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Public pressure versus lobbying – how do Environmental NGOs matter most in climate negotiations?

Katharina Rietig¹

Abstract

Advocacy nongovernmental organizations have the largest influence on the outcome of climate negotiations when they mobilize public pressure in collaboration with the media. Environmental NGOs can pursue insider strategies by joining government delegations as advisors or pursue outsider strategies as either lobbyists inside the negotiation venue or as activists. This article presents an analytical framework that can determine the influence of NGO outsider-strategies on climate change conferences based on indicators. Influence for NGOs within the conference center depends on their policy entrepreneurial strategies, their representatives' personal capabilities, how early in the negotiation cycle they are active and if they gain insider status with government delegations. As lobbyists remain outsiders, their influence remains usually low. Advocacy NGOs also strive to influence climate negotiations from outside the conference center with demonstrations. Their influence depends on a clear message, favorable media coverage, a critical mass representing a majority of voters and peaceful protest.

Keywords:

Environmental NGO, influence, lobbying, activists, demonstrations, climate change, UNFCCC

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Introduction

State representatives struggle at *United Nations Framework Convention on Climate Change* (UNFCCC) negotiations to agree on a post-2012 treaty to succeed the expiring first commitment period of the Kyoto Protocol. The highly complex negotiations face many challenges including incompatible political positions, economic development considerations, debates on climate justice and historic responsibilities as well as a negotiation deadlock based on institutional veto points.² Nongovernmental actors gained considerable influence in national and international decision-making³ although they are formally only observers at United Nations conferences.⁴ Many analyses focus on the increasing number of NGOs participating in international environmental negotiations and their activities.⁵ One frequently used example is how *Environmental NGOs* (ENGOs) decisively contributed to drafting UNFCCC at the Rio Earth Summit in 1992 by participating in government delegations, lobbying, building public pressure and contributing to content and structure of the negotiation text.⁶

Which strategies available to advocacy NGOs are most effective to influence international climate change negotiations? Following a categorization of insider and outsider NGOs in relation to their distinct strategies and a brief review of previous contributions on evaluating NGO influence in environmental negotiations, this article examines the objectives and roles of ENGOs at UNFCCC.

² For detailed analyses on regime theory and the UNFCCC negotiations see Depledge 2005; Falkner, Stephan and Vogel 2010; Hasenclever, Mayer and Rittberger 2000; Keohane and Victor 2010.

³ Albin 1999; Andonova, Betsill and Bulkeley 2009; Arts 1998; Auer 2000; Bulkeley and Newell 2010; Depledge 2005; Gullberg 2008; Gulbrandsen and Andresen 2004; Keck and Sikkink 1998; Matthews 1997; Najam 1998; Newell 2000; Princen and Finger 1994; Stone 2000; Wapner 1995; Yamin 2001; and Yamin and Depledge 2004.

⁴ In United Nations negotiations, the only legitimate negotiation parties are sovereign states. Nongovernmental actors are admitted to the negotiation setting as observers with access restricted to the corridors, plenary sessions and some contact groups. Observers must be non-profit organizations and have no vote (UNFCCC 1996). This status poses a considerable challenge for influencing negotiations (Betsill and Correll 2008a, 6).

⁵ Carpenter 2001; Depledge 2005; Newell 2000; Yamin 2001; and Yamin and Depledge 2004.

⁶ Mathews 1997, 55.

This article contributes to the ongoing academic project of qualitatively evaluating the effectiveness of NGOs with an analysis of the outsider-strategies lobbying and public pressure at the example of *Environmental NGOs* (ENGOS) between 2009 and 2011 with a focus on the Copenhagen Climate Change Conference of 2009. Based on empirical data, it develops a refined theoretical framework that qualitatively measures the influence of NGOs using outsider-strategies in climate negotiations with four central indicators. Influence for NGOs within the conference center – i.e. as lobbyists, advisors – depends on their policy entrepreneurial strategies, their representatives’ personal capabilities, how early in the negotiation cycle they are active and if they gain insider status with government delegations. Central determinants for the effectiveness of demonstrations are a clear message, peaceful protest, a critical mass of people representing the majority of voters and, most importantly, favorable media coverage. NGOs influence climate negotiations differently, depending on their roles, capabilities and timing.

Analytical framework to evaluate NGO influence in climate change negotiations

Considerable progress has been achieved over the last decade on the ongoing academic project of describing, categorizing and evaluating the roles, strategies, capabilities and influence of NGOs at international environmental negotiations. The first phase saw general observations of increasing ENGO activities and influence but fell short of presenting empirical evidence which distinguished clearly between influence on the process and/or outcome of the negotiations.⁷ Scholars turned to evaluating the influence of

⁷ See discussion at Betsill and Corell 2001. Pioneer contributions include Mathews 1997; Najam 1998; Raustiala 1998. This article follows the definition of influence provided by Corell and Betsill (2008, 24) as “influence occurs *when one actor intentionally communicates to another so as to alter the latter’s behavior from what would have occurred otherwise*”.

NGOs on specific issues in one or several negotiation sessions based on a qualitative theoretical framework developed by Michele Betsill and Elizabeth Corell.⁸ This section evaluates their latest contribution and proposes a theoretical addition to their framework relevant for advocacy NGOs that undertake ‘outsider’ lobbying and/or mass protests.

Review of the theoretical framework proposed by Betsill and Corell

Betsill and Corell presented a theoretical framework in 2008 as a tool to qualitatively measure the influence of NGOs in the categories low, moderate and high.⁹ The framework was tested by several empirical studies of international environmental negotiations.¹⁰ It differentiates between NGO influence on the negotiation process and on the negotiation outcome. Three indicators for influence are central to evaluate the influence of a NGO constituency¹¹ such as ENGOs on the negotiations: First, how the NGOs contributed to framing the issue under examination, second their impact during agenda setting, i.e. if they managed to include or exclude topics from the negotiation agenda, and third if they were successful in influencing the negotiation position of key states.

Evidence is gathered through process tracing communication from the NGO representatives to government delegates. The NGO constituencies’ influence on the examined issue is low if there is no evidence for changes in the influence indicators. A change in the process indicators demonstrates moderate influence. If NGOs were successful in shaping the negotiation outcome or increase their role through being

⁸ The initial framework was presented in 2001 (Betsill and Corell 2001) and prompted responses from Andanova 2008; and Gulbrandsen and Andresen 2004.

⁹ Betsill and Corell 2008.

¹⁰ Andresen and Skodvin 2008; Betsill 2008a; Betsill 2008b; Betsill and Corell 2008; Betsill and Corell 2008a; Betsill and Corell 2008b; Corell, 2008; Corell and Betsill 2001; Burgiel 2008; and Humphreys 2008.

