

NGO Influence at UN Negotiations:  
Institutional Efficiency and Socially Beneficial Outcomes?

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## **ABSTRACT**

There has been a proliferation of non-governmental organization (NGO) participation in international environmental negotiations in recent years, which has come with a great deal of literature on their effectiveness in this role. However, there is no research that connects the effectiveness and influence of NGOs with literature on the role institutional structures play in affecting the possibility to achieve certain outcomes. Bringing together literature on global governance and institutional economics I attempt to draw some conclusions on NGO influence within the United Nations (UN) institutional framework. I gathered information from interviews and observations of the actions of We Canada, a national environmental advocacy NGO that aims to raise awareness about and effect change at the upcoming Earth Summit in Rio. I also observed other NGOs while attending the third intersessional conference for the Rio Earth Summit (Rio+20) in New York. I conclude that NGOs have the ability to influence negotiations within the current institutional framework through agenda setting, forging personal relationships with government officials, partnerships with other NGOs, and educating government delegations and fellow NGOs. Although the goals of these organizations reflective of socially beneficial outcomes, they often lack a focus on institutional reform to increase efficiency of international environmental negotiations.

**Thesis supervisor: Assistant Professor Laura Lamb, Ph.D.**

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## **DEDICATION**

This thesis is dedicated first to my partner, Garet Biglow, who brought snacks and cups of tea to my desk, as I sat immovable, in front of word documents on my computer. I would also like to dedicate this thesis to my parents, who are endlessly supportive and encouraging.

## TABLE OF CONTENTS

### **1.....Chapter 1: Background on NGOs and the UN Environmental Institutional Structure**

- 1.....(1.1) Introduction
- 1.....(1.2) NGO Definition
- 3.....(1.3) A background on sustainable development within United Nations
- 4.....(1.4) A short description of United Nations environmental institution structures
  - 4..... (1.4.1) United Nations Environment Program (UNEP)
  - 4..... (1.4.2) United Nations Development Program (UNDP)
  - 6..... (1.4.3) United Nations Commission on Sustainable Development (CSD)
  - 6..... (1.4.4) Other UN Organizations on the Environment
  - 7..... (1.4.5) Regulatory bodies

### **9..... Chapter 2: Role of NGOs role in influencing institutional efficiency and socially beneficial outcomes in environmental negotiation.**

- 9.....(2.1) Background on NGOs
  - 10..... (2.1.1) NGO Criticisms
  - 11..... (2.1.2) NGOs reflect existing (unbalanced) power structures
  - 12..... (2.1.3) NGOs struggle to gain sustainable funding
- 12.....(2.2) Institutional economics: How institutions can function more efficiently and why NGOs play an important role.
  - 13..... (2.2.1) Institutional Efficiency
  - 14..... (2.2.2) Transaction costs
  - 16..... (2.2.3) Rationality
  - 17..... (2.2.4) Representing Civil Society
  - 18..... (2.2.5) Interdependency
- 18.....(2.3) How to measure NGO influence in institutions?
- 22.....(2.4) How can NGOs influence negotiations?
  - 23..... (2.4.1) Strategies for Influence
  - 24..... (2.4.2) Situational factors for influence
  - 25..... (2.4.3) Actions to influence: Side Events
- 27.....(2.5) Chapter two conclusions

### **28.... Chapter 3: Research Findings**

- 28.....(3.1) We Canada's influence for Rio: Zero draft
  - 30..... (3.1.2) Official petition to the government
  - 32..... (3.1.3) Preparatory committee and intersessional conferences
  - 32..... (3.1.4) Attending intersessionals: talking to the Canadian delegates
- 33.....(3.2) General NGO influence: Ombudsperson for Future Generations
  - 35..... (3.2.1) Corporate social responsibility reporting

35.....	(3.2.2) Other NGO proposals
36.....	(3.3) Interviews with members of environmental advocacy NGOs
38.....	(3.4) Discussion: Did NGOs have an influence at this international environmental negotiation?
40.....	(3.4.1) Did their goals reflect efficient and socially beneficial outcomes?
41.....	(3.5) What were the factors that help/ hindered NGO influence?
44.....	(3.6) Future research
45.....	(3.7) Summary of contributions
<b>46....</b>	<b>Bibliography</b>
<b>50....</b>	<b>Appendix 1: Sample Interview Questions</b>

## **LIST OF FIGURES**

5.....	Figure 1. United Nations Environmental Organization Structure
9.....	Figure 2. Cumulative Admissions of Observer Organizations
29....	Figure 3. Zero Draft Submission

## **LIST OF TABLES**

20....	Table 1. NGO Influence Evidence
21....	Table 2. NGO Influence Assessment
39....	Table 3. NGO Influence at the Third Intersessional Conference for Rio +20
40....	Table 4. Institutional Economic Analysis of NGO Advocacy Goals



# **Chapter 1: Background on NGOs and the UN Environmental Institutional Structure**

## **1.1 Introduction**

Since the early 1990s there has been a surge of NGOs interested in United Nations (UN) international environment negotiations. These NGOs work towards many different goals and take many different forms, however, they are usually united in the role of representing some part of civil society. As a result of this increase of NGOs there has been a great deal of literature on global governance that looks at NGO roles in these conferences, and how they may be more effective at exerting their influence. However, little attention is paid to the structure of the institutions that NGOs are interacting in, and the ways in which institutional rules can help or hinder the voice of civil society being heard. Having a representative participation from as many factions of civil society as possible can be extremely beneficial not only for NGOs themselves but as a means to ameliorating institutional organization and the outcomes of negotiations. Therefore, in this research I will attempt to answer three questions:

1. What role do NGOs play in influencing international environmental negotiations within the UN?
2. Are NGO's goals helping to move towards outcomes that are socially beneficial and help to increase institutional efficiency?
3. Are there specific factors that helped or hindered NGO's influence?

In order to properly explore these questions, it is necessary to first look at the definition of NGOs and the structure of UN environmental institutions they aim to exert influence in.

## **1.2 NGO definition**

NGOs have been defined several different ways in global governance literature. Definitions are usually focused on NGOs' status as independent of both governments and intergovernmental institutions, as well as their role promoting specific interests

(Betsill and Corell, 2008a; Teegan, Doh, & Vachani, 2004; Taylor, 2002). Other definitions from literature focusing on NGO's role within the UN specify an "arms length" relationship with the relevant institution their interests are geared towards (Betsill and Corell, 2008a; UN Research Institute for Social Development, 1997). In addition, Willets (2000) defined NGOs as any group that is eligible for consultative status, which draws on their information-sharing role.

At the 1992 UN Conference on Environment and Development, there were nine major groups identified as stakeholders in sustainable development, that further help to define NGOs through their involvement in the UN. These groups included business and industry, children and youth, farmers, women, indigenous people, local authorities, science and technological community, workers and trade unions and NGOs (Burgiel & Wood, 2012 ). This status as a "major group" was meant to encourage wider access for the small NGOs, that previously had little access to UN conferences, gain accreditation and allowed them to operate within specific constituencies (Schroeder & Lovell, 2012). However, the mandates to include the major groups have been criticized of leading to "token" input from NGOs, where the illusion of participation was accomplished but little actual influence resulted in the outcomes of the negotiations (Burgiel & Wood, 2012).

Within the broad definition of NGOs and the categorization by the UN, there are still different types of NGOs based on their goals. These include: business and industry NGOs, Environmental NGOs (ENGOS), Advocacy NGOs (ANGOs), and operational NGOs (see UN Research Institute for Social Development, 1997: 13); social purpose NGOs or club NGOs (see Teegan et al., 2004; Peterson, 1992); issues NGOs or rights NGOs (Taylor, 2002). Business and industry NGOs are usually focused on advocating for the facilitation of their business interests, and can also fall into the category of a club NGO, whose purposes are to protect the interests of their particular groups. Club NGOs can represent business associations, faith groups, or even unions. Operational NGOs play a hands-on humanitarian role, through aid or infrastructure improvements, for example. Issues NGOs such as the Sierra Club focus on advocating



for a particular issue, while rights NGOs set their goals on representing disadvantaged groups. For the purposes of this research, I am focusing on issue NGOs that have an environmental *and* advocacy role.

### **1.3 A background on sustainable development within the United Nations**

The many different types of NGOs are reflective of the complicated and often prohibitive structure of the United Nations. The research will focus on NGO influence in conferences that have an environmental aspect, within the UN structure. Figure 1 shows all the current institutions within the UN that have environmental mandates. The beginning of environment specific UN institutions started in 1972, which marks the first UN international conference on the environment. Held in Stockholm, the Conference on the Human Environment (UNCHE) led to the creation of many Multilateral Environmental Agreements (MEA). The most important of these MEAs is the United Nations Environmental Program (UNEP). UNEP, still to this day is the leading environmental organizational body. Since the creation of UNEP a nebulous of other accords, agreements, and programs have come into existence, making the modern environmental organization scene one that is difficult to fully comprehend (Common Wealth Secretariat Stakeholder Forum, 2011).

One of the key milestones in creating the modern theoretical underpinnings of the UN's many environmental organizations was the 1987 Brundtland report, *Our Common Future* that provided a definition of sustainability and coined the widely used term sustainable development (DeSombre, 2006). Five years after establishing this definition another large international environmental conference was held on the twentieth anniversary of Stockholm in Rio de Janeiro. The 1992 UN Conference on Environment and Development (UNCED) or the "Earth Summit" was very successful in creating concrete agreements and common goals such as Agenda 21, a list of actions the world was to take in order to ensure sustainability in the 21<sup>st</sup> Century. The second major area of work at the Rio Earth Summit was the

Forest Principles that were put forward as a descriptor of how sustainable forests should be managed (Common Wealth Secretariat Stakeholder Forum, 2011). Finally, there were two new MEAs that were put forward at Rio in 1992. The UN Framework Convention on Climate Change, and the Convention on Biodiversity. These bodies were created to help solidify and expand knowledge on the environment and climate change. The Rio Earth Summit also created the Commission on Sustainable Development (CSD), a monitoring mechanism for the implementation of goals set out at the conference (ibid).

