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Prolonged international environmental negotiations: the roles and strategies of non-state actors in the EU

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Abstract   For scholars of international environmental agreements, the role of non-state actors has been a central focus. There is a considerable literature on the influence of environmental NGOs and business groups on state behaviour and in turn international environmental outcomes. However, much less empirical work has been done to examine the influence of these actors and the strategies they can use in prolonged international environmental negotiations that last for years or decades. This article takes up this task. Drawing on a rich empirical data set on the role of European-based actors in the international climate change negotiations, it considers the influence of non-state actors in prolonged negotiations and identifies four strategies that these actors can use to influence state actors and non-state actors alike.

Keywords   Environmental politics · Non-state actors · International negotiations · Climate change · European Union

1 Introduction

For scholars of international environmental agreements, the role of non-state actors has been a central focus, including in the pages of this journal (for example, Nasiritousi et al. 2014). Much work has focussed on Europe which is no surprise, given the critical role the European Union (EU) has played in global environmental politics. This is especially so in the field of climate change where numerous studies have been concerned with the role of the EU on the international stage (see for example, Harris 2007; Gupta and van der Grijp 2000), many of which have examined the role non-state actors, namely environmental non-government

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organisations (NGOs) and business groups, have played in informing the EU's role in international environmental negotiations (Newell 2000; Skjaerseth and Skodovin 2003).

In studies of international negotiations, either non-state actors exploit the "two-level game" by working through the domestic polity of powerful states to influence their preferences; or non-state actors work transnationally across state boundaries to pressure states "from above" and "below" (Putnam 1988; Risse-Kappen 1995). While considerable research has been done on non-state actors influence on international environmental agreements (for example Betsill and Corell 2008; Arts 1998), it is not always clear via which pathway they have influence in prolonged international negotiations that stretch across years or decades, and few studies analyse environmental NGOs and business groups together, which limits how far conclusions can be generalised. A focus on long international negotiations not only captures the temporal dimension of non-state actor behaviour, but it also enables strategies to be identified that these actors can use not only to influence state behaviour, but each other as well.

In what follows, I will examine the influence of environmental NGOs and business groups on the behaviour of the EU across three sets of negotiations between 1992 and 2000 to test via which pathway they have influence in prolonged international negotiations. It is widely acknowledged that climate change is an arena in which non-state actors are especially conspicuous and one in which they operate at different levels—national, international and transnational—to influence state behaviour and environmental negotiation outcomes. While there is no definitive typology of non-state actors, a distinction is typically made between for-profit actors, such as business groups, and non-profit actors, such as environmental NGOs. Of course, it goes without saying that such distinctions are never perfect (Downie 2014a).

In the next section, I will outline two theoretical perspectives for examining the influence of non-state actors in the EU. This is followed by a discussion of the method used to collect and analyse the data. I will then turn to analyse the influence of environmental NGOs and business groups across three sets of international climate negotiations. The final sections consider the empirical findings in light of the theoretical perspectives and identify four strategies that these actors can use not only to influence international environmental outcomes, but each other as well. These are: exploiting the minimal mobilisation of other actors; infiltrating and manipulating orthodox policy networks; building on past campaign successes; and developing transnational coalitions. While some of these strategies could be used in shorter negotiations, they are likely to be uniquely effective when they are used to exploit the strategic opportunities that arise in long negotiations.

2 Perspectives on non-state actor influence in international negotiations

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

While the two-level frame has been applied to the EU in different ways (Moravcsik 1994; Fontana 2011), for the purposes of this paper it is applied in the same way that scholars use it to analyse the EU in trade negotiations, that is, where the EC acts as the chief negotiator on behalf of the member states at the domestic level and it negotiates with other states at the international level (Odell 1993). The only difference here is that it is the Council of Environment Ministers (officially the chair of the Council) that acts as the COG because the EC does not have a mandate to negotiate on behalf of the EU in environmental negotiations, as it does for trade negotiations. Although this means that the EU does not fit neatly into a two-level frame, to the extent that it speaks with one voice at the negotiations, as represented by the Environment Council, it can be considered a two-level player. Hence, the negotiations within the EU and the member states are considered as the domestic level and the UNFCCC negotiations the international level.

The two-level frame can be used to derive hypotheses or predictions about the role of non-state actors on the EU in the climate negotiations. These include the following:

- 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.
- 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 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: 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: 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 in 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 quite 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 promote organisational learning by helping to create shared understanding based on their specialised knowledge.

