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Transnational actors in environmental politics: strategies and influence in long negotiations

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For scholars of global environmental politics, transnational actors are a central focus, and many ascribe significant influence to them. However, it is not always clear how their influence is felt or what strategies are most effective. Most studies that do consider these issues focus on the influence of either environmental non-governmental organisations (NGOs) or business groups on one international outcome. Very few studies analyse these actors together. This limits the generalisability of conclusions. Remarkably, almost none of this work has considered the influence of these actors and the strategies they could employ in prolonged environmental negotiations that last many years or decades. Drawing on a rich empirical data set from the international climate negotiations, both are addressed. How the influence of transnational environmental NGOs and business groups is felt in long negotiations is considered, and three strategies are identified that these actors can use to influence not only state behaviour but each other as well.

Keywords: environmental politics; transnational actors; international negotiations; climate change

Introduction

One of the central features of environmental politics has been the focus on transnational actors, namely environmental non-governmental organisations (NGOs) and business groups (Khagram 2006, Bexell *et al.* 2010, Tallberg and Jönsson 2010, Lund 2013). Many studies have mapped the proliferation of these actors, especially since the end of the cold war, and documented the development of transnational networks (Risse-Kappen 1995, Wapner 1995, Keck and Sikkink 1998). In doing so, most studies ascribe non-state actors with significant influence on international outcomes. In the context of international negotiations, there are two main pathways identified in the literature: either non-state actors exploit the ‘two-level game’ by working through the domestic politics of powerful states to influence their preferences; or non-state actors work across state boundaries to pressure states ‘from above’ and ‘below’ (Putnam 1988, Risse-Kappen 1995).

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However, it is not always clear how their influence is felt, especially in international environmental negotiations that stretch across years or decades. Few studies analyse environmental NGOs and business groups together, which limits how far conclusions can be generalised. Determining the pathway by which non-state actors have most influence in long-term international environmental negotiations is important not only because it captures the temporal dimension of transnational actor behaviour in such negotiations; it also enables strategies to be identified that these actors can use to influence not only state behaviour but each other as well.

I address these tasks by considering the role of two types of non-state actors – environmental NGOs and business groups – on the United States, in the context of the international climate change negotiations. International climate-change negotiations have long been recognised as an arena in which transnational actors – i.e., non-state actors that organise in network forms across state borders – are especially conspicuous (Betsill and Corell 2008). While there is no definitive typology of transnational actors, a distinction is typically made between for-profit actors, such as business groups, and non-profit actors, such as environmental NGOs. In essence, this is a distinction based on motivations. Business groups are primarily motivated by instrumental goals, normally the pursuit of profit for their owners or shareholders, whereas environmental NGOs often lay claim to a common good. In environmental politics, this is commonly a precautionary approach to environmental protection. Of course, it goes without saying that such distinctions are never perfect (Downie 2013).

To examine the role of these actors, I draw on an empirical data set based on approximately 100 elite interviews undertaken between 2008 and 2010 with state and non-state representatives who were intimately involved in the climate negotiations. The period chosen for analysis was the so-called Kyoto phase, which commenced with the first Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC) in 1995 and continued for a decade before the Kyoto Protocol was concluded and ultimately entered into force. Within this period, the focus was on three sets of negotiations which pilot interviews suggested were the most intensive: the negotiations surrounding COP 1 in Berlin in 1995, COP 3 in Kyoto in 1997, and COP 6 in The Hague in 2000 (Downie 2014).

To ensure construct validity, the data from the interviews were analysed in three ways. First, the data were evaluated for consistency within each case. Data provided from one negotiator in one case were checked against the data provided by his or her colleagues on the same delegation. This is important in elite interviewing because of the risk that respondents may exaggerate the importance of their role in events (Berry 2002). Second, data from the interviews were compared against the histories of the negotiations. Finally, draft sections of the study were sent to key respondents to check for historical inaccuracies (Yin 2009).

Accordingly, this data set provides a unique opportunity to compare the role of environmental NGOs and business groups across three international

negotiation outcomes where transnational actors can be expected to be active. In doing so, it provides fresh insights about the influence of both environmental NGOs and business groups in long negotiations: e.g. the impact their changing level of engagement has on international outcomes and each other. Second, it draws important implications for theorists and practitioners seeking to understand what strategies are most effective for transnational actors (e.g. how exploiting the minimal engagement of business actors enabled environmental NGOs to achieve results that may not have otherwise been possible).

In the next section, I canvass two theoretical pathways for analysing the role of transnational actors. These frameworks are then employed to analyse the role of environmental NGOs and business groups across each of the negotiations in 1995, 1997, and 2000. In the final section, I discuss the empirical findings in light of the theoretical pathways, before identifying three strategies that these actors can use to influence not only state behaviour but also each other.

