consult industry groups in their efforts to mitigate the economic costs of their policy decisions, though analysis showed that industry was partly divided over Kyoto policy.

Concerning the extent to which TENGU policy demands were at odds with current policy practice in Bonn, the value was moderate. TENGU policy stands were not

unrealistic or radical. The moderate value was given in light of the fact that TENGOs had powerful state allies and powerful state adversaries.

Regarding the extent to which TENGO demands impacted policies that dealt with state domestic policy choices, the value was considered complete. Policies concerning climate change are exceptionally broad and have potentially serious implications for numerous domestic policy domains normally reserved for governments.

Analyses regarding TENGO efforts to influence the rules and procedures of COP 6 part II were inconclusive. The conference's procedural rules were formulated 5 years before the conference took place. TENGO representatives were not asked whether they attempted to exert any influence at that time.

With respect to the presence of a united policy front amongst TENGOs in Bonn, the value of this condition variable was complete. Every TENGO representative interviewed for this study indicated roughly the same policy priorities. Evidence that corroborated such claims was found in numerous position papers produced by some of the organizations involved in this study.

The quality of scientific information utilized by TENGOs to aid their lobbying efforts was high. The organizations involved in this study are well resourced and can afford to employ the necessary expertise required to produce quality information.

Regarding the existence of consensual scientific information, it was found that debate on the scientific basis of the Protocol significantly undermined the value of this condition variable. Its value was thus low.

The existing conference rules and procedures were moderately favorable to TENGO participation in Bonn. Again, for similar reasons to those mentioned with the

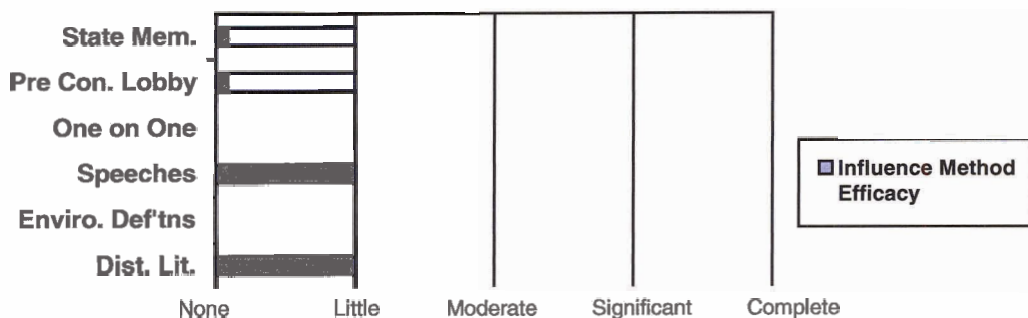
IJC case, the rules and procedures were neither significantly limiting nor enabling.

TENGOs were not given power in the way of formal voting rights; however, access to most meetings and opportunities to engage delegates in various ways was provided for.

With respect to the number of TENGOs in attendance at the Bonn conference, the value was complete. Relative to attendance levels at related UN conferences a few decades ago, TENGO participation in Bonn was exceptionally high.

Lastly, the diplomatic approach employed by TENGOs in Bonn was found to have been enabling to TENGO influence. Conference rules and norms were largely followed and respected. The value given to this condition variable is significant instead of complete, so as to avoid claiming that their conduct was *perfectly* in line with the norms of international diplomacy.

Figure 4. Case Two Methods of Influence



State Mem. represents the benefits of TENGO membership in a state delegation. Pre Con. Lobby represents TENGO lobbying efforts prior to the conference; One on One represents the effectiveness of TENGO lobbying efforts with officials one on one; Speeches is speeches given to officials during the forum; Enviro. Def'tns represents TENGO efforts to influence them, Dist. Lit. is TENGO efforts to distribute literature they produced to decision makers.

TENGO membership in state delegations was claimed by the WWF. However, of the benefits stemming from such abilities, tangible policy influence was not reported to

have been one of them. Information gathering was the prime advantage gleaned from such arrangements.

The pre-conference lobbying tactics of the various TENGOs involved in this study were varied, at times elaborate, and definitely an overall priority. Analyses showed, however, that the effective value of such efforts was slight. In Canada, efforts to inform the public produced a modestly aware electorate who, according to polls, regarded the policy issues at stake in Bonn with very little importance.

Similarly with the first case study, TENGO access to delegates in the corridors was reportedly not productive in terms of policy influence. None of the interviewees claimed to have made any policy progress with this method.