¹¹ UNFCCC 2010b.

entrusted with implementation, their influence on the issue is high.¹² This analytical framework provides excellent tools in the form of questions to process trace and evaluate the influence of one or more NGO constituencies on one issue in environmental negotiations. However, the analysis is limited to broad indicators that do not directly allow for clear cut distinctions between different strategies, actors, roles and when in the negotiation cycle NGOs try to influence the negotiations. The framework furthermore does not distinguish between insider- and outsider-strategies used by NGOs to influence the negotiations. As the evaluation remains focused on low, moderate and high influence somewhat undifferentiated, there is scope to further refine the framework by opening the remaining “black box”. Betsill concluded on the necessity to work towards tools that allow comparability of NGO influence across cases.¹³ The following sections present a refinement of this theoretical framework, allowing an evaluation of the influence of NGOs using outsider-strategies such as lobbying and organizing mass protests.

Methodology

This article contributes to the endeavor of achieving comparability across cases regarding NGOs who pursue outsider-strategies by adding indicators that allow evaluating influence based on strategies, roles, capabilities and timing.¹⁴ It tests these indicators with empirical data on ENGO influence from the UNFCCC negotiations from 2009 leading up to the *Conference of the Parties-15* (COP-15) in Copenhagen until the preparatory meeting for COP-17 in South Africa held in Bonn in June 2011. The data collection followed the theoretical framework proposed by Betsill and Corell.¹⁵ The analy-

¹² Corell and Betsill, 2008.

¹³ Betsill 2008, 184ff.

¹⁴ An evaluation of insider-strategies based on four categories of influence (policy-entrepreneurial strategies, network to government delegates/insider-access, personal capabilities and timing, i.e. when in the negotiation cycle experts provide input, at the example of academics at the UNFCCC negotiations 2009-2011 can be found elsewhere (Rietig, 2011).

¹⁵ Betsill and Corell 2008.

sis is based on a process tracing of NGO influence from ENGO delegates to government representatives. From 2009 to 2011, the author conducted 28 interviews with government delegates (at least two representatives from each negotiation bloc), 11 interviews with ENGO delegates, a survey with 51 detailed responses in the quality of structured interviews (25 from ENGOs)¹⁶ and observed 85 contact groups, plenary sessions, informal meetings, briefings by the chairs to civil society, constituency meetings, press conferences and demonstrations.¹⁷

Insider- or outsider status determines available strategies

NGOs use insider- and outsider-strategies as means to influence negotiations.¹⁸ Advisory NGOs pursue insider-strategies as members of government delegations or are at least in close contact with the negotiators as policy advisors and experts on technical issues. As insiders, nongovernmental actors are valued by government delegates for their neutrality, constructive contributions and expertise.¹⁹

Advocacy NGOs pursue insider-strategies as well as outsider-strategies. What strategy they use is determined by their capabilities such as financial resources, membership base, and especially relevant for insider-strategies the intellectual base and the political base in the form of networks to government representatives.²⁰ Outsider-strategies describe activities that aim at influencing multilateral decision-making from outside the circle of decision-makers such as mass protests, campaigning, strategic use

¹⁶ See Appendix 1 for the full interview list and Appendix 2 for the survey questions; survey, 7/2010, London, LSE.

¹⁷ UNFCCC negotiations Barcelona 11/2009, Copenhagen 12/2009, Bonn 4/2010 and Bonn 06/2011.

¹⁸ Gulbrandsen and Andresen 2004.

¹⁹ Japan, 12/12/2009; and *Research and Independent NGO (RINGO)*, 14/12/2009; see also Haas 1992; and Auer 1998.

²⁰ Gulbrandsen and Andresen 2004, 56f. Evidence from 2009-2011 confirms that advisory nongovernmental actors such as academics primarily pursue insider strategies (Rietig, 2011).

of, and alliances with media to influence the public. The objective is to put public pressure on governments and elected officials. NGOs also pursue semi-outsider strategies such as lobbying. When nongovernmental actors lobby government delegates, they have access to the negotiation setting (at least to the corridors), but they are not trusted members of a government delegation with access to the smaller negotiation groups such as “friends of the chair” or informal groups, where the actual negotiations take place. Instead, NGOs communicate to government delegates what issues or formulations they want to include by providing them with draft text.²¹

Influence of NGO lobbyists using outsider-strategies

Not all NGOs and strategies influence the negotiations equally. Lobbyists operate inside the conference center but they remain outsiders to the government delegations. Like Research and Independent NGOs, the influence of ENGO lobbyists operating inside the conference center depends on (1) personal capabilities, (2) policy-entrepreneurial strategies, (3) whether they achieve insider status with government delegations based on their access to key delegations and (4) the stage in the negotiation cycle they try to provide input to the negotiations.²² Figure 1 illustrates the prerequisites and indicators for exerting influence inside the conference center.

²¹ Survey, 7/2010, London, LSE; Youth NGO activist, 14/12/2009; CAN Canada, 13/12/2009; President of ENGO’s national European division on lobbying activities, 17/12/2009; Senior member of strategic planning committee of CAN, 14/12/2009; Lawyer in CAN legal unit, 16/12/2009; Young Greens Europe, 12/12/2009; Experienced YOUNGO, 11/06/2011.

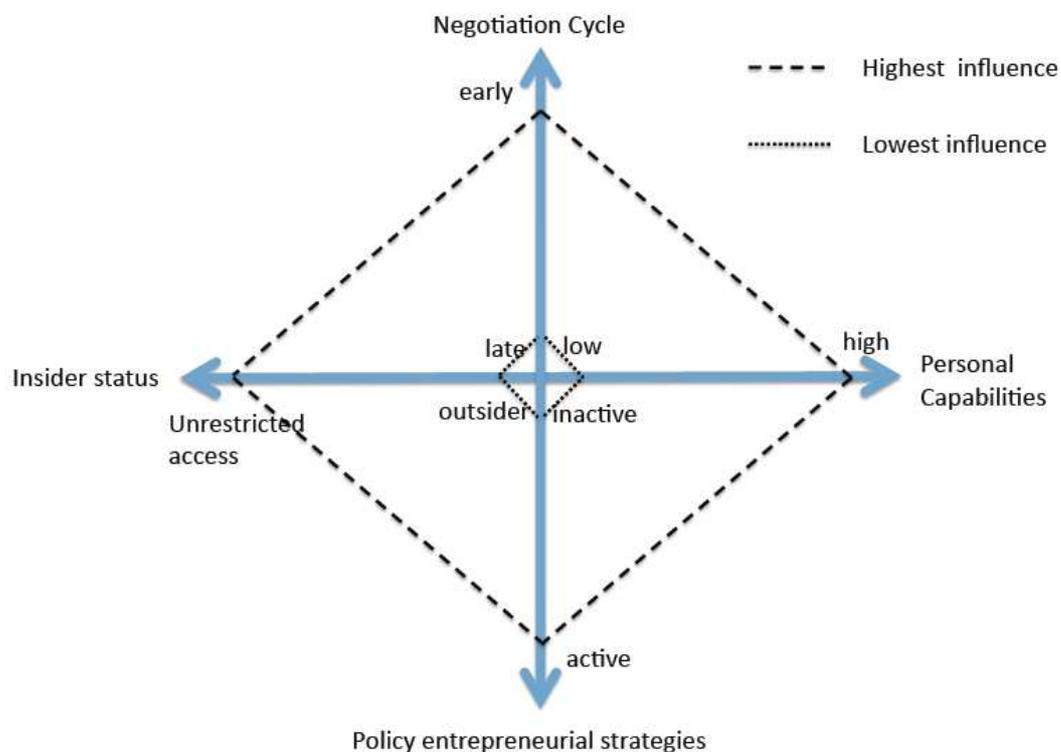
²² Rietig, 2011.