In drawing hypotheses from these perspectives, it is important to be mindful of the overlaps. As the empirical evidence will show, non-state actors have influence via both pathways. In some cases, they pursue the domestic level and the transnational level in tandem, and in others, they look to the transnational level when their influence at the domestic level is limited. That said, the analytical distinction between the perspectives is useful not only for drawing clear conclusions about how these actors influence state behaviour, but also for identifying strategies that these actors can use in the future. Of

course, these two perspectives are not the only perspectives that could be used to examine the influence of non-state actors on the behaviour of the EU. For example, the international regime perspective, which like two-level and the transnational perspective, has its origins in the liberal tradition of international relation which could be employed to consider what influence the international climate regime had on the behaviour of these actors (Young 1999). However, for the purposes of this paper, the analysis is restricted to the two-level and the transnational perspective, not only for brevity, but because other studies of non-state actors in the climate negotiations indicate that these perspectives have greater explanatory value (Downie 2014b).

3 Method

To examine the influence of environmental NGOs and business groups on the behaviour of the EU, this article draws primarily on an empirical data set based on 63 elite interviews undertaken between 2008 and 2010 with European state and non-state representatives who were intimately involved in the climate negotiations, including former environment ministers, representatives from the relevant Directorate-Generals of the European Commission (EC), representatives from the bureaucracies in the member states and from business groups and NGOs. The interview data were complemented by literature reviews of existing histories of this period and electronic search for documents undertaken in the archives of the official website of the UNFCC, European member states and the EC.

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: the negotiations surrounding COP 1 in Berlin in 1995, COP 3 in Kyoto in 1997, and COP 6 in The Hague in 2000 (Downie 2014b). This period was chosen first, because the pilot interviews suggested the negotiations surrounding the Kyoto Protocol were the most intensive. Second, access to key decision makers from negotiations in the 1990s was much easier than access to negotiators in the current negotiations. Third, respondents were more candid discussing negotiations in the Kyoto phase than they were in the lead up to Copenhagen in 2009. In short, this period generated a much richer body of empirical data than could be expected from interviews on more recent negotiations.

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). Although the high level of construct validity in a small-n case study is sometimes achieved at the expense of being able to generalise the findings, the key point for case studies like this one, however, as Yin (2009: 9) notes, is that like experiments, they "are generalisable to theoretical propositions and not to populations or universes".

4 The role of environmental NGOs and business groups across three negotiations

The influence of environmental NGOs and business groups on the behaviour of the EU will be considered across three sets of negotiations between 1992 and 2000. During this period, the critical issues for developed countries, including the EU, was whether any greenhouse gas commitment would be legally binding, how deep it would cut, and how it would be met. As part of this, the EU was especially concerned about the use of flexibility mechanisms, including emissions trading, something that environmental NGOs had viewed as a loophole.

What influence did non-state actors have on the EU 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.

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

5.1 Environmental NGOs and their state networks

In the United Kingdom (UK) and Germany, the two most powerful member states in the EU in the 1990s, the same governments had been in power since before the 1992 Rio Earth Summit. Although both were from the conservative side of politics, as were several other European governments, environmental NGOs had a strong presence in Europe and many maintained good relationships with state actors. Table 1 shows the principal environmental NGOs operating in the EU.

In the EU, most environmental NGOs networked with environment agencies, in large part because NGOs are generally seen as the "natural hinterland" of these agencies (EU-49). For example, the British Secretary of State for the Environment John Gummer's

Table 1 Prominent environmental NGOs in Europe 1992–2000

Environmental NGOs	Type	Primary interest
EU Climate Action Network (EU-CAN)	Umbrella organisation	Advocacy
Friends of the Earth	Individual NGO	Advocacy
Foundation for International Environmental Law and Development (FIELD)	Individual NGO	Advocacy
Green Alliance	Individual NGO	Research
Greenpeace	Individual NGO	Advocacy
International Union for Conservation of Nature (IUCN)	Umbrella organisation	Research
Royal Society for the Protection of Birds (RSPB)	Individual NGO	Advocacy
World Wide Fund (WWF)	Individual NGO	Advocacy
Wuppertal Institute for Climate, Environment and Energy	Individual NGO	Research

Sources: Interviews and primary documents cited in text

private secretary was Tom Burke, former head of Friends of the Earth (EU-37), and staff from European environmental NGOs spent time at DG Environment in the Commission (EU-49). Further, in some countries, such as the Netherlands, environment agencies provided financial support to environmental NGOs to subsidise their operating costs (Sewell 2005: 104).