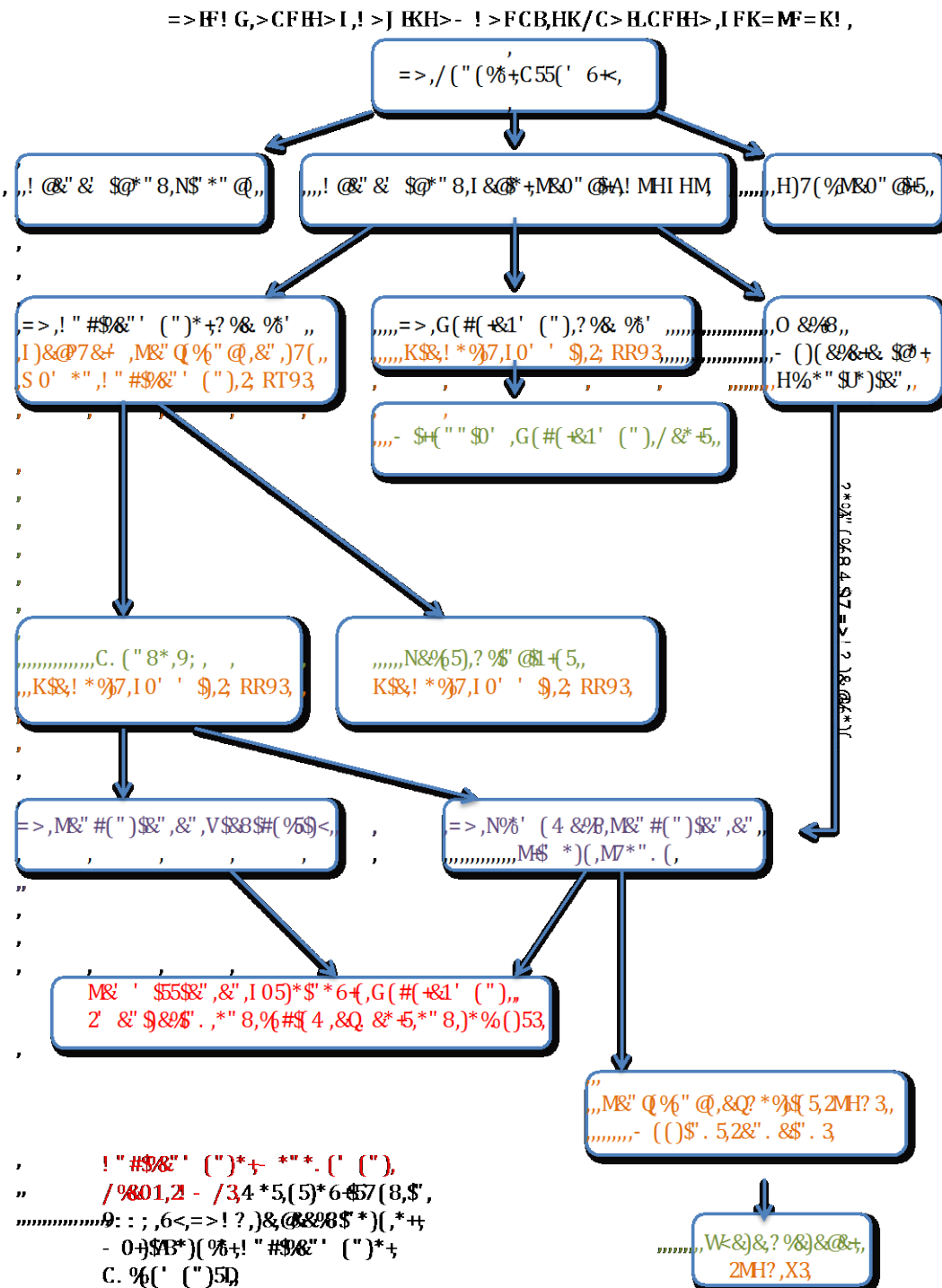
#### **1.4.1 A short description of United Nations environmental institution structures: United Nations Environment Program (UNEP)**

UNEP reports to the UN General Assembly through the Economic and Social Council (ECOSOC). The programs that are run through UNEP are funded voluntarily by countries, which can be problematic, as more affluent countries will have more sway (DeSombre, 2006). The head quarters of this program is in Nairobi, Kenya. This makes the Environment Program more in touch with the needs of the developing world, however it also isolates environmental issues from the rest of the United Nations (ibid). UNEP is often thought of as the counterpart to the United Nations Development Program (UNDP) as they are on the same reporting level and both were created at landmark conferences. However, UNEP has no implementation power and, compared to its sister program (also under ECOSOC) it is very limited in terms of budget and programs. It has had successes with chemical control, protecting the ozone layer and limiting biodiversity loss.

#### **1.4.2 United Nations Development Program (UNDP)**

The UNDP works to achieve the Millennium Development goals. One of the Millennium Development Goals pertains to improving environment and sanitary conditions, therefore this organization has been involved in several environmental projects. It was a product of Agenda 21, where a need was identified for a body that

Figure 1. Source: Common Wealth Secretariat Stakeholder Forum (2011)



delivers programs. UNDP has a large capacity, a budget of several billion dollars and huge potential to instigate change and reports directly to ECOSOC (DeSombre, 2006).

#### **1.4.3 United Nations Commission on Sustainable Development (CSD)**

The CSD was established at the first Earth Summit in Rio (UNCED). Their mandate is to monitor and review progress towards sustainable development goals and targets. They also report to the General Assembly through ECOSOC. Since 2003, the CSD has declared a thematic focus every two-years on different environmental issues. The mandate for this group is so extensive that they are at times viewed as ineffective (DeSombre, 2006). They have limited low-level government buy-in, limited impact on decision-making and no financing for projects.

#### **1.4.4 Other UN Organizations on the Environment**

In addition to UNEP, UNDP and CSD, international environmental regimes exist through Multi-Lateral Environmental Agreements (MEAs), treaties and conventions, “soft law” conventions, as well as review mechanisms. Current environmental conventions include: the Framework Convention on Climate Change (UNFCCC), the Convention on Biodiversity (CBD), and the Convention to Combat Desertification (CCD). The Commission on Sustainable Development and the Commission on Social Development would be considered soft law conventions. Finally, there are review mechanisms in place such as the Millennium Development Goals review process (Common Wealth Secretariat Stakeholder Forum, 2011). The UNFCCC is the most high profile environmental convention, and, like other conventions it is developed at Conference of Parties Meetings (COP). The last few COP meetings were in Durban, South Africa, Cancun, Mexico, and Copenhagen, Denmark.

The World Meteorological Organization (WMO) also relates to the environment in that it researches and takes action on climate change and ozone depletion. WMO is a special agency that reports directly to ECOSOC. The WMO is, in part, responsible for

the creation of the Framework Convention on Climate Change. They were founding partners with UNEP, after the Convention was called for in Agenda 21 (Common Wealth Secretariat Stakeholder Forum, 2011).

The UN General Assembly, itself has engaged in some environmental actions such as setting standards and regulating laws. They also make declarations pertaining to the environment such as the Millennium Development Goals and the agreement to hold high-level conferences like the Earth Summits. The Economic and Financial Committee deals with issues that are sometimes environment related such as sovereignty over natural resources (ibid).

#### **1.4.5 Regulatory bodies**

There are several bodies whose role it is to coordinate environmental groups: the Commission on Sustainable Development (CSD), established as a result of Agenda 21 resides within the UN Department for Economic and Social Affairs. The CSD is a coordinating body for sustainability issues, although it has been criticized for not fulfilling this role, and sometimes even fracturing sustainability issues governance further. The Environmental Management Group (EMG) was established in 2001 to oversee initiatives. They look at specialized agencies and MEAs. The UNEP Director chairs the EMG (Common Wealth Secretariat Stakeholder Forum, 2011).

Although these programs serve a wide diversity of issues, there has been much criticism on the unwieldy variation of organization and the decentralization of initiatives. The Common Wealth Stake Holder Forum (2011) recommends a World Environmental Organization, similar to the World Trade Organization or other similar overarching regulatory bodies. There is concern about duplicating efforts and overlapping programming, which has lead the same group to recommend clustering MEAs in order to facilitate better communication and sharing of resources. The UN structure of environmental organizations is often criticized for their lack of enforcement or regulation power. An International Environmental Court has been proposed by a number of organizations for many years. Regardless

of whether these particular proposals will come to fruition, Rio +20, the next large upcoming environmental conference, scheduled for June of 2012, has declared that “Institutional Framework for Sustainable Development” will be one of two main themes (Common Wealth Secretariat Stakeholder Forum, 2011).

The number of different UN organizations trying to tackle issues related to the environment is overwhelming. It is difficult for NGO groups that are also very numerous and diverse to ensure, as a group that the voice of civil society is being heard at each of the venues that the UN uses to address environmental problems. In addition, the web of agreements and organizations places undue pressure on countries to make decisions that are covered in other accords already, offering opportunities for regression in the strength of international environmental agreements. Participating nations become hesitant to commit to any further bodies to regulate the environment, as many new MEAs have resulted in either repetition or in the worst cases actual conflict with existing international plans and goals. There is a distinct sentiment at the negotiations leading up to Rio+20 that nations are tired of this repetition and wish to see an end to it, yet there is little appetite for increasing the budget of UNEP or creating a new organization that might have the power to systematize these agreements and organizations.