Figure 1. Indicators to determine influence inside the conference center. Source: Rietig 2011.

Indicator	Evidence
<p><u>Prerequisite for influence:</u></p> <ul style="list-style-type: none"> • Access to negotiation setting • Opportunity to communicate position and to be heard by government delegates • Be informed about recent developments in negotiations and key government's positions • Expertise on negotiation topics (have something to contribute), international standing and recognition as expert 	<p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p>
<p><u>Additional factors:</u></p> <ul style="list-style-type: none"> - Timing: Communication with government before national position is decided - Insider Status: <ul style="list-style-type: none"> • Member of delegation • Access to informal negotiations • Access to negotiation text • Access to and consulting of decision makers <ul style="list-style-type: none"> a) before and b) at high level segment - Policy-entrepreneurial strategies (proactive, networks, build coalitions) - Personal capabilities (relevant expertise and ability to present expertise successfully to government delegates) 	<p>Early/Late</p> <p>High/Low</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Active/ Inactive</p> <p>High/ Low</p>

This framework allows determination of the influence of NGO delegates who take on a lobbyist role. It is also valid for advisors and observers.²³ Figure 2 visualizes a qualitative measure of the influence of NGOs working within the conference center. If the levels of influence on the four indicator scales are linked with each other, a figure emerges. The larger the area under this figure, the higher the NGO influence on the negotiation. The larger diamond consequently reflects high influence on the negotiations and the small diamond low influence, depending on the strategies, capabilities, timing and status of the individual NGO delegate.

Figure 2. Indicators to determine low/moderate/high influence:
 - Timing in the negotiation cycle (the earlier the better)
 - Personal capabilities (the more expert and established, the better),
 - Policy-entrepreneurial strategies (the more active and engaged networker with creative ideas, the better)
 - Insider (the more senior within powerful delegation, the better)
 Source: Rietig, 2011.



²³ Rietig, 2011.

Activists: the power of mass protest

NGOs using outsider-strategies can not only influence climate change negotiations from inside the conference center as lobbyists or advisors, but also from the outside by organizing and participating in mass protests.²⁴ The following section focuses on the leverage NGOs gain from organizing protests and mass demonstrations. Under certain conditions, demonstrations can be a powerful tool to present expectations and demands from governments, push for ambitious action and voice citizens' concerns about climate change. The central strategy of activist NGOs is to make as much "noise"²⁵ as possible, both inside and outside the conference center, to achieve change by putting decision makers under pressure to act.

The influence of activist NGOs on climate negotiations can be assessed with four indicators. Prerequisites for influence are the existence of an organizational base for protest. This includes first shared concerns and objectives, second the existence of a transnational advocacy network²⁶ that can provide the necessary expertise, organizational capabilities, political-, information-, strategic- and leverage-power including established or ad-hoc emerging communication channels. Given these prerequisites are fulfilled, four indicators determine the influence of activist NGOs on climate change negotiations. First, the demonstrations must be peaceful to be framed positively. Peacefulness grants protesters legitimacy and protects them from being branded as criminals. Second, the

²⁴ The analytical framework is based on data triangulated from the following sources: Interview with Youth NGO activist, 14/12/2009; CAN Canada, 13/12/2009; President of national European division of lobbying activities, 17/12/2009; Senior member of CAN strategic planning committee, 14/12/2009; Lawyer in CAN legal unit, 16/12/2009; Young Greens Europe, 12/12/2009; Experienced YOUNGO, 11/06/2011; Gore 2009; Kerry 2009; Robinson 2009; Survey, 7/2010; and 25 valid ENGO responses, London, LSE; and participant observation at briefings by the chairs to civil society, demonstrations inside and outside the conference centers, personal communication at UNFCCC in November 2009 (Barcelona), December 2009 (Copenhagen), April 2010 (Bonn) and June 2011 (Bonn).

²⁵ Briefing of AWG-LCA chair to civil society, 4/2011; Christina Figueres, UNFCCC Executive Secretary at briefing to civil society, 6/2011; and Survey, 7/2011, London, LSE.

²⁶ A transnational advocacy network consists of NGOs sharing the same norms, values and objectives; see Keck and Sikkink, 1998.

demonstrations must receive high media attention and be covered favorably. Third, NGOs must have clear, simple messages and demands. Fourth, to be taken seriously by politicians and governments, they need to mobilize a critical mass of people who represent the majority of voters. Figure 3 summarizes the indicators to determine the influence of activists, using outsider strategies.