Also with similarity to the first case study, TENGO efforts to address decision makers formally, by way of making speeches to delegates, were reportedly not very useful. Interviewee responses suggested that TENGO speeches were largely made to a disinterested group of officials in poor attendance.

With respect to TENGO efforts to influence environmental definitions in Bonn, an area of influence with particular importance at the conference, TENGO representatives did not claim to have made any headway. Delegates in Bonn agreed upon a host of important definitional terms, however, state negotiations in these respects were concluded, in the most important ways, independent of the substance of TENGO demands.

Efforts were made by two TENGOs (one of which did not have a representative involved in this study) to issue literature to decision makers in Bonn. They were Greenpeace and the Climate Action Network. These texts may have had marginal effects.

They were detailed and relatively professional presentations of TENGO positions—positions that, in limited ways, had some representation in the conference’s policy results.

Case Two Results

In Bonn, influence was not found in numerous policy areas of particular importance to TENGOs. Fundamental definitional agreements with respect to what will, under the Kyoto Protocol, be considered a forest, were not consistent with TENGO demands. Some policy deals were struck between states that were consistent with TENGO demands—such as the caps placed on carbon sinks. It was found that EU positions that were adopted with respect to caps might not have carried the day, were it not for the legitimacy of TENGO demands on their side. With respect to the exclusion of nuclear energy from the CDM, TENGOs may also claim a partial victory—in light of various pre-conference lobbying tactics of numerous TENGOs and European NGOs on the subject of nuclear energy.

Theoretical Implications

The conclusions of this study are largely statist in nature. Overall, TENGOs included in this project were able to exert either none or principally minor influence over the policies they sought to impact. Two exceptions are the moderate amount of influence found in the IJC case study with respect to 3 individual TENGO concerns out of the 53 demands brought to the attention of decision makers, and the exclusion of nuclear energy from the CDM in the second case study.

Reviews of literature regarding civil society influence over policy formation created a comprehensive framework for this study, which aided the investigation of TENGO actions before and during the two conferences in question. The framework enabled individual identification and assessments of the efficacy of a number of specific condition variables and influence methods, which impacted the extent to which TENGO actions were helpful at achieving their policy goals. The above summary of the various methods and factors at play in the conferences suggests that there are a variety of things that TENGOs can do to attempt to improve their influence efficacy. There are also some factors working against TENGO efforts that are currently beyond the scope of their control. These issues will be explored below.

Also to be explored below are findings of the study as they relate to the theoretical inputs that informed this research. The theoretical contributions from various International Relations schools of thought, such as social constructivism and regime theory, identified spaces in which TENGOs could be regarded as relevant actors with respect to the creation of international environmental policy. Social constructivism helped forward understandings of how TENGOs can exert political influence by way of the ideational realm, which allows for influence to be exerted through domestic channels—with public pressure as the means. Regime theory, on the other hand, established that various international decision making processes are increasingly recognizing the presence of TENGOs with legitimacy. These decision making processes however do not normally give TENGOs voting rights.

Yet the fact that TENGOs are increasingly attending international conferences and becoming officially entrenched in the rules that govern them has not concomitantly

resulted in equally increasing increments of policy influence. The conclusions of this study decisively corroborate this claim. Though, as will be discussed below, the conclusions garnered here can also show that what are often considered to be competing theoretical standpoints within IR can, in a complementary fashion, positively contribute to the overall interests of TENGO influence.

Complimentary Lessons

Perhaps the most profound, and the most obvious, factor at play in this study is that at international environmental conferences, TENGOs are not on a level playing field. Their bargaining power does not approach that of states, in part owing to their inability to have official forms of decision making power by way of a vote or veto power. In a world increasingly governed by so-called democratic principles, TENGOs do not command powers of democratic legitimacy that other actors, such as elected governments do. When such legitimacy is absent in non-democratic governments, who nonetheless possess decision-making powers at such conferences, TENGOs still do not compare in that they have no territories or human populations under their direct control. Thus from the outset, the rules of the game, with respect to who is granted formal decision-making power at international conferences, stack the deck quite unfavourably to TENGO policy influence.

The resulting influence channels that are left open to TENGOs are thus methods, which restrict them to helping shape the environment in which state decisions are made. However, state centric approaches, such as those of Krasner or Stiles, which emphasize the relative importance of material interests and resource control in international policy struggles, suggest that TENGOs have stiff competition in these regards.

