

Nonstate Actors in the Global Climate Regime

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States and the institutions they create are the traditional focus of the study of international relations and of international law. The study—and practice—of the politics of international climate change also primarily revolves around the actions of governments. Yet in scholarship as well as diplomacy, increasing attention is being paid to the role of nonstate actors. Governments have granted nonstate actors extensive access to the international climate policy process, and nonstate actors participate in the meetings of the parties, lobby governments, prepare policy reports, and interact with the public and the media. Whether this heightened presence signals a fundamental shift in international politics or merely incremental evolution, nonstate actors are now a significant part of the political landscape.

The Framework Convention on Climate Change (FCCC), the core legal instrument at the heart of the climate regime, was negotiated as part of the 1992 United Nations Conference on Environment and Development (UNCED). It was negotiated in numerous rounds termed *Intergovernmental Negotiating Committees* or INCs. Since the FCCC's coming into force there have been five annual Conferences of the Parties (COPs), as well as a host of smaller meetings, organized around specific issues as well as involving the adjustment and elaboration of the treaty commitments. Nonstate actors have played a role in all of these conclave; detailed summaries and analyses of the history and politics of the FCCC negotiations can be found in chapter 2 of this volume. UNCED itself was a watershed event for the involvement of nonstate actors—specifically nongovernmental organizations (NGOs)—in the process of international diplomacy. While NGOs were active even in the creation of the UN in San

Francisco and had been a presence at the 1972 Stockholm Conference on the Human Environment (as well as at many other UN meetings), never before had so many gathered together and never before had their presence and activities been such a central focus of a major international meeting. Since that time, while their presence and accountability are sometimes questioned, nonstate actors have been increasingly considered an established part of international diplomacy within the UN system.

Former UN Secretary-General Boutros Boutros-Ghali's 1994 comment to a gathering of NGOs at the UN's New York headquarters reflects this newer view that NGOs are integral to the international policy process:

I want you to consider this [the UN] your home. Until recently these words might have caused astonishment. The United Nations was considered a forum of sovereign states alone. Within the space of a few short years, this attitude has changed. Non-governmental organizations are now considered full participants in international life.

Rhetoric, of course, is not reality. But clearly a shift in worldview, beginning in the 1990s and continuing today, has occurred concerning the relationship between states and nonstate actors within the UN system and in multilateral cooperation more broadly. The terms and legal structure of the international climate change regime reflect this shift. Like most recent international environmental treaties, the terms of the FCCC explicitly allow for and encourage participation by nonstate actors through various formal and informal procedural mechanisms. Under the FCCC, "Any body, or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention . . . may be so admitted [to negotiations and meetings] unless at least one-third of the Parties present object" (FCCC Article 7.6). In addition, all Parties are obliged to "promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in this process, including that of [NGOs]" (FCCC Article 4.1). The Conference of the Parties, the highest body under the FCCC, shall furthermore "seek and utilise . . . the service and cooperation of, and information provided by, competent international organizations and [NGOs]" (FCCC Article 7.2). Thus while the FCCC is a creature of states, and the international climate regime is dominated by governments, as a formal matter, nonstate actors are encouraged and

enabled to participate in its operation and evolution. In practice, NGOs are now a pervasive presence.

This chapter explores the activities of nonstate actors within the climate change regime and the structures within which these actors behave. Rather than examine normative issues, such as the accountability or democratic pedigree of nonstate actors, it analyzes, in positive terms, the roles and impact of these actors in the climate regime. It first identifies some of the major actors and distinguishes between two main types of nonstate actors: NGOs and "epistemic" or expert/scientific communities. Special attention is given to a uniquely important scientific, though not purely nongovernmental, body: the Intergovernmental Panel on Climate Change (IPCC). The chapter describes and analyzes the activities of nonstate actors, examines their influence on current international responses to global climate change, and assesses the significance of their newfound prominence.

1 What Is a Nonstate Actor?

The term *nonstate actor* generally refers to any organization that does not have a formal or legal status as a state or agent of a state, or as a constituent subunit of a state such as a province or municipality. This chapter examines two kinds of nonstate actors. NGOs—private, voluntary interest groups—are the most common and the most familiar. Many analyses and discussions of nonstate actors are explicitly or implicitly limited to NGOs. NGOs are defined here as organized nonstate groups that seek to effect change in policy: in this context, in the type, shape, or scope of international, national, and local responses to climate change. This definition encompasses "traditional" environmental interest groups (such as the Swiss-based World Wide Fund for Nature, commonly known as WWF), business and trade associations (such as the U.S.-based Global Climate Coalition), research organizations (such as the India-based Tata Energy Research Institute), and the fast-growing category of (generally Southern) environment-social development groups (such as the Bangladesh Rural Action Committee). Most NGOs active in the climate regime have "consultative status" with the United Nations, a status that allows them formal access to UN documents, negotiations, and deliberations.