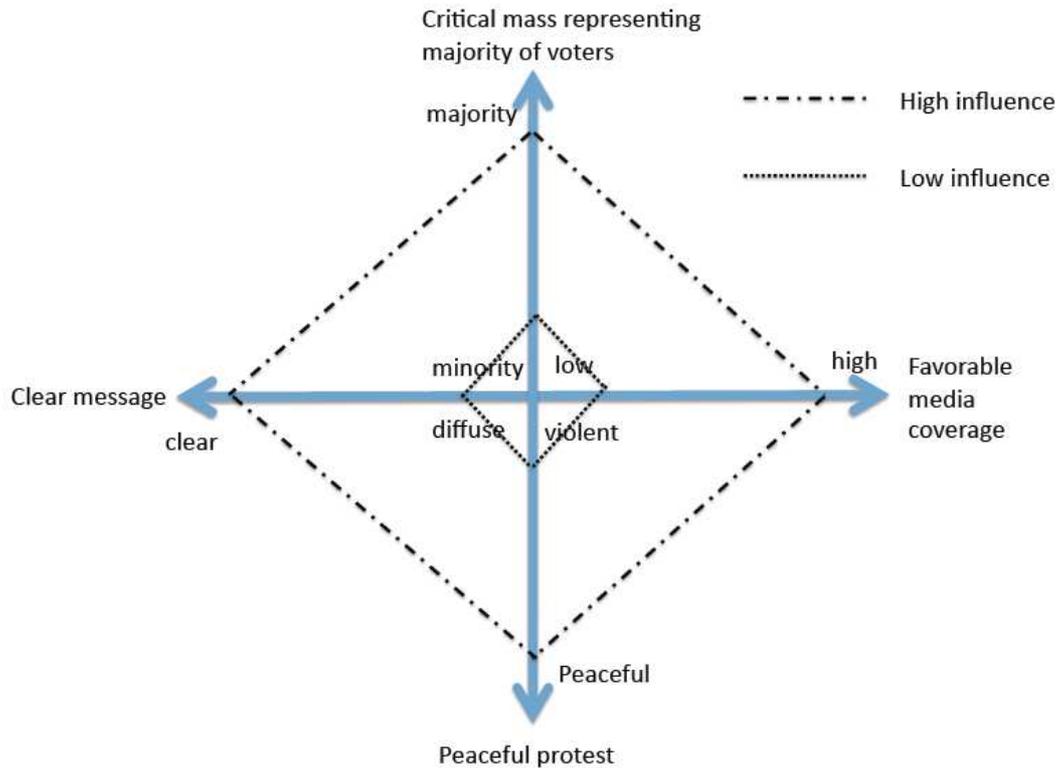
Figure 3. Indicators to determine influence of activists using outsider-strategies. Compiled by author.

Indicator	Evidence
<p><i>Prerequisite for influence:</i></p> <p>Organizational base for protest</p> <ul style="list-style-type: none"> • Shared concern and objectives • Transnational Advocacy Network • Established or ad-hoc communication channels <p><i>Additional factors:</i></p> <ul style="list-style-type: none"> - Peaceful Protest - Favorable media coverage - Clear message - Critical mass representing majority of voters 	<p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p>

The four indicators can be qualitatively measured on a scale that, by connecting the relative influence measures, results in a diamond-shaped figure. The larger the area of the figure, the higher is the NGO influence. A small or asymmetric figure indicates low to moderate influence. The influence is large, when NGOs mobilize a critical mass representing the majority of voters, there is high and favorable media coverage, clear messages are being sent and protest remains peaceful. The low extreme of the scale would be violent protest, low media attention, a small crowd of people that represents

minority interests and an unclear, complicated message or even no message at all. Figure 4 summarizes the scale of activist influence.

Figure 4. Criteria with scale of influence of activist NGOs. Compiled by author.



This section has presented an analytical framework useful to supplement the Betsill/Corell 2008-framework on assessing NGO influence on climate negotiations. It provides a supplement by linking influence to NGO strategies and capabilities. Depending on a NGOs' outsider-strategy of either lobbying or organizing/participating in mass demonstrations, influence is based on their score on the influence indicators.

Influence of Environmental NGOs at the Climate Change Conference 2009

The following section analyses the influence of ENGOs on the UNFCCC negotiations between 2009 and 2011 with a focus on the climate change conference in Copenhagen 2009. It tests both the analytical framework of NGO influence by Betsill and Corell²⁷ and the addition to the framework proposed above to conclude on the central research question of when, how and under what circumstances ENGOs influenced the UNFCCC negotiations between 2009 and 2011.

The objectives of Environmental NGOs within the Climate Action Network

To increase their influence by speaking with one voice and pool resources, ENGOs are grouped together in the *Climate Action Network* (CAN), which consists of an activist and a lobbyist branch. NGOs who share similar values and objectives frequently combine their resources and efforts by organizing as transnational advocacy network.²⁸

CAN is such a transnational advocacy network and includes most ENGOs at UNFCCC conferences. The CAN network allows ENGOs to pool their resources and knowledge to gain higher leverage for their common objectives and to focus on two distinct strategies. One branch of CAN engages in lobbying government delegates within the conference center while the other branch pools together the resources of activist NGOs for demonstrations. CAN emerged in 1989 when 63 ENGOs grouped together before the Second World Climate Conference with the common value of sustainable development.²⁹ Local, national and international ENGOs collaborate in CAN to achieve their shared objectives by engaging with government representatives, either by collabo-

²⁷ Betsill and Corell, 2008.

²⁸ Keck and Sikkink 1998, 1.

²⁹ CAN, 2011; Mc Gregor 2009; and Newell 2000, 126.

rating with them or putting external pressure on governments if positions diverge.³⁰ Central actors in CAN are *Greenpeace*, *Friends of the Earth*, but also newer activist ENGOs such as *Avaaz* and *350.org*, who mobilized millions of people around the world in demonstrations and awareness-raising campaigns. They demanded a strong legally binding deal that would limit temperature increase to 1.5 degrees and CO₂ in the atmosphere to 350ppm. This should be achieved by reducing GHG emissions by 40 percent from 1990 levels in industrialized countries and overall reduced per capita emissions. Central further demands are closing loopholes in carbon trading and a well-equipped fund for financing adaptation measures in developing countries.³¹

Evaluation of ENGO influence with the Betsill/Corell framework

The results of tracing the influence of ENGOs between 2009 and 2011 based on the Betsill/Corell framework indicate low influence.³² Except for contributing to how the problem of climate change is framed, they were not able to influence the agenda-setting or shape the positions of key states. They were unable to increase their importance by being called upon as important actors for implementing decisions. The Copenhagen Accords³³ were negotiated by a small group of heads of states, which left no room for ENGOs to directly shape the outcome of the conference.

While most states regarded climate change as a challenge and demanded an effective post-2012 climate treaty, they were unable to agree on the implementation of this goal and barely changed their negotiation position. Although there was a shift in government representatives' views that a treaty is necessary, each negotiation bloc had its

³⁰ ENGOs especially target industrialized countries, see Newell 2000, 126; for a detailed analysis on NGO – government coalitions in the sphere of lobbying depending on the position see Gullberg 2008.

³¹ Survey, 7/2010, London, LSE.

³² Corell and Betsill, 2008.

³³ UNFCCC 2009.

own interpretations of this common goal based on individual interests. ENGOs used leverage and symbolic politics³⁴ by emotionalizing information on climate impacts provided by the *Intergovernmental Panel on Climate Change* (IPCC) with memorable examples such as drowning polar bears. Many government representatives' view changed over the past years due to increased public awareness and concern, which can be traced back to ENGO's information campaigns to a certain extent. Consequently, ENGOs influenced the negotiation positions of government delegations by communicating the urgency of the climate change threat.