According to interviews with government officials, the influence of non-state actors was strongest at the national level, especially where they worked in concert with state actors, as the two-level approach would expect (EU-20; EU-19). For example, NGOs helped to provide domestic political space for government actors who wanted to take progressive positions (EU-35). The British Secretary of State for the Environment, John Gummer, argued that it was "important" for NGOs with large membership bases, such as the Royal Society for the Protection of Birds, to "push the envelope" on climate change because it "gave [him] the political room to move in cabinet" during discussions about the UK negotiating position (EU-48; EU-35).

What impact this had on the type of agreement that European governments like the UK were prepared to accept is difficult to ascertain. Many of the positions that the EU took to Berlin, such as not requiring developing country commitments to be on the agenda, had been strongly advocated by groups such as CAN Europe, Greenpeace and WWF. That said, this may reflect a lack of engagement from actors opposed to such demands, rather than the strength of NGO influence. To be sure, when business actors did engage and initiated a vehement lobbying effort against the Commission's proposal for a carbon tax, as I will discuss, they were able to overcome environmental NGOs like the Wuppertal Institute for Climate, Environment and Energy, which had lobbied in support of the tax.

Outside the national level, European NGOs participated in transnational networks, such as CAN. Keck and Sikkink (1998: 16) argue that transnational networks of this kind can pressure state actors by generating politically usable information and moving it to where it has most impact. Several EU negotiators acknowledged the significance of this role observing how NGOs act "as a back channel helping you to know what other governments think" (EU-37). For example, a British official pointed out that they sometimes used CAN UK's links with CAN Japan to find out the Japanese position on certain issues (EU-56). An NGO delegate explained the role.

> We are able to pass sensitive information from one government to another through that shuttle diplomacy because one government will tell us information that they are not yet ready to tell the other government directly and then I can go say to Y this is where X stands (EU-30).

The influence that NGOs can have as an information conduit between state actors was evident with the establishment of the so-called "Green Group" in Berlin. After Germany and other EU member states had opened the door to an agreement by stating that they would not require developing country commitments to be on the agenda, NGOs toiled feverishly to bring the developing countries on board (Oberthur and Ott 1999: 46). To a large extent, this was achieved through an intervention by WWF, among other NGOs, who took a proposal to the Indian negotiator "who liked it" (EU-58) and then they were able to bring G77 to the table. The resulting Green Paper, which had its genesis in the original NGO document, became the basis of the Berlin Mandate (EU-58; EU-48). This account fits more closely with the transnational perspective than two-level perspective, given the cross-boundary activities of these NGOs. However, environmental NGOs did not seem to influence what the EU was prepared to agree to via the transnational level, rather it was the distribution of the domestic networks of environmental NGOs and state actors, consistent

with the two-level approach, which appears to provide a better explanation for the influence for NGOs.

5.2 Business groups: "there was no big opposition"

In contrast to environmental NGOs in Europe, European business seems to have been less engaged, especially on the international stage. While EU business did belong to international associations such as the ICC, their focus seems to have been squarely on the domestic level—see Table 2. Almost all interviews with representatives from state and non-state actors in Europe claim that "there was no big opposition" from European business to the international climate negotiations in the early 1990s (EU-35) and to the extent that they were a presence "it was almost wholly driven by the oil industry" (EU-37). Yet even the oil industry was muted in its opposition compared to its counterparts in the US (Levy 2005). As one British official put it: "there was no Exxon in the UK" (EU-46).

As the two-level approach would anticipate, EU business sought to influence what the EU would be prepared to accept by lobbying through domestic processes. There is little evidence to suggest that business groups influenced EU behaviour through transnational activities, nor did they try to. A former European business representative explained why the "most intense lobbying happens at the national level".

> Each national EU delegation has its own A4 folder on its national position. They go into the EU coordination meetings with their positions and they can't change that too much without Minister involvement. What this means for business is that if you want a position you need to get it into the A4 binder (EU-39).

