

**IN SEARCH OF REASONED
CONSENSUS:
THE INFLUENCE OF NON-STATE
ACTORS WITHIN INTERNATIONAL
ENVIRONMENTAL NEGOTIATIONS**

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IN SEARCH OF REASONED CONSENSUS: THE INFLUENCE OF NON-STATE ACTORS WITHIN INTERNATIONAL ENVIRONMENTAL NEGOTIATIONS

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Abstract: Moving away from the perception that outcomes of multilateral negotiations can always be explained in purely realist ‘bargaining terms’, the deliberative or ‘argumentative rationality’ approach, initially introduced by Jürgen Habermas, suggests that under certain preconditions favoring the use of arguing for the sake of reason-giving, the outcome of negotiations can be a ‘reasoned consensus’. As such, the emphasis on arguing, learning and persuasion holds promise in improving the quality of international negotiation outcomes, in particular when it comes to negotiations on highly contentious issues of global concern. In order to ascertain the circumstances favorable to argumentative rationality, this research focused on shedding light on the conditions under which weak actors can exert influence in international negotiations, based on the theoretical premise that such participation is a proxy for argumentative rationality features. For this purpose, two conditions of the ‘deliberative dilemma’, that reasoning is a gradual process arising in the informal public sphere and enabling an inclusive participation of all actors affected, or that it is a feature of formal decision-making processes, but under conditions favorable to the participation of weak actors, were examined using both multiple regression analysis and a qualitative assessment of select cases through process tracing. Undertaking this, focus was put on the role played by non-state actors within a variety of international negotiations on the environment. Rather than pointing out one definitive feature, results highlight the benefits of complementary actions within the two spheres of activity. They show that arguments put forward by weaker actors stand to gain credibility in formal negotiations if there is successful record of engagement in the informal realm, following the criteria of rationality of approach, inclusivity and legitimacy of representation. As such, they outline a space for reasoned consensus to be part of both process and outcome of international negotiations.

Keywords: Argumentative Rationality, Deliberation, Reasoned Consensus, International Negotiations, NGOs, Environment.

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1. INTRODUCTION

Moving away from the perception that outcomes of multilateral negotiations can always be explained in purely realist ‘bargaining terms’, the deliberative or ‘argumentative rationality’ approach, initially introduced by Jürgen Habermas, suggests that under certain preconditions favoring the use of arguing for the sake of reason-giving, the outcome of negotiations can be a ‘reasoned consensus’. As such, the emphasis on arguing, learning and persuasion holds promise in improving the quality of international negotiation outcomes, in particular when it comes to negotiations on highly contentious issues of global concern. Therefore, the starting point of this research is to ask which features of international negotiations might favor such an occurrence.

As one relevant theoretical premise, argumentative rationality theory emphasizes the capacity of actors qualified as weak to exert influence over such processes. Following this line of thought, in order to ascertain institutional conditions enabling arguing, rather than bargaining, to govern an international negotiation process, focus will be put on examining different modes of participation of weaker actors within international negotiations and its eventual correlation with argumentative rationality as part of the negotiation process or outcome. In practical terms, the analysis will look at the participation of non-governmental organizations (NGOs) in negotiation processes within international environmental regimes, given the accessibility of important empirical material made available by the International Regimes Database¹ (IRD) project.

After drawing on literature from both international relations and political science to outline deliberation theory on the spheres of influence open to weak actors for affecting reasoned argument within negotiations, the analysis will proceed in two parts. In the first instance, a quantitative analysis using multivariate regression of select data on international environmental negotiations will provide an initial assessment of the link between the presence of NGOs in different negotiation arenas, both outside and inside the formal negotiation processes, and the use of reasoning and persuasion as a negotiating strategy. Subsequently, drawing on the results of the quantitative analysis, a qualitative examination of representative as well as outlier cases within international environmental regimes using process tracing methodology will serve to further ascertain findings on factors enabling an argumentative rationality process and a reasoned consensus outcome.

1 FernUni. International Regimes Database.; Breitmeier et al., 2006.

2. LITERATURE REVIEW: DEFINING REASONED CONSENSUS

2.1 Argumentative Rationality in International Relations

The past decade has seen a ‘deliberative turn’ in the approach to the study of international negotiations. Moving away from a perception that the outcomes of multilateral negotiations can always be explained in purely realist ‘bargaining terms’, the deliberative approach, also framed as ‘argumentative rationality’, initially introduced by Jurgen Habermas, suggests that under certain preconditions favoring the use of arguing for the sake of reason-giving, the outcome of negotiations can be a ‘reasoned consensus’ (see Annex I). Discussing this theory within the framework of International Relations, Thomas Risse (2000) argues against the thinking that all collective action within the international realm can be explained either via rational choice (strategic bargaining) or sociological institutionalism (rule-guided behavior) theories, and lays the argument for circumstances in which a ‘reasoned consensus’ is what helps to overcome problems of collective action, disregarding the logics of consequentialism or appropriateness in favor of that of truth-seeking (Risse, 2000, p.1-6). As such, reasoned consensus is based upon the openness of the discourse (the decision making-process) to all actors it impacts upon, as well as the openness of the participants in the discourse to changing their initial preferences if persuaded by a better argument presented by others², thus countering the argument promoting power and coercion as sole variables in the decision-making process (Risse and Kleine, 2009, p.1-7).

Given these characteristics, the “emphasis on arguing, learning and persuasion holds quite some promise in improving the quality of international negotiation outcomes and with regard to transnational trisectoral public policy networks” (Risse, 2004, p.304). It has the potential to increase the democratic legitimacy of the decision-making process and provides a space for introducing new issues onto the agenda of international negotiations. Finally, reaching a reasoned consensus can also play an important role in ensuring voluntary compliance of actors with the decisions reached (Risse, 2000, p.20; Risse, 2004, p.310), as these are implicitly more agreeable to all. Given these features, the argumentative approach, through its inclusiveness, stands to play an important role in ensuring the success of international negotiations on particularly contentious policies, and deserves more attention in both academic and policy spheres.

2 Deitelhoff (2009) speaks of “superior normative arguments” (p.35).

2.2 Introducing the Research Question: A Focus on Weak Actors

Having ascertained its potential to make a positive contribution to international decision-making, it becomes necessary to further determine the conditions enabling reasoned consensus. As it is often difficult to directly identify argumentative rationality acts in practice, attention needs to be paid to other complementary occurrences. As identified by Risse and Kleine (2009), the important features of a 'reasoned consensus' outcome include the following: a shift in the initial negotiation preferences of the participating actors towards a generally more surprising decision containing a clear 'problem-solving' character, the tendency for the actors to give the same reasons for the achievement of such an outcome, and the capacity of weak actors to exert influence over such processes (p.9). The latter feature, the potential for input by weaker actors, is also something that has been identified in other research (Deitelhoff, 2009).

Therefore, paying particular attention to this last element listed, the present research asks the following question: under which conditions can the participation of weak actors in international negotiation processes be influential? Following existing theory, by focusing on this question, the research will also assess the institutional conditions favorable to argumentative rationality. Deliberation theory³ presents a dilemma in this regard, suggesting that broadening the scope of negotiations to include a greater diversity of actors (and preferences) is likely to shift the negotiation dynamics from bargaining onto arguing on the one hand, but that argumentative (deliberative) exchanges generally play out better in small groups where quality of the exchange is higher. This debate over inclusivity versus deliberative quality needs to be further explored in sassing out the institutional scope for weak actor influence.

2.3 Considering the 'Deliberative Dilemma'

Drawing on the more extensive debate existent within political science literature, this section will further explore the issue of the deliberation dilemma introduced above, in particular as it pertains to the spheres of influence accessible to weak actors within international negotiations. Though deliberative democracy has recently become a subject of extensive discussion within the domain of political science, little effort has been made to identify joining lines between this strand of literature and the one dealing with international relations. The following discussion will establish some linkages clarifying the applicability of domestic-level deliberation theory to the sphere of international negotiations, faced with its own issues of democratic deficit. In particular, it will further discuss the spheres of engagement accessible to traditionally weak actors in the context of the divide between the deliberative theory and practice.

³ As the present research draws on both political science literature on 'deliberative democracy', and international relations literature on 'argumentative rationality', these mutually corresponding notions will be used interchangeably in the text.

As discussed before, instead of an aggregative counting of preferences, deliberation theory makes central the requirement of an “exchange of public reasons” (Drake and McCulloch, 2011, p.375), replacing power-bargaining with “a more traditional understanding of politics as a forum, where ideas and arguments are exchanged, evolve over time, and matter in their own right” (Noel 2006 in Steiner, 2012, p.5). In ideal terms, deliberative democracy follows the principle that all those affected by a decision should be able to participate in its making. In this way, the political process expands considerably beyond formal political institutions, in order to encompass the larger public sphere (Steiner, 2009, p.202; Drake and McCulloch, 2011, p.375; Parkinson, 2006, p.5; O’Flynn, 2006, p.48).

However, one of the main limitations of the deliberative democratic approach is that, put into practice, it has a hard time living up to the ideals and principles it relies upon in theory. The latter encompasses the core normative “[d]eliberative ideal [...] that all those subject to collective rules should have helped make those rules” (Parkinson, 2006, p.4). Two practical obstacles to this are immediately evident, personified by the ‘problem of scale’. Firstly, it is impossible to include absolutely everyone affected by a decision in its making, nor is it possible to clearly identify precisely who is affected by a particular issue (Parkinson, 2006, p.5). Secondly, for an exchange to be truly deliberative – i.e. for a quality exchange of views and positions to take place, in which everyone is able to present their perspective - numbers of participants cannot be too high. Therefore, while it is hard for large numbers to deliberate together, a small number of participants is not as legitimate to those left outside the decision making process (Fung, 2006, p.670 and Parkinson, 2006, p.4-5), thus preventing deliberation practice to attain the level of legitimacy laid out in its theory.

“Although deliberative theorists agree that legitimacy follows from the substantive inclusion of all affected, what is less clear is the form that this inclusion should take when it comes to decision-making” (Drake and McCulloch, 2011, p.377). Perspectives range from the ‘micro’ to the ‘macro’ proposals. The micro perspective greatly focuses on the definition of ideal institutional conditions for a deliberative procedure, or on “deliberation as an activity that takes place in structured fora” (Hendriks, 2006, p.492). These formal discursive spheres include institutions such as expert committees, conferences, commissions of inquiry, etc. and their main actors are traditionally formal decision-makers. It is generally argued that negotiations behind closed doors can be more conducive to a reasoned consensus than those taking place in the public sphere, precisely as the relative secrecy of the deliberations relieves the pressure of actors having to justify their preference change to a wide audience, a feature that enables a much freer exchange of ideas. However, this is also when tension between deliberation quality and accountability arises, unless “a communicative feedback loop” ensures connection between negotiating actors and other affected parties (Risse, 2004, p.311-312).