Epistemic communities, the second category of nonstate actors, are generally defined in the literature on international relations as communities of experts—typically scientists—who share both positive and normative beliefs about a given issue area or problem, common notions of validity, and a common policy enterprise (Haas 1992).¹ Unlike NGOs, epistemic communities are rarely self-defined: They have neither offices nor formal hierarchies, budgets nor membership lists. Rather they represent informal coalitions of like-minded and influential individuals. The notion of an epistemic community is a theoretical construct attributed to a group by an analyst, and as a result the identification of an epistemic community is not straightforward and often very contestable. Analysts have identified several epistemic communities argued to be important players in international public policy generally, and in environmental affairs particularly (Haas 1992). In this chapter I employ a broad definition of epistemic communities, and examine some communities that approach, but arguably do not fulfill, that definition.

In addition to these three categories of nonstate actors, there is one additional, *sui generis*, organization that merits special attention and is examined below: the IPCC. The IPCC was formed to provide regular, synthetic assessments of the current state of climate science to governments negotiating and implementing the FCCC. It is composed of over 2000 scientists, and while it is formally “intergovernmental,” the IPCC reflects a broadly scientific rather than purely political consensus. While the creation of the IPCC signals the importance that science plays in the climate process, it also highlights the efforts of states to organize, channel, and control the production of politically relevant scientific knowledge.

2 NGOs and the International Response to Climate Change

NGOs are the nonstate actors most commonly thought of and analyzed in the context of international environmental cooperation. The development of an international response to the climate change threat, in the form of the FCCC and IPCC, has been closely monitored by NGOs cognizant of the fact that climate policy addresses one of the most significant environmental problems of the twentieth and twenty-first centuries. Climate policy, because it is intimately linked with energy, transport, and

forestry policies, has the potential to radically alter consumption and production patterns throughout the industrialized world—and to a lesser extent in agricultural societies. Thus it has the potential to influence, synergistically, a host of other environmental and social problems. In this sense climate change is more than just a new and significant environmental threat. While climate change can be viewed as a highly complex social problem amenable to the sort of regulatory approaches deployed to tackle acid rain or ozone depletion, for some it represents the fallout of an anachronistic industrial paradigm of unchecked and constant growth, and its solution the means by which the world can be moved toward a more sustainable, less environmentally destructive future. For many NGOs interested in such a move (or mortally opposed), climate change is the single most important environmental issue on the international agenda.

For these reasons climate change has received a perhaps disproportionate degree of attention from the NGO community. It was an important concern of many of the nearly 10,000 NGO members at UNCED. This high level of concern has continued: At COP-1 in Berlin, nearly 1000 NGO representatives were accredited from some 165 NGOs—outnumbering the delegates themselves (FCCC/CP/1995/3). By COP-3, the birthplace of the Kyoto Protocol, the numbers were even larger; NGO and IGO delegates numbered nearly 4000, a large percentage of which were Japanese. In contrast, equally if not more pressing and immediate global issues, ranging from biodiversity loss to contaminated water, are far less closely followed. For governments and many NGOs alike, climate change is and remains center-stage diplomacy.

2.1 The Nature of the NGO Community

As the climate change issue has risen in salience and complexity, the NGO community surrounding it has evolved considerably. Where environmental groups once dominated the landscape, a wide array of business and trade organizations now exist. To take one example, at the March 1997 meeting of the Ad Hoc Group on the Berlin Mandate (AGBM6), a specialized meeting in preparation for COP-3, there were approximately 35 business NGOs, with some 150 representatives, and 25 environmental NGOs, with about 90 representatives. The NGOs at COP-3 were very

diverse. Among the more unusual and unexpected were representatives of the AFL-CIO (the largest trade union in the United States), the Japan Bicycle Promotion Institute, the Uranium Institute, the United Methodist Church, the National Association of State Fire Marshalls, the Alliance Internationale de Tourisme, the Citizen's Coalition for Economic Justice, the Japan Prefectural and Municipal Workers Union, and the International Solar Car Federation. Clearly, interest in the FCCC has moved beyond the usual suspects of WWF, Greenpeace, and the Global Climate Coalition.

The expanding array of NGOs illustrates a seeming paradox in the evolution of the climate regime: even as concern with the global environment continues to drop in many advanced industrial democracies (the home of the most internationally active NGOs), attention to the FCCC process is growing in a wide array of quarters. The best explanation relates to the shift in focus within the regime. As the climate regime matures and increasingly addresses complex but often tedious issues of implementation and commitment design, actors with tangible stakes in the outcomes have begun to perceive their stake in the process. As a result they have become increasingly involved in the FCCC and its debates. Meanwhile media attention has waned in the wake of blockbuster events like UNCED, diminishing popular attention. The result is a change in the character of the active NGO community toward more numerous, more obscure, and more narrowly focused groups. Climate change politics is still about big issues—when and how much emissions will be reduced—but it is also, increasingly, about smaller, more technical matters of implementation that animate a wide range of diverse interest groups. Thus the flourishing of NGO activity follows, rather than contradicts, the shift in the regime from high-profile politics to detailed regulatory negotiation. Below I briefly discuss some major categories of NGOs involved in the FCCC process.