Pathways of influence

Theorising about international negotiations has been dominated by state-centred approaches (Lake 2008). However, over the last three decades, a growing number of scholars have relaxed the assumption of the state as a unitary actor as they seek to account for domestic politics. One of the most influential frameworks is Robert Putnam's 'two-level game' (Putnam 1988). Putnam argued that, at the national level, domestic groups pressure their governments to adopt policies they support, while governments seek power by engineering coalitions among their national constituents. At the international level, governments want to satisfy domestic pressures while limiting any negative consequences from foreign developments.

In the two-level framework, the chiefs of government (COGs) monopolise the external representation of the state, but, in contrast to the unitary actor model, they are constrained by domestic political dynamics. For example, Putnam was concerned with the preferences of domestic actors, the distribution of domestic coalitions, and the structure of domestic political institutions. Yet, he also argued that, despite such domestic constraints, COGs can use their privileged position at both tables to manipulate the types of agreements that would be acceptable domestically for them and for other nations (Putnam 1988).

The two-level framework can be used to derive predictions about the role of transnational actors in the climate negotiations. These include:

- In international negotiations, the COGs monopolise the external representation of the state;
- States largely respond to domestic pressures when forming their positions, especially the preferences of domestic actors and the distribution of domestic coalitions; and accordingly

- The preferences of non-state actors are accounted for through the domestic polity.

A second perspective – the transnational perspective – takes a different view. Scholars in this tradition argue that international outcomes cannot be understood without taking account of the ‘regular interactions across national boundaries when at least one actor is a non-state agent or does not operate on behalf of a national government or an intergovernmental organization’ (Risse-Kappen 1995, p. 3). In this view, even though the two-level game disaggregates the state, it is too narrow because it implies limited access to the international system, which ‘no longer holds true in many issue areas’ (Keck and Sikkink 1998, p. 4). In other words, we must look inside and outside state borders. This perspective therefore is based on a more substantive critique of intergovernmental approaches, arguing that states have lost control over non-state actors who can organise and move across national borders, be they individuals, multinational corporations, or advocacy networks (Barnett and Sikkink 2008, Lake 2010).

This perspective presents a different set of predictions about non-state actors. These include:

- In international negotiations, the COGs do not have a monopoly on the external representation of the state;
- Transnational networks that use framing, symbolic events, the enrolment of powerful actors, and naming and shaming can affect state behaviour by influencing domestic and international policy outcomes; and
- Epistemic communities (networks of professionals with recognised expertise in a particular field) promote organisational learning by helping to create shared understanding based on their specialised knowledge.

Analysing the influence of environmental NGOs and business groups

In the following sections, the influence of environmental NGOs and business groups on the behaviour of the United States will be considered across three sets of negotiations: COP 1 in Berlin in 1995, COP 3 in Kyoto in 1997, and COP 6 in The Hague in 2000. During this period, the critical issues for developed countries, including the United States, was whether any greenhouse gas commitment would be legally binding, how deep it would cut, and how it would be met. As part of these negotiations, the United States was especially concerned about whether developing countries, such as China and India, would have an emissions target, and whether they themselves would be able to use emissions trading as a means to meet their own target.

What influence did non-state actors have on the US position on these issues during each of these negotiations? How and why was their influence felt? For instance, did the COG monopolise the external representation of the state, as the two-level intergovernmental perspective would predict, and hence the preferences

of non-state actors were accounted for through the domestic polity? Or did non-state actors work across state boundaries to influence domestic and international outcomes, as the transnational perspective would anticipate? It is to these questions that I now turn.

The first conference of the parties (COP 1), Berlin, 1995

Environmental NGOs

As [Table 1](#) shows, there was a diverse community of environmental NGOs operating in the United States across the three sets of negotiations. However, as [Agrawala and Andresen \(1999\)](#) point out, the inauguration of President Clinton in 1993 produced a distinct realignment in the relationship with environmental NGOs in the lead up to Berlin in 1995. From the outset the ‘NGO community was inside the administration’ (US-36) with many of the political appointments to the new administration coming from environment organisations, which had been in fundamental disagreement with the previous Bush administration.

As one senior US official quipped:

There were no real NGOs in the Clinton years; none of the NGOs were home because they were all working in the government. We went out to try and find NGOs and you couldn’t because they were all in the administration. In the Bush years, the NGOs viewed themselves as the government in exile. (US-14)

According to interviews with US officials, many of these people were key figures in the inter-agency discussions (US-37, US-35, US-5). For example, Under Secretary of State for Global Affairs and head of the US delegation,

Table 1. Prominent transnational environmental NGOs in the United States 1992–2000.