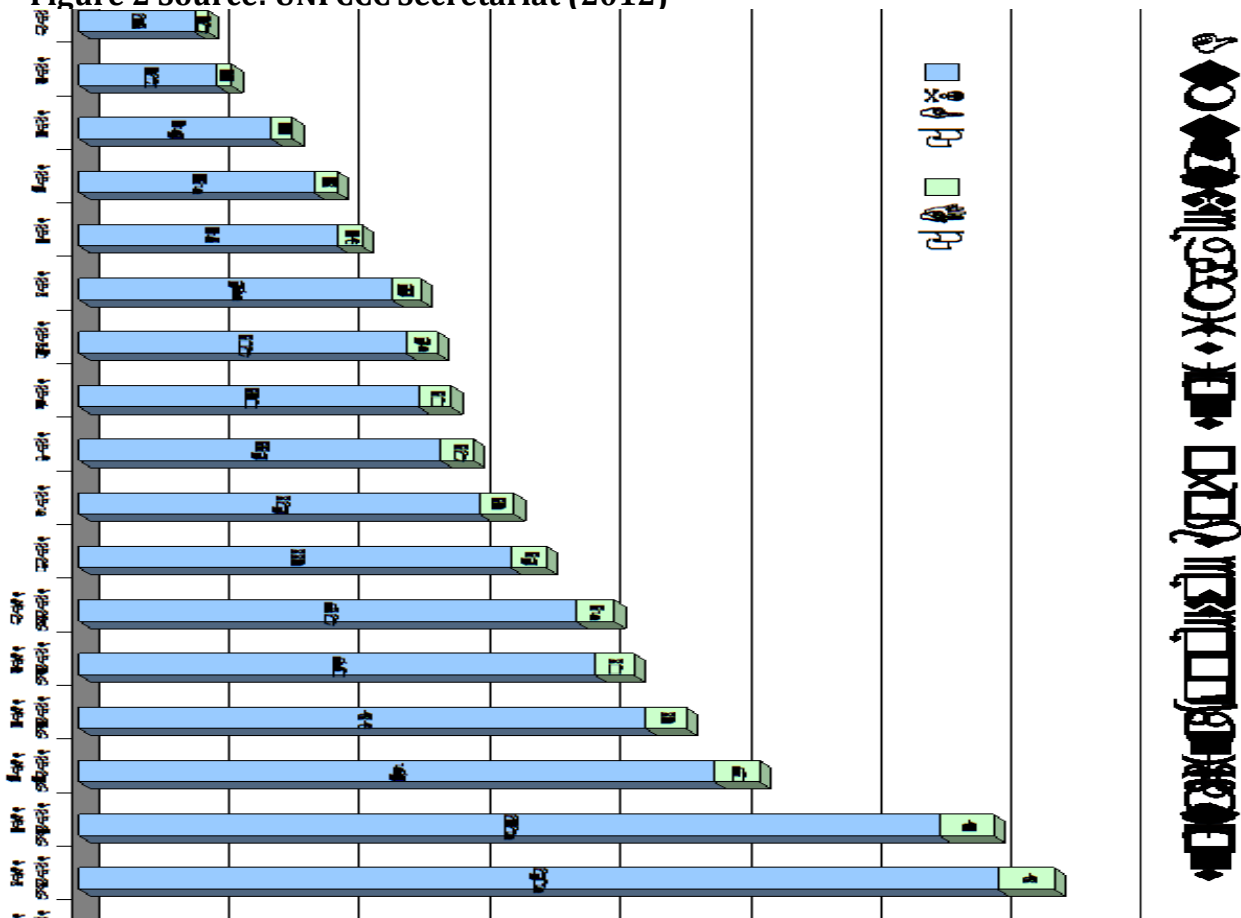
## Chapter Two:

### Role of NGOs role in influencing institutional efficiency and socially beneficial outcomes in environmental negotiation.

#### 2.1 Background on NGOs

There is growing interest in the role of NGOs in climate change governance (Schroeder & Lovell, 2012). NGOs are even starting to command attention from the international business communities. Multinational Enterprises are starting to see NGOs as counterparts to their traditional value creation in an effort to include civil society as important contributors to global governance values (Teegan, Doh, & Vachani, 2004). Conferences are the most visible indicator of the rise in NGO numbers (UN Research Institute for Social Development, 1997) and this rise in NGO participation is clearly articulated in the COP admission levels of NGOs and Intergovernmental Organizations (IGOs) shown in figure 2.

**Figure 2 Source: UNFCCC Secretariat (2012)**



The beginning of this participation expansion is sometimes traced back to the late 1980s' dismantling of the soviet bloc (Lipschultz, 1992; Peterson, 1992; Mathews, 1997; UN Research Institute for Social Development, 1997). During the early 1990s there was a sense that government power was disintegrating compared to the civil society that managed to make great gains in influence change (Lipschultz, 1992). The advent of the internet also provided a boost to NGOs who enjoyed, initially, a comparative advantage in communicating events and news with each other and civil society (Mathews, 1997). In the late 90s optimism was very high about the role of NGOs as a major player in international affairs.

In the early 2000s there was again, another building block in the proliferation of NGOs as globalization started to challenge the notion of traditional boundaries, and specifically allegiances to them by individuals and businesses (Teegan et al., 2004, Taylor, 2002). This was an impetus for the increase in NGO activity on an international level. The trust and identification previously held by national governments was beginning to be replaced with suspicion and new loyalties (Taylor, 2002). As a result, NGOs have been viewed as more effective than governments at implementing needed societal functions because they are more focused on community building and have smaller, less formal operational structures. NGOs are more closely connected to the target goal or population, are more self-sufficient, innovative and self-reliant than governments and lack the corruption that is viewed to plague many states (Taylor, 2002). The UNCED even changed the discourse related to the term "governance" to include participation of non-governmental organizations in high-level decision making (Chasek, Wagner, & Doran, 2012).

### **2.1.1 NGO Criticisms**

Although the majority of the literature considers NGOs very beneficial in their various roles, there has been some criticism of their structure and processes in certain cases. Some NGOs are large international organizations. NGOs such as the Climate Action Network, the Worldwide Fund for Nature, Greenpeace International, FoE International, Ecosystems Climate Alliance, BirdLife International, Conservation



International, the Nature Conservancy, the Wildlife Conservation Society, and the World Resource Institute are the major world players and have serious clout in the NGO landscape (Dombrowski, 2012; Burgiel & Wood, 2012). Before the UN designated the nine major groups as having an important consultation role, these large NGOs had become accustomed to a great deal of power and undiluted influence in conferences (Burgiel & Wood, 2012).

### **2.1.2 NGOs reflect existing (unbalanced) power structures**

The forces of globalization that have helped NGOs gain allies and supporters, on an international level, have also affected the structure of certain NGOs themselves. With an increased global reach comes the potential for more effective influence and fundraising, but only where NGOs have better marketing and more affluent networks. Therefore certain NGOs are placed in a position of advocating against the negative environmental effects of multinational organizations while relying on the same power structures that have allowed corporations to globalize environmental degradation (Teegan, Doh, & Vachani, 2004). NGOs often are reflective of the power and financial structures of the states they are from. Large NGOs generally hail from Developed Northern Hemisphere countries, are often dominated by Caucasians and males, and give inadequate representation to the developing world (UN Research Institute for Social Development, 1997).

Dombrowski (2012) furthers this idea, giving a caveat to the notion that NGOs are a perfect representative of civil society. She warns that NGOs often strive to represent increasingly large memberships, or even claim to represent people beyond their memberships to boost their power to influence. However, the more constituents NGOs represent the more trade-offs they will be faced with in terms of accurately advocating for the priorities of specific communities. Dombrowski (2012: 413) calls this a trade-off between inclusiveness and effectiveness. She also points out that international UN institutions themselves face this same trade-off, and some point to the principles of unanimity and inclusiveness as a barrier to decision making.

### **2.1.3 NGOs struggle to gain sustainable funding**

On another level, NGOs are non-elected representatives that aren't funded publically, which allows them to exist relatively free from scrutiny or transparency, as well as raises the pressure to fundraise in order to exist in the long term. (Teegan, Doh, & Vachani, 2004). Therefore, upwards transparency to donors is usually quite well maintained, however, some NGOs fail to make available to those they represent their financial and administrative activities. Sometimes in order to make ends meet or attract attention NGOs pursue commercial activities, spread distorted information and lack capacity to promote change over the long term (ibid). Being notoriously short of funds can drive NGOs to participate in actions that may not benefit the common good in order to compete for funds or gain power or access that is otherwise incredible difficult for NGOs to achieve (ibid).

Should we give up on NGOs? No, despite these criticisms, NGOs are still largely viewed by academics and public groups as trustworthy, connected, and grassroots. They are the main voice for non-governmental representatives in international governance and have access to UN conferences and negotiations.

## **2.2 Institutional economics: How institutions can function more efficiently and why NGOs play an important role.**

Institutional economics can shed some light on how the whole system of UN institutions and large and small NGOs may be able to work better together. Institutional economics looks at how institutions shape economic activity and the evolutionary process of rules in institutions. It specifically addresses the social aspect of both economic and environmental systems. Therefore it is useful to look at how institutions can function in a way that allows for better participation of actors such as NGOs. In addition, concepts from institutional economics could help to inform a broader and more holistic view within UN environmental institutions.

### **2.2.1 Institutional Efficiency**

Institutions change over time as a result of learning by individuals and organizations (North, 1993). Looking at whether NGOs are a part of this institutional change is valuable. Government institutions cannot be designed perfectly to begin with; North (1993) contends that it would be highly costly to ensure a perfect institutional design upon creation. Therefore, if the costs of taking action are low enough, it is beneficial for interest groups to challenge institutions (Paavola and Adger, 2011). This change can happen slowly over time or very quickly. The rate in which institutional learning occurs normally in the market reflects competition amongst organizations (North 1993). In the context of international institutions, competition could be between NGOs, or nations. In either case “the greater the degree of monopoly power the lower the incentive to learn” (North, 1993: para 17). This means that if there is a more even playing field amongst NGOs, there will be more incentive to affect institutional changes that has a larger capacity to hear the voice of a greater number of NGOs. If NGOs were more evenly financially endowed the changing beliefs will eventually be embedded in societal and economic structure by institutions (North, 1993). The question then remains, what could incent increased equality in size, power and money among NGOs? Although this is a question that could give rise to a host of new research and study, there are a few simple actions that I will suggest here based on my interviews and experience at the UN. These actions include: giving more power to NGOs within nations, including NGOs representatives within national delegations, or giving more even funding; giving more time, space and funding to the nine major groups to decide on their desired outcomes and discuss them at greater length in plenary sessions; and making side events that are usually organized around NGO priorities more of an imperative for the delegates attending UN environmental meetings. By giving more opportunity for NGOs to be heard, there will be more opportunities for partnerships, inter-NGO learning and perhaps help to even North/South, large/small NGO disparity.