Environmental NGOs Environmental NGOs, which in relation to climate change also include many groups with a strong development and/or poverty focus, vary widely in terms of factors such as the following: membership; policy positions; focus on advocacy, research, or grassroots operation; geographic orientation (global, national, Southern, local); and resource base. Most share a deep dissatisfaction with the current FCCC

commitments and seek greater cuts in greenhouse gas emissions. While this represents common ground, significant differences divide the NGO community. On issues like joint implementation and the Clean Development Mechanism, which would allow developed countries to partially implement their agreed emissions reductions via projects in other countries at much lower costs, environmental NGOs have been sharply divided. And as in nearly all interest-group politics, insider strategies (aimed at careful conciliation with state power) and outsider strategies (aimed at more dramatic and fundamental critiques) coexist uneasily.

While the prominence of individual environmental NGOs has wavered, collectively they are likely to remain a presence in international environmental politics for some time. But while environmental NGOs once dominated the ranks of nonstate actors in the climate regime and in international environmental politics generally, increasing numbers of business NGOs have become involved in the policy process.

Business NGOs The potential regulatory impact of the FCCC and its protocols is enormous. Business groups with a wide variety of stakes in the policy outcome have mobilized to monitor and influence the proceedings. The major interested industries include, among others, fossil fuels (coal, oil, natural gas), automobiles, insurers, power generation, and alternative energy suppliers (hydroelectric, solar, wind).

As the climate regime has become more specific, and the likely legal and regulatory structures more certain, business NGOs have multiplied, but they also have, as a group, fractured along lines determined by economic interests. The focus of regulatory controls will in the near term continue to be carbon dioxide, and any efficient control scheme may well differentiate among energy sources based on carbon content. Oil and coal suppliers, who produce the most carbon-rich energy sources, have most vigorously resisted the imposition of binding emissions-reduction targets. Some natural gas suppliers favor emissions controls on a moderate scale, which will give them a competitive advantage against coal and oil: gas is a relatively "clean" fuel, but if severe carbon emissions controls are implemented (presently an extremely unlikely event), even natural gas producers may suffer. Carbon-free energy suppliers, such as those supplying solar and nuclear energy, generally stand to gain from strict carbon

controls, though there is strong debate over the use of nuclear power as a carbon substitute. The U.S.-based Council for Sustainable Energy and the European Business Council for a Sustainable Energy Future both represent renewable and low-carbon intensive energy sectors, and have held presentations at FCCC negotiating sessions promoting the potential of sustainable energy sources.

Outside the energy field a similar diversity exists. Many insurers, faced with potentially crippling losses from climate-related storm damage, favor stronger, swifter action to dampen their risk. Hurricanes and other storms caused large losses to insurers in the early 1990s; insurers and reinsurers have as a result begun to endorse reductions in greenhouse gas emissions.² UNEP has developed an "Insurance Industry Initiative," involving over eighty insurance companies from around the world, which addressed delegates at COP-4 on the insurance impact of climate issues (see also Hofman 1998; Unsworth 1998). The chemical industry is also a player in the climate process. For example CFCs, currently controlled by the Montreal Protocol on Substances That Deplete the Ozone Layer, are greenhouse gases, but so are many of the substitute products developed by industry (see chapter 12). The chemical sector is represented by the International Climate Change Partnership, a group based in the United States and including, among others, Dow, Dupont, Elf Atochem, and 3M. Perhaps the most powerful broad-based business NGO is the U.S.-based Global Climate Coalition, which has an annual budget of \$2 million and a membership roster that comprises many of the most powerful American and European corporations, including several from the energy sector (Franz 1998). The Global Climate Coalition alone fielded a delegation of fifty members at COP-3 (Franz 1998). It has, however, lost some prominent members including BP-Amoco, Royal Dutch/Shell, and DaimlerChrysler.

Consumer groups Almost exclusively active in the United States, which has a long tradition of consumer advocacy, consumer groups are newcomers to the climate change debate but potentially powerful players. One prominent example is the "Cooler Heads Coalition," formed in 1997 as part of the National Consumer Coalition. The latter comprises over two million Americans. The Cooler Heads Coalition, focused on

energy and gasoline costs for American consumers, was highly critical of the Clinton administration's proposals in the lead-up to COP-3 and was a critic of the Kyoto Protocol itself (Samson 1998).

Religious Organizations Another relatively new but potentially significant phenomenon is the involvement of religious organizations in environmental matters broadly and in climate change in particular. While the relationship between many of the world's larger organized religions and the environment is complex, for many religions orders the climate change problem represents a moral concern of great scale. This focus is not only ethical, in the sense of a concern with poverty and fairness across societies and generations, but is also connected to specific creation beliefs. For some religious groups the climate—as well as the earth's stock of species and ecosystems—is the patrimony of a supreme being, to be preserved by humankind if at all possible. Threats by religious organizations to exclude DaimlerChrysler from the portfolio of their pension fund allegedly led DaimlerChrysler not to renew its membership in the Global Climate Coalition.