Environment NGOs	Type	Primary Interests
Center for Clean Air Policy (CCAP)	Individual NGO	Research
Climate Action Network (CAN)	Umbrella organisation	Advocacy
Environmental Defense Fund (EDF)	Individual NGO	Advocacy
Friends of the Earth	Individual NGO	Advocacy
Greenpeace	Individual NGO	Advocacy
Natural Resources Defense Council (NRDC)	Individual NGO	Advocacy
Ozone Action	Individual NGO	Advocacy
Pew Center on Climate Change	Individual NGO	Advocacy
Resources For the Future (RFF)	Individual NGO	Research
Sierra Club	Individual NGO	Advocacy
Union of Concerned Scientists	Umbrella organisation	Advocacy
World Resources Institute	Individual NGO	Research
World Wide Fund (WWF)	Individual NGO	Advocacy

Sources: Interviews and primary documents cited in text.

Timothy Wirth, worked closely with Rafe Pomerance, Deputy Assistant Secretary for Environment and Development, who had worked in the NGO sector both at the World Resources Institute and at Friends of the Earth until being appointed by the Clinton administration in 1993. At the Environmental Protection Agency (EPA), David Doniger had also come from the environment community having been at the NRDC since 1978 (US-22).

In the years leading up to Berlin, these relationships ensured that there was a constant interaction between the administration and environmental NGOs who, as ‘a key constituency of the Democrat Party’, were ‘constantly brought in for ideas’ (US-9). However, to have their voices heard on key policy decisions non-state actors must ultimately network with specific government agencies (Newell 2000, p. 134). For environmental NGOs, such as the EDF and the NRDC, this often meant the EPA, given their legislative responsibilities, whereas business groups were more closely connected to the Department of Energy (DoE), as discussed below.

While other studies have shown that a key determinant of the degree of influence that NGOs are able to exert over government decisions is the closeness of their relationships to decision makers, the realignment in the relationship between environmental NGOs and the Clinton administration does not necessarily mean that they had influence (Newell 2000, p. 131). Although it is difficult to assess their impact directly, as others have noted (Porter *et al.* 2000), the Berlin Mandate that the United States signed contained some of the key elements that NGOs had been lobbying for. For example, the US decision to sign the Mandate, despite the fact that developing countries would be exempt from any new commitments, was precisely what prominent US NGOs had been lobbying for – including those with links to the administration, such as the NRDC. However, many still believed the United States had not gone far enough, the Sierra Club described the US ‘performance’ at Berlin as a ‘shocking abdication of leadership’ (Atkinson 1995).

The discussion so far indicates that NGOs were largely focussed on influencing the US position through the domestic polity, allowing the COG to maintain its monopoly on the external representation of the state, as the two-level perspective would expect. However, environmental NGOs did establish transnational networks. For example, NGOs such as Greenpeace, EDF, and WWF coordinated their participation in the international negotiations under the umbrella of the Climate Action Network (CAN). The most visible means by which CAN sought to influence proceedings was through the publication of *ECO*, a daily newsletter designed to, among other things, discredit arguments put forward by opponents of action on climate change (Betsill 2008). Yet, interviews with US officials indicate that their greatest influence was through their established links at the domestic level. Even at the international negotiations, most US NGO officials focussed their attention on their national delegation as they sought to reinforce their domestic message. There is little evidence to support the proposition of the transnational perspective that these networks played a big role in US decision making.

Business groups

Business groups were not as engaged as environmental NGOs in the period leading up to Berlin, nor did they have the same close links to the Clinton administration. As Table 2 shows, many business groups during this period represented the coal and oil industries, often described as the ‘fossil fuel lobbies’. These included transnational companies, such as Exxon, Mobil, and Texaco, and umbrella organisations, such as the GCC, API, and the ICC (Newell 2000, ch 5, Levy 2005). At this early stage in the negotiations, other industries that were notionally supportive of climate change action, such as the insurance industry, had yet to engage properly with the negotiations (Leggett 1999). One interesting feature is that the umbrella organisations often took a stronger stance against climate change action than many of the individual companies who were members. A former staffer at the GCC explained why:

The GCC was a focal point and it was a group that could take the heat for speaking up ... Very few companies had an international presence, and they wanted the GCC to carry their water, but they did not want to damage their own international commercial operations. (US-33)

Like NGOs, business groups were forced to network with specific government agencies. With responsibility for energy policy in the United States, fossil-fuel

Table 2. Prominent transnational business groups in the United States 1992–2000.