However, ENGO influence was limited as they failed to change the negotiation positions G20 states. The most powerful negotiation parties reinterpreted the IPCC target according to their political objectives.³⁵ They agreed in the Copenhagen Accords on the target to reduce emissions to 450ppm, thereby limiting the global temperature increase to 2°C,³⁶ while ENGOs and most developing countries demanded the target of 350ppm or 1.5°C temperature increase to save island states from rising sea levels and limit the loss of biodiversity. However, commonalities in the demands of ENGOs and developing countries were based on common references to the IPCC report's conclusions rather than on ENGO influence. There is also no evidence that ENGOs had a significant influence on setting the agenda, which was shaped by states and resulted from the topics discussed in the Ad-hoc working groups. Overall, ENGO representatives regarded their influence on the process indicators³⁷ and the conference as low.

ENGOs also failed to influence the outcome of the negotiations according to their own evaluation and government representatives' conclusions in the form of providing formulations that were reflected in the final document, both the UN Resolution tak-

³⁴ Keck and Sikkink 1998.

³⁵ Keck and Sikkink 1998, 25ff.

³⁶ IPCC 2007.

³⁷ Betsill and Corell, 2008.

ing note of the Copenhagen Accords, or the Copenhagen Accords themselves. Furthermore, ENGOs did not succeed in increasing their participation in future negotiations; however this did not seem to be a focus of their activities.

The central obstacle for influencing the negotiation outcome was the lack of access to the heads of states as key decision makers. Even when ENGO representatives were accepted into government delegations as insiders and had access to the negotiation text in the Ad-hoc working groups, they were not able to effectively influence the decisions of the heads of states as they discarded the prepared negotiation text. Furthermore, most ENGO delegates who managed to join government delegations as advisors were in developing country delegations who already shared their objectives and profited from ENGO expertise. In the case of the Copenhagen Accords, even the most senior ENGO advisors in developing country delegations were excluded from influencing the negotiation text together with their heads of states waiting in the plenary hall for progress among the G20 states drafting the text.

Consequently, the overall influence of ENGOs on the negotiations was low according to the influence indicators proposed by the Betsill/Corell analytical framework, although ENGOs succeeded in communicating their positions to government delegates, who received their input but did not carry it on into the negotiation text. One major additional factor besides the decoupling of the diplomat level and the negotiations among the heads of states was that government delegates perceived ENGOs as biased towards their advocacy position and not as neutral experts. The research results on the negotiations between 2009 and 2011 support Betsill's conclusion that the influence of NGOs is lower in negotiations on follow-up protocols as they require specific pledges and implementation instead of abstract declarations open to interpretation.³⁸

³⁸ Betsill 2008, 194ff.

Indicator-based measuring of influence for ENGOs using outsider-strategies

Although the Betsill/Corell analytical framework is very useful to determine the overall influence of NGOs, there is scope for differentiation. It does not distinguish between insider- and outsider-strategies or different capabilities. Opening up the black box of ENGO influence in 2009-2011 reveals that some ENGOs had more influence than others based on their strategies, capabilities and when in the negotiation cycle they approached government delegates: different ENGO delegates used different strategies, which determined their individual influence. Apart from successful insider-strategies as advisors who join government delegations,³⁹ most ENGO delegates use outsider-strategies. As members of advocacy NGOs, they either lobby government delegates asking them to adopt ENGO objectives or they demonstrate as activists. The following sections first evaluate the outsider-influence of observers, second the outsider-influence of lobbyists, and third ENGOs organizing or participating in demonstrations. These are either small-scale demonstrations inside the conference venue targeted at negotiators or mass demonstrations with media coverage targeted at influencing governments and top-level decision makers. This evaluation along the lines of strategies contributes to an improved comparability of NGO influence across constituencies and single issues.

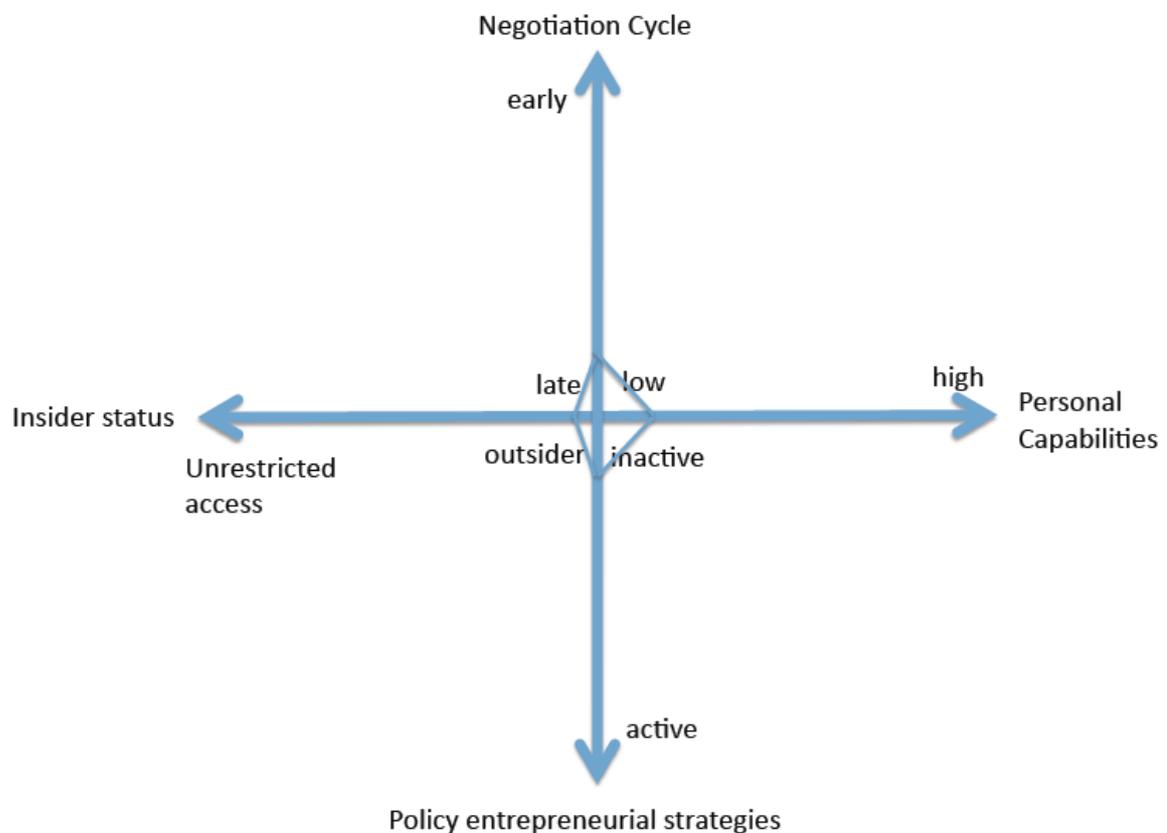
Observers of the negotiation process

The majority of NGO delegates in general, and ENGOs in particular, observes the negotiations to network with other NGO representatives or government delegates, report back to their organization, learn about best-practice in mitigation and adaptation

³⁹ Insider-strategies are discussed at Rietig, 2011.

by visiting side events and to gain a better understanding of the negotiations.⁴⁰ Both classic observers and lobbyists populate the corridors, side events, cafés and plenary halls of the conference center during UNFCCC negotiations, but they are excluded from the actual negotiations, which take place in the form of informal groups and contact groups behind closed doors guarded by UN security personnel. Observers are the classic role envisioned by the United Nations.⁴¹ Figure 4 illustrates the low influence of observers between 2009-2011 symbolized by the small diamond shape as they have an outsider status, limited use of policy entrepreneurial strategies, limited expertise and enter the negotiation setting very late after the national positions have already been decided.