The involvement of organized religions in the climate change debate is still at a low and exploratory level. But the potential reach of the world's organized religions is enormous, and a concerted, coordinated effort to influence the path of policy—and, most importantly, the choices and acts of their members—could have marked consequences for the climate problem.

2.2 NGO Activities

NGO's activities directly relating to global climate policy and the FCCC process can be divided into five basic categories (Raustiala 1997b):

- Helping to set the international agenda and raise awareness of environmental challenges
- Providing policy advice and information
- Influencing the process of international negotiation through political pressure
- Monitoring governmental actions
- Assisting in the process of implementation

Setting the Agenda NGOs (in this context primarily environmental NGOs) have been great popularizers of environmental problems, and as such have focused—in conjunction with the news media and with scientific epistemic communities—significant public and government attention on climate change. They have often been the conduit between climatologists and the public, providing (at times oversimplified) distillations of the latest research and stimulating political action. In doing so they have kept the issue of climate change alive as one of the important problems governments must address, or at least appear to address. In the words of one former U.S. official, describing the NGO-organized Villach and Bellagio meetings that helped initiate the international climate change policy process that led to the FCCC: “The two workshops, the meetings of the Advisory Group on Greenhouse Gases and other activities . . . indeed played a significant catalytic role in establishing the IPCC. . . . Governments could no longer permit . . . NGOs to drive the agenda on the emerging climate issue.” While NGOs vary widely in their approach to agenda setting, their public activities help frame issues politically and motivate political action. Greenpeace is often the most flamboyant. The day before COP-1 began, for example, three Greenpeace activists occupied a coal plant chimney near Cologne to focus attention on the source of a chief greenhouse gas, CO₂. At the opposite end of the spectrum are relatively dry and technical conferences and presentations held, often at the negotiations themselves, on various alternative energy sources and policy issues. The more private lobbying efforts of NGOs, which also vary substantially, can influence governmental assessments of the “climate change problem” and hence negotiating calendars and topics.

Providing Policy Recommendations Climate change is a complex multidimensional problem that challenges governments to develop flexible, effective, and efficient policy responses. The nature of the problem, its depth and severity, the potential costs, and the potential impact of various solutions are all subject to great uncertainty. NGOs, to varying degrees, have devoted attention to these and other issues and often seek to develop and promote particular substantive assessments and practical policy measures. For governments that lack resources and expertise in this area,

especially of the smaller, less developed states, NGOs in the aggregate may provide useful information that is relatively “costless.” NGOs engage in and fund scientific research; NGOs in the United States have been particularly active in this regard. NGOs may serve as a “voice for the voiceless,” or for those with limited political power, and thereby seek, in their own view, to provide both a human face and a concern for justice to the often technocratic and abstract process of regulation (Tolbert 1991). Just as frequently, however, they are voices for the powerful.

In practice, as noted above, NGOs have made use of the access they have received to provide government delegations with policy analyses and recommendations, as well as critiques of proposed policies. These have come from both environmental and business NGOs. Since the FCCC has come into force meetings have proliferated, and NGO participation, both formal and informal, has become fairly regularized. For example, meetings of the Ad Hoc Group on the Berlin Mandate (AGBM), which negotiated the Kyoto Protocol, nearly always included at least one formal NGO intervention. These interventions typically addressed specific issues under negotiation and offered suggestions as well as critiques. The following excerpt, from the Climate Action Network, is representative:

The Berlin Mandate called on Parties to advance implementation of Article 4.1 of the Convention, an article that applies equally to all Parties. Our first general comment is that the current proposal . . . fails to adequately advance implementation of Article 4.1. The text is riddled with qualifications and weak language with respect to the level of action required by Parties. In fact, many of the articles . . . are weaker than their original 4.1 version. . . . With respect to Article 1(e) the Climate Action Network is surprised to see brackets around an article requiring development of indicators to assess climate change and its impacts. These brackets should be removed. With respect to the reference to incorporating climate considerations into decision-making of the multilateral development banks, CAN would like the language strengthened to reflect the view that multilateral development bank lending guidance and development assistance must fully reflect climate criteria to promote climate-friendly technologies. . . . Article 4.1 is ultimately linked to technology transfer and policies that support that transfer. The process, however, cannot and should not be reduced to just dollars. Resources are limited and innovative approaches are needed to lever private sector involvement. It may be possible to enter into covenants with key business sectors to transfer the best technology. The US House Committee on International Relations has suggested that specific incentives should be provided, including tax relief, export credits, and expanded political risk insurance . . . (www.econet.apc.org/climate/a8-6-ngo.html [30 October 1997])

NGOs “intervene” informally as well. Friends of the Earth UK, for example, released a report in 1995 titled *Government Climate Target Compliance by Accident* that criticized the United Kingdom’s implementation of the FCCC and suggested that UK compliance was wholly accidental, a concomitant of other market trends and unrelated regulatory changes. The Environmental Defense Fund (EDF) published *More Clean Air for the Buck: Lessons from the Acid Rain Emissions Trading Program* in 1997 as an attempt to influence the development and implementation of market-based regulatory mechanisms in the Kyoto Protocol. At COP-4 EDF, a presentation was made on the idea of “early action” in the United States (a proposal to allow U.S. companies to receive partial credit in the United States for emissions reductions undertaken before the first Kyoto commitment period).