Business Groups	Type	Primary Interests
American Electric Power	Corporation	Electricity
American Petroleum Institute (API)	Umbrella organisation	Oil and gas
Business Council for a Sustainable Energy Future	Umbrella organisation	Sustainable energy
The Climate Council	Umbrella organisation	Oil and gas
Edison Electric Institute	Umbrella organisation	Electricity
Exxon	Corporation	Oil and gas
Ford	Corporation	Automobiles
George Marshall Institute	Umbrella organisation	Public policy
Global Climate Coalition (GCC)	Umbrella organisation	Oil and gas
International Climate Change Partnership	Umbrella organisation	Sustainable business
Mobil	Corporation	Oil and gas
National Association of Manufacturers	Umbrella organisation	Manufacturing
National Mining Association	Umbrella organisation	Mining
Peabody Coal	Corporation	Coal
Reinsurance Association of America	Umbrella organisation	Insurance
Shell	Corporation	Oil and gas
Texaco	Corporation	Oil and gas
US Chamber of Commerce	Umbrella organisation	General business

Sources: Interviews and primary documents cited in text.

companies and energy utilities were naturally inclined to work more closely with the DoE (US-5). Groups like the Edison Electric Institute were more comfortable with Hazel O'Leary, the Energy Secretary, than with other members of the administration, in part, because she came from the industry (US-26, US-35).

A DoE official characterised the relationship:

Following the Rio summit, these [energy] companies did want to engage. They knew us in the energy department, and they wanted their views in the policy process, rather than having to deal with the EPA ... They were cooperative, it was not like they like doing this, but they were happy as they could be. We also dealt with the environment community, but they had better relationships with the EPA. (US-35)

Importantly, it would seem the preferences of these groups factored into the DoE's stance during the government discussions on both the key issues of commitments for developing countries and emissions trading. According to a senior DoE official involved in the discussions,

In the lead up to COP 1, the energy industry had an allergic reaction to [the phrase] 'targets and timetables'. They didn't like the aspirational targets at this very early stage ... for domestic purposes, the language meant a lot because the fossil-fuel industry had defined targets and timetables as something they were opposed to. (US-6)

And this official went on,

The [Energy] Secretary's agenda was to move the US position to an emissions trading model, because some voices in industry were pro emissions trading, but none of them were pro tax. (US-6)

While it is difficult to assess the direct impact of business groups, their role in working to defeat any form of energy tax was significant because it pushed the United States towards supporting emissions trading in the international negotiations. In fact, a domestic coalition that included the National Association of Manufacturers, the American Petroleum Institute (API), and the US Chamber of Commerce spent more than \$2 million on television and newspaper advertising in an effort to mobilise public opposition and target key senators to ultimately defeat the energy tax proposals of the Clinton administration (Hilzenrath 1993, Sewell 1996, Agrawala and Andresen 1999, p. 470). These actions by business groups are entirely consistent with the two-level perspective which predicts that a state's negotiating position will be affected by the power and distribution of such domestic coalitions.

However, like environmental NGOs, business groups such as the International Chamber of Commerce also networked across borders, and as the transnational perspective would expect, one strategy was to enrol powerful actors

outside the domestic processes. A case in point was the Climate Council, a US lobby group run by Don Pearlman, a lawyer and former member of the Reagan administration (US-19), who was said to represent oil and gas interests. Pearlman formed alliances with the Organization of the Petroleum Exporting Countries (OPEC), principally Saudi Arabia, who had a similar interest in seeing the negotiations stall. The following quote, though long, best summarises what many interviewees confirmed (US-19, US-26, US-14):

One of the things that he [Pearlman] would do was to activate the Saudis to make them very troublesome. They had unbelievable relationships with these countries. Half the time, they would write the talking points for the Saudis. They used every available resource, and on the international stage, they would use oil-producing countries – they would say, ‘Hey, do you want some advice?’, and many of these countries were trying to figure out what hotel they were staying in ... the negotiations were incredibly complex, and some of these delegations had two people on them. That made for a willing recipient for assistance, which Don Pearlman and people like him were only too happy to provide. (US-25)

Yet, according to interviews with members of these groups, ‘70%’ of their time ‘was spent on the domestic side’ because it was here that they could influence Congress and the electorate (US-33, US-28). Even the Climate Council’s international activities were designed to complement their domestic lobbying. As other groups, such as the Business Roundtable pointed out, there were basic difficulties in establishing effective transnational networks.

...we are not adverse to international cooperation but it is difficult enough to get a consensus among our own members let alone in international groups. (US-8)

In short, while business groups may have made good use of transnational networks where possible, it was the distribution of domestic coalitions of non-state actors that had the greatest influence on US behaviour, as the two-level perspective would predict.

The third conference of the parties (COP 3), Kyoto, 1997

Environmental NGOs

With President Clinton returned to the White House in January 1997, there was no realignment in the relationship between the administration and non-state actors in the lead up to COP 3 in December 1997. Key environment NGOs, such as EDF, NRDC, and the Sierra Club, maintained their close ties with the administration (US-5, US-32), and there is some evidence to suggest that they had an impact on the administration.