TENGOs, so it seems, have a non-governmental counterpart that is effectively outflanking their attempts to influence state decisions in the form of industry lobby groups. The interests of industry and those of TENGOs are often conflicting. Such organizations may share with TENGOs the characteristics associated with not having recognized or direct decision-making rights within UN conference structures, however, according to Newell and Paterson, states can go to considerable lengths to consult industry lobby groups, 'almost as a matter of right'¹, before making important decisions. This is thought to be due to their control of important aspects of domestic economies and their possession of the expertise necessary to create realistic policy strategies, 'within appropriate time-frames and based on the best available technology'.² Insufficient TENGO control of material resources, of interest to governments, is thus a constraining factor to their policy influence.

Additionally, under the conceptual umbrella of the term 'resource' is knowledge. Yet still, TENGOs do not have a monopoly over knowledge resources. Therefore, the most important resource remaining to them to impact state decisions is of a normative or ideational nature. This study showed that normative persuasion could be applied by TENGOs to indirectly influence the positions of states via public opinion. It has also shown that material interests can also be important to state policy decisions. Below, these conclusions will be dealt with separately initially, then together, as the two concepts are related in important ways.

TENGO influence attempts, prior to the conferences, to normatively sway public opinion produced little *overall* effect in both case studies. With respect to Great Lakes

¹ Newell and Paterson 684.

² Newell and Paterson 684.

TENGOs, no such efforts were reported. Additionally, the significant domestic lobbying efforts of climate change TENGOs, at least in the Canadian context, produced a vaguely informed public, which was aware of the conference and the general policy subject, but overwhelmingly apathetic about its specific policy issues. Indirect, normative persuasion—via public opinion—on the part of TENGOs involved in this study was thus largely ineffective.

With respect to TENGO efforts to *directly* pressure states in a normative fashion, various approaches, such as speech giving and one on one access to delegates, were utilized in similar ways at both conferences; the results of which, as the overall conclusion of this study suggests, were predominantly slight policy influence in some of the areas that were important to TENGOs, and no influence in others. Of particular importance to this discussion, however, are the most significant areas of influence achieved by TENGOs in Bonn. These were, TENGO influence to help prevent the inclusion of nuclear energy into the CDM of the Protocol, and TENGO influence associated with the agreements concerning caps placed on carbon sinks. These two policy areas illustrate two things: firstly, they establish the need for TENGOs to have sympathetic public opinion on side in order to buttress their policy demands; and secondly, these examples illustrate how the centrality of material self-interest in state bargaining does not always work against TENGOs, which are relatively powerless in these respects.

For instance, it is arguable with respect to the nuclear energy issue in Bonn, that without the previous and vibrant anti-nuclear lobbying energies of TENGOs in Europe, the EU's policy position to oppose the inclusion of nuclear energy in the CDM would not

have existed in the first place. Analyses of this policy issue showed that political debates surrounding nuclear energy production in Europe, both leading up to and during the time of the conference, were thriving. Furthermore, the existence of such debates was likely nurtured at least in part by the public lobbying efforts of TENGOS and other similar EU environmental organizations. Lobbying actions such as these exemplify TENGO efforts that took place before the conference, which indirectly lobbied states through public opinion, at the conference.

Concerning the caps placed on carbon sinks, TENGOS found their policy demands to be at odds with a number of powerful states (the umbrella group), but they were also significantly agreeable to what various observers suggest were the self-interested and resource-based policy stands of numerous EU states. To be sure, the EU was reportedly citing reasons akin to environmental protectionism in order to justify its policy stand. However, the fact that the EU has a relatively low potential to take advantage of the benefits offered by carbon sinks projects also explains their policy stand. The point is that in this case, it is quite possible that EU policy demands benefited from the normative TENGO legitimacy that they were associated with—owing to the fact that EU arguments agreed with TENGO policy stands. Conceptualized in this fashion, the EU was able to lobby its opponents by co-opting TENGO normative arguments. However, of equal importance, TENGOS were also able to normatively lobby states that were opposed to their demands by co-opting, intentionally or not, EU self-interest as a means to achieve a policy end.

The two examples above, regarding nuclear energy and sinks caps, are related in that the successful lobbying approaches of both states and TENGOS each relied, at least

in part, on public opinion that was sympathetic to TENGO policy positions in order to carry the day. In the case of the EU's position against nuclear energy in the CDM, the connection is clear. TENGOS and other EU environmental groups are given significant credit in this study for the very existence of the EU policy position in the first place, that was eventually adopted in the Protocol. In the case of the carbon sinks cap agreed upon by states in the Protocol, the connection is more indirect. Essentially, if the power-politics analysis of Krasner is correct (which this study helps to corroborate), then in this example the primary reason for blanketing EU self-interest with normative TENGO notions is most likely so that such policy demands are appealing to the general public. There is little in the way of convincing alternative explanations to suggest why the EU would frame its demonstrably self-interested policy positions with TENGO-friendly, normative jargon.