NGOs also make more public announcements, directed not at delegates and insiders directly but rather at the broader milieu within which political debate takes place. Corporations take out newspaper ads, issue press releases, and make speeches concerning climate change policy. Such efforts are direct attempts to influence the public perception of the problem and of the effects of proposed solutions. Trade groups also make collective statements, such as the *Statement of Environmental Commitment by the Insurance Industry*, released with the cooperation of the UN Environment Programme in 1995.³ Environmental NGOs do the same, albeit with smaller budgets and sometimes more dramatic techniques. At times the public policy positions of nonstate actors run counter to expectations: the chair of Shell Oil UK, for example, stated to the Congress of British Industry in 1997 that achievable, globally realistic targets on carbon emissions should be set (Smith 1997). Such statements can have a powerful effect on the political debate because of their counterintuitive nature. At other times, NGOs aim to influence other NGOs and bypass altogether the international, intergovernmental policy process: Citizens Trust, a family of socially responsible mutual stock funds worth over \$300 million based in San Francisco, wrote an open letter in 1997 to five major U.S.-based insurance and reinsurance companies urging that their policies reflect sound climate science and policy.⁴

Members of NGOs have also appeared on several government delegations and have acted as consultants for governments. One of the most

prominent examples is the relation between the London-based Foundation of International Environmental Law and Development (FIELD) and the Alliance of Small Island States (AOSIS). Members of FIELD, mostly international lawyers, consulted extensively with members of AOSIS, appeared on their delegations, and at times acted as the delegation of certain AOSIS members. The tiny member governments of AOSIS, often lacking much indigenous expertise about climate change and the policy possibilities, became a more powerful negotiating force in conjunction with FIELD. Business NGOs have also played this role—for example, members of the U.S.-based Global Climate Coalition have been present on U.S. delegations to FCCC meetings.

Political Pressure NGOs can apply political pressure both directly and internationally—at negotiations themselves—as well as indirectly and domestically through national-level lobbying and media action. The ultimate impact of direct pressure at negotiations is debatable. While many participants in international environmental negotiations emphasize the social pressures and atmosphere of negotiations (such as “the spirit of Leeburg” described in Richard Benedict’s account of the stratospheric ozone talks; Benedict 1998), and NGOs can influence that atmosphere, ardor often cools. In the end, the efficacy of international accords rests on their ratification, implementation, and subsequent interpretation—actions relatively immune to the specific social climate of the negotiation process (see also chapter 11). National-level pressure has a firmer base in domestic politics. Particularly in the developed democracies, NGOs can be powerful organizations with a large and politically active membership. While climate change is currently low on the political radar in many states, in some industrialized democracies issues retain political salience. If the underlying problem is itself not politically salient, possible solutions including: gasoline taxes, mass transit subsidies, and the like, are controversial issues in nearly every industrial economy. These proposed solutions become domestic political issues on which NGOs often weigh in (see also chapter 4). Since international responses are the collective result of many national decisions, this indirect pathway of influence can be significant.

Indeed, the political power of environmental NGOs and the access they have gained in the climate negotiations has stimulated the activities of

business NGOs to the point that the majority of observers at recent meetings are those representing business interests. In short, the international response to climate change has taken place in a politicized atmosphere, with many divergent interests represented. NGOs are important domestic actors that governments listen to in addition to, and regardless of, the “useful” roles enumerated above and below.

Monitoring Government Actions Like most international environmental agreements, the FCCC uses a reporting process in which governments self-report on their actions with limited collective oversight. Other governments, therefore, have few means by which they can assess their counterparts’ actions in a formal and transparent way. NGOs have helped “multilateralize” information about national actions by preparing analyses of what governments have claimed to do, what they have actually done, and what is likely in the future. For example, the Climate Action Network, a consortium of many environmental NGOs, has prepared comprehensive reports of climate pledges and actions, and has made them readily available to governments, private interests, and the media (e.g., Climate Action Network US and Climate Network Europe 1994). While “enforcement” is too strong a word for this role, and often too much is made of NGO monitoring activity, through these and similar efforts NGOs have the potential to aid in achieving compliance with and implementation of the FCCC.

Implementation Activities International agreements generally must be put into practice if they are to be effective. The implementation of accords and the resulting policy feedback is a central part of the politics of environmental cooperation (Victor, Raustiala, and Skolnikoff 1998). NGOs have, in other issue areas, played important roles in the implementation of environmental commitments. For the Convention on International Trade in Endangered Species (CITES), for example, NGOs have both been granted “bureau duties” (essentially running the CITES secretariat) and have played critical roles in CITES’ monitoring and enforcement apparatus. Often, however, NGOs fail to sustain the same level of interest in regime implementation that they do in regime negotiation (Victor, Raustiala, and Skolnikoff 1998).