The ‘macro’ side of the spectrum follows on Habermas’ (1996) observation that many key issues of the last decades, such as ecological threats, the growing impoverishment of the Third World, or the feminist cause, entered the public agenda through a slow progression from the public periphery inwards, towards the formal decision-making centers. The core of the argument confers onto the ‘political public sphere’ the role of detecting and identifying problems, as well as influentially highlighting their relevance and proposing possible solutions, to then be taken up by the formal governing institutions (Habermas, 1996, p.359-381). It is a deliberative model of democracy based on “multiple, anonymous, heterogeneous networks of public conversations” (Benhabib, 1996, p.87), outside the institutions of formal decision making, such as those formed by social movements, NGOs, activists, the media and others (Hendriks, 2006, p.487-500). Whereas the formal decision-making system is traditionally composed of partisan actors, entering the debate with largely committed agendas and little legitimacy granted for shifting preferences, the deliberative activity in the informal public sphere, through a discursive engagement, is seen as capable of gradually influencing state action and shaping policy in the formal sphere. This approach ensures democratic legitimacy through the “responsiveness of public policy to weight of discourses in the public sphere” (Dryzek, 2005, p.233).

In his initial piece, introducing argumentative rationality to IR, Risse (2000) also presents two different deliberative settings – those of international negotiations proper, and of deliberations within the wider international public sphere, reasoning that in both contexts, arguing is likely to augment the influence of the less powerful actors. A particular category of weak actors he puts focus on are international NGOs, highlighting that their ability to change the position of more powerful actors can be taken as a clear indicator of argumentative rationality at play (Risse, 2000, p.19). While Risse and Kleine (2009) also highlight that within the informal public sphere setting, non-governmental actors have proven particularly skillful in using argumentation to reframe the issue under discussion or introduce a new problem onto the agenda, they also emphasize their influence in contributing to public discussions in the formal sphere – in processes where NGOs are enabled access to the discussions at hand. In terms of the deliberative legitimacy of the closed door versus the transparent processes in the public sphere, they reason that the latter is conducive to persuasion in the case in which wider audience consent is necessary and their preferences uncertain. In the case of the former, persuasion is possible the more the participating actors know enough about the preferences of their audience (Risse and Kleine, 2009, p.10-11).

In both cases, the level of uncertainty is a very relevant feature, as is “the degree to which the institutional setting induces uncertainty about the preferences of the actors involved” (Risse and Kleine, 2009, p.19) impacts the possibility to hold reasoned arguing, as settings that enable the participation of actors with overlapping institutional identities blur the possibility of predicting preferences and thus create such a space.

It will be the purpose of the remainder of this work to assess the assumptions presented thus far through their application onto a particular case study – the participation of NGOs within international environmental negotiations. The level of participation of NGOs in international environmental negotiations has been steadily increasing in importance in the last decades, with their involvement spanning across the informal sphere of participation and over to the formal negotiations settings (Schroeder and Lovell, 2012, p.24) – participating both on the “margins of inter-state negotiations” (Orsini, A. and Compagnon, 2013, p.2), through the organization of side events, counter-summits and demonstrations, but also as official observers to negotiations, as well as part of governmental delegations (Gulbrandsen and Andersen, 2004, p.59-72), granting them an insider take into the negotiations. Thus, their participation provides a rich area of study for the question of conditions affecting their level of influence over negotiation processes, and their possibility to reach a ‘reasoned consensus’. These ideas will first be examined through a quantitative analysis in the section that follows.

3. ARGUMENTATIVE RATIONALITY IN INTERNATIONAL ENVIRONMENTAL NEGOTIATIONS: A QUANTITATIVE ASSESSMENT

In order to provide an initial assessment of the hypothesis linking the presence and level of influence of weak actors to more consensual negotiation outcomes, and the conditions under which such influence can be exercised, a quantitative analysis will be conducted, relying on the data made available by the International Regimes Database⁴ (IRD) project, a tool designed by a German-American research team in the period from 1994-2004. The database provides coded information related to the formation, attributes, consequences and dynamics of 23 environmental regimes (Breitmeier et al., 2006, p.37-39) in the period from their formation until 1998. Processes within each regime have been coded by two independent coders, academic or practitioner experts on the given regime in each case (Breitmeier et al., 2006, p.58), and include, amongst others, formatted queries on the presence, influence and role of non-state actors in negotiation processes, as well as data on actor interests and negotiation processes particularly useful for the aims of this research. It will be the goal of this chapter to lay out the findings of the quantitative assessment of select IRD data, as a first attempt at ascertaining the conditions favorable to the influence of weak NGO actors on international environmental negotiation (IEN) processes.

4 FernUni. International Regimes Database.; Breitmeier et al., 2006.

3.1 Methodology and Initial Assumptions

This section will start by laying out the rationale behind the selection of the dependent and independent variables, based on the queries available within the IRD. As the aim of the research is to further ascertain the conditions under which non-state actors can exercise influence over international negotiation outcomes, and following the assumption that these are also instances in which argumentative rationality practices are at play, the quantitative analysis will serve to both re-assess this claim of positive correlation between activities of non-state actors and argumentative rationality practices, as well as provide an initial assessment of the dichotomous argumentative rationality theory requirements of inclusivity versus deliberative quality presented previously. It will also introduce some control variables responding to other features of argumentative rationality theory. Finally, it is expected that the analysis will help highlight particularly relevant cases for further qualitative analysis, providing additional insight into the initial research question.

Given the topic of investigation, an ideal-type dependent variable would have been data evaluating the level of reasoned consensus present in the negotiation outcomes for each case within the regimes examined. However, as the investigation operates with the data made available within the IRD alone, the dependent variable assigned is process-oriented, and defines the extent to which argumentative rationality practices have formed part of the negotiation strategies of important states and coalitions within the regime cases. Such an approach in effect follows on Risse's (2000) observation that because a multitude of different discourses cross-cuts any debate process, "the empirical question to be asked is not whether actors behave strategically or in an argumentative mode, but which mode captures more of the action in a given situation." (p.18). This is precisely the question that will be asked here, and the dependent variable will be defined as the proportion taken up by argumentative rationality, or persuasive, practices⁵ within the total specter of negotiation strategies used by important state actors within a given case.

The question of whether this data can serve as a viable proxy for 'reasoned consensus' outcomes will be assessed in two ways. Firstly, through assessing the significance of the relationships of this dependent variable and the independent variables to be outlined next, selected based on theoretical components of argumentative rationality theory. Secondly, the subsequent chapter will lay out a more in-depth qualitative assessment of the cases flagged by the quantitative analysis, using process-tracing methodology in order to ascertain the link between a process dominated by reasoned arguing and an outcome which can be qualified as a 'reasoned consensus'.

5 These include the instances coded as "Persuasion (e.g., inducing laggards to give up opposing views with regard to certain subjects in the negotiations)" and "Search for joint gains (e.g., identifying policies which offer rewards for most of the participants)" (Breitmeier, et al., 1996, p.55), within the IRD data query pertaining to negotiation strategies.

To reach conclusions testing the argumentative rationality theory when it comes to the participation of non-state weak actors, as well as findings on the institutional environment where such participation has the most impact, three independent variables have been identified. In the first place, I will test the relationship between the share the activities of activist nonprofit interest groups represent within all factors present during agenda formation for a given regime case (Independent 1) and the dependent variable. Subsequently, as the same IRD data set also provides coding for those factors that were both “present and most influential” in agenda formation (Breitmeier, et al., 1996, p.48). The instances in which activities of activist nonprofit interest groups have been identified as such (Independent 2) will also be compared with the dependent variable on the use of persuasion as a negotiation strategy. A positive and strong linear relationship between these first two independents and the dependent variable would align with the expectations outlined by the argumentative rationality theory, particularly if there is a strong relationship between cases in which nonprofit interest groups present a significant share of influential agenda factors and the dependent variable. As the influence of activist groups over agenda formation can be defined as a macro deliberative process, an activity taking place within the informal public sphere, the assessment of the first two independents will serve to empirically test the significance of this approach for argumentative rationality practice.

Finally, a third measure of NGO participation is found within the IRD query coding the roles important non-state actors played in international negotiations. After dividing non-state actors between public interest non-state organizations⁶ and private interest non-state organizations, I will assess the relationship between instances when public interest non-state organizations played the role of insiders in international environmental negotiation processes⁷ (Independent 3) and the use of persuasive negotiation strategies. A significant positive correlation would provide indications of the relevance of the implication that formal negotiation settings in which a greater diversity of interest is nevertheless ensured through the presence of non-state actors are conducive to argumentative rationality practices.

Furthermore, the significance of these three relationships will also be tested against other factors with the potential to influence the negotiation process. Utilizing the data on the non-state role already presented above, I will also be looking at the effect of the presence of private interest non-state organizations as insiders in IEN on argumentative rationality (Control 1). Earlier research shows that, where the topic of negotiations carries important economic implications, interests of private interest non-state groups are likely align with those of powerful negotiating states (Lund, 2013; Corell and Betsill, 2001), providing them with a kind of structural influence that is presumably more favorable to a power bargaining approach, and therefore, a negative correlation with argumentative rationality practices would be expected.

⁶ See process code in Annex II, preparing the data for analysis.

⁷ Their role being coded as one or more of the following: member of national delegation, exerting pressure inside the process and member of negotiation body (Breitmeier, et al., 1996, p.57).

Additionally, data on power symmetry, or “whether the nations involved in regime formation were roughly symmetrical in terms of issue-specific power or [...] the process involve[d] sharp differences in power resources” (Breitmeier, et al., 1996, p.29) will also be used as a relevant control variable (Control 2), verifying whether a greater asymmetry of power relations adversely affects the possibility for reasoned consensus by enhancing the capacity of powerful actors to bargain their way within an international negotiation process. Argumentative rationality theory suggests that, in instances in which there really is openness to persuasion by the force of the better argument, relationships of power and social hierarchies start losing their importance (Risse, 2000, p.7-11).