Thus in these two cases, public opinion, as nurtured by TENGOS, was an important resource with significant utility to environmental groups in Bonn. The nature of the cause and effect relationships implied above suggests that an additional condition variable is applicable to TENGO influence at conferences. As demonstrated above, public opinion was a useful tool to TENGOS from a variety of angles. The condition variable applicable to the first example, that of pre-conference TENGO public lobbying activities, was identified and utilized from the outset of the project.

The additional condition variable concerns TENGO abilities to co-opt self-interested state policy positions for their own benefit. In brief, the more TENGOS piggyback the policy stands of powerful states with normative reasoning that appeals to broad public opinion, the more likely TENGO policy positions are to be adopted by opposing states. In this sense, the theoretical underpinnings of both social constructivism

and state-centric, resource based conceptions of IR, can be used in concert to improve the efficacy of TENGO influence at international conferences. Social constructivist claims such as Ruggie's, emphasize the role of persuasion and public opinion in the ideational realm to achieve policy goals. The conclusions of this study help to corroborate such claims. In addition, the state centric works of Krasner, and Stiles, suggest that power and resource control—and the relative ability of states to wield them, have considerable consequence during state bargaining processes. The conclusions of this study help to corroborate these claims as well. Importantly, the relative power of states is varied. When utilizing public opinion as a tool, TENGOs need to take such relativities into account. Having public opinion on side in a powerful state is tactically more valuable to TENGOs than public opinion in less powerful states.

Theoretical Implications and the Framework

The framework identified numerous factors and means of influence available to TENGOs at conferences. Some of the factors of influence, conceptualized in the framework as condition variables, were more readily relevant than others in the cases studied. On the other hand, some of the means of influence utilized by TENGOs, conceptualized as influence methods, were more effective than others. Various points regarding the makeup of the framework and its practical utility will be explored below. Numerous condition variables, which proved to be useful in the framework as they were originally conceived, will be identified. Also, other condition variables that should be modified or added in future studies will be outlined. Lastly, the efficacy of various

influence methods will be discussed, which inform the study's concluding recommendations for the consideration of TENGOs and other civil society actors.

Nearly all condition variables, as originally conceived in the framework, effectively identified useful areas of analysis: the strength of counterbalancing forces; the extent to which TENGO demands were at odds with current practice; the extent to which TENGO demands impacted state abilities to make independent domestic policy choices; the quality of scientific information used by TENGOs; the existence of consensual scientific information; the favourability of existing conference rules and procedures; the number of TENGOs present at a conference; and the diplomatic approach employed by TENGO representatives. Each will be briefly discussed in the following paragraph.

The strength of counterbalancing forces was found in both cases to be theoretically and practically relevant to conference results. Analyzing the extent to which TENGO demands were at odds with current practice is a valuable pursuit in that this condition variable recognizes that decision makers could feasibly not take TENGOs demands seriously if they were perceived to be unrealistic; also of importance here is the extent to which TENGO demands are variously at odds with the preferences of powerful or weaker states. Looking at the extent to which TENGO demands impacted matters to do with state abilities to make independent domestic policy choices, recognizes that in all probability, states will be less likely to compromise on their policy positions when such compromises require that they forego domestic control. Qualitatively analyzing the scientific information used by TENGOs helps researchers to judge how logically persuasive TENGO reasoning may be to relevant actors. Taking into account the existence of consensual scientific information recognizes that scientific uncertainty, with

respect to TENGO claims, diminishes the persuasive power of TENGO policy positions. Bearing in mind the favourability of conference rules and procedures recognizes that when such rules impact TENGO participation, they concomitantly impact TENGO opportunities to employ their methods of influence. Considering the number of TENGOS present at a conference established that higher participation numbers could feasibly contribute to the frequency, and thus theoretically the efficacy, of various influence methods; importantly, higher TENGO participation numbers likely raise the profile of the conference in the media. Lastly, analyzing the diplomatic approach of TENGOS recognizes that behavioral norms exist at conferences, which imply that actions more akin to diplomacy than activism are more likely to result in policy influence at conferences in the short, and long term.

The condition variables in need of modification or elaboration are: the existence of a united stand with respect to TENGO policy positions, and the ability of TENGOS to affect pre-conference rules and procedures. They will be dealt with individually below.