While environmental NGOs were closely tied to environment agencies at the national level, business groups generally had better relations with energy and industry agencies. For

Table 2 Prominent business groups in Europe 1992–2000

Business groups	Type	Primary interests
British Petroleum (BP)	Corporation	Oil and gas
Confederation of British Industry (CBI)	Umbrella organisation	General business
European Business Council for a Sustainable Energy Future	Umbrella organisation	Sustainable energy
European Chemical Industry Council (CEFIC)	Umbrella organisation	Chemicals
European Confederation of Iron and Steel Industries (EUROFER)	Umbrella organisation	Iron and steel
European Petroleum Industry Association (EUROPIA)	Umbrella organisation	Oil
Imperial Chemical Industries (ICI)	Corporation	Chemicals
International Chamber of Commerce (ICC)	Umbrella organisation	General business
Munich Reinsurance Company (Munich Re)	Corporation	Insurance
Shell	Corporation	Oil and gas
Union of the Electricity Industry (EURELECTRIC)	Umbrella organisation	Electricity
Union of Industrial and Employers' Confederations of Europe (UNICE)	Umbrella organisation	General business
World Business Council for Sustainable Development	Umbrella organisation	Sustainable business
World Coal Institute (WCI)	Umbrella organisation	Coal

Sources: Interviews and primary documents cited in text

example, the ICC, the WCI and EUROFER all had good contacts in industry and energy ministries [EU-39; EU-27 (Newell 2000: 99)]. As one put it, "if we want to get something done we would go to the industry ministry" (EU-39). In the Commission however, it would seem that the lack of engagement from DGs, other than DG Environment, meant that business groups "primarily engaged with DG Environment" (EU-39; EU-22).

According to studies of business actors during this period, and confirmed in the interviews, these ties influenced the position of energy and industry agencies, including the position of the Federal Ministry of Economics (BMWi) in Germany (Beuermann and Jager 1996: 189), the Ministry of Economic Affairs in the Netherlands (Sewell 2005: 116) and the industry agencies of the British government (Cass 2007: 69). However, as noted, prior to Berlin most European business groups were not concerned about the international negotiations, in part, because they did not anticipate any tangible implementation requirements that would affect their interests. As a result, there is scant evidence to suggest that these ties were used directly to influence what the EU was prepared to accept; instead, they were likely employed for domestic purposes. This was highlighted by the defeat of the Commission's proposal for an EU-wide carbon tax, in December 1994, which was largely the result of the "powerful offensive" waged by European business groups like EUROPIA, a federation of 20 oil companies (Sebenius 1994).

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

6.1 Environmental NGOs maintain their networks

In the lead up to Kyoto, many of the environmental NGOs, such as the European Climate Action Network (EU-CAN), WWF, Greenpeace and the IUCN, among others, maintained their ties with environment agencies (EU-45; EU-26; EU-52). In the UK and Germany, former environment officials confirmed that they met with these groups on a regular basis and had "very good relationships with them" (EU-56; EU-32; EU-59). Also, the victory of centre-left governments in the UK and France in 1997 facilitated this process. This was especially the case in France, where the new Environment Minister, Dominique Voynet, from the Green Party, had a long association with the environment movement (EU-47). In addition, there were strong links between environment agencies and environmental NGOs in the Commission. A DG Environment official argued that "NGO's were absolutely crucial", and in fact, DG Environment employed Michel Racquet from Greenpeace to assist in preparation for Kyoto (EU-42; EU-49). Further, successful campaigns by NGOs on other environmental issues, such as Shell UK's disposal of the Brent Spar oil storage facility in the North Sea, which had "made commissioners sit up and take notice", led Ritt Bjerregaard, the Environment Commissioner, to pay greater attention to groups such as Greenpeace on climate change (EU-42).

Environmental NGOs exploited these networks to share information with government officials and persuade them of the science of climate change. As several officials pointed out, NGOs "have always been active and based on the science" (EU-52), and as a result they "have played a very important role in helping the negotiators understand climate change" (EU-26; EU-28). Indeed, many of those interviewed had a high regard for the level of expertise within groups, such as EU-CAN and WWF, and acknowledged that they frequently came to rely on it (EU-56; EU-42). However, ties and information do not automatically equate to influence, and other studies have shown that while European

environmental NGOs pushed the EU towards a progressive stance, many of their positions, such as no emissions trading, were not incorporated into the final agreement at Kyoto (Betsill 2008; EU-58; EU-30).