The FCCC did not contain clear programmatic or emissions commitments, beyond national reporting requirements and a vague emissions-reduction pledge for industrialized states, until the negotiation of the Kyoto Protocol in 1997. The Kyoto Protocol, should it enter into force, will greatly expand the range of implementable obligations. The implementation of the Kyoto Protocol will depend heavily on the evolution of emissions trading, joint implementation programs, and the Clean Development Mechanism (see also chapter 11). As these mechanisms develop, NGOs may have greater opportunities to influence the implementation of the FCCC.

Nonregime Activities While NGOs have been influential in shaping the international response to climate change, it should be remembered that this response is not the only global response. Rather, many NGOs often take action to alleviate or address environmental problems directly, without the help of governments (Wapner 1996). One of the most important actions they take is the dissemination and popularization of information about the risks and causes of climate change. By acting to educate the public around the world—particularly in the industrialized North, the historical source of most greenhouse gas emissions—NGOs may effect as much change as that achieved by law and regulation. As Princen and Finger argue, NGOs can be “agents of social change” and therefore are “significant contributors to learning our way out. Indeed, rather than focusing on traditional politics, environmental NGOs build communities, set examples, and increasingly substitute for traditional political action” (Princen and Finger 1994, 64–65).

3 Experts, Epistemic Communities, and the FCCC

A prominent strand of international relations theory explores the importance of transnational expert, or “epistemic,” communities in fostering international cooperation. Unlike the NGOs discussed above, epistemic communities are not formal organizations with headquarters, leaders, and fax machines. An epistemic community is an informal network of experts with shared causal beliefs, methodologies, and normative stances, as well as a common policy enterprise (Haas 1992, 3). Proponents of

epistemic community theory argue that epistemic communities are most likely to arise and become influential in issue areas plagued with high levels of uncertainty. In these situations governments face incentives to seek advice from experts, and these experts may often gain prominent positions and influence within the policy process as a result. When experts share, across nations, views on the nature of an international problem and on potential solutions, proponents argue this expert "community" may become a major influence on the resulting international regime (Haas 1989, 1990; but see Raustiala 1997). Even where analyses of international environmental politics do not employ the concept of an epistemic community, attention to scientific and other expert groups is often high (e.g., Benedick 1998; Brenton 1994). The scientific nature of the climate change threat and the high levels of uncertainty associated with the underlying science make the climate change regime a strong candidate for epistemic activity and influence (see also chapter 3).

Because epistemic communities are not formal organizations, identifying an epistemic community is never easy or noncontroversial. Nonetheless, the scientists associated with the early Villach, Bellagio, Toronto, and Noordwijk meetings on climate change share some broad attributes of an epistemic community. Many held an abiding interest in climate change and felt strongly about the need for a policy response by governments. By making statements, disseminating data, appearing before legislative panels and committees, and generally discussing the issue, they helped to propel climate change to the top of the international agenda in the late 1980s. In this sense this community, to the degree it existed, was instrumental in creating the attention and concern necessary for a coordinated international response. But beyond these limited agenda-setting activities the role of the putative epistemic community appears more circumscribed.

One reason is that the creation by the world's governments of the IPCC (see below) endogenized the provision of scientific advice. Providing advice to governments and alleviating policy makers' uncertainty have been the hallmarks of epistemic community power. This power to reduce uncertainty—that is, to provide compelling interpretations of the state of the world—was in part usurped and controlled by the creation of the IPCC, whose mandate is the provision of expert scientific information to

policy makers. Moreover, once the FCCC negotiations were underway, many of the issues of contention were in fact tangential to the science of climate change: funding, institutional design, reporting requirements, and so forth dominated negotiations but had a negligible scientific component. Other groups, such as economists, policy analysts, and lawyers, had both equal if not greater expertise and influence and have come to play a major role in the international process.⁵

With intensifying debates over the need and structure of emissions controls in wake of the Berlin Mandate, for example, economic analysis has become more central. In 1997 some 2000 economists (mostly American), including 6 Nobel laureates, signed an open letter titled the *Economists' Statement on Climate Change*. In addition to collectively endorsing a system of carbon taxes and permit auctions, the economists stated that many potential policies to reduce greenhouse gas emissions exist for which the total benefits outweigh total costs. For the U.S. in particular, sound economic analysis shows that there are policy options that would slow climate change without harming American living standards, and these measures may in fact improve U.S. productivity in the longer run. (*Economists' Statement on Climate Change*, February 13, 1997)

Public health experts have also attempted to use their expertise to influence the path of negotiations. For example, in 1997 the organization Physicians for Social Responsibility drafted and circulated an *International Physicians' Letter on Global Climate Change and Human Health*. Addressed to the delegates of an AGBM meeting, the letter stated that the assembled physicians

concerned about the potentially devastating and possibly irreversible effects of climate change on human health . . . urge you to take prompt and effective actions—both domestically and internationally—to achieve significant reductions in greenhouse gas emissions . . . Climate change of the scale currently projected would have pervasive adverse impacts on human health and result in significant loss of life. . . . Impacts include increased incidence of vector-borne diseases . . . diseases related to water supply and sanitation . . . [etc.]. (Physicians for Social Responsibility)

Like the economists, the physicians are trading on their expertise and perceived political neutrality and legitimacy to influence and inform the parties to the FCCC. While neither the economists nor the physicians involved in climate politics fit the general definition of an epistemic

community, they clearly represent organized expertise brought systematically to bear on the international policy process. As the politics around the climate change issue intensifies, such efforts—and a proliferation of groups engaged in them—are likely to become ever more common.