First, White House and State Department officials variously claimed that ‘green NGOs absolutely influenced us’ (US-1, US-5, US-9). It seems likely that one area where this was the case was in disseminating the science. One NGO

official claimed that environmental NGOs, under the coordination of US CAN, spent much of 1996 working to educate government officials and the public about the conclusions of the Intergovernmental Panel on Climate Change (IPCC) Second Assessment Report released in December 1995 (EU-30). Given the ties between the senior ranks of the State Department and US NGOs, the fact that the State Department relied heavily on the science to justify the declaration in Geneva in 1996 that the United States would support binding greenhouse gas commitments, could be put down to the success of NGO lobbying.

Second, prior to Kyoto, there is strong evidence to suggest that EDF, and to a lesser extent NRDC, were able to infiltrate orthodox policy networks to influence the US position on emissions trading (Betsill 2008). According to US officials, EDF, which had played an integral role in developing emissions trading as part of the Clean Air Act Amendments in 1992, was critical in persuading the Clinton administration to take a similar approach on climate change (US-21, US-34). EDF staff, such as Daniel Dudek and Joseph Goffman, were 'in the room' with key EPA, DoE, and White House officials when decisions were made about the US position on emissions trading, in large part because they were respected by government agencies as experts in the area (US-19). Former DoE officials also argued that the fact that EDF was supporting emissions trading made the senior ranks of the energy agency, including the Energy Secretary Hazel O'Leary, more comfortable because EDF was not seen as just another green lobby group linked to the EPA (US-26, US-35). While other high-profile environmental NGOs, like the Sierra Club, opposed emissions trading (EU-30), EDF was able to manoeuvre inside the policy network. This seems to have provided a unique opportunity to affect directly the type of agreement the United States was prepared to sign at Kyoto. This evidence supports the proposition of the two-level approach that the preferences of non-state actors are incorporated through the domestic polity.

Nevertheless, while NGOs did engage in cross-border activities, in line with what the transnational perspective would anticipate, there is little evidence again to suggest that this directly influenced US behaviour. For example, US NGOs, among others, continued to coordinate their participation under the CAN, as they had in Berlin in 1995, and organisations such as Greenpeace International had a delegation of 45 representatives from across the globe at Kyoto (Leggett 1999, pp. 290–291). However, when asked about NGO influence, almost all respondents from state and non-state actors pointed to examples of NGOs working at the national level to secure their objectives, as the two-level framework would predict.

Business groups

Many of the same business groups, such as the GCC, that were present before Berlin continued to be involved as the Kyoto negotiations approached, and like 'most of US industry', they were opposed to action on climate change, and many thought that 'global warming was not happening' (US-8). While not all business

groups took this position, such as the International Climate Change Partnership, it was those opposed to action on climate change that dominated, and the key difference since Berlin was that these non-state actors were now much more engaged.

The active engagement of business groups took place almost exclusively at the domestic level, as the two-level approach would expect. Like environmental NGOs, business actors lobbied the administration directly. For example, in July 1996, 119 CEOs and chairs of companies, such as Exxon, Ford, General Motors, Shell, Chevron, and a host of coal companies, signed a letter calling on the President not to agree to any type of protocol (Leggett 1999, p. 246). Many of these companies, especially in the utility sector, also engaged with the DoE, which, as administration officials pointed out, 'traditionally had very close links to industry' (US-5, US-26).

However, unlike environmental NGOs, business groups did not have strong ties to the Clinton administration, and as a result, they focussed their attention on the Republican-controlled Congress. In concert with Congress, business groups became central actors in a more regressive veto coalition. As the two-level approach would predict, the mobilisation of this coalition shifted the power and distribution of domestic coalitions in the United States. Nowhere was this more evident than through the Byrd–Hagel Resolution which was passed by the Senate on the 25th July 1997, four months before the Kyoto negotiations were to commence. It resolved that the United States should 'not be a signatory to any protocol' unless it mandated specific commitments for developing countries, *and* would 'not result in serious harm' to the US economy (United States Senate 1997). It had a direct impact on the US negotiating position. According to interviews with former Senate staffers and business representatives, the Resolution was instigated by many of the same fossil-fuel companies and industry organisations that had defeated proposals for an energy tax in 1993. Transnational companies and industry groups in the coal, oil, and chemical industries, including Peabody Coal, American Electric Power, and the GCC, led the lobbying effort (US-5, US-30, US-33). Business groups were aided by the mute response from environmental NGOs, who had been preoccupied fighting attempts by the Republican Congress to weaken environment laws and did not foresee the significance of the lobbying effort and its ultimate result – the Byrd–Hagel Resolution (US-24). As one business representative proudly recalled, 'nothing happens on the Hill by accident' (US-28).

