



POSITION PAPER

Global Environmental Governance and NGOs

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INTRODUCTION

There are numerous debates that have been going among international relations scholars over the question of whether non-state actors can be perceived as one of the most crucial actors in international relations and how they can influence states. The realist scholars claim that the state is the most powerful actor in international relations. The neo-liberal institutionalists are in agreement with the realists that the state is the crucial actor, in which the role of international institution should be taken into account in shaping outcomes. For instance, the hegemonic stability theory suggests that a regional order will be achieved only in the presence of a hegemon, whether at a global or regional level, with the capabilities to impose peace. Robert Keohane claims that for “the creation of international regime, hegemony often plays an important role, even a crucial one.”¹ Kenneth Waltz suggests that the “states are the units whose interactions form the structure of international political systems. They will long remain so.”² In this paper, I will answer the question of how the strategies used by non-state actors, rather than the state, particularly non-governmental organizations (NGOs) can impact global governance in climate change. I will take as examples the United Nations Framework Convention on Climate Change (UNFCCC) conferences that were held in 2009 and 2011.

¹ Guzzini, Stefano. *Realism in International Relations and International Political Economy: The Continuing Story of a Death Foretold*. London: Routledge, pp. 144-145. 1998. Print.

² Arts, Bas, Math Noortmann, and Bob Reinalda. *Non-state Actors in International Relations*. Aldershot, Hants, England: Ashgate, p.80. 2001. Print.

NGOs, STATE WEAKNESS AND GLOBAL CIVIL SOCIETY

To begin with, there are scholars who dismiss the actual power of the state. To elaborate, the transnationalist scholars stress on the influence of non-state actors. One of the main characteristics of the twenty-first century is non-polarity. In other words, the world is not dominated by one state but rather by dozens of actors who exercise numerous forms of powers.³ It is necessary to reject an orthodox state-centric power-based approach in order to understand the responsibilities and roles of non-state actors particularly NGOs. NGOs are

Groups of individuals organized for the myriad of reasons that engage human imagination and aspiration. They can be set up to advocate a particular cause, such as human rights, or to carry out programs on the ground, such as disaster relief. They can have memberships ranging from local to global.⁴

They are not a single model but rather a complex, broad and dynamic process of interactive decision-making that is constantly developing. They are part of the global system and became essential to the analysis of international power relations and transnational and international relations. States are being challenged from above, mainly by NGOs.

NGOs have contributed to a transformation of the international system. In the 1990s, globalization, which is the “economic, financial and technological change embedded each country in an interconnected global system that is beyond the control of individual governments,”⁵ has asserted the existence of a global system. With the widespread of “crisis of the state” that had been underway for two decades and the growing concerns about the increasing inequalities, lack of real democracy and re-colonization, there are serious questions concerning the traditional social welfare policies and the progress of state-led developments. In fact, it implies the weakening of state sovereignty and state structure.⁶ Furthermore, globalization has weakened traditional governance processes. Hence, a Commission on Global Governance in 1994 reported different proposals that include strengthening international law, economic interdependence, global security and reform of the UN. These proposals were based on assumptions of new situations such as the “interdependence of nations is wider and deeper” as well as there are remarkable “shifts of focus from states to

³ Haass, Richard N. "The Age of Nonpolarity." *Foreign Affairs*. N.p., 24 May 2012. Web. 06 Dec. 2015.

⁴ Goel, O. P. *Strategic Management and Policy Issues of NGOs*. Delhi: Isha, p.122. 2004. Print.

⁵ Willetts, Peter. *Non-governmental Organizations in World Politics: The Construction of Global Governance*. Milton Park, Abingdon, Oxon: Routledge, p.145. 2011. Print.

⁶ Laxer, Gordon, and Sandra Halperin. *Global Civil Society and Its Limits*. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, p.3. 2003. Print.

people with “ a growth of international civil society.”⁷ The combined effect of “the many ways individuals and institutions, public and private, manage their common affairs was known as governance.”⁸ Global governance must now be comprehended as involving NGOs. What contributes to global policy-making is the interaction of the governments with global civil society. In the 1990s, NGOs have produced significant shift in the global environmental agenda. Despite their diversity, NGOs share common features such as having an institutional and structure presence, being separated from the state and non-profit controlling own affairs, and the membership is not legally required.⁹ Consequently, the focus has shifted on the new expectations of the civil society organizations that operate in societies throughout the world.