Yet there were some successful interventions, especially where environmental NGOs were able to infiltrate orthodox policy networks (Gough and Shackley 2001; Rhodes 2007). A case in point was the role of WWF and the development of the Triptique approach to burden sharing (Ringius 1999). While the Triptique approach was developed by the Dutch Presidency, it had its roots in an earlier report produced by WWF entitled *Policies and Measures to reduce CO$_2$ Emissions by Efficiency and Renewables* (WWF 1996). WWF "took the study to EU negotiators who liked it" and as a result Kornelius Blok was hired, along with other researchers involved in the report, by the Dutch Government to further the Triptique approach (EU-58; EU-52).

As the two-level perspective would predict, European NGOs appear to have been most influential at the domestic level. Although groups such as EU-CAN, IUCN and WWF continued to send delegations to the international negotiations and coordinate their activity across borders, these activities were limited and there is little evidence to indicate that this influenced what the EU was prepared to sign, in contrast to what the transnational approach would anticipate (Newell 2000; Giorgetti 1999; Betsill 2008).

6.2 Business groups play an "observer role"

European business seems to have played a more muted role. Government officials claimed that business did not take the issue seriously at the time, and as one business representative put it, "business was there but it was not involved" (EU-43), for the most part, they played more of "an observer role" (US-8; EU-39).

As in Berlin and consistent with the two-level approach, the activities of such groups as EUROPIA and EURELECTRIC, were largely confined to the national level where they believed they could have greater influence (EU-39). In doing so, business groups were more closely aligned with industry and energy agencies (Newell 2000: Ch. 5), though where these agencies were less engaged they also lobbied environment agencies (EU-24; EU-55; EU-39). A case in point was DG Energy in the Commission. A former energy official explained the relationship.

> Our deepest intellectual relationship was with the power sector and our biggest lobbying relationship was with the oil industry…. I was regarded as in the pocket of industry. But I was trying to bring a reluctant industry into the fold and for them to see climate change as legitimate. I interfaced with oil, coal and gas. There were regular consultations with business groups from these sectors. On the way to Kyoto the oil industry was beating me up, that was EUROPIA, but that was my community (EU-51).

The ties between energy agencies and business groups were often strengthened through working group consultations, which were regularly used by the British Government (EU-24; EU-39), and other joint initiatives. The same DG Energy official argued that one strategy employed to legitimate climate change among business groups was research collaboration (EU-51; EU-53). For example, between 1996 and 1997 a series of five workshops was organised by EURELECTRIC and DG Energy aimed at examining the role of electricity in fostering sustainable development. The workshops produced a joint 1997 report entitled *Electricity: The bridge between energy and sustainable development* (EU-51).

While officials in industry and energy agencies claimed that some parts of the business community remained "hostile" to binding commitments, they were not adamantly opposed to emission targets and timetables (EU-36; EU-24; EU-47). Indeed, there is little sense that business lobbying affected the EU position. In part, this likely reflects the limited engagement of these agencies themselves. On developing country commitments too, most business groups supported the application of binding commitments, yet this was not incorporated in the final EU position (Giorgetti 1999).

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

7.1 Environmental NGOs have "a lot more power"

Prior to The Hague, NGOs networked with government agencies, as they had throughout the 1990s. However, with five of the ministers on the Environment Council now from the Green Party, following a series of national elections since 1997, there was a shift in the networks among NGOs and state actors. Environmental NGOs developed much closer relationships with environment agencies. For example, in Germany, the Environment Minister Jurgen Trittin, and some of his staff in the Federal Ministry for the Environment (BMU), such as Karsten Sach, had close ties with WWF (EU-30; EU-19). It was the same in France and Belgium where former NGO staff moved to work for environment ministers from the Green Party (EU-55; EU-19; EU-11; EU-20). In addition, Commission officials confirmed that DG Environment was continuing to consult NGO experts in preparation for COP 6 (EU-61). It is not hard to see why. According to one former NGO official, there were more people working on climate change in the European WWF office than the entire climate change unit in DG Environment (EU-58). As other researchers have shown, NGO expertise can be a useful tool to influence state actors, especially when the knowledge and expertise of state actors is limited, as it was in DG Environment (Corell and Betsill 2008).

The shift in the networks between NGOs and state actors also enabled NGOs in some countries to engage more directly in "accountability politics" (Keck and Sikkink 1998). For environment ministers from the Green Party, environmental NGOs were considered their "constituency" and this gave them more power to hold these ministers to account (EU-55). One former NGO official explained the dynamic:

> It gave the environment NGOs a lot more power in the EU than they have now. The Green ministers would have to answer to us. Each morning it would be WWF or Greenpeace on the BBC or CNN. This might not have been important in other countries but in those 5 countries where you had these Green ministers who had been elected by these constituents and then you have the NGOs making them accountable (EU-30).