4 The IPCC and the FCCC

The IPCC was formed in November 1988 in an effort to organize the assessment of global climate change as a scientific phenomenon. Previous informal scientific assessments had come out of nongovernmental meetings, such as those in Villach, Bellagio, and Toronto discussed above. The ability of scientific assessments to play a role in shaping international environmental regimes was evident from the negotiations over stratospheric ozone depletion. The creation of the IPCC, a panel of climate experts entrusted with the task of assessing and summarizing the state of scientific knowledge on climate change, represented an attempt to centralize and formalize the interaction between science and politics, and to put governments in charge. Nevertheless, the IPCC leadership has not been completely passive, and the IPCC's work has served as a major reference in nearly all debates. Regardless of position on the substance of climate policy, IPCC reports are commonly quoted when debating the future of the FCCC. While controversy has at times brewed over the IPCC's methods, its credibility has not been fatally shaken.

Institutionally, the IPCC was initially divided into three working groups: one on climate science, a second on impacts, and a third on response strategies. Powerful states dominated the leadership positions of the IPCC, feeding the perception that it was an industrialized-nation club. The United States, Russia, and the United Kingdom held three of the top five positions (the others were filled by Sweden and Australia). The first IPCC assessment was presented to the UN in October 1990, and involved the work of nearly 500 scientists (Bolin 1993). Working group I was considered by many to be the most important, and the group's assessment that unchecked carbon emissions and "business as usual" would lead to a rise in global average surface temperature of 0.3°C per decade was widely cited. However, the IPCC provided ammunition for all sides: the first assessment also stated that the size of the predicted warming (0.3°C

to 0.6°C over the next 100 years) was broadly consistent with the predictions of climate models, but was also of the same magnitude as natural variability. Thus those opposing and those supporting strong commitments in the FCCC could look to the first IPCC report for support. In general IPCC reports have been broadly centrist, in part because the nature of the IPCC peer-review process serves to weed out outlying and extreme views.

The much-awaited second assessment report of the IPCC, dubbed SAR, was released just prior to COP-2, which was held in Geneva in August 1996. For the first time the IPCC concluded, in a carefully worded passage, that "the balance of evidence suggests a discernible human influence on global climate." SAR also detailed some likely results of climate change, including fluctuations in agricultural activity, heightened risk of coastal and riparian flooding, expansion of many disease vectors, and so forth. In contrast to the first report, SAR's tone exhibited greater certainty and a greater sense of risk in the face of collective inaction. Despite attacks by some scientists, SAR was widely hailed. One criticism proved persistent and media friendly: in a *Wall Street Journal* op-ed, two Americans, associated with business NGOs and conservative think tanks, argued that certain changes to the text of SAR had violated the peer-review process and corrupted the findings of SAR. Environment NGOs countered that the IPCC process was sound and that business NGOs like the Global Climate Coalition were amplifying the views of a small minority of climate scientists. Thus the IPCC's widely perceived neutrality and political influence have made it the target of competing NGO spin efforts in the public media.

For many governments without extensive indigenous scientific expertise, the IPCC has been a central source of essentially disinterested scientific advice. Its strongly intergovernmental nature is an important component of the IPCC's effectiveness in this regard. Jean Ripert, the founding chair of the INC process, has noted that the IPCC educated many governments about climate change and in the process made them more willing to engage in negotiations (Agrawala 1997, 5). In fact, Ripert suggested that the FCCC would not have been possible without the creation and operation of the IPCC (Agrawala 1997, 26). While some may view this as an exaggeration, there is no question that the IPCC has

played a central role in guiding the pace and tone of international climate negotiations.

The IPCC's conservatism, however, and the release of its reports after major international negotiations, have resulted in less impact for the IPCC than might otherwise be expected. Indeed, the IPCC was criticized in 1994 by INC Chair Raul Estrada-Oyela as "suffering from a Frankenstein Syndrome" for allegedly ignoring the needs of its parent, the political negotiating process (Agrawala 1997). But the assessments of the IPCC have continued to be useful benchmarks against which policy proposals can be evaluated, even if the current negotiations seem increasingly disconnected from the scientific and technocratic debates within the IPCC. Interestingly, IPCC Working Group III is currently preparing a report on procedures to enhance NGO participation within the IPCC process. The draft report discusses the distinctive contributions of NGO experts and argues that NGO and public trust of the IPCC would be improved if NGO participation was increased. On the other hand, problems of balance, transparency, neutrality, quality, and peer review are significant. What is most interesting about this effort is the degree to which it illustrates the political importance of addressing NGO concerns and enhancing NGO participation within the climate process. The implicit message is that NGO participation in the avowedly political negotiations over the climate regime is not enough; NGOs now must be incorporated into the scientific/information provision functions of the IPCC, which, while clearly political, are at least formally purely advisory and scientific.