Ostrum and Basurto (2010) also study the change over time of institutional rules, and have created suggestions for beneficial institutional change beyond actor

equality. They have created a useful list, based on a case study of Nepalese farmers' rules for governing irrigation systems, which outlines situations that denote a positive change in institutional rules. Although Ostrum and Basurto's case study is much different in scale than international rules regarding the environment, the scope is similar and the lessons can be applied to this research. A change in rules towards a more productive outcome can generally be expected: 1) when there is inclusive decision making processes; 2) when the participants have high enough stakes in the negotiations that they are willing to invest in engagement; 3) when the internal processes allow outcomes that vary depending on the situation of various participants; 4) when participants can learn from successes and failures of others; 5) when there is a regular review process that allows for changes and improvements of the system; and 6) when participants need to meet frequently enough that they can learn how to cope with problems (*frequency of meetings: also see North, 1993*).

These six factors are very practical examples of institutional rules that encourage efficiency in negotiating, and better outcomes. I will come back to them later in this thesis to apply them to the original research I have done.

### **2.2.2 Transaction costs**

The theory of transaction costs was mainly developed by Coase (1960) who was the first to contradict the neoclassical theory of market efficiency, which relies on the assumption there are zero costs related to transaction. First, this theory sets out the very basic principle of high level environmental negotiations: that regulations are needed. This is a good starting place to determine why transaction costs are an important factor in UN environmental conferences. The Coase theorem deals with property laws and their effect on lowering the transaction costs when two agents are in competition for a particular resource (Cooter and Ulen, 2007). However, in the case of international environmental institutions, where environmentalists and resource extracting industries are in direct competition, defining clear property rights over common resources such as water, the atmosphere and biodiversity

between countries is a colossal task that may be simply impossible to do. Coase did recognize that, at times, the cost of transacting is too high to be feasible, there is no way to properly sort out who has rights to those particular resources. Therefore regulations are a way to protect the interests of the users of a resource (Paavola and Adger, 2011).

As I mentioned above, this is the basis for using regulations in instances where transaction costs are prohibitively high, such as environmental negotiating between nations. To explore this notion further it is necessary to unpack what sorts of transaction costs are involved in environmental governance. In this area transaction costs are primarily administrative costs related to collecting information, negotiating, making decisions, formulating institutional rules, monitoring compliance with these rules, and enforcing the rules that were put in place. (Paavola and Adger, 2011).

A major cost amongst those listed is the transaction costs related to obtaining information. Paavola and Adger (2011) give five main reasons why information is so costly. First of all, obtaining information through research is expensive. It takes time and people and money to gather reliable information. Secondly, self-interested agents may have no incentive to disclose information; this contributes to transaction costs because full information during multi-nation negotiations helps to achieve a more efficient outcome. Third, environmental issues often can only be properly learned over long periods of time. The complexity of our ecosystems can make it difficult to understand how environmental change occurs in the present moment, let alone predict future outcomes. Uncertainty on this level is very high. Fourth, institutional adjustments require time and learning. This kind of collective learning is not accounted for in neoclassic economics and before institutions become fully functional there is a necessary learning curve. Finally, some institutions can deny information, scatter it or refuse authority to access it. There are times when agents, acting in self-interest or in the interest of the well being of others, refuse to divulge information, making the transactions costs extremely high in this case.

Along with the inability to define property rights in international environment issues and the high cost of obtaining information there are other characteristics that contribute to the high transaction costs of negotiating environmental regulations. The high numbers of agents involved and the high heterogeneity of goals and desired outcomes of those agents increase transaction costs. For many who would like to have their voices be heard at international environmental negotiations, mobility issues can also be a hindrance for achieving ideal outcomes (Paavola and Adger, 2011).

Social capital can help to reduce some transaction costs. Social capital is defined as the “density of networks and rate of ... information flows” (Paavola and Adger, 2011: 363). It can help to circulate information, and foster trust between agencies. Although having an increased number of NGOs can increase the transaction costs because of the greater number of agents with differentiating goals and outcomes, the space, time and funding for clusters of NGO groups can be thought of as increasing social capital that will reduce the transaction costs. Particularly NGO researchers and scientists have a role in disseminating pertinent information to other NGOs and to national delegates. Linked in to the importance of social capital and real inclusivity for NGOs in environmental negotiations is the concept of rationality.

### **2.2.3 Rationality**

Douglas North, the 1993 Nobel Prize winner for his work in institutional economics asserts that rationality of agents acting within an institution cannot be assumed because institutions control incentive structure. North compared the functions of institutions in economics to rules of a game: “if institutions are the rules of the game, organizations and their entrepreneurs are the players” (North, 1993: para. 12). Markets reflect power and control, dictate monetary and non-monetary costs and benefits, and they are not unbiased mechanisms for allocational equity (Spash and Villena, 1999). So while the decisions made by individual “players” within the types

of markets that exist in UN environmental negotiations may be rational, Spash and Villena (1999) argue that society is organic and it is like a separate being that has needs that do not equal the sum of all individuals within it. Therefore, individual's rationality does not equal choices that are made for the common good. Institutions with a mandate to gather information are helpful in contextualizing "common welfare." Agents make decisions often based on multiple motivations as a result of a narrowing down of decisions and need time to define their goals (Paavola and Adger, 2011). The Intergovernmental Panel on Climate Change is an example of an instituted learning process that is very important for obtaining full information on environmental issues to help with defining goals and positions (ibid). In addition to spreading important leading edge information on global environmental issues, NGOs bring to the table additional rationality, in the sense of North's theory, by representing a much more diverse population than the delegates.

#### **2.2.4 Representing Civil Society**

NGOs are seen as broad representatives of civic society. Civil society defined as being in between the household and the government (government includes political parties) and although a strong civil society depends on a strong state, it is perceived as being a compensating factor for democratic and accountability shortcomings (UN Research Institute for Social Development, 1997; Dombrowski, 2012). Princen points out that environmental NGOs are uniquely positioned as transnational actors to bridge the gap between top-down and bottom-up approaches to sustainable development by "linking the local to the international levels of politics" (Princen, 1994: 33 quoted in Dombrowski, 2012; Peterson, 1992). In particular they are thought to have helped to impose "important social counterweights to the economic efficiency drivers behind multinational enterprise actions" (Teegan, Doh, & Vachani, 2004: 473). Mathews (1997) argues that NGOs create a more diffuse power structure which can lead to increased justice, peace and interconnectedness.

### **2.2.5 Interdependency**

It is clear that it is important for NGOs to represent civil society, and help to increase rationality of decision making at international environmental negotiations, and that some rules and structures in institutions lend themselves more to this than others. However, literature on institutional economics about the notion of interdependency helps underscore further how these strategies taken a step farther can play out directly in the environment (Paavola and Adger, 2005; Spash and Villena, 1999). Whereas economic activity causing environmental degradation of any type is normally viewed as a closed loop system, institutional economics looks at as open (Spash and Villena, 1999). Where traditional economics might identify an externality (meaning an impact resulting from an economic activity outside of what is considered to be part of the market) institutional economics sees an instance of conflict of use of a resource. For example if a factory is polluting a waterway, harming the aquatic life, rather than labeling this as an external side effect of the factory, institutional economics considers other agents using the resource, such as fisheries who are dependent upon clean water to be able to continue to contribute to the economy. Externalities prevent other human or non-human activities from occurring. Paavola and Adger (2005) expand on the implications of this inclusive view: “interdependence reasoning underlines the importance of social justice in environmental decisions, reminding that ecological impacts of decisions are distributed in space and in time, imposing losses both on present and future resource users.” (p.357). In international environmental negotiations, if the institutional economic theories I have mentioned here were implemented to their full extent, interdependency would be the outcome. Economic activity considered in this manner would be examined using a very holistic approach that would reveal the implications of economic actions at the global level.

### **2.3 How to measure NGO influence in institutions?**

The underpinnings of why NGO influence will help environmental institutions are clearly laid out in institutional economic literature. However, to further explore how whether progress or regression is occurring in NGO influence, it is necessary to use



a consistent method of measurement. Betsill and Corell (2008) have set out a framework that is helpful for analyzing this. Their framework serves three purposes. First, to evaluate the participation of NGOs in international environmental conferences and the effects they have on the behaviour of other actors. Second, to help researchers systematically categorize what constitutes low, medium or high levels of influence. Third, to analyze the conditioning factors that enable or constrain NGOs from having more influence, which is very useful for cross case comparisons. Influence, for the purposes of their research: “occurs when one actor intentionally communicates to another so as to alter the latter’s behaviour from what would have occurred otherwise” (p. 24).

The framework relates to information gathering, analysis tools and finally a categorization chart to identify the level of influence. In the information gathering stages, the framework relies on triangulation; a method used to show that data collected from different sources can support the same finding. This is especially important because the notion of influence can, for some, be very subjective, and NGOs often tend to over emphasize their influence while official representatives would underplay influence from the same organizations. Process tracing and counterfactual analyses are the tools used to achieve an unbiased view for research such as this. Process tracing involves assessing “causality by recording each element of the causal chain” (Betsill and Corell 2008b: 30). It helps researchers to build a logical chain of events that shows a direct link between NGO communication and the intended actor(s) actions. This is important to separate correlation with causation. If one NGO goal ends up in the final text of a conference outcome, it does not necessarily imply they had influence in that inclusion. Counterfactual analysis is an “imaginative construct” (ibid: 31) where the researcher assesses how the outcomes of the negotiations would have been different if the NGOs had not been there at all. If there is no difference then the NGOs have no influence. Betsill and Corell (2008b) lay out the process for collecting and analyzing this data in the following table (p.28).