Finally, an additional control will take into account the level of compatibility of interests of the parties participating in IEN (Control 3) (Breitmeier, et al., 1996, p.21). Similar to the power asymmetry issue, it will be expected that a greater incompatibility of interests might make the use of argumentative rationality more difficult, but that a successful processes of steering discussion towards a reasoned consensus would ultimately be most beneficial in precisely such cases.

In preparation for the data analysis in R software, the IRD data queries presented above have been prepared in accordance to the theoretical framework laid out (for a comprehensive process code, see Annex II). The final data subject of the analysis can be seen in Annex III. It is composed of 87 observations, related to 45 different case elements⁸ of the 10 regimes containing data for the select variables. It needs to be taken into consideration that, given data availability, the analysis is not operating with an extremely large sample size. Therefore, although it will not be possible to fully ascertain the representativeness of the sample, it is expected that the analysis will nevertheless be able to outline some interesting trends, to be explored further using other assessment methods. Additionally, although the analysis targets very diverse regimes in terms of their constituent features and aims, it is hoped that the introduction of the available relevant controls will help manage the diversity of the cases dealt with. With this in mind, the following section will lay out the descriptive and the multivariate analysis of the select data, in relation to the assumptions previously formulated.

3.2 Data Analysis: Factors Affecting the Use of Argumentative Rationality as a Negotiating Strategy

The following sections will present the main findings of the quantitative analysis conducted using the variables defined.

⁸ Given that 21 out of the 23 regimes have been coded by two independent coders, for the purposes of the present analysis, the mean value of the data provided by each coder for the same case element of a given regime has been taken into account.

3.2.1 A Descriptive Overview of the Variables

An initial look at the quantitative data reveals some descriptive features of interest. Looking at the use of persuasive negotiations strategies by participating state actors in relation to other negotiation strategies used (Dependent variable), it is possible to see that in the majority of the cases analyzed, the persuasive approach does not account for a large proportion of the overall negotiation strategies, or 24,5% on average. However, in a few select cases, persuasion does represent the dominant strategy used, as is the situation with several cases within the Antarctic Regime, where persuasive tactics account for 63 to 85% of negotiation strategies, or the Great Lakes Management Regime, with persuasion results of 50% (see Annex III for details).

Moving on, the examination of the independent variables shows that activities of activist non-profit interest groups (Independent 1) present only one in a range of factors influencing agenda formation in a given case, accounting for 10,3% of the total factors on average, though some cases within the Endangered Species (33%), Antarctic (22%) and Hazardous Waste (20%) regimes display above-average representation in this regard. Furthermore, cases in which this factor is both present and qualified as most influential (Independent 2) are even fewer, with a mean of 3,2%. Therefore, cases where the share of non-profit activities as most influential for agenda formation is substantially higher than the mean, as in some cases belonging to the Endangered Species (16,6%), Biological Diversity (11,8%) and Great Lakes Management (8-11%) regimes, stand out when reflecting on features of international decision making favorable for the participation and impact of weaker actors.

Further on, the data on the share of public interest non-state organizations within the total of non-state actors present in IEN⁹ clearly indicates that public interest organizations dominate within the group, making up 62,3% of the non-state actors in a given case, on average. On the other hand, the presence of public interest non-state organizations as insiders in IEN (Independent 3) is relatively low, with an average of 15,9% of activities of non-state public interest organizations within IEN being interpreted as 'insider roles' and more than 25% of the cases including no such activity whatsoever. However, for some cases such insider activities form between 40% and 50% of total non-state roles, those within the previously flagged Antarctic and the Endangered Species regimes.

In contrast to public interest non-state organizations, much fewer private interest organizations are present in IEN processes, with a mean value of 9,9% of the total non-state actors. However, on rare occasions, they do make up an important part of non-state participants. This is in particular the case with the processes within the Climate Change (46%) Barents Sea Fisheries (62%), and Hazardous Waste (33%) regimes, indicating a link between a significant presence of private interest groups

⁹ As coded within IRD.

and the level of influence a particular set of negotiations has over private sector interest. The presence of private interest organizations in international environmental negotiations as insiders (Control 1) is also much lower than that of public interest organizations, amounting to 3% on average. However, the limited cases where their insider activities form more than 15% of total non-state roles are the very same regimes mentioned before (Climate Change, Barents Sea Fisheries and to a lesser extent Hazardous Waste Regime), fortifying the assumption of heightened private interest participation in those negotiations with strong potential for negative impact on their own operations.

Finally, while power symmetry data (Control 2) for the cases examined presents a relatively normal distribution, while interest incompatibility data (Control 3) is more or less equally concentrated at the very compatible / very incompatible extremes. Cases within the Antarctic, Hazardous Waste, Biodiversity and Climate Change regimes should be flagged for both high levels of power asymmetry and interest incompatibility and, although no case displays perfect power symmetry (0), the one that comes closest falls within the Great Lakes Management Regime (0.17).

Table 1 provides an overview of the descriptive findings noted above, grouped by regime rather than a case-by-case basis. Certain interesting observations come to light. In relation to the control variables, an interesting contradiction can be identified in the fact that both regimes with the most and those with the least symmetrical cases when it comes to issue-specific power (C2), the Antarctic and Great Lakes Management regime, have been highlighted for high levels of persuasive strategies (D). Furthermore, while some of the regimes flagged for high participation of private interest non-state organizations as insiders (C1) displayed very low interest incompatibility (C3) – like the Barents Sea Regime, others displayed high incompatibility (Climate Change and Hazardous Waste regimes), as did cases within the Antarctic Regime, flagged for high level of public interest non-state organizations as insiders (I3), indicating that additional factors affect compatibility of interests, other than the public/private divide. Finally, the Antarctic and Great Lakes Management regimes, both displaying high levels of persuasive strategies (D), differ in the independent variables that come to light – the data for the former putting greater emphasis on processes of insider participation (I3), with presence in agenda formation (I1), while data for the latter putting emphasis on the high level of influence in agenda formation (I2). It is also worthwhile noting that while cases within the Endangered Species Regime also indicate high levels of insider (I3) and outsider (I1, I2) NGO influence, they do not display similarly high values for persuasion (D). The descriptive overview displays no relationship between high levels of private actor participation (I4) and persuasion (D) either. However, there is a need to further explore how these results will align with the analysis of the multivariate relationships between the select variables, to be tackled next.

Table 1. Data trends by International Environmental Regime

	D	I1	I2	I3	C1	C2	C3
Antarctic	↑	↑		↑		↓	↑
Great Lakes Management	↑		↑			↑	
Endangered Species		↑	↑	↑			
Biodiversity			↑			↓	↑
Barents Sea					↑		↓
Climate Change					↑	↓	↑
Hazardous Waste		↑			↑	↓	↑

3.2.2 Multivariate Regression Analysis¹⁰

Running a multivariate regression of the data available, the cross-controlling of variables eliminating some of the possibilities of data bias¹¹ and helps verify the relationships previously hypothesized. Looking at the results of the multiple regression of the data (Figure 1), important findings come to light, indicating the highest level of significance present in the cases of the three independent variables highlighting NGO input in negotiations¹². Furthermore, an R-squared of 0.35, suggesting that one third of the variations are explained by the model, as well as satisfactory results of the regression assumptions analysis, serve as indication of the significance of the regression results, which will now be examined in turn.

Figure 1. Results of the Multiple Regression of the Data.

```

Residuals:
    Min       1Q   Median       3Q      Max
-0.29895 -0.11269  0.00594  0.07611  0.35070

Coefficients:
(Intercept)  0.15464    0.08540    1.811  0.075351 .
mpNpft      -2.90213    0.72534   -4.001  0.000181 ***
mpNpft.infl  2.84139    0.75009    3.788  0.000363 ***
mnsrpubins  0.73999    0.20743    3.567  0.000731 ***
mnsrprivins 0.92247    0.44407    2.077  0.042209 *
mii         -0.01078    0.08092   -0.133  0.894438
msa         0.13961    0.16599    0.841  0.403747
---
Signif. codes:  0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1

```

10 Given that a multivariate regression takes into account all variables simultaneously, the analysis omitted those cases with incomplete data, and works with 65 complete observations out of the original 87 (accounting for the presence of 2 coders).

11 The controls selected here reflect the IRD data availability and the scope of the analysis. Future assessments could go further in ensuring there is no omitted variable bias by introducing additional controls fitting the argumentative rationality theory.

12 All displaying the highest level of significance (see Figure 1).

Residual standard error: 0.1609 on 58 degrees of freedom
 Multiple R-squared: 0.346, Adjusted R-squared: 0.2783
 F-statistic: 5.114 on 6 and 58 DF, p-value: 0.0002833