5 States and Nonstate Actors in International Climate Change Policy: Conclusions

This chapter has briefly surveyed and analyzed the varied roles of nonstate actors in the international climate regime but does not intend to overstate their importance. Indeed, a central question in the broader study of nonstate actors in international affairs is to what degree they actually matter in a world of sovereign states. While traditionalist views of international law rarely acknowledged nonstate actors—and the dominant approaches to international relations are similarly state-centric—

the rising empirical importance of nonstate actors within international environmental cooperation has brought about greater theoretical attention to their impact and power *vis-à-vis* states.

The research on epistemic communities, for example, suggests that expert communities are often the major shapers of international environmental cooperation. Certainly climate scientists have been an important part of international climate politics. To a lesser but growing degree the same is true of economists. But the creation and operation of the IPCC highlights both the significance of these experts and the power of governments to organize and direct the flow of politically relevant scientific knowledge. Depending on one's view, the IPCC can be read as demonstrative of the critical role and power of scientists and other experts, or as illustrative of the enduring power of states and their ability to organize and control alternative power centers.

Research on NGOs has similarly emphasized their significance and, in some cases, their rising power and the concomitant diminishing centrality of states (e.g., Mathews 1997). Many see the new roles and prominence of NGOs as evidence of a weakening state, diminished sovereignty, and the power of global civil society. NGOs are certainly more prevalent and more active in international affairs generally. Yet much of this NGO activity largely comes not at the expense of state power, but rather to the mutual advantage of states and NGOs (Raustiala 1997b). The participation of NGOs in formal international cooperation such as the FCCC enhances the ability, both in technocratic and political terms, of states to regulate new areas through new international agreements. States have incorporated NGOs into international environmental institutions because it is politically advantageous to do so, but they have not done so unequivocally or randomly. The terms of that incorporation generally reflect the resources and skills NGOs bring to the intergovernmental process. NGOs do not have untrammelled access to negotiations and decision-making centers: they are at times excluded from negotiations and informal meetings of government officials. Yet when their contributions are deemed potentially useful, NGOs are also formally invited to contribute to specific policy debates in a focused manner. For example, when the Secretariat of the FCCC sought to elaborate the "Multilateral Consultative Process" created in Article 13, it expressly invited NGO

opinion papers and analyses. Thus NGO input is often channeled or rejected at the discretion of the governments involved. As David Wirth notes, "We [in liberal democracies] are accustomed to thinking of public access to the workings of government as essential to the democratic process. But in multilateral treaty negotiations, where [NGOs] may be excluded from drafting sessions and interim negotiating texts may be unavailable to the public, such guarantees are not to be taken for granted" (Wirth 1996, 2–3).

Given the present structure of the international system, the international response to climate change remains mainly an affair for governments. The role of all the nonstate actors discussed in this chapter was limited to ways in which they tried, successfully or not, to influence the actions and beliefs of governments: to shape and influence international law and politics. While much of the activity of nonstate actors toward global climate change is devoted to attempting to shape government action, it is important to underscore that nonstate actors often try to influence human behavior more directly. Education programs, for instance, by teaching individuals about the likely ecological consequences of their actions, may result in higher reductions of greenhouse gas emissions than would a government-imposed tax scheme. That remains an open question, subject to empirical testing. But many nonstate actors appear to think otherwise. As evidenced by their own allocations of resources and efforts, they believe that state-created and sustained international regulation is the best route to positive human change and in turn to limited global change.

Indeed, nonstate actors, as demonstrated by this chapter, often claim to be representing the interests of parties who would otherwise lack the access or the means or even the knowledge to influence the development of international negotiation. NGOs, for example, were instrumentally organizing AOSIS, politically weak states directly and imminently threatened by climate change. Environmental NGOs often see their role as reestablishing some degree of fairness and equality between nations and groups. As emphasized by H. Peyton Young (1994, 1–9), whenever a new international regime is being discussed and created, equity considerations will be raised. These issues will often have a decisive influence on the outcome of the negotiations and will determine whether various

groups of countries will participate in them. Allocation and distribution principles will be invoked as major arguments by states and nonstate actors alike. Questions surrounding the equity of global climate policy will be analyzed in the next chapter.

Notes

1. See also chapter 3.
2. See, for example, <http://www.munichre.com>.
3. See http://www.efund.com/climate_change (released November 23, 1995).
4. See http://www.efund.com/climate_change.
5. One hesitates to call them an "epistemic community" because the range and diversity of views is so great.