**Table 1. NGO Influence Evidence. Source Betsill and Corell (2008)**

Triangulation by:	Intentional communication by NGOs/ NGO participation	Behaviour of other actors/ goal attainment
<i>Research task: Gather evidence of NGO influence along two dimensions</i>		
Data type	<i>Activities:</i> How did NGOs communicate with other actors?	<i>Outcomes:</i> Does the final agreement contain text drafted by NGOs?
	<i>Access:</i> What opportunities did NGOs have to communicate with other actors?	Does the final agreement reflect NGO goals and principles? <i>Process:</i> Did negotiators discuss issues proposed by NGOs? (Or cease to discuss issues opposed by NGOs?)
	<i>Resources:</i> What source of leverage did NGOs use in communicating with other actors?	Did NGOs coin terms that became part of the negotiating jargon? Did NGOs shape the positions of key states?
Data source	<i>Primary texts</i> (e.g., Draft decisions, country position statements, the final agreement, NGO lobby materials) <i>Secondary texts</i> (e.g., ECO, <i>Earth Negotiations Bulletin</i> , media reports, press releases) <i>Interviews</i> (government delegates, observers, NGOs) Research <i>observations</i> during the negotiations	
<i>Research task: Analyze evidence of NGO influence</i>		
Methodology	<i>Process tracing</i> What were the causal mechanisms linking NGO participation in international environmental negotiations with their influence?	<i>Counterfactual analysis</i> What would have happened if NGOs had not participated in the negotiations?

Once the data is gathered and analyzed according to the framework above, there is a second analysis process that looks at what domains NGOs influenced in particular, and the subsequent level of influence they had overall. This is done using 5 indicators: issue framing, agenda setting, position of key actors, final agreement procedural issues, and the final agreement. If NGOs participated in environmental

negotiations but there is no evidence in any of the indicators, there is *low* influence. If an NGO participated and had some success in shaping the negotiation process (represented in the first three indicators) there is a moderate influence. Finally, a high influence is achieved when NGOs affect all the indicators. The following table (Betsill and Corell, 2008b: 34-35) illustrates the framework for assessing influence.

**Table 2. NGO Influence Assessment. Source Betsill and Corell (2008).**

		Evidence		
	Influence Indicator	Behaviour of other actors	As caused by NGO communication	NGO influence ? (yes/ no)
Influence on the negotiating process	Issue framing	How was the issue understood prior to the start of the negotiations?	What did NGOs do to bring about this understanding?	
		Was there a shift in how the issue was understood once the negotiations were underway?		
	Agenda setting	How did the issue first come to the attention of the international community?	What did NGOs do to shape the agenda?	
		What specific items were put on or taken off the negotiating agenda?		
		What were the terms of debate for specific agenda items?		
	Positions of key actors	What was the initial position of the key actors?	What did NGOs do to shape the position of key actors?	
		Did key actors change their position during negotiations?		
	Final agreement/ procedural	Does the agreement create any institutions to facilitate NGO	What did NGOs do to promote these	

Influence on negotiating outcome	issues	participation in future decision-making processes?	procedural changes?	
		Does the agreement acknowledge the role of NGOs in implementation?		
	Final agreement/substantive issues	Does the agreement reflect the NGO position on what should be done on the issue?	What did NGOs do to promote these substantive issues?	

## 2.4 How can NGOs influence negotiations?

So far I've looked at the critiques of the "world of NGOs", the arguments for better NGO integration into institutional negotiations and how to measure NGO influence. On a smaller scale, I want to expound on what NGOs are doing now in international environmental negotiations to form a foundation for understanding where NGOs are in terms of some of the suggested ways to improve effectiveness of influence.

On a basic level, what exactly can NGOs do at the negotiation conferences? Peterson (1992) sets out five categories of actions that NGOs may take at international environmental conferences:

1. NGOs from one country interact with other NGOs in another without state involvement;
2. A nation may seek out the help of an NGO for the implementation of a foreign policy;
3. A state may appeal to foreign NGOs to help, and create policies of aid for a particular domestic need;
4. An NGO may seek funding or other assistance from its government to further its goals;
5. An NGO may seek the help of foreign nations in achieving its goals.

There are several strategies and situations that make these actions more or less successful for NGOs.

#### **2.4.1 Strategies for Influence**

Types of NGO influence are often broken down by “insider” or “outsider” strategies (Peterson, 1992; Teegan, Doh, & Vachani, 2004; UN Research Institute for Social Development, 1997). Insider strategies entail influencing decisions directly through contact with government representatives, either through personal relationships with them or as a member of the delegation itself. Being part of a government delegation is thought to be the most influential position possible for an NGO (UN Research Institute for Social Development, 1997; Chasek, Wagner, & Doran, 2012; Peterson, 1992). Not only does this aid NGOs in communicating their interests it also brings legitimacy to the conferences and provides more resources to those participating. Groups with close contacts with the government through professional networks are more likely to use these techniques. Outsider strategies are meant to “mobilize public opinion...through lobbying, letter writing, campaigning... helping a sympathetic political party in elections”, holding demonstrations, attracting media attention or creating partnerships with fellow NGOs to put pressure on the government (Peterson, 1992: 384). Social movements and new interest groups are more likely to use outsider strategies (Peterson, 1992). Whether NGOs use insider or outsider strategies the success “hinges on developing a public, national position or evidence of interest in a certain position by communities or constituencies important to government officials” (UN Research Institute for Social Development, 1997: 37-38).

Similar to the insider/ outsider strategy theory, Burgiel & Wood (2012) posit that there are three distinct roles NGOs play during negotiations: witness, architect and detractor. All three of the roles can carry different amount of influence, depending on the circumstances. A witness simply observes the negotiations, while an architect participates fully in them, usually from the beginning, helping to build the agreement. Finally, a detractor plays a negative “outsider” role as a whistle blower,

threatening negotiations with protests, walkouts and public shame. Witnesses and architects make heavy use of the media and public attention on the negotiations. Architects are “insiders” of the process, involved early, and they often have a great deal of expertise and have the power to make suggestions to influence the final outcomes of the negotiations (Burgiel & Wood, 2012).

The stage of the conference process can also greatly influence the success of NGO influence. It can be argued that civil society has been more successful at setting the agenda than in getting results. (UN Research Institute for Social Development, 1997). In fact, “seventy-three per cent of ... NGOs were pleased at their success in defining problem areas for international conferences” (UN Research Institute for Social Development, 1997: 38).

#### **2.4.2 Situational factors for influence**

Sometimes factors outside the control of NGOs greatly help or hinder their influence success. The number of heads of state present at the negotiations has a positive relationship with the ability of NGOs to influence the outcomes. In many cases, government delegates do not have the power to make decisions on NGO demands, whereas heads of state can make immediate changes if necessary. At the 1992 Rio Earth Summit the 120 heads of state present helped the NGOs present to have more of an influence than 20 years earlier when there were only 2 heads of state present in the 1972 Stockholm conference (Van Rooy, 1997).

Although the UN designated the nine major groups in order to provide more access to the conference under ECOSOC, sometimes environmental issues are discussed in other institutions that the major groups aren’t able to access (see figure 1; UN Research Institute for Social Development, 1997). Access and openness in other conferences has improved over time, but the possibility for issues to be resolved outside of their influence exists (Willems, 2000). In addition there is a difference between access to the conferences and willingness of the delegations in that conference to actually hear the NGOs messages. In a survey of NGO participants of

UN conferences, just over 40% felt they were restricted either by patriarchal attitudes, their national governments, or the United Nations agency itself (UN Research Institute for Social Development, 1997: 30). Willets (2000) contends that delegations are more willing to listen to NGOs when there are fewer of them present at a negotiation, when the public profile of the conference is lower, and finally when the subject matter is more technical and more input from expert NGOs are needed.

(Betsill, 2008: 198). Betsill (2008) provides a useful summary of these factors in influence via this non-exhaustive list:

- 1) NGO coordination
- 2) Rules of access to the negotiations
- 3) The stage of negotiation
- 4) Political stakes
- 5) Institutional overlap
- 6) Competition from other NGOs
- 7) Alliance with key states
- 8) Level of contention

Betsill recognizes some of the factors are agency related, or in the control of the NGOs, and some are structural, which has to do with the political opportunity at hand.

#### **2.4.3 Actions to influence: Side Events**

During UN conferences there are two main types of activities. The first being the plenary sessions where all member states participate in collective negotiations on outcomes of the conference. Beyond the plenary sessions, there are “side events” that are usually organized by NGOs for several reasons. Schroeder and Lovell (2012) define side events as “a platform for parties and intergovernmental and civil society organizations to present and discuss their work on key issues related to climate change, alongside the negotiations” (p 25). There are six main functions of side events:

1. Building capacity;

2. Introducing potential items for negotiations;
3. Interconnecting people and policy areas;
4. Disseminating information;
5. Providing a forum for other levels of governance; and
6. Legitimizing global governance (Hjerpe et al., 2008 quoted in Schroeder & Lovell, 2012: 26).

The audience of side events are primarily fellow NGOs, however, it has been documented that about a quarter of Side Event attendees are negotiators or government representatives, mostly from the G77 and China (Schroeder & Lovell, 2012). Side events are usually panel discussion, “featuring presenters from different organizations or a single party or intergovernmental or non-governmental organizations” (Schroeder & Lovell, 2012: 27). Side events can also be workshop style, or discussion events for NGO constituencies (ibid).

Side events are usually thought to be solution-focused and action-oriented compared to the plenary sessions where political concerns and negotiating power dominate the outcomes. However, the topic of these events, are at times, not related at all to the main negotiating of the conference. Sometimes side events are used as a networking tool where success is measured in influencing other NGOs and linkages formed in terms of goals and strategies (Schroeder & Lovell, 2012; UN Research Institute for Social Development, 1997). In fact, at the UN Framework Convention on Climate Change conference of parties (COP) 13, 41% of side events weren’t related to the formal discussion topic and at COP 14, 26% weren’t related (Schroeder & Lovell, 2012: 30).

Beyond side events there have been many attempts for informal information sharing between advocacy NGOs at the informal intersessional level (Huffines, 2012). For the intersessionals during the 19<sup>th</sup> to 27<sup>th</sup> of March 2012, a meeting spot was proposed in a casual sitting spot near café Vienna in the UN headquarters. Daily meetings to share information, insights and help all attendees understand the information were proposed (ibid).