Results of the Multiple Regression Using Standardized Values.

```

Residuals:
  Min       1Q   Median       3Q      Max
-0.29895 -0.11269  0.00594  0.07611  0.35070

Coefficients:
            Estimate Std. Error t value Pr(>|t|)
(Intercept)  0.226380  0.019953  11.346 2.35e-16 ***
z.mpNpft     -0.149904  0.037466  -4.001 0.000181 ***
z.mpNpft.infl 0.120548  0.031823   3.788 0.000363 ***
z.mnsrpubins 0.105826  0.029665   3.567 0.000731 ***
z.mnsrprivins 0.060954  0.029342   2.077 0.042209 *
z.mii        -0.004806  0.036062  -0.133 0.894438
z.msa        0.030705  0.036506   0.841 0.403747
---
Signif. codes:  0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1

Residual standard error: 0.1609 on 58 degrees of freedom
Multiple R-squared: 0.346, Adjusted R-squared: 0.2783
F-statistic: 5.114 on 6 and 58 DF, p-value: 0.0002833

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The first significant correlation identified highlights quite an unexpected result. The presence of activities of activist nonprofit interest groups as factors in agenda formation (Independent 1) is shown to be negatively correlated to the data on argumentative rationality practices¹³, suggesting that the higher the proportion of such activities within the totality of agenda factors identified, the lower the usage of persuasive negotiation strategies. On first reflection, this could be interpreted as a rejection of the theoretical assumption that NGO activities within the informal public sphere can exercise influence over persuasive decision-making processes in the international arena. However, this does not align with the subsequent regression findings, indicating a strong positive correlation between the instances of high influence of activist nonprofit groups in agenda formation (Independent 2) and argumentative negotiation strategies¹⁴.

One plausible explanation, following existing theory, might be that this discrepancy is precisely the indication that mere NGO presence as a factor in agenda formation is not enough – other factors need to be considered to explain those cases in which NGO influence is high, which correlate with a higher presence of argumentation within negotiations. This explanation aligns with Risse and Kleine's (2009) base assumption, that the same institutional factors enabling argumentative rationality are also enabling NGOs (weak actors) to exercise influence over processes leading to a 'reasoned consensus', and that these factors are what needs to be ascertained. It also complements Habermas' (1996) argument that once activities within the political public sphere manage to gradually affect agenda formation, they are likely to transfer this influence into the formal decision-making process. A factor also identified in other research on NGO influence, this suggests that the capacity of NGOs to exercise influence in the formulation phase is an essential (though not necessarily a sufficient) factor to them having influence over the detail phase, such as over negoti-

13 With a correlation coefficient of -2.9.

14 Correlation coefficient of 2.8.

ation strategies used by other actors (Betsill, 2008b, p.189).

However, other assumptions could also be raised. For example, could the question of the level of NGO influence over the agenda also be related to the level of political influence of the participating nonprofit organizations, rather than institutional features of the process? The factors to consider would then have more to do with the nature of the organizations themselves than the institutional scope. Or, could the increasing presence of nonprofit interest groups as factors in agenda formation alter the very status of these actors, no longer placing them in the 'weak' category, and thus making them less susceptible to steer the negotiations towards arguing? These dilemmas highlight the need to further consider the findings using an alternative method of analysis, as will be done in the following chapter.

The third highly significant finding is somewhat more straightforward, highlighting the relevance of public interest non-state organizations playing an insider role in international negotiations (Independent 3) for the use of argumentative rationality in negotiation strategies. An increased participation of public interest non-state organizations as insiders in IEN has a positive effect on the use of persuasion as a negotiating strategy, thus confirming the importance of 'micro' deliberation strategies, in addition to the 'macro' processes in the informal public sphere. This finding is further corroborated by results from the initial overview of IRD data by Breitmeier et al. (2006) on a complementary topic. In looking at regime compliance rates, they come to a conclusion that an 'insider' inclusion of NGOs (as members of national delegations or negotiating bodies) demonstrates a stronger positive impact on compliance rates than this is the case when NGOs merely participate as observers (p.104).

Another unexpected finding, though of much weaker statistical significance, suggests a somewhat positive relationship between the use of persuasion and the participation of non-state private actors as insiders in the negotiation process (Control 1). A potential explanation might be the fact that there is a diversity of perspectives present within this sector as well, with some organizations closely aligned to powerful business interests within given regimes, but others becoming more inclined to support other perspectives, such as those closer to the greater public interest (Betsill, 2008a, p.52). This finding forms an interesting basis for further analysis, but is outside of the scope of this work.

Finally, the controlled findings of this study also demonstrate no significant relationship, either positive or negative, between the power asymmetry (Control 2) and interest incompatibility (Control 3) data and argumentative rationality practices. This leads to the conclusion that Risse and Klein's (2009) original assumption, that processes favoring arguing eliminate the negative impact of power asymmetries, as well as the asymmetries of interests, stands. It also explains the previously noted discrepancies, that both cases with substantial power symmetry, like those within the Great Lakes Management regime, and those with high asymmetry, like those of the

Antarctic Regime, display high levels of persuasion within negotiations.

Overall, on the question of participatory spheres more conducive to argumentative rationality, both micro and macro processes retain significance. A comparison of the standardized values of the correlation coefficients for the three highly significant variables indicates the negative coefficient of the presence of activities of activist nonprofits as the strongest, though quite closely followed by high levels of activist nonprofits being most influential in agenda formation and public interest non-state organizations participating in negotiations as insiders. Furthermore, the assessment also confirms the base theoretical assumption on the positive relationship between weak actor influence and persuasion. In order to achieve a deeper understanding of the findings and their relevance, the following chapter will aim to provide further context to the quantitative results through an examination of particularly interesting cases within the regimes analyzed.

4. PERSUASION IN INTERNATIONAL ENVIRONMENTAL NEGOTIATIONS: A QUALITATIVE FOLLOW-UP

It will be the aim of this final section to further explore the findings outlined thus far, through taking a more detailed look at several select regime cases further clarifying the core results identified by the quantitative analysis. The original descriptive overview is useful in this regard, as it helped highlight some cases displaying strong results in select variables. Given the existing deliberative dilemma and the related regression results, the qualitative analysis, using process tracing methodology, will focus on one case highlighting a high participation of public interest non-state organizations as insiders in IEN in correlation with a high level of persuasive practices, and one case highlighting the important level of influence of activities of activist nonprofit organizations over agenda formation correlated with a high level of persuasion within negotiations as well. For the examination of insider influence, two cases within the Antarctic Regime, over the period of the 80s and early 90s, and related to the ultimate rejection of a treaty regulating mining in favor of an Environment Protocol establishing a 'world park' will be examined. Subsequently, the cases within the Great Lakes Management Regime having to do with the reviews of the water quality agreement and highlighting an important influence of NGO activities in the informal public sphere will be analyzed (see Table 2 below).

Table 2. Case Selection for the Qualitative Analysis¹⁵

Regime Name	Case	Pers.	Npft	Npft.infl	Nnst. publ.ins	Nnst. Pri.ins	Pow. Sym.	Inter. Incomp.
Antarctic	A.T. 80s	0.42	0.07	0	0.46	0	1	0.83
Antarctic	A.T. 89/91-98	0.40	0.08	0	0.27	0	0.83	0.83
Great Lakes Management	GLWQ 72-78	0.50	0.09	0.09	0	0	0.33	0
Great Lakes Management	GLWQ 78-98	0.50	0.08	0.08	0.08	0	0.33	0
Endangered Species	CITES 73-89	0.04	0.18	0.05	0.50	0	0.83	0.25
Mean Values		0.24	0.10	0.03	0.16	0.03	0.62	0.44

Finally, it is important to also examine an outlier case, displaying strong results in either of the two deliberation spheres, but no persuasive tendencies. The case of negotiations of the Convention on International Trade in Endangered Species (CITES) from 73-89 highlights an important participation of NGO insiders, as well as above-average NGO outsider influence, but with very limited use of persuasive strategies. The same case also displays above-average presence of nonprofit activists as factors in agenda formation, and might also help understand the negative impact this variable can play on persuasion. Additionally, as suggested earlier, it will be the aim of this qualitative assessment to reach some conclusions on the viability of making inferences on a reasoned consensus outcome by looking at the quantitative data on the negotiation process. It will also help further assess the overall validity of the quantitative analysis approach and findings.

4.1 Antarctic Treaty Regime

Looking at the Antarctic treaty data for the period of the 80s and 89/90 – 98, several interesting findings come to light. For the period of the 80s, it has one of the highest proportions of non-state public interest organizations participating as insiders in the negotiations, and a rate of persuasion much higher than average. The 89/90-98 case has similarly high persuasion rates, and significant, though smaller, insider participation. These two negotiation periods are characterized by significant shifts, from a thorough discussion of a minerals convention throughout the 80’s, to its rejection in the early 90’s, and rapid replacement with an Environment Protocol establishing Antarctica as a ‘world park’.

¹⁵ Above average values for the key variables examined have been shaded in gray.

At its essence, the Antarctic treaty is built around the notion of cooperation between treaty parties, putting great emphasis on the sharing of scientific data. Non-state actors have been active participants in the regime since its establishment in the 60's, but the focus of their activities has been predominantly scientific. The regime became more politicized with the start of the Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA) negotiations in the 80s, through the more active involvement of environmentalist NGOs identifying its potential threat to the environment (Clark, 1994, p.162-179).

Along with the NGO active throughout the Antarctic Treaty discussions, the Scientific Committee on Antarctic Research (SCAR), the negotiations surrounding mineral exploitation saw the emergence of a new type of actors in Antarctica – NGOs that are at the same time dedicated to scientific research and expertise, but also to environmental activism. These organizations put key emphasis on the need for the maintenance of norms embodied within the Antarctic treaty – those of peaceful use and protection of the territory, promoting this concept both within the informal public sphere, as well as inside the negotiations proper. They were both actively communicating with the wider public, the media and decision-makers, organizing conferences aimed at building coalitions between parties, but also using their observer status or presence as delegation members at the treaty consultative meetings as a way to put emphasis on their perspective, backing their argument with the provision of concrete scientific data (Clark, 1994, p.163-165).

In many ways, it could be argued that the NGOs' 'outsider activities' worked in favor of granting them credibility inside the official negotiations proper. In the case of Greenpeace, this credibility is the result of their scientific work on the "World Park Base" field station established in 1987. Not only a forerunner in terms of the research it was conducting, the way life was organized on the station itself was an example of the kind of low-impact living they advocated for Antarctica and promoted by the idea of a 'world park' - using proof of practice as an effective persuasive strategy. On the other side, the Antarctic and Southern Ocean Coalition (ASOC) gained recognition both due to its proven capacity for collecting accurate scientific information, as well as its legitimacy, stemming from the fact that it enabled the representation of 200 NGO members from 49 different countries in Antarctic discussions (Clark, 1994, p.163-166).

Once the CRAMRA ratification process failed, due to the pull out of Australia and France, which was partially connected to the influence of local NGO activist in these countries, but also to the uncertainty over the actual mineral wealth in Antarctica, the need arose for an alternative means of protection which would be in line with the existing Antarctic Treaty norms (Clark, 1994, p.167-174). At the Antarctic treaty Special Consultative Meeting in Viña del Mar in 1990, Australia and France, together with Belgium and Italy, submitted a proposal for a comprehensive environmental protection convention emphasizing the consistence with existing Antarctic Treaty norms and measures (Antarctic Treaty, 1990b), essentially adopting the ex-