At the same time, many of these actors helped fund advertising campaigns to complement the message of the Byrd–Hagel Resolution that any treaty, which did not include all nations, posed a serious economic risk to the United States (White 1998). The largest was a series of television and newspaper advertisements, which ended with the tagline: 'if it's [the treaty] not global, it will not work'. Coordinated by the GCC and funded by member companies, principally Exxon and Mobil, it is estimated that business groups spent \$12 million supporting the campaign (US-33). The campaign was extremely successful because, as

one administration official conceded, 'it framed the debate' (US-1). As other researchers have pointed out, one of the most effective ways in which non-state actors can affect state behaviour is by strategically reframing public debates to draw attention to their concerns (see, e.g., Braithwaite and Drahos 2000, Joachim 2003). Interestingly, while the transnational perspective points to the importance of framing, the evidence in this period indicates that it was employed most successfully at the domestic not the transnational level.

Although business groups were most able to influence US behaviour at the national level, they continued to engage in transnational activities. For example, the GCC and the Climate Council took large delegations to the Kyoto negotiations. However, as some of these representatives admitted, there was little strategic coordination with partner organisations in other countries, such as the EU and Japan, as the transnational approach might expect. Their main aim was to influence the US Government (US-8, US-33). To some extent, this likely reflects the reality that US business actors can exert more power in the world system than those from other states because they can enrol the support of the most powerful state in the world (Braithwaite and Drahos 2000, p. 490). The same is likely true in the European Union where studies of European-based non-state actors in the climate negotiations show that they too were largely focussed on the domestic level (Newell 2000, Downie 2014). However, this may not be the case for environmental NGOs and business groups originating in less influential states, which may be more likely to engage in transnational activities to influence international outcomes. Nevertheless, in the United States at least, there is little evidence to support the proposition of the transnational perspective that these networks played a big role in US decision making.

The sixth conference of the parties (COP 6), The Hague, 2000

Environmental NGOs

In the late 1990s, in the lead up to COP 6, which aimed to finalise the details of the Kyoto Protocol, the leading environmental NGOs in the United States maintained close links with the Clinton administration. The EDF, NRDC, and the Sierra Club, among others, regularly met with administration officials. For example, respondents recalled that George Frampton, head of the Council of Environmental Quality in the White House, and David Sandalow, Assistant Secretary in the State Department, had meetings with the CEOs of these environmental NGOs prior to The Hague (US-34, US-37). Further, many people who had moved into senior positions in the administration had spent time in these organisations. For example, David Gardiner, who had moved from the EPA to become Executive Director of the White House Climate Change Task Force, had spent 15 years at the Sierra Club (US-7, US-19). The same was true of others in the White House, the State Department, and the EPA.

After the agreement in Kyoto, NGOs focussed on ensuring that the administration would ‘stick with the Kyoto Protocol’ (US-34). For example, John Passacantando, Executive Director of Ozone Action, argued that it is ‘anti-American and counter-productive’ for the United States to wait for developing country commitments before moving ahead with Senate ratification. Spokespeople for the NRDC and the American Council for an Energy-Efficient Economy made similar calls, and targeted business groups, such as Chrysler, which advocated delay (Pitzl and Stewart 2000, p. 7).

However, as discussed, it is often difficult to ascertain how much influence NGOs have on the position of states. On the surface, NGOs were successful in ensuring that the administration did not walk away from the Kyoto Protocol. Part of the strategy of NGOs was to target the Vice President; NGOs bought full-page advertisements in national newspapers ‘saying Al Gore was not green enough’ (US-34). According to former administration officials, it seemed to work:

Al Gore wanted the environment groups on side during the primaries and during the election, and he could not let a big gap open up. So because they were saying ‘stick with the Kyoto Protocol’, so was he. (US-34)

Yet, the Vice President’s political aspirations cut both ways. As the national election campaign gathered pace in 2000, Al Gore was also careful not to be seen as ‘too green’. A former White House official explained:

The Vice President was thinking that they had delivered to the environmental constituency with Kyoto, but if he pushed too hard, he would alienate some of those key swing states. (US-1)

Consistent with the two-level approach, this evidence highlights how non-state actors seek to influence the preferences of the COG, given the ultimate effect such preferences have on state behaviour. While in this case the NGOs were successful in forcing the administration to stand by the Protocol, as the public debates shifted to the economic costs associated with implementation, the influence of NGOs seems to have waned. The actions of environmental NGOs in this period provide little support for the propositions of the transnational perspective. For example, there is little evidence to suggest that the transnational networks that did exist affected US behaviour, at least so far as can be identified.

Business groups

After the agreement in Kyoto, the regressive elements of the business community that had previously opposed a Protocol now turned their attention to preventing it from being ratified. The main players included Exxon and Mobil, Edison Electric, API and the GCC, among others (US-19). However, by the late

1990s, the business community was also splintering as more companies began to accept the science and recoil from outright rejection of climate change action.