While NGO officials continued to devote their time and resources to the domestic processes to affect the EU's international position, as the two-level approach would expect, transnational networks also influenced the EU position. Emissions trading was a case in point. In January 1999, the Foundation for International Law and Development (FIELD) in the UK and the Center for Clean Air Policy (CCAP) in the US were commissioned by DG Environment to prepare design options for a European emissions trading system (Skjaerseth and Wettestad 2008: 78). NGO staff, such as Ned Helme, who had worked on the sulphur dioxide regime in the US, were "very influential" in preparing the EU position for

the negotiations (EU-23; EU-41; US-22). Interestingly, the strength of these transnational networks in informing EU thinking was also evident in the ripple effect this had on environmental NGOs in the EU, which had initially "hated" emissions trading (EU-58). A former NGO official explained:

> I went to a meeting in Brussels in December 1998, Jos Delbeke [from DG Environment] asked about six or seven NGOs to a meeting. It was like Chatham House rules. He said to us listen DG Environment is focusing now on emissions trading. We said back to them are you guys crazy? He said hang on we do not have to have a US model of emissions trading, this is the EU. If we can get the cap right and all the emissions are reduced within the EU what is wrong with that? We said okay perhaps you're right. That was a key meeting for me… we changed our position after that. Greenpeace and Friends of the Earth took longer to change (EU-58).

7.2 Business groups take a "more positive" approach

In the aftermath of Kyoto, some business groups began to engage more constructively in the climate negotiations. For example, BP and Shell both took a "more positive" approach (EU-49) and the ICC too, acknowledged that it "had to regroup" after Kyoto and re-think its approach to the future (EU-39). The reason was clear, as one government official pointed out:

> Business groups became much more involved after Kyoto when they saw EU policy crystallizing around certain policies that may hurt their interests (EU-40).

Business groups, especially from the fossil fuel sector, "worked closely" with energy and industry agencies. For example, a DG Energy official commented that their "traditional stakeholders were the energy industry most often represented by European bodies like EUROFER" (EU-28). In DG Industry, business representatives were brought in-house for their expertise and "employed on a part-time basis" to consult in preparation for The Hague (EU-61). While members of economic agencies said the views of business were taken into account, they did not have the same close relationships with non-state actors (EU-36).

As the EU discussions progressed, the position of business began to shift. Initially business groups, especially in the cement and steel industries, argued strongly for voluntary agreements with government (Skjaerseth and Wettestad 2008: Ch. 4). For example, a French official noted that "business tried to convince the Department of Industry that everything could be achieved through voluntary measures" (EU-40). The same was true in Germany (EU-32). Yet as European governments moved towards mandatory measures business groups sought to intervene. The clearest example was emissions trading. In both the member states and the Commission, oil companies, in particular, successfully intervened to ensure that state actors moved towards trading rather than taxes. For example, by the end of 1998 both BP and Shell had announced plans to establish an internal emissions trading system. EUROPIA, a federation of 20 oil companies, which had actively opposed a carbon tax in the early 1990s also moved to support emissions trading (Skjaerseth and Wettestad 2008: Ch. 4; van Asselt 2010; Christiansen and Wettestad 2003).

At the same time, state actors encouraged industry involvement. In the UK, which was the first country to introduce an emissions trading scheme, the Government had been "very careful to involve business in its decision-making" and groups such as the CBI were "influential" in the end design (Darkin 2006: 270). Together these moves had a

demonstrable effect on environment agencies that were working on the design of emissions trading schemes. A former BMU official in Germany explained.

> Another piece of the jigsaw was that it was very helpful to have BP explaining what they were already doing internally. They had an emissions trading scheme going internally, which had been successful at reducing emissions within the company. That was very persuasive for us and the environment ministry began to campaign to explain the BP scheme and how it works and its successes (EU-23).

That being said, it is difficult to determine which way the influence flowed. It is just as possible that the ultimate support from business also reflected the success of government officials, such as in DG Environment, demonstrating to industry the benefits of emissions trading. Indeed, some business representatives were more inclined to view the government outreach as an attempt to avoid the type of business opposition that had characterised the failed attempt to introduce a carbon tax in the early 1990s.

> God knows how many stakeholder meetings they had and they established a government business working group as well (EU-39).