isting concept of a ‘world park’ promoted by NGOs throughout the 80s. By the end of this meeting, a “consensus emerged on the need to protect the Antarctic environment” (Antarctic Treaty, 1990a, p.163) and the resulting Environment Protocol was finalized and signed at the following session, in Madrid in 1991. At both sessions, NGOs were present within the negotiations both as observers as well as ‘insider’ members of national delegations, in addition to monitoring the process from the outside (Clark, 1994, p.174-176).

Therefore, the results of this process demonstrate NGO success at influencing the course of the discussion, using scientific evidence in research and practice to influence a ‘reasoned consensus’ on the world park concept for Antarctica’s protection. It needs to be highlighted that the institutional nature of this particular regime also served in favor of these weaker actors. As the decision-making within the treaty is based on consensus, and not voting, there was arguably more space for the rational ideas to win over bargained preferences and culminate in a ‘rational consensus’ outcome. Finally, the case also provides indication that ‘outsider’ actions play a role in setting the base for insider influence in a negotiation process, although this does not come through in the IRD data itself.

4.2 The Great Lakes Management Regime

The cases within the Great Lakes Management Regime, a bilateral regime between the United States and Canada, pertaining specifically to the issues surrounding the Great Lakes Water Quality Agreement (GLWQA) are interesting for several reasons. The first case period examined, 1972-1978, spans from the adoption of the GLWQA itself to its 1978 expansion, and data indicates a significant influence of non-profit activist interest groups in the agenda formation process. Within the second case period, 1978-1998, both outsider and insider influences are noted in the data, surrounding the key event of the adoption of the 1987 protocols to the GLWQA.

Looking into the details of the processes within the first case period, it is possible to ascertain the existence of courses of action within the public sphere directly fitting the theory of deliberative decision-making and the democratization of decision-making processes. The 1972 adoption of the GLWQA resulted in the empowerment of the International Joint Commission (IJC), an intergovernmental body tasked with analyzing, informing and issuing recommendations and coordinating joint efforts in pollution control and water quality assurance in the Great Lakes, to conduct independent investigation into issues set out by the agreement. The IJC adopted a participative approach to conducting these reference studies on pollution, which involved a series of public workshops and panels. Following the success of the first exercise of the kind, organized with the involvement of the Great Lakes Tomorrow bi-national citizen group in the organization of public discussions, the methodology had subsequently been reproduced and expanded in further studies, such as the large ecological study on Pollution from Land-Use Activities (PLUARG), becoming part of the management strategies of GLWQA and contributing to positive public at-

titudes towards the agreement as such. As a result of these processes, the 1978 review of the GLWQA resulted in the expansion of its scope, directly reflective of the PLU-ARG¹⁶ findings, and implying a more holistic, ecosystem approach to ensuring the protection of the basin, focusing on more complex preventative policies and requiring more complex changes in industrial and consumer practices than it had been the case in the original agreement (Manno, 1994, p.75-80). The very deliberative nature of the discussion processes shaping the reference studies and ultimately the review of the agreement itself provides a solid indication that this particular case testifies to both a process and an outcome that could be qualified as a reasoned consensus, influenced by the activities in the informal public sphere and supporting the assumptions and findings of the previous chapters.

The second period also highlights a series of relevant processes from the argumentative rationality perspective. Once the holistic perspective on the Great Lakes ecosystem protection had been established in 1978, NGO actors played an important role in pushing for these ideas to be put into practice. The scheduled review of the agreement in 1987 had not been desired by the NGO community, as they feared that progress made in 1978 might be weakened by the conservative governments on both sides of the border and that, rather, emphasis should be placed on implementation of the provisions the '78 GLWQA lays down. However, given that the review could not be cancelled, they took a joint stance on protecting the agreement through steps within both the external and internal spheres of action.

Within the public sphere, the attempt to build public consensus on the importance of the agreement started within the civil society community first, through the 1981 formation of the Great Lakes United (GLU), a coalition of a wide diversity of actors, from environmentalists and conservationists to business, labor and sporting associations. The changes required by the GLWQA targeted both personal practice and economic activities. Though they had potential negative impact on individual interests of some GLU actors, it is work within the coalition that succeeded in improving common understanding and forming joint stance on the need to act – the group itself putting argumentative rationality to practice. By 1986, GLU membership included 200 groups and hundreds of individuals on both sides of the border.

In the run up to the 1987 review, the organization proceeded in holding public hearings on pollution problems and progress in GLWQA implementation throughout the Great Lakes basin¹⁷. The resulting report and recommendations, legitimated through the wide public input, impacted on the national delegate meetings in preparation to the GLWQA review, some of which were also held in the format of public hearings, but also provided backbone to the request by three leading environmental NGOs¹⁸ to be admitted as observers to the negotiations proper.

16 Involving public consultation panels held throughout the Great Lakes basin (9 in the US and 8 in Canada).

17 In total, 19 hearings were held, attended by 1200 concerned members of the public, and including 382 individual statements and perspectives.

18 GLU, Sierra Club and the National Wildlife Federation.

Granting the organizations this status set a precedent in the context of the negotiations within the Great Lakes Regime. Within the one day-long 1987 negotiations, NGO representatives on both national delegations were able to provide direct input into the final talks, backed by their expertise and recognition as legitimate representatives of the public viewpoints on the issue. They succeeded in not only preventing the weakening but in actually fortifying the agreement, and also won the requirement for continued public participation in the GLWQA (Manno, 1994, p.81-111).

4.3 Endangered Species Regime

Finally, the 1973-1989 CITES case, covering the period immediately after the Convention's adoption in 1973, has been chosen as an outlier, given that it demonstrates very high levels of NGO participation in the negotiations as insiders, as well as an above-average level of activities of activist nonprofit groups flagged both as agenda factors and as most influential factors in agenda formation. And yet, contrary to the findings of the multivariate regression analysis, this particular case displays a very limited presence of persuasive negotiation strategies. Its only element fitting the regression findings is the apparent negative influence of the higher than average presence of 'activist outsiders' on the persuasive practices within the case. Therefore, a brief examination will have the aim of understanding whether the divergence of the case from the rules suggested by previous analysis is an indicator of the lack of validity of the proposed theory and methodological approach, or whether other factors particular to the case can explain such deviation.

Within the IRD database on the roles of non-state actors in IEN, a single public interest non-governmental organization is listed for the cases within the Endangered Species Regime – the International Union for the Conservation of Nature (IUCN). Though the IUCN is classified as an NGO, the institution numbers both scientific, professional and conservation bodies, as well as governments and government agencies amongst its membership (Bowman et al., 2010, p.9). Furthermore, an examination of several sources analyzing the emergence of CITES highlights the importance of this singled-out NGO actor and the data discrepancies witnessed. The IUCN's role within the establishment of the Convention is invariably described as "unusually strong" (Kosloff and Trexler, 1987, p.335) and "dominant" (Young, 1989, p.364). In effect, the very idea of establishing a convention regulating the trade in endangered species comes from the IUCN itself, with the organizations' 1963 General Assembly passing a resolution calling IUCN to draft the international treaty. Several drafts later, this resolution brought forth the adoption of CITES in 1973 (Kosloff and Trexler, 1987, p.340; Chopra, 1987, p.226). Taking this into consideration, it appears questionable to place the IUCN in the category of a weak actor within this particular regime context, given its position as the sole leading force in its establishment.

Evidence of its participation within the regime further highlights this fact. IUCN's strong insider participation within CITES has been assured by the treaty provisions drafted by the organization itself, providing important space for the involvement of non-state actors as nonvoting observers, nevertheless with important access to lobby space and all of the documentation shared at the Conferences of Parties (CoP) (Kosloff and Trexler, 1987, p.335). Though it has been suggested here that such insider access for traditionally weak actors is likely to provide an adequate space for an argumentative rationality approach within negotiations, IUCN's additional activities stand outside this framework. Beyond the formal participation as observer, the IUCN contributes significant financial resources to the enforcement and implementation of CITES, covering costs like the maintenance of its secretariat and specialized studies and seminars organized for enforcement officials. Furthermore, it has also financed the expenses helping less able delegations participate in the CoPs (Kosloff and Trexler, 1987, p.336). These activities are again suggestive of the fact that IUCN cannot be placed in the category of a weak actor within the IEN on endangered species, despite its official NGO status, and thus suggests that this particular outlier case can be explained through its belonging to a different population than the rest of the sample examined. The case also suggests that political salience, if overwhelming, can negatively affect reasoned arguing even if attributed to what would traditionally be categorized as a weak actor. It therefore emphasizes the need for a closer assessment of such categories, but does not disprove the theory proposed.

4.4 Analysis

The brief overview of these select cases, though far from clarifying all aspects enabling argumentative rationality within negotiation processes, has helped shed light on the previous quantitative findings in relation to the question on negotiation spheres and conditions most accommodating to both weak actors and argumentative rationality processes. As indicated in the quantitative findings, the cases surrounding the GLWQA highlighted the use of very concrete deliberative methods in the informal public sphere as a way of highlighting the core problems that need to be placed onto the agenda for ensuring the basin's water quality. As suggested by theory (Habermas, 1996; Dryzek, 2005), the informal public sphere's capacity to affect changes in the public dialogue ultimately affected formal decision-making as well. On the other hand, the Antarctic Treaty cases also highlighted the impact of NGOs within the negotiations proper, using sound scientific findings to advocate against a minerals convention for the Antarctic and in favor of a protected area framework, highlighting the potential for reasoned discussion within more enclosed formal settings that are open to weak actor participation. Therefore, this analysis testifies to the significance of both outsider and insider participation for argumentative rationality.

However, both cases also highlight important overlapping features. Process tracing in the Antarctica case suggests that the insider influence depended in many

ways on the outsider activities of the lead organizations, as highlighted most notably by the Greenpeace 'World Park' research base. Similarly, NGOs active within the GLWQA have ultimately been granted insider participation on the grounds of the relevance of their outsider activities. These processes align with the theory presented in the first chapter (Risse and Kleine, 2009), suggesting that in the context of international negotiations, argumentative rationality can, on the one hand, be a significant feature of transparent processes within the public sphere, in the cases in which there is uncertainty about the preferences of the wider audience concerned, as demonstrated by the effectiveness of the GLWQA public hearings. On the other hand, argumentative rationality can also feature within negotiations behind closed doors, the more the participating actors know about the preferences of their audience - the case of AOSIS' legitimacy in representing a wide array of interest groups, or the similar case of GLU, whose legitimacy was additionally based on the consultative activities held within the public sphere. These observations therefore solidify the thesis of complementarity between the two spheres in enabling argumentative rationality and the reasoned consensus outcome that results from it.

In the cases of both spheres, uncertainty has also proven to be a relevant feature (Risse and Kleine, 2009). In the Antarctic CRAMRA discussions, it is arguably the uncertainty about the actual presence of minerals that created a space conducive to alternative arguments, those focusing on the need for protection and preservation of Antarctica. Additionally, the fact that GLU representatives participated in international negotiations as members of both the US and the Canadian delegations, with the commitment to confidentiality this entailed, arguably also induced uncertainty about their institutional identity and preferences, thus giving space to dialogue.