Empirically, global civil society, NGOs, is not coherent groups of people. According to Charles Tilly, they are sustained interactions among and between specific authorities as well as the ones challenging their authority. Hence, interaction is the crucial element; when the locus of power changes, the nature of collective identities of the protestors also alters. Global civil society refers to active citizenship.¹⁰ Nevertheless, the alteration of the concept, from domestic civil society to global civil society, opens doors for confusion. On the one hand, domestic civil society is mainly independent from state control. On the other hand, how and what global civil society is supposed to be independent from? What is a state or power structure that is global? In fact, a global state does not exist. Global civil society is used to refer either to transnational social movements or NGOs. A shift has occurred from a national to a transnational level in which “ the emergence of new political opportunities on the international level brings about a radical change in the nature of protest, which tends to globalize, as well as in the structure of social movement organizations, which become transnational in scope.”¹¹ This self-organization outside formal political circles will allow citizens to influence the conditions, in which they live, either through political pressure or self-organization.¹²

The involvements of NGOs and civil society in global governance have increased dramatically in the 1990s in terms of having a constructive participation in global environmental governance. Additionally, the citizens, who pursue private means and objectives that have both transnational as well as public effects, rule the NGOs.

Although NGOs are considered a ‘new’ phenomenon in the late twentieth century, it

⁷ Ibid., p. 146

⁸ Sinclair, Timothy J. *Global Governance: Critical Concepts in Political Science*. London: Routledge, 2004. Print.

⁹ Ibid., p.3

¹⁰ Kaldor, Mary. *Global Civil Society: An Answer to War*. Cambridge, UK: Polity, p.8.2003. Print.

¹¹ Laxer, Gordon, and Sandra Halperin. *Global Civil Society and Its Limits*. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, p.5.2003. Print.

¹² Kaldor, Mary. *Global Civil Society: An Answer to War*. Cambridge, UK: Polity, p.8.2003. Print.

has occurred for over two centuries. Their role was poorly theorized and examined. For example, in 1948, the United Nations listed forty-one consultative groups. They were accredited to participate in consultative processes.¹³ In 1998, more than 1,500 organizations had various types of access and participation.¹⁴ There are certain factors that explain the rise of NGOs; these include the development of information technology, the spread of democracy and global interdependence. The past decade has witnessed the intensification of the of the environmental NGO activities with the UN procedures. The UN is not only a global forum to call for attention to particular issues and agendas but also to have an impact on the official UN deliberations. In other words, the United Nations Conference on Environment and Development (UNCED) played a crucial role in gaining further understanding of the international processes of policymaking. The UNCED can be perceived as a shift in highlighting the importance of non-state actors. To elaborate, it was declared in Agenda 21 that the United Nations system has to take the views of non-governmental organizations into account, in policy, and program design, implementation and evaluation.”¹⁵ Hence, they gained access to diplomatic processes in order to influence outcomes. The involvement of NGOs can take different forms in global governance, particularly in global environmental governance. They have strengthened outcomes as well as enriched the process in numerous places and in various ways. They built the political will in order to be able to achieve the development of certain social and environmental goals. NGOs have served as alternatives to inadequate democratic institutions.

Nevertheless, one might ask to what extent states can relinquish some of their powers over policy making? According to governments, mitigating the ‘democracy deficit’ and enhancing the legitimacy of global governance were the main two reasons civil society participation in the United Nations Framework Convention on Climate Change (UNFCCC).¹⁶ Nevertheless, the states decide which NGO is allowed or not allowed to participate as observers since NGOs will impose constraints on their behaviors. To elaborate, although states have agreed that NGOs get involved at the international level, “they still bar NGO participation in procedures or issues that in some way restrict state sovereignty”.¹⁷

¹³ Hens, Luc, and Bhaskar Nath. *The World Summit on Sustainable Development: The Johannesburg Conference*. Dordrecht: Springer, p. 326. 2005. Print.

¹⁴ Ibid.

¹⁵ Kumar, Anuradha. *Human Rights Development of under Privileged*. New Delhi: Sarup & Sons, p.13. 2006. Print.

¹⁶ Held, David, and Angus Fane Hervey. "Democracy, Climate Change and Global Governance Democratic Agency and the Policy Menu Ahead." *Policy Network Paper* (2009). Print.

¹⁷ Bohmelt, Tobias, and Thomas Bernauer. "Civil Society Participation in Global Governance: Insights from Climate Politics." *European Journal of Political Research* 53.18 (2014): 18-36. Web.