## **2.5 Chapter two conclusions**

In this chapter I've explored the trends in NGOs globally, the critiques of these organizations, institutional economics theory of institutional efficiency and how NGOs can help to both achieve greater efficiency in the long run and contribute to it in the short run. I have also looked at how to measure NGO influence, and what NGOs are doing today to exert their influence. I have found that giving more time, space, money and to NGOs can help to level the playing field, avoiding the trap of only hearing from the largest, most well financed NGOs from developed countries. Rules that increase the power of NGOs in institutions give NGOs more options in terms of influencing negotiations, and can be viewed as a type of social capital that can lower the transaction costs of disseminating important information from scientists and civil society. Encouraging more heads of state to be present at international environmental negotiations (which is already become more prevalent) and increasing NGO direct access to speak to the plenary session can help to have NGOs' voices heard by those who need to hear the information most. In addition, encouraging more NGO positions on national delegations, and requiring more participation of delegates at side events that pertain to negotiation issues will help NGOs influence in a way that can increase efficiency in institutional negotiations and produce more socially beneficial outcomes.

## **Chapter Three: Research findings**

After looking at the background of NGOs and UN environmental institutions, how NGOs interact currently with those institutions, and how they may interact in a better way with each other and environmental institutions, I want to examine the some empirical experience with NGOs in relation to the relevant literature on NGO influence. I gathered information in three ways. First, I joined We Canada, an environmental advocacy NGO that aims to raise awareness about the upcoming Earth Summit in Rio and influence policy and the outcomes of the Rio +20. I also interviewed six members of NGOs who have attended international environmental negotiations in the past. These interviews helped to give me a sense of whether the experiences of NGO members do in fact correlate with the information I found in the literature, as well as provide added insight into NGO influence. Finally, I attended the 3<sup>rd</sup> Intersessional Conference for the Rio Earth Summit, which was held at the UN headquarters in New York. Through my personal observations there, and additional conversations with advocacy and issue related NGOs, I was able to hone in on several examples of NGO influence leading up to Rio+20.

### **3.1 We Canada's influence for Rio: Zero draft**

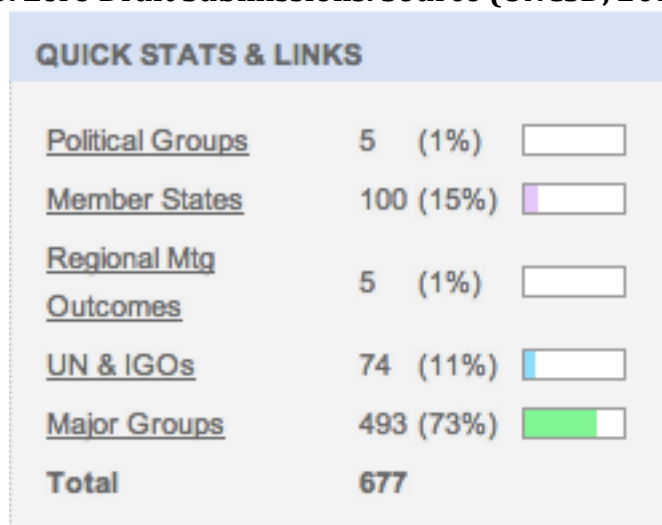
In preparation for the Rio+ 20 Earth Summit, the UN Conference for Sustainable Development organizing committee “the bureau” invites submissions from member states, major groups and other UN institutions pertaining to expected outcomes of Rio+20, comments on the main themes of the conference (Green economy in the context of sustainable development and poverty eradication and institutional framework for sustainable development), views on implementation and implementation gaps, cooperation and partnership mechanisms and tools as well as comments on the overall goals of the Rio +20 conference which are: “To secure renewed political commitment for sustainable development, assessing the progress to date and remaining gaps in the implementation of the outcomes of the major

summits on sustainable development and addressing new and emerging challenges” (UNCSD Bureau, 2011: 2). We Canada, as part of the NGO major group submitted three policy asks:

1. **Measuring What Matters** – A request to the Government of Canada to go beyond GDP, and establish a clear multi-stakeholder consultative process for the development and adoption of a measure of human welfare designed to complement existing GDP measures.
2. **Getting the Prices Right** – A call for the elimination of fossil fuel subsidies and a carbon price as well as the implementation of an ecological tax reform for carbon emissions and a program that supports low-income households in the transition to a low-carbon economy.
3. **Making Trade Fair** – This policy request deals with Canadian fair trade procurement, the incorporation of Fair Trade Certified products, and best practice implementation strategy for achieving the SMARTGreen Procurement Targets in Canada’s Federal Sustainable Development Strategy.

Our three policy asks were submitted along with 493 other major group submissions, 100 member states, 74 UN organizations and Intergovernmental Organizations (IGOs), and a handful of other groups (see figure 3). When the bureau compiled the document that was

**Figure 3. Zero Draft Submissions. Source (UNCSD, 2011)**



discussed at the intersessional conferences, a variation of two of our ideas appeared in the zero draft text. The text that was included loosely pertained to our ideas about going beyond GDP, and ending fossil fuel subsidizations:

- “We also recognize the limitations of GDP as a measure of well-being. We agree to further develop and strengthen indicators complementing GDP that integrate economic, social and environmental dimensions in a balanced manner. We request the Secretary General to establish a process in consultation with the UN system and other relevant organizations” (UN Conference for Sustainable Development, 2012: para 111); and
- “We realize that to make significant progress towards building green economies will require new investments, new skills formation, technology development, transfer and access, and capacity building in all countries. We acknowledge the particular need to provide support to developing countries in this regard and agree... to gradually eliminate subsidies that have considerable negative effects on the environment and are incompatible with sustainable development, complemented with measures to protect poor and vulnerable groups” (UN Conference for Sustainable Development, 2012: para 42).

This was a small success for We Canada. Although our wording didn’t make it into the zero draft, some of our ideas did. As Betsill and Corell (2008) point out, correlation does not equal causation, so it is very possible that these words might have ended up in the text even if We Canada had not submitted them. Nonetheless, it provides more leverage for influence countries to support text that is already in the negotiation document rather than just an idea.

### **3.1.2 Official petition to the government**

The Office of the Auditor General of Canada, since 1995, has offered Canadians the opportunity to ask any question related to the environment and get an answer within 120 days through a petition process. The petitions submitted to the Auditor General need to ask specific questions. They can be varied lengths and they have to pertain to environmental issues. We Canada decided to take advantage of this opportunity to ask the government of Canada about:

- Their consultation process with the public and provinces in preparing its position prior to the 2012 United Nations Conference on Sustainable Development (Rio+20);
- Canada's withdrawal from the Kyoto Protocol, about its future plans and regulations to reduce its greenhouse gas emissions, and about its reporting on reductions;
- Carbon pricing plans and how it measures financial assistance to the oil and gas sector;
- Whether the government intends to develop and use alternative measures, such as well-being indicators, in addition to traditional measures of economic activity, such as gross domestic product; and
- Plans to integrate fair trade concerns into public procurement.

The Auditor General sends the specific questions from the petition to the relevant departments. In this case, the We Canada petition was sent to 7 departments: Environment Canada, Finance Canada, Foreign Affairs and International Trade, Industry Canada, Natural Resources Canada, Public Works and Government Services Canada, and the Treasury Board (Canada, 2012). The 120 day waiting period is not up yet, so thus far, We Canada has received no response from the petition, however, when the government does respond, it will be useful for raising awareness amongst government officials and for having a public record of the questions that were asked.

We Canada has been indirectly lobbying, leading up to Rio+20 through various other projects such as a coast to coast Canadian tour of fifteen cities to educate people on our policy asks, the upcoming Earth Summit and global sustainability trends (We Canada, 2012). Earth Summit Dialogues are another We Canada program that aims to promote the We Canada policy asks, hear what people think about them, and communicate information about Rio+20. The dialogues are held by anyone who is willing to get a group together (small or large). We Canada provides a guidebook containing information about each of our policy areas, and a list of thought provoking questions to start a dialogue. The answers are recorded in an online

spreadsheet and taken into consideration in further advocacy work, and in communication with the government.

### **3.1.3 Preparatory committee and intersessional conferences**

We Canada also attended several of the Intersessional Conferences for Rio+20. As mentioned above, the UNCSD bureau invites all major groups and member states to submit proposals for the outcomes of Rio +20. The Zero Draft is debated and agreed upon through consensus. Each member state is given the chance to propose changes to the text, including the deletion of whole or parts of paragraphs, and the insertion of new ones. This process produces the conference resolution, which is ultimately a set of recommendations to national governments. This is an extremely important phase of conference negotiations, as the conference resolution, which is eventually decided upon at the actual conference, makes up the rules for the debate there. It is a crucial moment for NGOs in their role as monitors of the process (UN Research Institute for Social Development, 1997) This is especially true as “the rules for each international conference are designed afresh and the decision to build on or reverse decisions made in previous conferences lies with the prepcom leadership and with individual governments” (UN Research Institute for Social Development, 1997: 30). Governments articulate their policy objectives and make policy announcements during these plenary sessions and NGOs can use international events to pursue their ongoing domestic efforts to affect their own governments’ activities and take advantage of the ease of access to senior government officials away from their capitals. “This extension of domestic democratic activity can often pay dividends in framing or influencing the acceptance of compromises that arise during negotiations and in creating increased access for NGOs to their respective government officials after the international conference” (UN Research Institute for Social Development, 1997: 39).

### **3.1.4 Attending intersessionals: talking to the Canadian delegates**

The focus of these case studies will be on activities that occurred at the 3<sup>rd</sup> Intersessional Conference in New York, March 26<sup>th</sup>-27<sup>th</sup> 2012. During this

conference five representatives of We Canada met with the three delegates from Canada. Two of them came from the Department of Foreign Affairs and International Trade (DFAIT), and the third from the Canadian International Development Agency (CIDA). During this meeting we told them about our three policy submissions and were able to get clear answers of what they were pushing and where they stood for parts of the zero draft text. The Canadian delegation was very hesitant to support anything that didn't have clear definitions of the tools they would use for implementation. This included the proposals to include other measures other than GDP for well being. In addition, they were concerned about the idea of supporting any sort of new institutional structure. They were worried about the shrinking budget of the UN, and their primary contributions to the zero draft centered around reforming the existing institutions, and preparing for a smaller budget.