Figure 4. Low influence of observers. Compiled by author based on Rietig 2011.



⁴⁰ Survey, 7/2010, London, LSE.

⁴¹ UNFCCC 1996.

Strategies and influence of environmental lobbyists

Like classic observers, environmental lobbyists are working within the negotiation venue but remain outsiders to the actual negotiations due to their status as nongovernmental observer. This crucial criterion distinguishes the environmental lobbyist from the advisor, whose network is good enough to join government delegations and thereby circumvent the access restrictions to the actual negotiations experienced by the environmental lobbyist.

“The high-level delegates are very cold and block every contact. They are not approachable and do want to be left alone. They do not even want to engage in a dialogue about the issue with us.”⁴²

Environmental lobbyists have a very limited influence on the negotiations according to government representatives.⁴³ There are several reasons for this. First, as lobbyists they advocate a certain position, i.e. they demand something from the government representatives but have little to offer in return. Consequently, their position is communicated and received by the government representatives; however the latter see no reason to act upon the input and adapt their position unless the environmental lobbyist has considerable bargaining power and resources at hand. In contrast to business and industry representatives, who in fact have high financial capabilities and are central partners in the implementation of climate agreements, few environmental NGOs have this leverage power.⁴⁴ However, if they possess the capabilities of high expertise and excellent networking, government delegates value them. This enables lobbyists to become advisors, either in close contact to the government delegation or even as member. They do not need to

⁴² Interview with CAN Canada delegate, 17/12/2009, Copenhagen, UNFCCC.

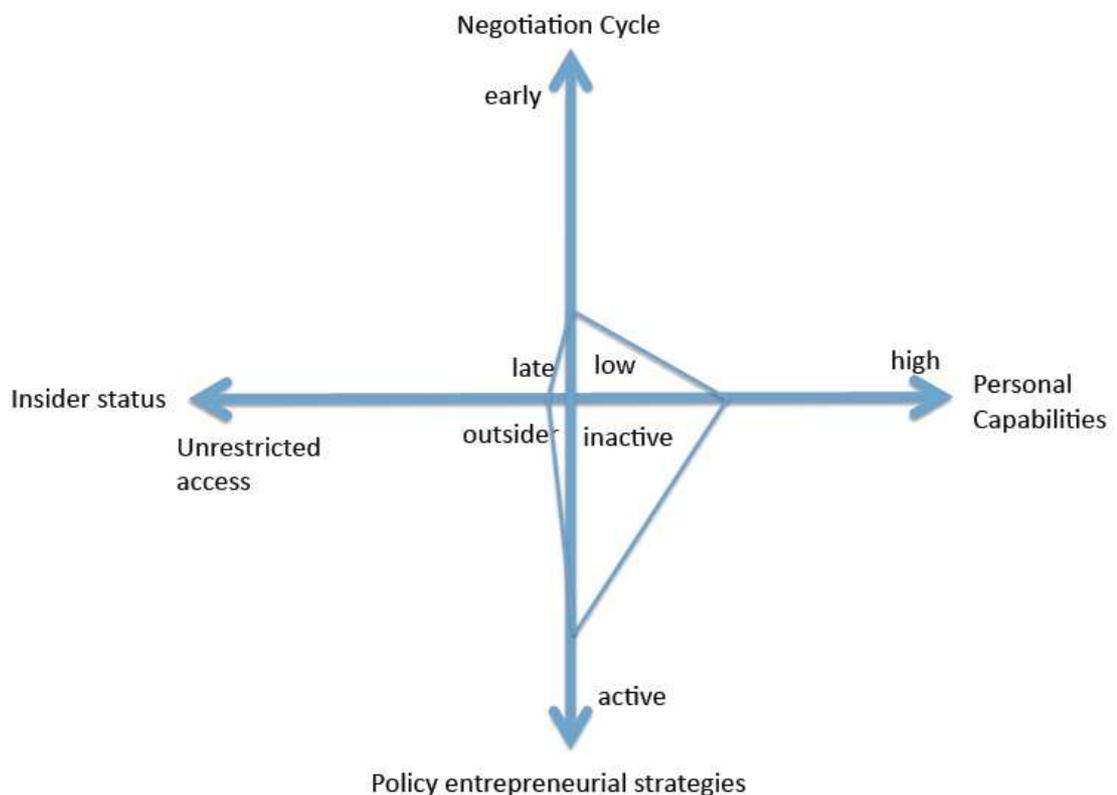
⁴³ Interview with AOSIS, 10/4/2010; EU, 10/4/2010; Germany, 12/12/2009; Japan, 12/12/2009; Latin America, 11/4/2010; United Arab Emirates, 12/12/2009; Umbrella Group, 11/4/2011; Vanuatu, 17/12/2009; and participant observation.

⁴⁴ For detailed lobbying strategies, see Bilouri 1999; and Vormedal 2008 for the leverage and capabilities of Business and Industry NGOs.

lobby the delegates anymore as a two-way street of communication and mutual appreciation is established.

A core indicator is when in the negotiation process environmental lobbyists approach government representatives. All government delegates interviewed agreed that once the negotiation position has been decided by the national decision-making body, usually the parliament, the position cannot be changed, regardless how hard NGOs try to lobby them. Figure 5 visualizes the low influence of environmental lobbyists.

Figure 5. Low influence of environmental lobbyists. Compiled by author based on Rietig 2011.



As outsiders to the actual negotiations, the score of environmental lobbyists on the 'insider' indicator is low. Unless they already lobbied national governments before the national negotiation position was decided in parliament and the regional negotiation

bloc, their score on the timing indicator is also low. Environmental lobbyists frequently take great personal efforts to make a difference and are very entrepreneurial in how they approach government delegates. ENGO delegates working in the lobbying section of CAN prepare detailed lobbying strategies, coordinate their efforts in daily coordination meetings over several hours and even lobby government delegates at the hotel bar at 2am in the morning or stay at the conference center if the negotiations continue into the night.⁴⁵ In the case of lobbying by ENGOs the costs of personal effort, lost sleep, attending COPs and coordinating lobbying strategies does not match the benefits from lobbying government delegates in the form of influence on the high-level-negotiations, neither on the process nor the outcome. This is especially the case when ENGOs lobby government delegations whose negotiation position does not match the objectives of the ENGOs. If ENGOs lobby delegations whose position they share, they quickly move from the lobbyist role to the advisory role as delegations welcome the expertise and technical input to their work on capacity building.