2009 UNFCCC AND NON-PARTICIPATION OF NGOS

In 2009, the United Nations Climate Change Conference was held in Denmark. The main purposes were to mobilize long-term finance and governance structures, ambitious mid-term emission reductions by developed countries and clarity on mitigation actions by developing countries.¹⁸ These issues brought together 115 Heads of State and Government. Nevertheless, NGOs were not allowed to participate in the conference. The justification was that the “Bella Center, with its 15,000-person capacity, could not accommodate all 40,000 people who had applied for accreditation, comprising more than 21,000 NGOs and 5,000 media with the remainder being parties or intergovernmental organizations.”¹⁹ In the last days of the conference, only a very few number of civil society delegates were allowed to attend the conference. As a result, NGOs representatives were unhappy and their exclusion from the negotiations affected the outcome of the conference. An NGO representative states “how can we keep the pressure when we do not know what is going on are not even allowed near the building where crucial negotiations are taking place?” This summit has revealed the limits of the states and casted doubts on their role as international climate leaders. It was a failure in the sense that the offer by the European Union to increase its “own emission reduction effort by 2020 from 20 to 30 percent was not a bargaining chip as it did not impress others.”²⁰ This single legally binding agreement was not backed by developing countries since it implies that they will implement mitigations actions. Also, the US and China dominated this accord and hence, the developing countries are being excluded from decision-making. The existing global governance suffers from deficits of both inclusion and accountability.²¹ One of the things that can be drawn from the UNFCCC 2009 experience is that there was no consensus that was useful for governance since the accord is not legally binding. A more collaborative action is required in terms of the NGOs inclusion in order to have broader spectrum of views and further approaches to solving problems. When states and NGOs are seen as equal partners in issues, there will be more likely a generation “buy in” and therefore, concrete and useful results. Although governments have failed to prevent dangerous climate change, the intense negotiations did not only elevate the issue to the highest political agenda but also activated NGOs around the world.²²

¹⁸ "Copenhagen Climate Change Conference." *United Nations Framework Convention on Climate Change*. N.p., Dec. 2009. Web. 06 Dec. 2015.

¹⁹ "The Copenhagen Climate Change Conference:." *The American Journal of International Law* 104.2 (2010): 230-40. 2010. Web. 2015.

²⁰ Alisa Herrero, and Hanne Knaepen. *Run-up to 2015: A Moment of Truth for EU External Climate Action?* (n.d.): n. pag. *European Center for Development Policy Management*. Web. 2015.

²¹ Held, David, and Angus Fane Hervey. "Democracy, Climate Change and Global Governance Democratic Agency and the Policy Menu Ahead." *Policy Network Paper* (2009). Print.

²² Ryding, Tove. "Climate Protection between Hope and Despair: 20 Years of the UNFCCC." *GreenPeace International* (2012): n. pag. June 2012. Web. Dec. 2015.

2011 UNFCCC AND NGOS STRATEGIES

Some scholars such as Bernstein and Haas argue that through the inclusion of NGOs in state's negotiation delegations, there will be improvement in the legitimacy of global policy making. The involvement of more NGOs "will result in more legitimate global environmental agreements."²³ Specifically, the inclusion of NGOs in state negotiation delegations will lead to the improvement of global policy making. There learned lessons form the 2009 UNFCCC. In fact, in global climate policy, the policy-making process was in presence of many civil society observers as well as civil society organizations; negotiate on behalf of their countries. This was clear in the 2011 Nations Framework Convention on Climate Change (UNFCCC) in Durban, in which it aim was to establish a new treaty in order to limit carbon emissions.²⁴ In the negotiations process, 18% of all members of national delegations were civil society organizations.²⁵ In addition, more than "70 per cent of the 193 countries present formally granted at least one CSO representative access to their national delegations."²⁶ The UNFCCC sought to exchange of information related to climate change, invest in public awareness and promote cooperation by all countries. In order to achieve an effective as well as appropriate international response, the UNFCCC has also encouraged a widest participation of NGOs. Instead of being at the periphery in the formal policy and implementation process, NGOs gained importance presence in international negotiations.²⁷ Although they were formally observers at UN conferences, they did not only have a voice but also to influence governmental decision-making and negotiations. NGOs used two main strategies, insider and outsider, as means to influence negotiations on climate change.²⁸ As insider-strategies, they contact the negotiators directly as policy advisors as well as experts on technical issues. Government delegates perceive NGOs as experts, constructive contributors and neutral. The information and the perspective of civil society will be brought into the process to generate not only new insights but also approaches. In addition, the activities that influence multilateral decision-making from outside the

²³ Bohmelt, Tobias, and Thomas Bernauer. "Civil Society Participation in Global Governance: Insights from Climate Politics." *European Journal of Political Research* 53.18 (2014): 18-36. Web.

²⁴ "Background on the UNFCCC: The International Response to Climate Change." *Essential Background*. United Nations Framework Convention on Climate Change, n.d. Web. 06 Dec. 2015.