Finally, although the qualitative analysis conducted does not provide a full answer to the indication of negative impact a high presence of NGO activities in agenda formation can have on persuasion, the review of the CITES outlier case opened some suggestions on how to interpret these findings. As briefly suggested in chapter 3, the fact that the CITES analysis highlighted the presence of a potential 'NGO hegemon' rather than a weak actor suggests that an above average NGO presence as factor in agenda formation might be an indication of a type of overwhelming influence that inhibits argumentation. A re-examination of the data in Table 2 shows that all other cases have a below-average value for this variable. Therefore, even if we disregard the 'hegemon' explanation, an excessive NGO representation in this field might be an indication of a lack of sufficient representation of a diversity of other interests, which can reflect negatively on persuasive practices, as deliberation theory does suggest. It is when NGOs are present within an array of different factors, but still identified amongst the most influential in agenda formation, that circumstances are opportune for arguing in negotiations. These ideas need to be examined further, but do provide a valid indication that we cannot be quick to classify actors into generic categories, nor disregard other key features of argumentative rationality theory, like additional aspects ensuring equal representation of affected interests.

Through these initial findings, with their manifest limitations of sample size and research time frame, this work hopes to have succeeded in highlighting the relevance of some initial features set out by argumentative rationality theory, as pertaining to the contribution of the participation of weaker actors in international negotiations. It has also ascertained the equal relevance of the 'macro' and 'micro' spheres of participation as conducive to argumentation, further outlining their complementary features in representing a diversity of preferences through the discussion above. However, it has also opened a series of pending questions that can hopefully be tackled by further research.

5. CONCLUSIONS

It had been the aim of the present research to shed light on the conditions strengthening the likelihood of reaching a 'reasoned consensus', as opposed to merely a bargained outcome, as a result of international negotiation processes. As its starting point, the research asked: "What are the features favoring such an occurrence?" To start this discussion, focus was put on the participation of weak actors as an important element of analysis, following along the initial hypothesis, set by Risse and Kleine, suggesting that a reasoned consensus outcome is linked to the capacity of weaker actors to exercise influence in negotiation processes. It has been the aim of the present research to look at this relationship in reverse - examining the different modes of participation of weaker actors in international negotiation processes and assessing the correlation between such participation and the presence of argumentative rationality as a negotiation strategy. In other words, the analysis looked to answer the following question: "under which conditions can the participation of weaker actors in international negotiation processes be influential?"

In this examination, a particular focus was paid to what had previously been identified as the 'deliberative dilemma' within the complementary political science literature looking at deliberation in national-level decision-making. It highlights the discrepancy between the dual aims of inclusiveness and of deliberative quality in deliberation theory that implicate the divergent needs for participation of a very large and a quite small number of participants in ensuring deliberation takes place. To assess this dichotomous relationship, both participation of weaker actors in inclusive deliberation processes within the informal public sphere, and their presence within formal international negotiation proceedings presenting a more structured and exclusive negotiation space, had been considered.

Directing this debate to the examination of an existing sample providing information on the participation of NGOs (as a recognized category of weak actors) within international environmental negotiations (IEN), evaluating the 'deliberative dilemma' translated into examining several independent variables of relevance. Firstly, NGO participation within IEN in a broader, informal, public setting satisfying the criterion of inclusiveness translated into looking at cases of NGO presence in

the agenda formation phase, as well as cases where they had been identified as the most influential actor in this phase. Secondly, NGOs participating as insiders within formal negotiation settings, more closely approaching the satisfaction of the criterion of better deliberative quality in international negotiation terms, had been examined. These two components were assessed for their level of correlation to the dependent variable, defined as the extent of use of negotiation strategies than can be qualified as argumentative rationality within the IEN cases.

By combining a quantitative analysis of existing IRD data on environmental negotiations with a number of case studies, it had been demonstrated that indeed, stronger NGO participation, both as insiders in negotiations and within the broader public sphere, does foster elements of a more reasoned consensus oriented style of decision-making, making the case for greater inclusiveness of international negotiation processes.

Overall, quantitative findings showed that, under conditions in which weak actors have an impact on agenda formation as outsiders, argumentative rationality is more likely to form an important part of negotiation strategies. They also showed that the participation of weak actors inside negotiations proper could have the same stimulating effect. However, multi-variate regression findings related to the broader presence of NGOs in the informal public sphere, furnished intriguing results. The mere presence of NGOs in the agenda formation phase, without being the most relevant to the shaping of the agenda, was negatively correlated to the use of argumentative rationality in negotiations. Though unexpected, the finding plays a key role in highlighting the importance of NGOs succeeding in exercising their influence early on. They need to have an effect on the formulation of the agenda, if they are to play an impact on the details of the negotiations proper and steer the decision-making, and its outcomes, towards an argumentative rationality approach, as was suggested in the review of existing literature. The fact that NGOs playing a more structured insider role in the negotiation processes was also proven to be positively related to argumentative rationality practices therefore highlights the relevance of activities on both spectrums of the 'deliberative dilemma' for creating a space within which argumentative rationality is likely to prosper.

Furthermore, a qualitative examination of select cases helped clarify and provide a positive verification of the quantitative methodology and the results it outlined. Examining cases within the Great Lakes Management Regime, for which quantitative data highlighted strong NGO outsider influence on agenda formation coupled with important usage of argumentative rationality practices as a negotiation strategy, process tracing highlighted the usage of direct deliberative activities, in the form of a series of inclusive public discussions, to be the key factor influencing agenda formation. Similarly, cases within the Antarctic Treaty Regime that stood out in terms of quantitative data on above-average NGO influence inside negotiations proper, showed this finding to be linked to the treaty's institutional design mandating consensual, rather than voting-based, decision-making processes. Therefore,

both cases supported the regression analysis findings highlighting the relevance of influential outsider as well as insider NGO activities for argumentative rationality. A particularly interesting feature of the case studies highlighted the complementarity between these two spheres of action, adding to Habermas' thesis on the slow progression of new ideas from the public periphery inwards. Following criteria of rationality of approach, inclusivity and legitimacy of representation, the arguments put forward by weaker actors were shown to have credibility in the formal sphere as a result of their proven record of engagement within the informal realm. While the quantitative data gave a perspective on the use of argumentative rationality as part of the negotiation process, a closer examination of both the Antarctic and the Great Lakes regime cases provided an indication that active participation of NGOs within the dual spheres of activity can also result in outcomes that could themselves be qualified as reasoned consensus.

Finally, an examination of an outlier case, displaying high levels of NGO participation, both outsider and insider, but without equally significant findings for persuasion as a negotiation strategy, highlighted the negative influence of an overwhelming presence of a singular actor within negotiations. Examination of the role of the International Union for the Conservation of Nature within the Endangered Species Regime negotiations highlighted additional conditions that can deter reasoned arguing. They pertain to the overwhelming presence of any category of actors, including those traditionally considered 'weak', within the negotiations process. In connection to the quantitative results highlighting the negative impact of an overwhelming presence of NGO actors in the agenda formation phase on the potential for argumentative rationality, the outlier case study re-emphasizes the importance of inclusiveness, depicted as the presence of a diversity of viewpoints), for the argumentative rationality approach. It is when NGOs are present within an array of different actors, but still identified amongst the most influential in agenda formation, that circumstances are opportune for arguing within negotiations. If we are to infer lessons from the Great Lakes Management case analyzed, such a diversity of viewpoints can be assured by the introduction of deliberative decision-making practices in the agenda formation stage, while mandating for formal decisions to be brought by consensus is an interesting institutional contribution of the Antarctic Regime case.

The cases also pointed to other relevant features that should be given further consideration in investigations on this topic, in particular the importance uncertainty plays as a condition creating an environment favorable to deliberation. Finally, the quantitative findings indicating no significant relationship, either positive or negative, between the control variables related to power symmetry and interest incompatibility and argumentative rationality practices, validated the base theoretical assumption on the relevance of the argumentative rationality approach to decision-making on contentious issues. They provided an indication that processes favoring arguing can eliminate the negative impact of power and interest asymmetries liable to steer discussion towards the more usual power-bargaining logic.

As recognized previously, the research conducted here faced a series of limitations resulting from the availability of data. Both the small IRD sample size and its large diversity in terms of scale and scope of the international environmental regimes it reunited played an impact on representativeness. Similarly, the dependent variable itself was chosen in the context of data available, whilst recognizing that the ideal dependent for the assessment of the theory at hand would have been related to the use of argumentative rationality in affecting negotiation outcomes, rather than process. Nevertheless, having countered this discrepancy with the use of process tracing and the introduction of control variables, it is possible to state with a fair level of assurance that the analysis did outline a series of interesting and relevant trends, which future research should explore further.

Overall, the research has emphasized the relevance of examining weak actor involvement as a factor enabling argumentative rationality. Such practices, putting a greater diversity of interests at the forefront of international negotiations, have the potential of bringing forth international public policies more reflective of the global public good. Through reducing power politics, a ‘reasoned consensus’ approach to negotiations can have a positive impact on decision-making on contentious issues in the international arena.

Furthermore, testing an element (weak actors) of the existing theory on argumentative rationality on a particular case study contributed to getting more insight into the theory’s features within the realm of international negotiations. Finally, in attempting to empirically evaluate the competing requirements present within the deliberative dilemma, a contribution was also made towards developing a quantitative methodological approach for something traditionally considered outside the realm of quantitative analysis. Given the limitations in data availability and time frame, this effort has only scratched the surface of the issue, but hopes to have provided some rational arguments as to why the topic should be explored further.

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ANNEX I

Arguing and Bargaining as Modes of Communication

<i>Mode of communication /characteristics</i>	<i>ARGUING</i>	<i>BARGAINING</i>
Modal	Empirical and normative assertions with validity claims (assessment criteria: empirical proof and consistency or in the case of normative assertions consistency and impartiality); based on: 'argumentative power' in the sense of good reasoning	Pragmatic demands with credibility claims (assessment criteria: credibility of speaker); based on: 'bargaining power' in the sense of material and ideational resources and exit options
Procedural	Reflexive	Sequential
Possible observable outcome	Reasoned consensus, actors submitting to the better argument and changing interests/preferences accordingly	Compromise without change in preferences/interests
Structural	Triadic (speaker and listener have to refer to some external authority to make validity claims)	Dyadic (only mutual assessment counts)

Source: Risse, 2004, p.297

ANNEX II

Preparation of Select IRD Data for Analysis in R