To make their presence felt, business groups continued to network with government agencies. For the most part, this meant the DoE, though they also met with White House and State Department officials (US-5, US-37). One Treasury official quipped, the ‘DoE is like the Commerce Department for the energy industry’ (US-13). Yet, for the most vocal opponents of the Protocol, such as the GCC, the general feeling was that the Congress was a better option than the Clinton administration:

We did a little with DoE, but most of our work was on the Hill, we did not deal a lot with government. DoE was not going to help us, nor was this administration. (US-28)

The strategy of these groups was to reframe the public debate in order to cast the Kyoto Protocol as unfair, given the absence of commitments for developing countries and the potential economic costs. In tandem with Republicans in Congress, groups such as the GCC and the API devoted money and resources to trashing the Kyoto Protocol and emphasising these two points (US-19, US-37). The strategy worked, according to administration officials, as the ‘opposition managed to define ‘Kyoto’ as a bad word, simply with money’ (US-6). A former White House official reflected on the public debate in 1998:

I don’t think there was ever an attempt to make the case that it is fair for developing countries not to have a target ... In a way, we may have allowed the opposition to get out ahead of us on this issue of fairness. (US-1)

Other researchers have shown that the actors that succeed in establishing a frame that is consistent with their preferences are more likely to achieve their objectives (Joachim 2003, Sell 2003). This seems to have been the case in the United States. Business groups continued their attempt to frame the public debate, and to the extent that they were able to prevent the Clinton administration from ever sending the Kyoto Protocol to the Senate for ratification, the climate negotiations in the United States seem to be further evidence of the influence of framing.

However, business groups opposed to the Protocol did not have it all their own way. By 1998, environmental NGOs had mounted a rearguard action to, in the words of the two-level approach, shift the power and distribution of the regressive coalition. The Pew Center on Climate Change was a crucial part of this. Established in 1998, it sought to pressure the business community, including some of the world’s most powerful corporations, who had been members of the GCC, to defect and join the Business Environmental Leadership Council. This Council took a more constructive approach to the climate change negotiations (Carpenter 2001, Gough and Shackley 2001, Levy 2005). It was quickly successful. After the withdrawal of BP from the GCC in 1997, others followed,

including Shell, Ford, Daimler-Chrysler, and Texaco (US-1, US-5). Business lobbyists interviewed blamed the Pew Center:

The Pew Center miraculously popped up when the GCC was being very successful. They targeted individual companies, and there were shareholder resolutions saying they wanted this company to leave the GCC, and companies were worried about their reputation so they started dropping out. (US-28)

Crucially, the Pew Center initiative ‘opened up doors for progressive Democrats who previously thought that there was no business support on climate change’ (US-5). However, it could equally be argued that this initiative was too late to change the US position before The Hague negotiations commenced. Indeed, in response to questions about the decline of the GCC, a number of business representatives happily pointed out that:

The GCC achieved its objectives: there is no Kyoto protocol, no domestic legislation. The GCC was only designed to kill Kyoto and that was the game. (US-28)

To the extent that it is possible to determine the influence that business groups had on the type of agreement that the United States was prepared to sign, it is evident that their most important actions, such as those of NGOs, occurred within the domestic polity, as the two-level approach would predict. While business groups were not the only actors seeking to prevent the White House from ratifying the Protocol, they were an important part of an emerging veto coalition. By highlighting the role of developing countries and potential economic costs, it would seem that business groups helped to shape the administration’s approach in The Hague. Many of these groups also sent large delegations to the international negotiations in The Hague. However, as business representatives were quick to point out, when there, they mainly targeted the US delegation (US-33, US-5). In other words, there was no evidence of transnational networks, at least no networks that influenced what the United States was willing to sign.

Conclusion

Environmental NGOs and business groups both played active roles in the lead up to the negotiations in Berlin, Kyoto, and The Hague. The evidence presented here also indicates that these actors had a substantial influence on the behaviour of the United States in each of these negotiations. For example, the decision by the United States to accept the Berlin Mandate, despite the fact that it exempted any new commitments from developing countries, reflected, in part, the influence of environmental NGOs, as did the US decision to accept binding emissions targets under the Kyoto Protocol two years later. Similarly, the decision not to ratify the Protocol as the negotiations in The Hague approached in 2000 was largely due to the influence of business groups.

But via which pathway was the influence of these actors felt? Did they exploit the two-level game by working through the domestic polity of the United States? Or did they network across state boundaries to pressure the United States from 'above' and 'below'?

On the surface, the evidence supports the proposition of the transnational perspective that the cross-boundary activities of non-state actors matter and that COGs no longer monopolise the external representation of the state. Indeed, most of the environmental NGOs and business groups discussed here sought to pressure the United States from above and below by networking across borders. For instance, the Climate Council, a US oil and gas lobby group, formed alliances with OPEC countries to pressure the United States and other countries into a more restricted agreement. More influentially, the transnational activities of the IPCC, an epistemic community, influenced decision making within the Clinton administration and the type of agreement it was prepared to sign.