²⁵ Bohmelt, Tobias, and Thomas Bernauer. "Civil Society Participation in Global Governance: Insights from Climate Politics." *European Journal of Political Research* 53.18 (2014): 18-36. Web.

²⁶ Ibid.

²⁷ Putra, Nur Azha, and Eulalia Han. *Governments' Responses to Climate Change: Selected Examples from Asia-Pacific*. N.p.: Springer, p.102. 2014. Print.

²⁸ Gulbrandsen, Lars and Steinar Andresen. 2004. NGO influence in the implementation of the Kyoto Protocol: compliance, flexibility mechanisms, and sinks. *Global Environmental Politics* 4 (4): 54-75.

circle of decision-makers are known as outsider-strategies.²⁹ These activities include alliance with media in order to influence the public, campaigning and protests. Lobbying can be considered as a semi outsider-strategy; it is when NGOs have access to negotiating setting. By communicating with the delegates of the governments, they mainly inform them about the issues and formulations they want to include in the accord. Although lobbying operates inside the conference hall, they are still outsiders to the government delegations. However, lobbying needs specific skills such as personal capabilities, expertise on negotiations topic, capability to communicate position and to be heard by government delegations and strategy of policy-entrepreneurial.³⁰ This allow the lobbyists to become advisor, whether they are members or in contact with the government delegations. Providing accountability and transparency, they can also serve as watchdogs and as deliberators by providing input to the negotiations process. For example, Greenpeace International Executive Director had a voice and called on the participants to “ ensure a peak in global emissions by 2015, address the needs of the most vulnerable countries and communities, emission reductions: Close the gap between politics and science, Set up a framework for protecting forests in developing countries.”³¹ The central strategy of NGOs is to make as much ‘noise’ as possible in order to achieve change. They also succeeded in putting decision makers under pressure in order to act. They gave additional information and expertise to governments and helped them to obtain policy-relevant information at low cost, given the high level of uncertainty that characterizes environmental issues.³² In a balanced fashion, the negotiations advanced and the parties implemented the Kyoto Protocol, the Convention, the Cancun agreement and the Bali Action Plan.³³ The outcomes did not only include the preservation of the right to sustainable development but also the stabilization of greenhouse gas concentrations in the atmosphere at a certain level in order to prevent our dangerous interference with the climate system.³⁴

CONCLUSION

The NGOs actors strategically used their capabilities in areas in which they have the highest influence on the negotiation processes. In the environmental global governance, NGOs participation has reached spectacularly high levels and played an

²⁹ Ibid.

³⁰ Ibid.

³¹ "Polluticians Occupy the Climate." *Press Release RSS*. Greenpeace International, n.d. Web. 06 Dec. 2015.

³² Bohmelt, Tobias, and Thomas Bernauer. "Civil Society Participation in Global Governance: Insights from Climate Politics." *European Journal of Political Research* 53.18 (2014): 18-36. Web.

³³ "Durban Climate Change Conference - November 2011." *Durban Climate Change Conference - November 2011*. United Nations Framework Convention on Climate Change, n.d. Web. 09 Dec. 2015.

³⁴ "Essential Background - Durban Outcomes." *Essential Background - Durban Outcomes*. United Nations Framework Convention on Climate Change, n.d. Web. 09 Dec. 2015.

important role in the international environmental negotiations. In the 2011 UNFCCC, NGOs were present at a massive scale, not only as observers but also were included in the negotiators. They skillfully pursued both insider and outsider strategies either as advisors to government delegations or as lobbyists inside the venue of negotiations. They contributed to further improvement of the international environmental negotiations and gained considerable influence in decision-making. NGOs played a central role in supporting states in their capabilities to govern global environmental common goods in a more effective way. The inadequacy of state in the 2009 UNFCCC in handling climate change unaided sheds light on the importance of questioning the traditional notion of sovereignty. Hence, the 'cooperative sovereignty' between the states and NGOs in areas such as climate change is needed when state sovereignty alone is inadequate.³⁵ Global governance is not only the power exercised by states at global levels but also by entities such as NGOs. Although there is not global government, global governance involves strategic interactions among the state and the other entities such as that of the NGOs.³⁶

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³⁵ Putra, Nur Azha, and Eulalia Han. *Governments' Responses to Climate Change: Selected Examples from Asia-Pacific*. N.p.: Springer, p.105. 2014. Print.

³⁶ Keohane, Robert. "Global Governance and Its Democratic Legitimacy." *Global Governance and Democracy* (2015): 13-14. Duke University. Web.

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