Considerations of the existence of a united policy stand amongst TENGOS should bear in mind two aspects of unity: the existence of mutually agreeable demands and total number of these demands. As was the case in the first case study, the former consideration identified that TENGO demands were agreeable to one another. However, with respect to the latter consideration, the range of united TENGO demands in Milwaukee was found to be excessive to the extent that it likely worked to their disadvantage. In short, their demands were not prioritized to increase their frequency and thus their potency. Therefore, quantitative assessments should also be made by researchers on the number of agreeable TENGO demands. This will help to ascertain the

extent to which TENGO demands are not only mutually agreeable but also of importance, the extent to which any such unity has been prioritized and concentrated for greater impact.

With respect to the condition variable regarding the ability of TENGOs to affect pre-conference rules and procedures, there is an additional elaboration that would improve its utility. Simply, researchers should note that individual conferences, such as the COP 6 part II, are also a part of a set of conferences. As in the UN case, the rules and procedures of the conference set (all COPs) were established years before the occurrence of actual conference studied. Researcher inquiries should thus reflect this potential.

Additional Condition Variables

Additional condition variables should be added to future studies of this nature. One has already been mentioned in the section '*Complementary Lessons*'. Briefly, the nature of this new condition variable suggests that researchers should attempt to ascertain the extent to which TENGO policy demands reflect those of powerful states, and the extent to which public opinion is agreeable to TENGO policy demands. The more TENGOs can piggyback the policy stands of powerful states with normative reasoning that appeals to broad public opinion, the more likely TENGO policy positions are to be adopted by opposing states.

Another relevant condition variable identified by this study concerns public opinion. This emphasis is partly reflected in the new condition variable mentioned directly above. Essentially, learning more about the degree of public pressure associated

with certain TENGO policy positions will help researchers to better explain the relevant conference policy results. This point will be further elaborated below.

The implications of numerous findings in this study suggest that the strength of domestic public opinion is a very important condition variable that can impact a number of the influence methods explored above. In addition, public opinion per-se, is not sufficient. It needs to be coupled with the policy preferences of a powerful state. As was shown with the example detailing the EU, nuclear power generation, and the CDM, it is arguable that the policy stand of the EU would not have existed at all in the absence of years of previous TENGO or NGO action on nuclear issues in Europe. In a separate but related vein, Canadian negotiators knew full well about the apathy that existed amongst the Canadian electorate with respect to climate change issues. Accordingly, they played an important role in forming the Kyoto Protocol's policy structure—one that numerous disenchanted observers have dubbed 'Kyoto Lite'.³

It is important to note that the charts presented above suggest that, overall, TENGOs fared relatively well with respect to the values given to the relevant condition variables, which theoretically is supposed to increase the likelihood that their influence methods will be effective. However, as is shown by the charts that detail the efficacy of the influence methods at the conferences, such methods were nonetheless found to be quite ineffective at achieving their goals. Ultimately, policy influence was slight overall. Therefore, something is missing in the theoretical equation.

³ Ross Gelbspan, "Beyond Kyoto Lite" *The American Prospect*, vol. 13 no.4, Feb. 2002; National Center for Policy Analysis, "Emissions Reduction Credits: Kyoto Lite?" *Daily Policy Digest*, April, 2003; Feb. 17, 2004. <<http://www.ncpa.org/iss/env/2003/pd040903e.html>>; Peter Tabuns, "Kyoto-Lite: It's a Lot Better Than Nothing," *Globe and Mail*, July 24, 2001.

The findings of this study suggest that that ‘something’ is the existence of strong and TENGO-sympathetic domestic public opinion in a powerful state. Concerning the IJC case, weak public opinion in general could help to explain the contents of the conference result. It was established that IJC matters have a low profile in the national public mindset of both the states involved in the Commission. IJC biennials were also found to have a low media profile. Both of these associated low profiles attributed to IJC matters, can guarantee that public outrage over IJC policies will only result under the most extreme circumstances. Thus, the IJC decision-makers charged with the production of a *non-binding* set of policy *recommendations*, successfully resisted including the vast majority of TENGO concerns into the text. One might be tempted to blame the actions of the Great Lakes TENGOs involved, as they did forgo numerous methods of influence during their approach to the conference. However, as explained by the TENGOs themselves, such missed influence opportunities, such as the lack of pre-conference lobbying activities, were largely due to budgetary constraints. To feasibly extrapolate one step further, budgetary constraints amongst Great Lakes TENGOs, who are reportedly relying largely on public donations, might again be linked back to inadequate public support for their causes. The point is that a lack of strong public opinion, which would support TENGO policy positions and pressure IJC decision makers at the biennial, can be regarded as an important condition variable with an exceptionally low value.