Nevertheless, what is clear is that business groups in the EU became more engaged after Kyoto, and that their activities were almost exclusively conducted through national processes. Their support for emissions trading was one example where they were able to shape the EU position leading up to The Hague negotiations.

8 Discussion

Across the three sets of climate negotiations at Berlin, Kyoto and The Hague, environmental NGOs and business groups were active, but their engagement in the discussions and their influence on what the EU was prepared to sign was not the same. First, environmental NGOs were active across the period, but the same cannot be said for business groups, which one business official described as playing more of "an observer role", at least in the period leading up to Berlin and Kyoto. Second, while both environmental NGOs and business groups appear to have influenced the EU position, their impact was felt at different points of time and on different issues. For example, the position the EU took to Berlin in 1995, that developing countries should not have greenhouse gas emissions commitments, had been strongly lobbied by CAN Europe, Greenpeace and WWF, among others, even though it was opposed by business groups. Whereas at The Hague in 2000, business support for emissions trading was crucial in influencing the EU's supports for this approach in the international negotiations, which environmental groups had earlier opposed.

But via which pathway did these non-state actors influence the EU position? Did the EU respond largely to domestic pressures and the preferences of non-state actors were felt through the domestic polity, as the two-level frame would predict? Or were these actors able to have influence across borders via transnational networks?

The evidence presented here largely supports the propositions of the two-level approach, the influence of non-state actors was mostly incorporated in the domestic polity and this where their most important networks with state actors were developed and maintained. For example, in the lead up to Kyoto, strong links between environment agencies and environmental NGOs in the Commission were "absolutely crucial", as a

government official explained, and NGO officials were brought in-house to prepare the EU's position for Kyoto and The Hague. One illustration was WWF's development of the Triptique approach to burden sharing, which enabled the EU to take a 15 per cent emissions reduction target to the negotiations in Kyoto.

Further, as the two-level approach would expect, state actors often advocated positions in response to domestic pressures. Indeed, the EU's decision not to sign an agreement at COP 6 in The Hague reflected a strong coalition of environmental interests supported by a COG whose preference was largely determined by environment ministers of the Green Party, such as Dominique Voynet in France. Because these NGOs were considered their "constituency", this gave them more power to hold these ministers to account, and by incorporating the preferences of these non-state actors, these state actors were able to enhance their own domestic political position. Similarly, in the early 1990s in the UK, NGOs helped to provide domestic political space for the British Secretary of State for the Environment, John Gummer, to take progressive positions at the negotiations.

Business groups employed a similar approach. While they may not have been as active as environmental NGOs, as almost all business representatives pointed out, the "most intense lobbying happens at the national level". If they wanted to influence state actors they would invariably exploit their domestic links in the member states or the Commission. This was the case with the defeat of the carbon tax before Berlin in 1995 and their conditional support of emissions trading at the negotiations in 2000, which had a direct impact on the EU's position.

However, this is not to say that there is no evidence to support propositions of the transnational approach. Transnational networks did exist and they did play a role, yet they were much less influential in the negotiations. For example, groups such as EU-CAN, IUCN and WWF sent delegations to the international negotiations and coordinated their activities across borders, as did business groups through umbrella organisations like the ICC. And, they were able to have some impact outside state borders. EU negotiators acknowledged that NGO networks had worked as "as a back channel helping you to know what other governments think". In addition, the Green Group of progressive developing countries and the EU, which was formed in the course of the negotiations in 1995, and helped to make the Berlin Mandate possible, was a result of interventions by a transnational NGO network led by WWF. Nevertheless, the impact of transnational networks was limited. Barring a few exceptions, what the EU was prepared to agree to was far more influenced by the actions of non-state actors via the domestic polity, consistent with the two-level approach. These findings also confirm the results of a parallel study undertaken of US transnational non-state actors over the same period (Downie 2014c).

9 Conclusion

While both these approaches have considerable explanatory value, neither captures the changes in the behaviour of these non-state actors and why their influence fluctuated over the course of the three sets of negotiations. In short, the approaches overlook the temporal dimension. Addressing this gap is significant because it enables strategies to be identified that actors can use to influence state behaviour, as well as each other, in future climate negotiations.

After all, since the Kyoto Protocol came into force in 2005, the post-Kyoto phase of negotiations have been just as prolonged, lasting almost a decade. Much hope is placed on

the negotiations in Paris in 2015 after the hype and despair of Copenhagen in 2009. While it is unclear what will happen, what is clear is that prolonged negotiations seem here to stay for the time being and non-state actors would be well placed to employ strategies that exploit the opportunities that arise in such negotiations. In what follows, I consider four strategies.

