

Lecture #9
1 February 2011
Copyright: Ronald B. Mitchell, 2011

- I. Introduction
- II. *Way Ahead Not Closed* – a video of a discussion among all five successive Executive Directors of the United Nations Environment Programme (UNEP) – Maurice Strong, Mostafa Tolba, Elizabeth Dowdeswell, Klaus Toepfer, and Achim Steiner – that took place at the [Global Environmental Governance Forum](http://www.unep.org/GlobalEnvironmentalGovernanceForum/) in Glion, Switzerland recently. Available at: <http://vimeo.com/6340518> Start at minute 19:20
- III. Conducting data analysis for the final paper
 - A. Need for counterfactual analysis – this is CRUCIAL. Identifying and evaluating counterfactuals
 1. THREE CRUCIAL STEPS THAT ALL MUST DO IN PAPER
 - a) Need to start by simply showing what happened to behavior or environmental quality!
 - b) Then, use counterfactual to evaluate whether the change was due to treaty
 - c) Then, evaluate alternative hypotheses regarding what else might explain changes we observe in dependent variable
 2. If you see behavior that is below requirements that may suggest that would have come down anyway, even without treaty. Need to address this explicitly.
 3. If you see behavior that is over requirements, that does not mean it was a failure. May have been lower than would have been anyway, even if over requirements.
 4. Think about phases and changes over time – in whaling case, may have been more effective after moratorium than before
 5. Examples to adjust for an important rival hypothesis variable
 - a) Amount of gasoline used vs. amount of gasoline used per person or per \$GDP
 - b) Pesticides
 - (1) Total use
 - (2) Use per capita
 - (3) User per acre of land in agriculture
 - (4) User per \$ of food production
 - (5) Get very different answers – which is right one depends on working through the logic
 - B. Normalizing or standardizing data between different countries or different treaties to allow comparison.
 1. Goal of normalizing/standardizing is to "control for a variable"
 2. Examples of normalizing to allow comparison across countries
 - a) Indexing: Set one year as "base year" and then divide number in all years for a given country by number from the base year
 - b) First differences: Measure each year as a change from the previous year.
 - c) Annual percentage changes: Measure each year as a percentage change from previous year
 - C. Deciding among competing explanations – this is hard but also CRUCIAL
 1. If we see some change in behavior, what is the best explanation for it? Is it the treaty or are there alternative explanations that do a better job?
 2. Logic – does it make sense on its face
 3. Process tracing – expectations given certain arguments
 4. Fact that some don't vary across cases – self-reporting for whaling, but also for ozone
 5. COUNTERFACTUALS really work here – some argued that uncertainty of science was cause of failure of whaling regime, but consider whether if had perfect science would it have made any difference, probably not since it was a tragedy of the commons, as evidenced by Russian cheating
 6. Eliminating some arguments even if leave several still standing
 - D. Structure
 1. First sentence should be statement of argument – last sentence written but first sentence of paper
 2. Use headings to clarify structure of argument to yourself
- IV. Goals of a negotiation
 - A. "Allocating sacrifices" rather than "distributing benefits" so few have incentives to contribute. Too often, we prefer to let nature determine future "distribution of [ecological] misfortune among people" (Faure and Rubin, 24) rather than distribute economic misfortune among ourselves today. Many actors perceive negotiations as zero-sum. Contrast this with economic agreements such as free trade agreements.