Effectiveness of demonstrations

The process tracing to government representatives yields a differentiated evaluation of the effectiveness of demonstrations organized by ENGOs. The direct influence of demonstrations on government delegates is low. Unless demonstrations continue over weeks with millions of participants, government delegates perceive them as disturbing background noise and security issue, but not as reason enough to get into contact with their home government attempting to change the negotiation position.⁴⁶

⁴⁵ Participant observation in December 2009 (Copenhagen) and June 2011 (Bonn).

⁴⁶ Interview AOSIS, 10/4/2010, Bonn, UNFCCC; EU delegate 10/4/2010; Japan, 12/12/2009; Latin America, 11/4/2011; and Umbrella Group, 11/4/2011.

However, the indirect influence via the media can be considerable. Media representatives reporting about the negotiations in their home countries are very thankful for the demonstrations by ENGOs and their youth organizations as they paint a lively picture of the negotiations. Examples include green aliens asking for ‘climate leaders’ given the lack of leadership on ambitious targets, ticking alarm clocks symbolizing the urgency of the climate crisis and a fake New York Times copy pre-dated to the last day of COP-15 with headlines of a strong, legally binding deal limiting global temperature increase to 1.5°C agreed by the US and China.⁴⁷

ENGOs with millions of members can affect public opinion via mass demonstrations and the media, thereby pressuring democratic governments with consequences in the next elections. An example where ENGOs effectively use tactics of leverage and accountability politics is the daily Fossil of the Day Award ceremony at larger UNFCCC COPs and intersessional meetings. CAN uses public shaming within UNFCCC when it awards the Fossil of the Day award in a daily ceremony to states that have not lived up to their mitigation promises or are blocking progress in the negotiations. These ceremonies draw considerable attention by government delegates, nongovernmental representatives and the media. Canada frequently received Fossil of the Day awards for the exploitation of tar sands in Alberta and Germany for playing an overall leading role in the negotiations but re-labeling their official development aid as contribution to climate adaptation in developing countries.⁴⁸ The awards are communicated by the government delegations to their ministries and noted as negative publicity.⁴⁹

⁴⁷ Participant observation of demonstrations inside the negotiation center by Avaaz and Greenpeace, 11/2009, Barcelona; and Fossil of the Day award ceremonies, 11/2009, Barcelona and 12/2009, Copenhagen, UNFCCC.

⁴⁸ Keck and Sikkink 1998, 23f; ENGO 2, 13/12/2009, Germany, 12/12/2009; and participant observation of Fossil of the Day award ceremonies in 11/2009, Bonn; and 12/2009, Copenhagen.

⁴⁹ Germany, 12/12/2009.

Consequently, demonstrations can have an impact when ENGOs use strategies of civil regulation to blame and shame states by exposing their un-ambitious targets or contradictions between their actions and the positive image states try to communicate.⁵⁰ If this blaming and shaming by ENGOs endangers the positive image of climate leadership a country wants to preserve, ENGO activities are noted by the responsible ministers and can lead to a rethinking of the negotiation position on the long term.⁵¹

Indirect ENGO tactics reflecting information and strategic politics include positioning their messages in TV and Internet news, radio and newspaper. These are powerful tools to influence the discursive position of states on the long term via several negotiation cycles. The stronger public opinion on a topic is and the more central demands for reducing emissions or proactive climate policy are in public debate, the more likely large political parties take up the topic and the higher the probability that ENGOs can succeed against the interests of the powerful fossil fuel lobby.

“Demonstrations are important, they force certain issues on the screens of the people at home. So when these demonstrations occur, like in Copenhagen on Saturday, the media loves that and the cameras capture the messages, and that is how the public is becoming aware of the negotiations and the issues”.⁵²

Demonstrations to the scale of civil disobedience and arrests for climate justice make headlines in the largest newspapers, such as the ENGO activists that spent Christmas 2009 in prison. These demonstrations provide the platform to communicate the climate negotiations and the CAN demands on a strong, legally binding climate treaty to the wider public and electorates. Demonstrations push issues up the political agenda. This causal link explains why the expectations for the conference and public pressure expressed through the media that were deliberately pushed unrealistically high by

⁵⁰ ENGO, member of CAN strategic planning committee, 14/12/2009; Keck and Sikkink 1998, 23ff.

⁵¹ Interview Germany, 12/12/2009.

⁵² AOSIS 2, 15/12/2009.

NGOs media communications beforehand,⁵³ motivated 110 heads of states to attend the climate change conference at short notice instead of sending their ministers dealing with climate change issues or special envoys. While the high-level profile of COP-15 was also owed to the efforts of governments, a comparison of the provisional list of participants with the actual list of participants for COP-15 reveals that many heads of states decided to attend at short notice. This indicates that activist NGOs did have a considerable influence on the negotiation process. They did not change the negotiation position of states, but they framed climate change as danger requiring urgent action and pushed the climate change issue up the domestic agenda by organizing demonstrations drawing media attention. Decision makers react when they realize that their electorate is concerned about one issue and requires the government to take appropriate action. As a consequence, many governments and political parties developed national climate change strategies, established departments dealing with climate change mitigation and adaptation, and mainstreamed climate change into the wider public and political debate. If NGOs succeed in convincing public opinion and the majority of voters, politicians in democracies can hardly afford to ignore their demands. This leads to changes in the national negotiation position over the long term.

NGOs' activist strategies may have even contributed to saving the Copenhagen climate negotiations from a breakdown as the demonstrations and public attention raised the political costs of not reaching any agreement at the end of the conference.⁵⁴ The public pressure on Parties to present "something" in agreement was substantial and contributed to the emergence of the Copenhagen Accords.

In conclusion, demonstrations organized by NGOs can lead to public attention,

⁵³ Survey, 7/2010, London, LSE.

⁵⁴ Survey, 7/2010, London, LSE; personal conversation with nine government representatives, 2010/2011.

Conclusion on the low effectiveness of lobbying and the power of demonstrations

This article analyzed the influence of advocacy NGOs using outsider-strategies at the example of ENGOs. They can pursue insider-strategies by joining government delegations as advisors or pursue outsider-strategies as either lobbyists or activists. ENGOs are organized as transnational advocacy 'Climate Action Network' and are putting pressure on the negotiators at climate change conferences, but especially on their governments via media reports of mass demonstrations and public shaming.