First, in long negotiations there is a unique strategic opportunity for non-state actors to dominate discussions when other more powerful actors are not mobilised. For example, for environmental NGOs to dominate if business groups are not engaged or for business groups to dominate when state actors, such as treasury departments, have yet to form a preference on the issue under negotiation. For instance, the fact that the interests of the environmental NGOs had a strong influence on the EU position is somewhat surprising, given the traditionally powerful position of business groups (Tienhaara 2014). Yet viewed in this light, the influence of environmental NGOs likely reflected the fact that climate change was not high on the agenda for business groups because the negotiations were not threatening any tangible implementation requirements.

Accordingly, actors who exploit these circumstances will therefore have a unique opportunity to frame the discussions to draw attention to their concerns, in other words, to frame the policy debate before other actors have an opportunity to do so. The dominant frame is likely to be particularly influential at this point given the limited knowledge other actors have about the issues under negotiation. As other researchers 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; Odell and Sell 2006).

Second, in a highly networked world non-state actors have the capacity to shape the behaviour of the state and each other. For traditionally weak actors, like environmental NGOs, this is often difficult given that policy networks can be inaccessible. However, when interested actors are minimally mobilised domestic networks and coalitions are likely to be fluid. This will provide a strategic opportunity for weak actors to move in and out of this space with greater ease. As WWF showed with the development of burden sharing, infiltrating orthodox policy networks, work.

One means to do this is through research collaboration. While the evidence here showed how state actors, such DG Energy, initiated research collaboration with business groups to legitimate climate change, there is no reason non-state actors could not do the same. This may prove very effective for non-state actors who have recognised expertise in the issue area and resources beyond those of associated state actors. Another means, which has been identified in studies of NGOs and business groups in the US, is to establish alternative networks that can be used to challenge existing networks, as the Pew Center on Climate Change did in the 1990s when it forced some of the world's most powerful corporations, who had been members of the Global Climate Coalition, to defect and join the Business Environmental Leadership (Downie 2014c).

Third, non-state actors should build on past successes where they have demonstrated influence. For example, the successful campaign by environmental NGOs against Shell UK's disposal of the Brent Spar oil storage facility in the North Sea, had made the then Environment Commissioner, Ritt Bjerregaard, "sit up and take notice" and pay greater attention to these actors on climate change. Accordingly, non-state actors should leverage these victories, particularly their recent ones, which are still in the minds of the actors they are trying to influence. As others have argued, actors can attain a certain authority based on a perceived competence (Avant et al. 2010). In this case, the demonstrated capacity for

effective campaigning is what creates the authority and hence the leverage for these environmental NGOs.

Fourth, despite the success these actors had working through the domestic, non-state actors should not forego their transnational networks. In long negotiations, there will be points in time when their influence at the domestic level is closed-off. This will be more of a problem for weak actors, such as environmental NGOs, when powerful interests are able to dominate domestic networks and coalitions. The evidence here indicates that transnational networks are most effective at influencing domestic and international policy outcomes when they include state and non-state actors. For example, this was clear with the influence WWF and others had via the Green Group, which included prominent state actors, including India. In addition, although this was not evident over the period analysed, in long negotiations there will be opportunities for weak actors in one country to enrol more powerful actors in another. For instance, European business groups could have networked with economic officials in the US to ensure that they vetoed any international agreement that would prove costly to American business as well as to European business groups.

The four strategies identified could be particularly well-suited to exploiting opportunities that arise in long negotiations. However, these findings need to be examined more widely across prolonged international negotiations, not only to test these strategies in other issue areas, such as trade or human rights, but also among non-state actors based outside the EU. While some work has been done on non-state actors originating in the US in the climate change negotiations, it remains to be seen whether such strategies would prove effective for non-state actors originating in states that do not have the same capacity to influence international negotiations outcomes. For instance, would non-state actors in Korea or Turkey be better served by transnational networks given their governments more limited global influence. Enrolling other powerful actors on their behalf may be more effective. In addition, answers to these types of questions across multiple case studies could also enable conclusions to be drawn about the relative importance of two-level games and transnational politics over time. While these inquiries must be left to future research, there is no doubt that prolonged international negotiations that stretch across years and even decades open up strategic opportunities that non-state actors can usefully exploit to shape global outcomes.

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