- B. Competing goals: **most behavior change by most actors in fastest time frame**
 - 1. Usual model: “law of the least ambitious program” (Underdal) or “lowest common denominator” problem: get most actors involved by requiring them to do very little and not having to do it for a long time, but build requirements and stringency over time
 - 2. Alternative model: get few actors involved doing alot now, and build membership over time
 - 3. Constraint: need to make agreement more attractive than BATNA - Best Alternative to a Negotiated Agreement
 - C. Negotiability and fairness as both process and product: “Fairness is more likely to be perceived where countries are not all expected to meet exactly the same requirement.” Susskind and Ozawa, 160.
- V. Questions in a negotiation
- A. Who to involve – which states, which non-states?
 - B. What to discuss and how to discuss it (framing)
 - 1. Environmental issue or health issue
 - 2. Terms that appeal to industrialized vs. developing countries
 - C. How ambitious to be
 - 1. Breadth: scope of discussions – linkage vs. non-linkage advantages
 - 2. Depth: how much to require
 - a) Magnitude of behavioral change (distance from current behavior)
 - b) Timing of behavioral change (soon or give time)
 - 3. Specific or vague
 - D. Means of implementation
 - 1. Flexibility vs. specificity
 - 2. Targets and timetables
 - 3. Tradability
 - 4. Differentiated or common obligations
 - E. Response to compliance and noncompliance
 - 1. Transparency and monitoring
 - 2. Positive or negative sanctions
 - F. Different general strategies of negotiation process
 - 1. Treaty with eventual amendment as required and ratification, e.g., wetlands
 - 2. Treaty with appendix for annual reevaluation of changes, e.g., whaling or CITES
 - 3. Convention-Protocol approach, e.g., Montreal Protocol, FCCC
 - 4. Extended ongoing negotiation that spins off various agreements, e.g., Berne Convention, WTO
- VI. Why do states take the positions they do?
- A. Positions of countries
 - 1. Interests veiled within logic. What state each wants, is framed in terms of what is "good".
 - 2. In climate change: North-South split: North wants ahistorical view, South wants redistribution of wealth; Nordic countries want to push other North countries to give more by a specific target date; Former Soviet bloc countries want to be given special treatment and not have to pay like North; Oil-producing don't want to pay despite oil revenues.
 - B. Sprinz and Vaahtoranta's “interest based” or cost/benefit argument:
 - 1. Ecological vulnerability (benefit from regulation). Notice measures of this: ozone = skin cancer rate; acid rain = degree exceeding critical load of acidity
 - 2. Abatement costs (cost of regulation). Notice measures of this: ozone = intensity of CFC use; acid rain = estimated cost of 30% reduction
 - 3. Measurements are “under the lightpost:” used data available as proxies rather than because they captured what S & V were after.
 - 4. But must define “interest” separately from whether they support agreement or not
 - C. Causal argument and pathway
 - 1. Scientific understanding altered perceptions of ecological vulnerability abatement costs. Essentially, shifts countries from bystanders to pushers or draggers to intermediates (assuming evidence demonstrates harm)
 - 2. Technological innovation altered perceptions/reality of abatement costs. Essentially, shifts countries from draggers to bystanders or intermediates to pushers.
 - 3. Policy implications of these two arguments?

4. Notice caution in conclusions: “the basic predictions hold reasonably well overall our theoretical propositions explain much of the positions taken during the negotiations” (Sprinz and Vaahtoranta, 104).

VII. NGO influence in negotiations (Betsill and Corell, 2007)

- A. Careful attention to power vs. influence or power as resources vs. power as influence over outcomes
- B. Note that definition of NGO influence on negotiations is ALSO based in counterfactuals: "influence occurs *when one actor intentionally communicates to another so as to alter the latter's behavior from what would have occurred otherwise*" (Betsill and Corell, 2007, 31).
- C. NGO elements
 1. Activities
 2. Access
 3. Resources: financial; informational
- D. Focus of NGOs on process or outcome
- E. Notice elements of process tracing
- F. Potential influences of NGOs
 1. Agenda setting -- what gets talked about; drawing attention to an issue.
 2. Issue framing -- how it gets talked about: biosafety can be framed as health or trade issue (B&C, 36)
 3. Positions of key states
 4. Procedural issues -- how decisions to be made in the future
 5. Substantive issues -- actual decisions in the agreement text
 6. Factors that condition NGO influence: 1) NGO coordination, 2) rules of access, 3) stage of the negotiations, 4) political stakes, 5) institutional overlap, 6) competition from other NGOs, 7) alliances with key states, and 8) level of contention (B&C, 2007, ch. 2).

VIII. Conclusion

- A. Negotiation and different strategies of getting to the goal
 1. Law of least ambitious program
 2. Different approaches yield different development curves
- B. Why states take the position they do: costs, benefits, BUT how they calculate depends a lot on politics
- C. When and why do NGOs have influence on negotiations?