### **3.2 General NGO influence: Ombudsperson for Future Generations**

One of the most talked about proposals amongst NGOs was the Ombudsperson for Future Generations. An ombudsperson is a body that looks after a set of laws such as human rights laws, refugee laws, or as proposed here, environmental laws. They receive relevant complaints that allow them to deal directly with a situation, or they can inform governing bodies of where these legal gaps are if there are no laws that prevent harmful situations from occurring. The unique aspect of this proposal is that it is designed for future generations. There are many references in United Nations (UN) declarations and agreements regarding the rights of future generations (Ward & Roderick, 2012) and establishing an ombudsperson or high commissioner who has the potential to embody these principles. It is an innovative institutional model that might help fill a need for farsighted planning and implementation.

The benefits of an ombudsperson are threefold. First, it is independent from all nations, all political budgets and even UN institution agendas. Second, some countries have functions that are similar to ombudsperson for the environment, however, if there are environmental issues that do not fall within national boundaries, or if the issues are pertinent to problems in the future, this proposal can

help to bridge those gaps in the law. Third, it may help to apply a systemic framework to the international environmental laws that are already in place. Although there are already groups in place like the Commission for Sustainable Development, and the Environmental Management Group (See Figure 1), they have largely been ineffective at properly organizing the five hundred plus multi-lateral environmental agreements that the UN and member states have created. An Ombudsperson might help streamline the implementation of these laws and gather information regarding where more laws are needed, particularly if the challenges of institutional reform elsewhere is too great.

To date, in the intersessional conferences, nations have been very hesitant to agree on the implementation of such an institutional model. The primary concern is lack of information on how an ombudsperson would function in the international context. Although Canada is not opposing this proposal, as mentioned above they are sceptical about creating a new governing body at present. At the ombudsman side event meeting on this proposal, concerns were raised over the legal ability of a high commissioner to take action on environmental issues, as well as the limits of the scope they are meant to deal with, as the well-being of future generations could encompass almost every action we take today.

In addition, individual countries are worried about the prospect of having their national sovereignty being undermined by an ombudsperson. It was suggested by the World Future Council, that NGO who initiated the proposal, that using the UN High Commissioner for Human Rights as a sample structure could assuage some of these concerns. It serves the same purpose:

- Systematizing laws;
- Finding loopholes and contradictions;
- Educating the General Assembly; and
- Educating relevant organizations about trends and areas for improvement.



The Human Rights High Commissioner has been operating very successfully so far without usurping the power of national governments, and would serve as an effective role model on where to draw jurisdictional lines.

### **3.2.1 Corporate social responsibility reporting**

Another proposal put forward by two partner NGOs, The Stakeholder Forum and Vitae Civilis, was a convention on corporate social responsibility and accountability. These organizations held a very well attended side event on the topic, educating fellow NGOs, as well as delegates. The proposal was to encourage nations to require publically traded companies to report their social responsibility initiatives. Brazil, Australia, China, India, Malaysia, Pakistan, Singapore and South Africa have all recently required this in their stock markets, and there are best practice examples of policy requiring social responsibility reporting outside of the stock market in Scandinavia (Global Reporting Initiative, 2012). Regulation leads to more reporting and better reporting and can in fact help corporations themselves to understand situations differently (ibid). This topic was interesting because there was less uptake from other NGOs on advocating for it. It was centered around corporate regulation and there seemed to be less appetite for advocacy on this level; however, the side event was very well attended and the text in the zero draft that reflects this proposal was fairly well supported in the negotiations.

### **3.2.2 Other NGO proposals**

Beyond these two examples of issues brought forward by NGOs at the intersessional conference, NGOs also advocated strongly for a non-regression clause that would ensure that if there was an agreement or law formed in the past on the protection of human rights or the environment, nations would not be allowed to draft text that regresses on the same topic. There was a general feeling that nations were going back on previous promises and agreements as they amended the text. Some nations even suggested taking out all reference to protection of human rights, and to protection of rights of people to develop. As a result there were many online articles

that circulated during this conference about the importance of leaving in all the reference to human rights. Finally, Sustainable Development Goals (SDGs) are an intended outcome of the conference, however, there has been very little clarification as to what they will be. Some NGOs are pushing for strong SDGs and others are wanting to simply renew the Agenda 21 commitments and push for institutional reform. There doesn't seem to be a clear consensus on the SDG aspect of Rio +20.

### **3.3 Interviews with members of environmental advocacy NGOs**

Through interviews with five members of NGOs, four of whom were members of We Canada, and one who is associated with a partner organization of We Canada, I had a chance to examine some of the main challenges and lessons learned from NGOs participating in international environmental negotiations in the past. I interviewed people who had participated in a negotiation previously, and who were still active in planning advocacy work for Rio+ 20. Many of the interviewees wished to remain anonymous and will not be named here, however, the list of questions the interviews were loosely based on can be found in appendix 1.

During the interviews several main themes came up. To begin with, the notion that part of a lack of efficiency of NGOs comes from a lack of ideological conversations. It was said that there is little time to discuss the roots of the problems, the background information and have a unified vision of what NGOs are actually advocating for as a whole. Looking at the time, space and funding NGOs have to network and share idea as a form of social capital helps to unpin the importance of this step in influencing any international negotiation. This type of social capital *can* partly be bolstered inexpensively through well-planned organization far in advance of the actual conference, although without more support it is clear that it is not possible for all parties involved to come to a place of agreement and solidarity. The major group of children and youth seemed to embody the pre-planning tactic very well, and were very active in getting their message across in other ways than just the opportunities they had to speak in the meetings. However, there are hundreds of issues that other

major groups want governments to tackle, so they need time and space to identify priorities and plan strategies if there are going to be effective in achieving their goals.

According to the interviewees, the best way to have an influence is to be part of a government delegation as a technical expert, youth representative or other valued input group. As previously mentioned, UN institutions should encourage or require national delegations to include a member of an NGO. If this is not possible, attending the conference still allows NGOs to access a high concentration of government officials who are away from their busy day to day tasks presents a huge opportunity for NGOs to contact them and get information fairly efficiently, especially if heads of state are present.

Another message that became clear was how limiting the UN structure of negotiations is for NGOs to have input. There is so little real debate between nations and no real debate between nations and NGOs during the plenary sessions. Responses to parts of the text are preplanned, delegates are already inflexible and there is little opportunity for listening. NGO should have more allotted time to directly address the plenary sessions.

Some participants of the interviews recognized the role for NGOs in agenda setting, and suggested that a key leverage point might be to contact the organizing committee of conference early and work with them to suggest speakers, events, etc. that may influence the decisions of the member states. Other interviews spoke about media power, number of members in an NGO, and personal relationships with government delegated as the main sources of leverage.

Information gathered in the interviews and through my experience with NGOs in international environmental negotiations did correlate well with the literature. I found We Canada had some success agenda setting, used existing bureaucratic channels for input to the Canadian government, yet had more immediate responses

from the conversations with the Canadian delegation at the Rio+20 intersessional conference in New York. Other proposals such as the Ombudsperson for future generations and the corporate social responsibility reporting proposal were brought forth and carried quite far by large NGOs from the developed world. The Ombudsperson for future generations in particular carried a strong notion of interdependency and had a lot of support from civil society, and other NGOs. On the other hand the corporate social responsibility reporting proposal had less, but larger allies. This shows in some ways the difficulty of “getting the word out” or transaction costs for NGOs trying to incorporate the theory of interdependency into institutions. There was poor attendance at the Ombudsperson side event and very few actual delegates.

In conclusion, NGOs did have the opportunity to input their ideas, however the structure of the institutional setting of the negotiations leading up to Rio makes it difficult for delegates, and others attending the conferences, to assess where more representational support from civil society lies and where there are simply larger NGOs with bigger budgets purporting an idea. For smaller NGOs like We Canada some meaningful changes did arise by partnering with NGOs that were advocating for proposals that our group believed in, however, it is very difficult to tell how much actual influence We Canada had on its own. Therefore our strength was perhaps in lending “our numbers” to proposals similar in nature to ours that had already gained some ground.

### **3.4 Discussion: Did NGOs have an influence at this international environmental negotiation?**

Taking Betsill and Corell’s (2008) methodology for assessing influence, we can come to some general conclusions about whether the NGOs at the third Earth Summit Intersessional conference had an influence. Betsill and Corell ask eight questions relevant to the intersessional conference as a first step in assessing whether NGOs had an influence.

**Table 3. NGO Influence at the Third Intersessional Conference for Rio +20**

Betsill and Corell's assessment framework	Empirical assessment
1. What opportunities did NGOs have to communicate with other actors?	NGOs communicated through personal meetings in the morning and evenings, through daily news publications available online and in person at the conference. In addition some major groups were very successful in holding thorough discussions on email list serves before the conference started. Other major groups seemed to lack the time, space and funding to properly organize and prioritize goals.
2. What source of leverage did NGOs use in communicating with other actors?	NGOs were able to meet with government delegates (start to form personal relationships), use media to lobby for certain agenda items, and hold side events to educate governments and other NGOs on specific agenda issues, however it was difficult to attract delegates to certain side events, even if their subjects were very pertinent to the negotiations and very representative of smaller NGO groups' goals.
3. Does the final agreement contain text drafted by NGOs?	There is text on We Canada's policy ask regarding an alternate form of well-being measurement and reforming subsidies. Other NGO proposals such as the Ombudsperson and the Corporate Social Responsibility reporting were also in the text, however, as it stands now, the Ombudsperson proposal is subject to deletion. The advocacy for a non-regression policy is not in the text as it was an issue that came up as the text is being discussed. It is possible that there will be a discussion on this in Rio.
4. Did negotiators discuss issues proposed by NGOs? (Or cease to discuss issues opposed by NGOs?)	It remains to be seen whether specific text on human rights will remain in the outcome document at Rio. There is also an opportunity for NGOs to advocate very effectively to get the deletion of the Ombudsperson removed before Rio.
5. Did NGOs coin terms that became part of the negotiating jargon?	There were several states and NGOs who referred to the term GDP+ to mean the proposals for alternate means of well-being measurement. Although it is not clear if this term came from NGOs, many NGOs are in support of the idea.
6. Did NGOs shape the positions of key states?	This again, remains to be seen, although there is evidence to suggest that the high attendance at

	the Corporate Social Responsibility side event would help to educate and therefore shape the position of states on this.
7. What were the causal mechanisms linking NGO participation in international environmental negotiations with their influence?	As mentioned above, in certain cases, it was difficult to tell if NGOs actually were the driving force of elements in the zero draft text or the position of certain states. However, it is fair to say that side events that were held on certain issues would be directly influential, as it was one of the only opportunities for real debate between NGOs and state delegates.
8. What would have happened if NGOs had not participated in the negotiations?	If NGOs had not attended the conference at all, the agenda would perhaps be much different. Many of the items in the agenda were advocacy issues for the NGOs present, suggesting an influence in setting the agenda.