However, for the most part, these were the exceptions. While environmental NGOs and business groups clearly networked across borders, these non-state actors were most effective at influencing US behaviour when they worked through the domestic polity, as the two-level game would predict. For instance, at Berlin in 1995 when NGOs, such as NRDC, were desperate to ensure that the United States accepted an agreement in which developing countries had no new commitments, they worked at the domestic level to ensure their influence was felt. Indeed, as one US official quipped, the 'NGO community was inside the administration' during that time. At Kyoto too, when fossil-fuel corporations such as Exxon, Mobil, and umbrella groups like the GCC wanted to restrict the type of agreement the United States would sign, they went to the US Senate to instigate the Byrd–Hagel Resolution, not to their transnational networks. The same was true of environmental NGOs in the lead up to The Hague in 2000 as they lobbied the Clinton administration domestically, targeting the electoral ambitions of Vice-President Al Gore, in their attempt to prevent the White House from walking away from the Kyoto Protocol.

Moreover, environmental NGOs and business groups explicitly acknowledged that '70%' of their time 'was spent on the domestic side' because it was here that they felt they had most influence – and they were right. Administration officials confirmed that these non-state actors had much more impact on their thinking and that of the White House through their domestic activities as opposed to their transnational ones. However, as discussed, this likely reflects the reality that US non-state actors can exert more power than those from other states because they can enrol the support of the most powerful state in the world. In other words, environmental NGOs and business groups originating in less influential states may be more likely to engage in transnational activities to influence international outcomes.

What then are the implications for transnational actors in long international environmental negotiations? What strategies are most effective for influencing international outcomes over time? Are these best directed at states or other non-state actors as well?

In long negotiations, such as the climate change negotiations, strategic opportunities will arise for highly networked actors to influence state behaviour, and in turn negotiation outcomes, by making strategic choices at the domestic, international, and transnational level. Three strategies can be identified for exploiting such opportunities. First, in the initial stages of international negotiations, weak actors, such as environmental NGOs, may have a unique strategic opportunity to dominate discussions because more powerful actors are not mobilised. As Schattschneider (1960) first pointed out, it matters which actors are mobilised and which are not because it affects the balance of forces between actors. In addition, actors who exploit these circumstances, such as they were in the United States in the early 1990s, will have the opportunity to frame discussions. One of the most effective ways that actors can affect state behaviour is by strategically framing debates to draw attention to their concerns. As others have shown, the actor or coalition of actors that succeeds in establishing a frame that is consistent with its goals is likely to reap the greatest gains from negotiations (Braithwaite and Drahos 2000, Joachim 2003, Odell and Sell 2006).

Second, in a networked world, highly networked actors have the capacity to shape the behaviour of state and non-state actors. For environmental NGOs, this is often difficult given that policy networks are often inaccessible. However, in the early stages of prolonged international negotiations when such networks are more fluid, it could be easier for weaker actors to move in and out of this space with greater ease. The evidence presented here suggests that non-state actors should build relationships with state actors, as environmental NGOs did with the Clinton administration. They should infiltrate orthodox policy networks, as the EDF and NRDC did in the policy debates on emissions trading, and they should engage in domestic lobbying, as business groups such as the GCC proved so effectively. However, infiltrating and manipulating networks and coalitions is not only a strategy that non-state actors can employ against state actors. It can also be used effectively against opposing non-state actors, as the Pew Center on Climate Change demonstrated so effectively when it forced some of the world's most powerful corporations, who had been members of the GCC, to defect and join the Business Environmental Leadership.

Third, while these first two strategies suggest that non-state actors will have more influence through the domestic polity, clearly non-state actors should not abandon their transnational networks, especially when such networks facilitate the flow of expert knowledge to policy elites to inform their beliefs and, in turn, their preferences and negotiating positions. As the case of the IPCC shows, transnational epistemic communities can help to frame a problem by creating a shared understanding based on their specialised knowledge. This would seem to be most effective during the agenda-setting phase of the policy cycle when policymakers are more uncertain about the issue at hand (Downie 2012).

Each of these strategies could prove to be effective for transnational actors seeking to influence state behaviour, and the behaviour of other non-state actors, especially if they are employed at the right time to exploit strategic opportunities.

However, these ideas need to be taken further, especially over prolonged international negotiations, to see how the influence of these actors fluctuates and when might be the best time to pursue particular pathways. They also need to consider non-state actors originating in less influential states who may be more likely to engage in transnational activities to influence international outcomes. While there is already some work in this area (Downie 2012), the challenge for future scholarship is to consider these propositions across multiple cases and issue areas where negotiations drag on for many years. This would require comparison across cases, not only within environmental politics, but across other issue areas, such as trade and development, where transnational actors are prominent and negotiations are often protracted.

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