As has been discussed in depth above concerning the Bonn climate change talks, where there were instances of TENGO policy influence, it was also found that domestic public opinion in powerful states which was sympathetic to TENGO demands likely played an important role. Yet in other policy areas where there was no TENGO influence,

again something was missing from the explanatory equation. The charts above with respect to climate change TENGOs also show condition variables with relatively enabling values, and low values for influence method efficacy. The findings of this study once more point to a lack of domestic public opinion associated with a powerful state.

With greater public opinion on side with TENGO policy demands, it is feasible that the efficacy of influence methods such as speech giving, membership in state delegations, one on one interactions with delegates, and so on, would be higher. Essentially, the legitimacy of domestic public opinion that is sympathetic to TENGO demands, and when based in a powerful state, would force state decision makers to listen harder. Unfortunately for the prospects of the power of public opinion in weaker states, this conclusion suggests that the assertions of Stiles are correct—that the normative preferences of public opinion in weaker states will be less effective at affecting agreeable policy results.

To be sure, from another angle the power of public opinion has other limitations. Non-democratically elected state decision makers would of course be significantly less susceptible to the pressures of public opinion. Equally, democratically elected state decision makers will be less susceptible to public opinion when such opinions do not originate from their country. According to this line of reasoning, the US, for instance, will feel very little pressure to heed the normative arguments originating from European-based public opinion, if the US electorate is not sympathetic to such points of view.

Influence Method Efficacy & TENGO Recommendations

In this section, the efficacy of the influence methods employed by TENGOs will be explored. Given the limited and, in some areas, complete lack of success stemming from some methods of influence, the question of whether TENGOs should continue to attend international environmental conferences, at all, will also be addressed. Ultimately, despite limited successes derived from various TENGO methods of influence surrounding the conferences in this study, it will be argued that TENGOs should nonetheless continue to practice them. Moreover, the argument will be forwarded that TENGOs should attempt to attend such conferences in the future with even more urgency.

The influence method concerning TENGO attempts to impact conference proceedings through membership in state delegations was found to have no success in terms of policy influence. This method was only relevant in Bonn. However, given that information gathering was stated as a key benefit of such arrangements, this method of influence is not without utility to TENGOs. Moreover, considering the potentially positive implications of TENGO abilities to co-opt the interests of states for their own benefit, any perceived coupling, by opposing states or the general public, of TENGO arguments with the arguments of powerful states (state arguments that are sympathetic to the views of TENGOs) could be beneficial to TENGO influence.

The benefits gained from pre-conference lobbying efforts in this study's cases were mixed. Great Lakes TENGOs failed to attempt to take advantage of this approach—though it cannot be ruled out that their other lobbying efforts of a more general nature may have been at play in Milwaukee. With respect to Bonn, as has been established,

TENGO pre-conference lobbying tactics are most useful when aimed at their most valuable resource: public opinion. Despite limited successes overall, it was found that public opinion was key for the achievement of two TENGO policy goals in Bonn. Efforts to positively impact public opinion before the conferences should therefore, if anything, be heightened.

One on one TENGO interactions with decision-makers reportedly did not have any impact at the conferences studied. Still, it is feasible that benefits can be gleaned from such methods, if only in the form of creating a rapport with decision-makers to gain potentially valuable information.

Speeches at the conferences studied showed a telling consistency. The general perception of those who were delivering speeches was that decision-makers were largely uninterested in what they had to say. Attendance was also consistently poor during TENGO speeches. However, in the IJC case, it was found that despite the overwhelming lack of representation of TENGO demands in the final policy product, some demands, which were articulated by speeches, nonetheless found their way into the IJC report. Without the articulation of such demands through speeches, it is possible that these policy positions, and others, would not have received attention by decision-makers at all. Therefore, despite its limitations, this practice should be maintained.

TENGO attempts to contribute to the defining of environmental terms did not produce any successes in this study's cases. Great lakes TENGOs made no such attempts. The attempts of climate change TENGOs were largely rejected by decision makers. However, given the theoretical underpinnings of this method of influence it is nonetheless important. Definitions, as was the case in Bonn, can have profound impacts

on the practical implementation of international environmental policy agreements. Perhaps if TENGOs attempt to make public opinion more relevant to their endeavors in these areas, more success in these regards can be realized.

The distribution of TENGO literature at conferences also resulted in limited success. Again, Great Lakes TENGOs failed to make any such attempts while the attempts of climate change TENGOs, as judged by the conference results, produced little effect. Still, it is possible that when coupled with sufficient public pressure, decision-makers' exposure to articulations of TENGO demands in any form may be valuable. This practice should therefore also be maintained.