Using Betsill and Corell's framework helps to point out some areas where NGOs did directly influence (corporate social responsibility reporting) and other areas where the influence was more difficult to ascertain. Furthermore, the final assessment of influence will be much more appropriate after Rio+20 occurs in June 2012.

#### **3.4.1 Did their goals reflect efficient and socially beneficial outcomes?**

Using the institutional economic framework to assess whether NGO goals helped to guide outcomes that are efficient and socially beneficial, I am adding four questions to Betsill and Corell's original framework.

**Table 4. Institutional Economic Analysis of NGO Advocacy Goals**

Institutional economics theory	Empirical assessment
1. Do the goals of the NGOs reflect a holistic view of the economy and environment?	The "policy asks" of We Canada do reflect a holistic view of the economy and the environment. They connect social well being of people from the developed as well as the developing world, and suggest economic reform for environmental benefits. The Corporate Social Responsibility proposal reflected a desire to work with the primary global economic drivers, which does reflect a certain holistic view on the part of the NGOs advocating for this, however, the proposal only touched on the reporting aspect of sustainability and not the actual environmental

	impact and was put forth by larger NGOs from developed nations.
2. Are externalities addressed as interdependencies, recognizing the role that environmental degradation has in preventing future economic gain?	The Ombudsperson for future generations is a legal embodiment of addressing interdependencies. Unfortunately, the number of other environmental institutions already in place is a barrier for the success of this proposal, and there is little structure in place to help this type of proposal put forth by smaller NGOs to gain traction through education or awareness.
3. Do the proposals address the role institutions have in influencing the outcomes?	Again, the ombudsperson proposal attempts to “change the rules of the game” as an institution so that future generations are legally recognized to have rights to a healthy environment. None of the other proposals that were issues at the intersessional conference I was aware of dealt with the structure of the institution as an influencing factor in outcomes.
4. Do NGO activities lower the transaction costs of the negotiations?	Through education side events, NGOs lower transaction costs. However, the vast number of delegates representing the 194 member states made the transaction costs extremely high, not only for NGOs to educate and advocate for ideas, but also for ideas to be accepted in the plenary session. Many countries have different ideas, and to gain consensus on everything takes an immense amount of time, which NGOs are powerless to streamline.

Institutional rules on attending side events, funding for NGOs in the same major groups to meet and discuss priorities and allowing more time for NGOs to address the plenary are fairly simple changes that might greatly help reduce the transaction costs of conferences like the intersessional and Rio+20. Recalling theories from institutional economics, advocacy for this type of rule change is extremely important in helping NGOs achieve a greater influence to help increase the level of “rationality” that is set out by North (1993).

### **3.5 What were the factors that help/ hindered NGO influence?**

Although there were some successes in NGO influence, hindrances included:

- A lack of access to address member states in the plenary session;

- The number of member states present; it was impossible to reach everyone without some kind of requirement for attending less formal educational talks like side events;
- The current institutional structure of environmental organizations within the UN is expensive and many nations were unwilling to spend money on another institution when there were already (ineffective) institutions with the same mandates (there was a lack of trust, and lowered stakes for many participants regarding the institution holding the negotiations);
- The UN's budget is shrinking, putting many states on edge about committing to any binding agreements.

Factors that helped NGO influence included:

- The availability of the Canadian delegation to meet with We Canada;
- The opportunity to meet face-to-face with other NGOs and major groups that were well organized and experienced, although more time would have been beneficial for major groups to meet;
- The accessibility of side events to learn about issues that may be relevant in the context of lobbying to national delegates, although more attendance would have really increased effectiveness of NGO advocacy.

The transaction costs of conferences like Rio+20 and the intersessional conferences can be viewed in many ways. The factors that hindered NGO success such as lack of access to the plenary sessions and to individual state delegates reflected the difficulty NGOs have transacting in this institutional setting. It also reflects the paucity of information that NGOs are able to bring to the widespread plenary session. Although granting NGO access to address the plenary takes time, it may also help to create an increased pressure from civil society and therefore more cohesion between member states for the negotiations. The transaction costs of nations searching for information, and bargaining with NGOs is reduced in a scenario where NGOs have more access to speak at the plenary sessions.



The hesitancy of nations to take on new institutions with new mandates means that the transaction cost of enforcing that has ballooned greatly. The need to streamline and organize these agreements and institutions became extremely apparent at the intersessional conference, and the theme will continue to Rio.

Despite certain high transaction costs related to the institutional structure of international environmental negotiations, the conference themselves still represent the most efficient way to organize effectively for NGOs and states. It drastically lowers the transaction costs of bargaining to have everyone in the same building. As mentioned by a few interviewees, it is often the best time to approach government officials who are usually very busy with day to day operations until they leave their normal worksite. There are many opportunities for searching transaction costs to be lowered through information sharing among NGOs and between NGOs and states, however there is still much room for improvement when it comes to the form and structure of the plenary sessions and formal negotiations.

Although few of the NGO proposals dealt with institutional change in depth, the institutional structure was a major hindrance to NGO influence, therefore I would like to come back to Ostrum and Basurto's (2010) theories on effective institutional change. It is important to repeat their list of six institutional elements that have shown to provide a more inclusive, efficient process for making decisions. This includes:

1. Inclusive decision making processes;
2. Participants have high enough stakes in the negotiations that they are willing to invest in engagement;
3. Internal processes allow outcomes that vary depending on the situation of various participants;
4. Participants learn from successes and failures of others
5. A regular review process that allows for changed and improvements of the system; and

6. Participants need to meet frequently enough that they can learn how to cope with problems.

The findings of this research, based on observation, interviews and participation in an active NGO, support the notion that these are very relevant elements, which are largely missing from the UN environmental negotiation structure. While the decision making process is designed to create a document that was agreed to by consensus, because every country must agree on the same text (and NGOs are left out of the text drafting process) the results are often watered down and unsatisfactory for most involved. Although the participants that are in attendance at the conference have some sort of stakes in the negotiations, the side events that provide a venue for real conversation and learning are poorly attended compared to the plenary. If there were to be a process that would allow for different outcomes depending on the country, perhaps the stakes would be higher for countries because they could take action on a level that is possible each nation. In addition this could reduce the number of participants in the plenary and perhaps allow more time for input from NGOs. Space to learn from past success and failures and facilitation of alterations to the agreements would no doubt improve the efficacy of the many environmental institution's that currently are part of the UN. Finally, an increased frequency of meeting might help to spread information, and create environmental agreements that are implemented more widely. The last major UN Earth Summit was 20 years ago, which gives nations very few opportunities to assess implementations of previous goals, as well as staying current on the demands and issues that occur within that period in individual nations.

### **3.6 Future research**

This research centers on the role of We Canada and other NGOs at the 3<sup>rd</sup> Intersessional conference for the Rio Earth Summit. Further research on the outcomes of the Rio+20 in June would be extremely beneficial in finishing an assessment of the influence NGOs had on the outcomes of the conference. In addition, research on the factors affecting influence involving cross comparisons of different conferences would help to solidify theory in that domain.

### **3.7 Summary of contributions**

Although there is a great deal of literature on NGOs, the effectiveness of NGO participation in UN environmental conferences, and what their role is in those conferences, there is little research connecting theories from global governance to disciplines such as institutional economics. First I provided a literature review on what NGOs are, what their role is in the United Nations structure and how they can be effective in this role, and then combined this information with notions from institutional economics on institutional effectiveness and socially beneficial environmental outcomes. By contributing an interdisciplinary view on NGO influence in international environmental negotiations, and providing a case study that shows to what extent NGOs advocate for institutional outcomes that will be more effective and socially beneficial, I am hoping that the NGO community will be able to use these lessons to influence international environmental conferences more effectively.

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## **Appendix 1: Sample interview questions**

- 1) Can you tell me about your background representing NGOs at international environmental negotiations?
- 2) How did NGOs communicate with other NGOs and government representatives?
- 3) What opportunities did NGOs have to communicate with other actors?
- 4) What source of leverage did NGOs use in communicating with other actors? Ie. Did NGOs shape the positions of key states?
- 5) What was the initial position of the key actors? Did key actors change their position during negotiations?
- 6) Did NGOs coin terms that became part of the negotiating jargon?
- 7) Did negotiators discuss issues proposed by NGOs? (or cease to discuss issues opposed by NGOs?) What specific items were put on or taken off the negotiating agenda?
- 8) How was the issue understood prior to the start of the negotiations? Was there a shift in how the issue was understood once the negotiations were underway?
- 9) How did the issue first come to the attention of the international community?
- 10) What were the terms of debate for specific agenda items?
- 11) Does the agreement create any institutions to facilitate NGO participation in future decision-making processes?

### *Outcomes:*

- 12) Does the final agreement contain text drafted by NGOs?
- 13) Was there a particular condition that helped or hindered the negotiation's success?
- 14) What would have happened if NGOs had not participated in the negotiations?
- 15) Does the final agreement reflect NGO goals and principles?
- 16) Does the agreement acknowledge the role of NGOs in implementation?
- 17) Does the agreement reflect the NGO position on what should be done on the issue?