```
#Preparation of IRD Data for Analysis
```

```
# jun 5 18:10:36 CEST 2013
```

```
library(plyr)
library(reshape2)
```

```
# -----
# OUTCOME - Dependent variable
neg.stra <- read.table("negotiate_strategies.csv", header=TRUE,
  sep=",")
str(neg.stra)
```

```
head(neg.stra)
```

```
table(neg.stra$NEGOTIATE_STRATEGIES, exclude=NULL)
```

```
# Clean variable names, delete duplicates
ns <- neg.stra
names(ns)[names(ns)=="Feld1"] <- "Regime"
names(ns)[names(ns)=="CASES"] <- "Case"
names(ns)[names(ns)=="toscanasorted10.CASE_ID"] <- "id"
names(ns)[names(ns)=="IMPORTANT_NATION"] <- "Nation"
names(ns)[names(ns)=="COALITION"] <- "Coalition"
```

```
names(ns)[names(ns)=="QUEST_ID"] <- "quest.id"
names(ns)[names(ns)=="NEGOTIATE_STRATEGIES"] <- "Stra
```

```
tegies"
ns$persuasion <- as.character(ns$Strategies)
ns$persuasion <- ifelse(ns$persuasion=="5 = Persuasion" | ns$per-
  suasion=="12 = Search for joint gains", 1, 0)
ns <- ns[,-which(names(ns)=="FORMATION_7.CASE_ID")]
```

```
# Divide case between case itself and coder
ns <- cbind(ns, coder=gsub("^.+ - ", "", ns$Case))
ns$Case <- as.factor(gsub(" - .+$", "", as.character(ns$Case)))
```

```
str(ns)
dim(unique(ns))
```

```
ns.cc <- ddply(ns, .(Case, coder), summarize, pP=sum(persua-
  sion)/length(persuasion))
head(ns.cc)
```

```
ns.c <- ddply(ns.cc, .(Case), summarize, mpP=mean(pP))
head(ns.c)
```

```
hist(ns.c$mpP)
```

```
# COVARIATES - Independent variables
```

```
# -----
```

```
# -----
```

```
# Power setting symmetry
pow.sym <- read.table("power_symmetry.csv", header=TRUE,
  sep=",")
str(pow.sym)
```

```

head(pow.sym)

# Clean variable names, delete duplicates

names(pow.sym)[names(pow.sym)=="Feld1"] <- "Regime"
names(pow.sym)[names(pow.sym)=="CASES"] <- "Case"
names(pow.sym)[names(pow.sym)=="toscanasorted10.CASE_ID"]
<- "id"
names(pow.sym)[names(pow.sym)=="QUEST_ID"] <- "quest.id"
pow.sym <- pow.sym[,-which(names(pow.sym)=="FORMA-
TION_3.CASE_ID")]

# We use two measures of asymmetry, one continuous and one
binary
names(pow.sym)[names(pow.sym)=="POWER_SETTING_SYM-
METRY"] <- "asymmetry"
pow.sym$asymmetry <- as.character(pow.sym$asymmetry)

# Trick to avoid the spaces at the end of the labels
for (i in 1:500) pow.sym$asymmetry <- gsub(" $", "", pow.
sym$asymmetry)
unique(pow.sym$asymmetry)
pow.sym$asymmetry[pow.sym$asymmetry=="Not applicable" |
pow.sym$asymmetry=="0 = Not applicable"] <- NA

pow.sym$asymmetry[pow.sym$asymmetry=="Highly uneven
distribution"] <- "4 = Highly uneven distribution"
pow.sym$asymmetry <- as.numeric(substr(pow.sym$asymmetry,
1, 1))
pow.sym <- cbind(pow.sym, type.power=ifelse(pow.sym$asymme-
try==1, "Symmetric", "Asymmetric"))

```

```

pow.sym<-cbind(pow.sym, power.symmetric=ifelse(pow.sym$ty-
pe.power=="Symmetric", 1, 0))

str(pow.sym)
dim(unique(pow.sym))

# Divide case between case itself and coder
pow.sym <- cbind(pow.sym, coder=gsub("^.+ - ", "", pow.sym$Ca-
se))
pow.sym$Case <- as.factor(gsub(" - .+$", "", as.character(pow.
sym$Case)))

str(pow.sym)

dim(unique(pow.sym))

# Use a continuous scale, not a binary one
pow.sym.cc <- ddply(pow.sym, .(Case, coder), summarize, sa=
sum(asymmetry-1)/(length(asymmetry)*3))

head(pow.sym.cc)

pow.sym.c <- ddply(pow.sym.cc, .(Case), summarize, msa=mean(-
sa))
head(pow.sym.c)

hist(pow.sym.c$msa)

# -----
# Agenda

```

```
agenda <- read.table("agenda_factors.csv", header=TRUE, sep=",")
str(agenda)
```

```
head(agenda)
```

```
# Clean variable names, delete duplicates
names(agenda)[names(agenda)=="Feld1"] <- "Regime"
names(agenda)[names(agenda)=="CASES"] <- "Case"
names(agenda)[names(agenda)=="toscanasorted10.CASE_ID"] <-
"id"
names(agenda)[names(agenda)=="QUEST_ID"] <- "quest.id"
agenda <- agenda[,-which(names(agenda)=="FORMATION_6.
CASE_ID")]
names(agenda)[names(agenda)=="QUEST_ID"] <- "quest.id"
agenda$nonprofit <- ifelse(agenda$AGENDA_FACTORS=="4 = Acti-
vities of activist nonprofit interest groups", 1, 0)
```

```
unique(agenda$AGENDA_FACTORS)
```

```
agenda$nonprofit.influential <- ifelse(
  agenda$nonprofit==1 &
  agenda$AGENDA_FACTORS_PRESENT=="2 = Factor present
and most influential",
```

```
1,0)
```

```
##following lines are in comment format as we don't need them
## CHECK: No category for "non present"
#unique(agenda$AGENDA_FACTORS_PRESENT)
#agenda.present <- cbind(agenda, agenda.present=NA)
#agenda.present[
# agenda.present$AGENDA_FACTORS_PRESENT=="2 = Factor
present and most influential" |
# agenda.present$AGENDA_FACTORS_PRESENT=="1 = Factor
```

```
present" |
# agenda.present$AGENDA_FACTORS_PRESENT=="Factor
present" |
#]
```

```
agenda <- agenda[,c("Regime", "Case", "nonprofit", "nonprofit.
influential")]
```

```
# Divide case between case itself and coder
```

```
agenda <- cbind(agenda, coder=gsub("^.+ - ", "", agenda$Case))
agenda$Case <- as.factor(gsub(" - .+$", "", as.character(agenda$-
Case)))
```

```
str(agenda)
head(agenda)
```

```
ag.cc <- ddply(agenda, .(Case, coder), summarize, pNpft=sum(-
nonprofit)/length(nonprofit))
head(ag.cc)
```

```
# then, creating final data set for non profit
```

```
ag.c <- ddply(ag.cc, .(Case), summarize, mpNpft=mean(pNpft))
head(ag.c)
```

```
hist(ag.c$mpNpft)
```

```
#also need to create a final data set for non profit, influential
```

```
ag.cc2 <- ddply(agenda, .(Case, coder), summarize, pNpft.infl=-
sum(nonprofit.influential)/length(nonprofit.influential))
head(ag.cc2)
```

```

#finally

ag.c2 <- ddply(ag.cc2, .(Case), summarize, mpNpft.infl=mean(p-
Npft.infl))

head(ag.c2)

hist(ag.c2$mpNpft.infl)

str(agenda)
dim(unique(agenda))
agenda <- unique(agenda)

# -----
# Interest Incompatibility
ii <- read.table("interest_incompatibility.csv", header=TRUE,
sep=",")
str(ii)
head(ii)

# Clean variable names, delete duplicates
names(ii)[names(ii)=="Feld1"] <- "Regime"
names(ii)[names(ii)=="CASES"] <- "Case"
names(ii)[names(ii)=="toscanasorted10.CASE_ID"] <- "id"
names(ii)[names(ii)=="QUEST_ID"] <- "quest.id"
ii <- ii[-which(names(ii)=="FORMATION_1.CASE_ID")]
names(ii)[names(ii)=="PROBLEM"] <- "Problem"

as.character(unique(ii$INTEREST_INCOMPATIBILITY))

ii <- cbind(ii, ii=NA)
ii$ii[grep(" incompatibility", ii$INTEREST_INCOMPATIBILITY)]

```

```

<- "Incompatibility"
ii$ii[grep(" compatibility", ii$INTEREST_INCOMPATIBILITY)] <-
"Compatibility"

ii <- cbind(ii, incompat = ifelse(ii$ii=="Incompatibility",1,0))

ii <- cbind(ii, coder=gsub("^.+ - ", "", ii$Case))
ii$Case <- as.factor(gsub("- .+$", "", as.character(ii$Case)))
ii <- ii[,c("Regime", "Case", "coder", "id", "quest.id", "Problem", "ii",
"incompat")]

#differentiating case and coder
# Use a continuous scale, not a binary one
#ii.cc <- ddply(ii, .(Case, coder), summarize, sa=sum(Incompatibili-
ty-1)/(length(Incompatibility)*3))
ii.cc <- ddply(ii, .(Case, coder), summarize, ii=sum(incompat)/(length-
th(incompat)))

head(ii.cc)

ii.c <- ddply(ii.cc, .(Case), summarize, mii=mean(ii))
head(ii.c)

hist(ii.c$mii)

str(ii)
dim(unique(ii))

# -----
# Negotiate non-state role
nnsr <- read.table("negotiate_nonstate.csv", header=TRUE, sep=",")
str(nnsr)

```

```

head(nnsr)