Overall, in the face of so many humbling responses to TENGO methods of influence, TENGOs should nonetheless either maintain or enhance their participation at international environmental conferences. With public pressure as their key tool, it could be argued that TENGOs need not even bother showing up, as such forces are, to a great extent, mobilized before the conference begins. However, a number of points counter this line of reasoning. It is true that a necessary precondition to effective TENGO participation at conferences is sufficient public pressure on decision makers. The findings of this study illustrate this claim well. Yet in order to have such public pressure manifest itself at the necessary time (during the conference), the media profile of the conference in question must be as high as possible. Essentially, TENGOs need to be there, keeping an eye on things, as potential whistleblowers to the media that they have helped to attract.

In short, intense TENGO attendance will only aid this pursuit. If the busy media-interviewing schedule of Dr. Bramley in Bonn is any indication, international media are quite interested in what TENGOs have to say at the time of conferences. In Bonn, media

attention was no doubt aroused, in part, by the fact that over a thousand NGOs were reportedly in attendance. Thus TENGO attendance numbers, with public pressure and media attention behind them, can be an important factor and should be maximized as much as possible.

In addition, nearly all TENGO representatives interviewed for this study indicated that despite limited policy successes, the overall benefits of attending the conferences still outweighed the policy losses. Particularly in terms of networking and resource sharing, TENGOS found their attendance at the conferences studied to be highly valuable. Jackson, of the Great Lakes TENGO GLU, indicated that networking was one of the prime motivations inspiring TENGO attendance at biennials. Therefore, in light of the above points, and despite limited policy successes, increased TENGO attendance at international environmental conferences is encouraged.

Other Recommendations

Essentially what has been established so far is that the optimistic influence claims of NGO enthusiasts were not borne out by fact in the cases studied. Numerous obstacles to TENGO influence remain. Some of these obstacles are internal and are within the realm of TENGO control, such as some the various missed opportunities for influence by Great Lakes organizations. Other obstacles are decidedly systemic, such as the rule stating 'no negotiating role for NGOs', which has been entrenched in the rules governing UN conferences. Such rules are beyond the direct control of TENGOS. Other factors impacting TENGO influence include the role of counterbalancing forces in the form of industry lobby groups. According to the assertions of Stiles, Krasner and Gill, such

organizations significantly and consistently outperform TENGOS in competitions to influence state decision makers. Thus the primary effective influence tool available to TENGOS, which has been established by this study, is that of public pressure.

One way for TENGOS to combat the unwanted ballast of industry lobby groups is to take aim at industry. Naomi Klein has identified a number of ways in which NGOs have successfully lobbied corporations to change their business practices⁴. Most relevantly, a successful boycott of Shell Oil was organized by European civil society groups, which significantly affected the profits of Shell gas stations across Europe. The result was desired private policy changes.⁵ In relation to this study, there is a lesson for TENGOS here. They may have an influential tool to help their policy causes if, in effect, they attempt to counter the counterbalancing forces at play in conferences. Attracting public attention to the policy stands of various corporations may, in a similar fashion to that with Shell, influence the lobbying preferences of such organizations. As illustrated with respect to industry groups and climate change talks, rifts within the business community do exist over climate policy. Such rifts may have the potential for positive exploitation by TENGOS. It could also be argued that such rifts are not independent of the influence of public opinion. The rhetoric of the companies who left the GCC, as outlined in the second case study, may be a public relations necessity motivated by company desires to sustain their sales levels. Ultimately, the industry-specific relationship between public relations and profits may allow for TENGOS to co-opt self-serving industry policy positions as effectively as was the case with states.

⁴ Naomi Klein, *No Logo*, (Toronto: Vintage Canada, 2000): 381.

⁵ Klein 381.

Regarding the aforementioned condition variable, which concerns policy unity and the additional consideration with respect to policy concentration, Great Lakes TENGOs in particular should attempt to concentrate their demands by essentially prioritizing them. Attributing relative values to environmental concerns is, without doubt, a difficult task. However from a practical standpoint, if the same amount of environmental groups were articulating significantly fewer demands, the likelihood that decision-makers will take note of those demands will rise. The same can be said regarding the public's capacity to understand and support Great Lakes TENGO policy issues.