A process tracing of ENGO input to government representatives between 2009 and 2011 reveals that lobbying government delegates at major conferences has little impact as positions stand after having been decided on earlier by parliamentary votes. Another difficulty facing environmental lobbyists is that they are not valued by government delegates as much for their expertise as academics are, due to their lack of neutrality and their clear advocacy position demanding something from the governments. Influence can be increased moderately by using strategies that establish them as policy entrepreneurs. It can be concluded from this analysis as implication for practice that the resources and effort invested in lobbying government delegates at UNFCCC conferences is better used differently, either for highly effective advisory insider-strategies where ENGO representatives join government delegations,⁵⁶ lobbying governments on the national level before positions are decided or demonstrations in connection with a strategic management of media relations.

⁵⁶ For a detailed analysis of insider strategies used by academics and other NGOs, see Rietig, 2011.

The more influential outsider-strategy was, in the case of COP-15 2009, influencing public opinion by media campaigns or organizing mass demonstrations and thereby raising the political costs of failing to agree on an outcome. This article presented four indicators to assess the influence of activist NGOs on the negotiations. The messages must be clear, the demonstrations need to remain peaceful, the media coverage needs to be favorable and it is essential to exert public pressure on governments. A critical mass of people must participate representing the majority of the electorate.

In the case of ENGOs at the Copenhagen Climate Conference, all indicators were fulfilled at a maximum, what indicates high influence of ENGOs using activist strategies at the negotiation meeting itself and on the long run. At the 2010 COP-16 in Cancun, ENGOs were present and active, but the disappointing outcome of COP-15 due to possibly unrealistically high expectations created by ENGOs beforehand, resulted in a loss of public interest. ENGOs were consequently less successful to leverage political pressure on decision makers. Media coverage was scarce and less favorable, not transmitting the messages from the majority of voters.

The analysis of the influence of NGO strategies is based on data gathered over three years (2009-2011). It allowed identifying a set of indicators for the influence of outsider-strategies on the negotiations in the form of an extension to the Betsill/Corell theoretical framework presented above. The theoretical implications are that influence of NGOs can not only be determined as high/moderate/low for an NGO constituency at a conference as offered by the Betsill/Corell framework, but that it can be further analyzed based on the strategies an NGO uses. In the same conference, ENGOs can have a high influence with activist strategies, but a low influence with lobbying strategies. This article contributed to a further development of analytical tools that allow measuring the influence of NGOs in climate negotiations with indicators based on their insider- or outsider

roles. The UNFCCC negotiations between 2009 and 2011 were typical for UNFCCC conferences on the diplomat level in the number of participating NGOs, the outcome of the negotiations and the effectiveness of participation. The high profile and expectations linked to the high-level-segment of the Copenhagen conference were less typical. This allowed for additional leverage of activist strategies, especially the high media attention, which is usually not available to activist NGOs if the expectations regarding the outcome of the conference are very low to begin with, for example as COP-16 in Cancun or the 2012 COP-17 in Durban. If nongovernmental actors assess their strengths and strategically use their capabilities in the areas where they can have the highest influence on the negotiations, they may contribute to further improving international environmental negotiations. As central actors in global environmental governance, civil society and its nongovernmental organizations play a central role in motivating and supporting states in their abilities to more effectively govern global environmental common goods.

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Appendix 2: Survey questions

Evaluation of the roles, strategies and influence of NGOs at COP-15

1. Which role did your NGO take on in the negotiation?

Advisory; Activist; Lobbyist; Observer/Networker; Other

2. What activities did this role involve?

- Advising government delegations with scientific expertise
- Providing information to government delegations (publications, speeches at side events attended by government delegates)
- Joining government delegations as advisor on policy field
- Joining government delegations as negotiator
- Demonstrations inside the conference centre
- Demonstrations outside the conference centre
- Lobbying of like-minded government delegations
- Lobbying of government delegations with different negotiation objectives
- Observing the negotiations
- Networking with other NGO delegates
- Visiting side events
- Other

3. On which level would you say was your NGO trying to influence the negotiations and with which intensity?

	Very low intensity	Low intensity	Moderate intensity	High intensity	Very high intensity	N/A
Agenda Setting						
Influence on discursive positions of states						
Improve participation opportunities for NGOs						
Bring about policy change of central actors						
Influence the negotiating position of states						

4. What activities did your NGO undertake between January and December 2009 to influence the agenda of the COP-15 prior to the conference?

- 5. What was your main issue of concern at the negotiations?**
- 6. Was there a shift in the general understanding of the issue between January 2009 and December 2009 among the actors involved (states and NGOs)?**
 - 6.a) Please specify how (from which starting point to what end view) the understanding of the issue changed**
- 7. What did your NGO do to bring about this shift in how the issue was understood?**
- 8. Which strategies/ tactics did your NGO use to achieve its negotiation objectives?**
- 9. What were the initial negotiating positions of the key states you were in close contact with?**
- 10. Did these key actors change their position during the negotiations?**
- 11. Do the Copenhagen Accords reflect your NGOs position about what should be done on the issue?**
- 12. Do the Copenhagen Accords contain text that has been drafted by your NGO?**
- 13. Do the Copenhagen Accords contain text that reflects your NGO's negotiation objectives?**
- 14. How would you evaluate your NGOs influence on the negotiation process (January 2009 until December 18, 2009)?**
- 15. How (high or low) would you evaluate your NGOs influence on the negotiation outcome (the Copenhagen Accords)?**
- 16. Is your NGO accredited with the United Nations Economic and Social Council (ECOSOC)?**
 - Yes
 - No
 - Don't know
 - Other
- 17. Did members of your NGO join government delegations?**
- 18. How many members did your delegation have (registered) at COP-15 in Copenhagen?**
- 19. How is your NGO funded?**

20. What is the range of qualifications your delegates possess?

21. Please rate your level of agreement with the following statements on the importance for the negotiations:

The experience of a delegate is important
The high expertise of a delegate is important
Excellent preparation is crucial
The personality of a delegate is important
The personal and professional network of a delegate is important
The reputation of a delegate is important
Financial resources are important
A large number of delegates is important

22. Is your NGO organized in a network of NGOs within your constituency?

23.

a) What common norms and values does this network share?

b) How frequently does your NGO interact with other NGO members of this network?

c) What activities does this network involve?

Information sharing

Exchange of (academic) research findings

- Collaboration on research projects

- Exchange of delegates

Representation of one common position (negotiation bloc)

Pooling of resources

Common actions (demonstrations)

Sharing organizational capabilities

Other

24. How often have representatives of your NGO attended COPs?

25. Where do members of your NGO come from?