Considering the importance given to having public opinion on side on this study, TENGOs should pay attention to articulating their demands with effective public consumption in mind. The detailed and scientifically based position papers produced by some climate change TENGOs are not ideal for this purpose. The complexity and attention to detail in such publications are for obvious reasons not suitable to the preferences of, for instance, busy parents who are employed full-time. Other methods, such as hanging a 10-storey, 5-worded banner from Toronto's CN Tower⁶, represent the other side of this information dissemination spectrum. Such sensationalized lobbying tactics completely fail to inform curious onlookers with any substantive details in relation to important and relevant policy considerations. The point of this line of argument is not to suggest that an explanatory middle ground, in terms of TENGO lobbying actions aimed at the public, is not at all embraced. Instead, it is suggests that the explanatory middle ground implied above should be embraced by TENGOs as much as possible, perhaps even at the expense of Greenpeace's industrial climbing practices.

⁶ See page 109 for photo.

Concluding Remarks

This chapter has summarized the findings of both case studies used to explore TENGO policy influence at international environmental conferences. The theoretical and practical inputs of a number of commentators have informed the research approach utilized in this project. Literature reviews in the introductory chapter helped to shape the framework used throughout this project and provided useful guidance for interpreting the conclusions that were found.

Overall, TENGOs in Milwaukee and Bonn had little impact on the final policy outcomes. Where there was TENGO influence, however, a consistency emerged, which showed that conventionally competing IR theories could be used in a complementary fashion to help explain the influence that was found. In the end, it has been shown that TENGO influence borrows heavily from the pressures that domestic public opinion in powerful states can place on state decision-makers. With the emphases given to public opinion and state power in this study in mind, new condition variables were developed that will help future researchers better identify and explain occurrences of TENGO influence.

In light of the findings of modest influence, the efficacy of the various influence methods used by TENGOs at both conferences were explored. Despite their low efficacy levels, it was shown that virtually all of them have the potential to help take advantage of public pressure that is sympathetic to TENGO policy views. Ultimately bringing public opinion on side, however, is a different matter. Some considerations, which could result in progress for TENGOs in this regard, were thus posited. Finally, general

recommendations were made to TENGOs, which intend to benefit their future influence attempts.

Of importance to the findings and concluding recommendations outlined here is that their underpinnings fundamentally subscribe to a number of points. In this study, states were found to be the most powerful actors in the international conference domain of IR. Of the more powerful countries in the world, a number of important and democratically governed states are vulnerable to pressures from public opinion. In order to realize influence in an international system dominated largely by self-interested states and resource control, the best TENGOs can do is to attempt to take advantage of the few tools available to them. Given the importance of public pressure found in this study, the most effective of these tools is manipulating domestic public opinion in powerful states. The unfortunate aspect of this reality is that public opinion in weaker states may not only be ignored by powerful governments; with the decisions made regarding priorities in resource strapped civil society organizations, it may be ignored by TENGOs as well.

Appendix A

The following are the questions which were asked during interviews with TENGO representatives involved in this study. As with the emphasis of the framework, the questions were divided to concentrate on influence methods and factors at play before and during the conference in question, with a latter section which focuses on conference results. Bulleted points below the numbered questions are potential follow up questions.

Interview Questions

A) Before the conference:

1. Before the conference, what measures did your organization employ domestically to lobby government's positions?
 - What were some of the considerations which led to the approach taken?
2. What effects, if any, do you think these measures had?
3. Was your organization able to influence the rules and procedures of the conference prior to the event?
 - Is this a priority to your organization?

B) At the conference:

1. What opportunities was your organization given to participate?
 - Did you or your organization make a speech?
 - Did you or your organization distribute literature which outlined your policy positions?
2. In terms of influencing policy or the decisions of governments, what was your organization's main goal?
3. Are there policy areas that you or the NGO community, regard as being difficult, if not impossible to influence?
 - What are the reasons for this?
2. Were the conference rules and/or procedures favorable to NGO participation or influence?
 - Why/why not?
4. Was there a united front, in terms of policy positions and demands, among environmental NGOs at the conference?
 - Were there initial divisions that were overcome? How?
5. What was the strength of the counterbalancing forces (i.e. industry lobby groups) at or before the conference? Strong? Moderate? Negligible?
 - Were you successful at reducing their strength? If so, how?

6. Was your organization able to contribute to the defining of the environmental problems?

C) Conference Results:

1. Was your organization able to incorporate text into the agreement?

- If so, where?

2. Was your organization able to prevent the incorporation of undesirable text into the agreement?

- If so, where?

3. Did other environmental organizations that you're aware of affect the policy outcome of the conference?

- If so, any examples?

4. Do you think the policy results of the conference would have been different if there were no environmental NGOs present?

- If so, in what way(s)?

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