# Clean variable names, delete duplicates
names(nnsr)[names(nnsr)=="Feld1"] <- "Regime"
names(nnsr)[names(nnsr)=="CASES"] <- "Case"
names(nnsr)[names(nnsr)=="toscanasorted10.CASE_ID"] <-
"id"
names(nnsr)[names(nnsr)=="QUEST_ID"] <- "quest.id"
nnsr <- nnsr[,-which(names(nnsr)=="FORMATION_7.CASE_
ID")]
names(nnsr)[names(nnsr)=="NONSTATE"] <- "Nonstate"

as.character(unique(nnsr$NEGOTIATE_NON_STATE_ROLE))

nnsr <- cbind(nnsr, insider=0)

nnsr$insider[nnsr$NEGOTIATE_NON_STATE_ROLE=="2 =
Member of national delegation"] <- 1
nnsr$insider[nnsr$NEGOTIATE_NON_STATE_ROLE=="3 =
Member of negotiation body"] <- 1
nnsr$insider[nnsr$NEGOTIATE_NON_STATE_ROLE=="4 =
Exerted pressure inside the negotiations"] <- 1

nnsr <- nnsr[,c("Regime", "Case", "id", "quest.id", "Nonstate",
"insider")]

str(nnsr)
dim(unique(nnsr))

#attempt to divide nonstate actors between public and private

nnsr <- cbind(nnsr, public = 0)
nnsr$public[nnsr$Nonstate=="Scientific Committee on Antarc-
tic Research (SCAR)"|
nnsr$Nonstate=="Antarctic and Southern Ocean Coali-
tion (ASOC)"|

```

```

nnsr$Nonstate=="Greenpeace"|
nnsr$Nonstate=="Greenpeace Germany"|
nnsr$Nonstate=="International Association of Antarctica
Tour Operators (IAATO)"|
nnsr$Nonstate=="World Wildlife Fund"|
nnsr$Nonstate=="World Wide Fund for Nature"|
nnsr$Nonstate=="WWF"|

nnsr$Nonstate=="World Wide Fund for Nature (Internatio-
nal and its affiliates notably WWF-UK)"|
nnsr$Nonstate=="Coalition Clean Baltic"|
nnsr$Nonstate=="PINRO (Russia)"|
nnsr$Nonstate=="Institute of Marine Research (Norway)"|
nnsr$Nonstate=="World Resources Institute"|
nnsr$Nonstate=="IUCN"|
nnsr$Nonstate=="IUCN (Quasi-IGO)"|
nnsr$Nonstate=="Third World Network"|
nnsr$Nonstate=="Pragmatic ENGOs (e.g., FIELD, NRDC,
WWF)"|
nnsr$Nonstate=="Deep Green ENGOs (e.g., Greenpeace)"|
nnsr$Nonstate=="Danube Forum"|
nnsr$Nonstate=="Le Reseau d` ONG sur la Desertification et
la Secheresse (RIOD)"|
nnsr$Nonstate=="IAGLR"|
nnsr$Nonstate=="National Wildlife Foundation"|
nnsr$Nonstate=="Sierra Club"|
nnsr$Nonstate=="Greenpeace International"|
nnsr$Nonstate=="Basel Action Network"|

nnsr$Nonstate=="Monitor International"|
nnsr$Nonstate=="Center for Marine Conservation"|
nnsr$Nonstate=="Natural Resources Defense Council"|
nnsr$Nonstate=="Conservation Groups"|
nnsr$Nonstate=="Humane Society"|

```

```

nnsr$Nonstate=="International Union for the Conserva-
tion of Nature"|
nnsr$Nonstate=="International Fund for Animal Welfa-
re"|
nnsr$Nonstate=="IIASA/FoE/GP-coalition"|
nnsr$Nonstate=="Friends of the Earth"|
nnsr$Nonstate=="Friends of the Earth UK"|
nnsr$Nonstate=="Sahabat Malaysia (SAM)"|
nnsr$Nonstate=="Dutch Social Advocacy Group (Stiching
Reinwater)"|
nnsr$Nonstate=="Environmental Protection Groups/Lo-
cal Authorities in Alsace"|
nnsr$Nonstate=="Wetlands International"|
nnsr$Nonstate=="BirdLife International"|
nnsr$Nonstate=="International Institute for Environment
and Development (IIED)"|

nnsr$Nonstate=="Rainforest Information Centre"|
nnsr$Nonstate=="National Wildlife Federation (USA)"|
nnsr$Nonstate=="Japan Tropical Forest Action Network
(JATAN)"|
nnsr$Nonstate=="Global Forest Policy Project"] <-1

# Add also private as 0 by default
nnsr <-cbind(nnsr, private = 0)
nnsr$private[nnsr$Nonstate=="Soviet/Russian collective fishing
fleet (kolkhozy)"|
nnsr$Nonstate=="Soviet/Russian small private compa-
nies/coastal fleet"|
nnsr$Nonstate=="Norwegian Seamen's Association"|
nnsr$Nonstate=="National Federation of Norwegian
Fishing Industry"|
nnsr$Nonstate=="Soviet/Russian Representatives for the
fishing industry"|
nnsr$Nonstate=="Norwegian Fishermen's Association"|

```

```

nnsr$Nonstate=="Opportunist Business Actors (e.g.,
Solar Lobby, Nuclear Lobby)"|

nnsr$Nonstate=="Obstructionist Business Actors (e.g.,
Coal Lobby, GCC, World Coal Institute)"|
nnsr$Nonstate=="Apologist Business Actors (e.g., BP)"|
nnsr$Nonstate=="Council of Great Lakes Industries"|
nnsr$Nonstate=="Bureau for International Recycling"|
nnsr$Nonstate=="US Chamber of Commerce"|
nnsr$Nonstate=="Fishing Industries of the Various Im-
portant Fishing Countries"|
nnsr$Nonstate=="The Permanent International Associa-
tion of Navigation Congresses (PIANC)"|
nnsr$Nonstate=="The International Association of Ports
and Harbors (IAPH)"|
nnsr$Nonstate=="The Central Dredging Association
(CEDA)"|
nnsr$Nonstate=="The National Union of Seamen (Bri-
tain)"|
nnsr$Nonstate=="INTERTANKO"|
nnsr$Nonstate=="International Chamber of Shipping"|
nnsr$Nonstate=="Oil Companies International Marine
Forum"|
nnsr$Nonstate=="German Industrial Corporations/As-
sociations"|

nnsr$Nonstate=="Dutch Drinking Water Companies"|
nnsr$Nonstate=="Dutch Horticulturists"|
nnsr$Nonstate=="Mines Domaniales de Potasse d Alsa-
ce"|

nnsr$Nonstate=="McKinsey Amsterdam"|
nnsr$Nonstate=="Ducks Unlimited"|
nnsr$Nonstate=="DWFN fishing associations (e.g.,
American Tunaboat Association, Nikkatsuren)"|
nnsr$Nonstate=="Industrial Chemical Industries (ICI)"|
nnsr$Nonstate=="European Chemical Industry Council

```

```

(CEFIC)" |
  nnsr$Nonstate=="Dupont" |
  nnsr$Nonstate=="Alliance for Responsible CFC Poli-
cy" |
  nnsr$Nonstate=="The British Timber Trade Federa-
tion (important forestry industry association)" |
  nnsr$Nonstate=="African Timber Organisation
(AFO)" |
  nnsr$Nonstate=="American Forest Products Associa-
tion" |
  nnsr$Nonstate=="Dutch Timber Federation (import-
tant forestry industry association)"] <-1

# Divide case between case itself and coder
nnsr <- cbind(nnsr, coder=gsub("^.+ - ", "", nnsr$Case))
nnsr$Case <- as.factor(gsub(" - .+$", "", as.character(nnsr$Ca-
se)))

str(nnsr)
dim(unique(nnsr))

nnsr.cc <- ddply(nnsr, .(Case, coder), summarize, nnsrp=
sum(insider)/length(insider))

head(nnsr.cc)

#need to create the same for the new categories

nnsr.public.cc <- ddply(nnsr, .(Case, coder),summarize, nnsr-
pub=sum(public)/length(public))
head(nnsr.public.cc)

```

```

nnsr <- cbind(nnsr, public.insider=nnsr$public * nnsr$insider)
nnsr.public.insider.cc <- ddply(nnsr, .(Case, coder), summarize,
nnsrpubins=sum(public.insider)/length(public.insider))
head(nnsr.public.insider.cc)

#final step - evening out data between coders

nnsr.public.c <- ddply(nnsr.public.cc, .(Case), summarize, mnnsr-
pub=mean(nnsrpub))

head(nnsr.public.c)

nnsr.public.insider.c <- ddply(nnsr.public.insider.cc, .(Case), sum-
marize, mnnsrpubins=mean(nnsrpubins))

head(nnsr.public.insider.c)

hist(nnsr.public.c$mnnsrpub)
hist(nnsr.public.insider.c$mnnsrpubins)

#finally, creating a data set for the private actors

nnsr.private.cc <- ddply(nnsr, .(Case, coder), summarize, nnsrpri-
v=sum(private)/length(private))
head(nnsr.private.cc)

nnsr <- cbind(nnsr, private.insider=nnsr$private * nnsr$insider)
nnsr.private.insider.cc <- ddply(nnsr, .(Case, coder), summarize,
nnsrprivins=sum(private.insider)/length(private.insider))
head(nnsr.private.insider.cc)

#final step - evening out data between coders

nnsr.private.c <- ddply(nnsr.private.cc, .(Case), summarize, mnnsr-

```



```

priv=mean(nnsrpriv))

head(nnsr.private.c)

nnsr.private.insider.c <- ddply(nnsr.private.insider.cc, .(Case), summarize, mnnsrprivins=mean(nnsrprivins))

head(nnsr.private.insider.c)

hist(nnsr.private.c$mnnsrpriv)
hist(nnsr.private.insider.c$nnsrprivins)

# Merge all data in a single dataframe
d <- merge(ns.c, pow.sym.c, all=TRUE)
str(d)
d <- merge(d, ag.c, all=TRUE)
str(d)
d <- merge(d, ag.c2, all=TRUE)
str(d)
d <- merge(d, ii.c, all=TRUE)
str(d)
d <- merge(d, nnsr.public.cc, all=TRUE)

str(d)
d <- merge(d, nnsr.public.c, all=TRUE)
str(d)
d <- merge(d, nnsr.public.insider.c, all=TRUE)
str(d)
d <- merge(d, nnsr.private.cc, all=TRUE)
str(d)
d <- merge(d, nnsr.private.c, all=TRUE)
str(d)
d <- merge(d, nnsr.private.insider.c, all=TRUE)

```

```

str(d)

save(ns, pow.sym, agenda, ii, nnsr, d, file="processed_data_
aug11.RData")

```

ANNEX III Final Data Set

Case	cod	mpP	msa	mpNpft	mpNpft.infl	mii	nnsrpub	mnsrpub	mnsrpubins	nnsrpriv	mnsrpriv	mnsrprivins	
1	Amendment to the Basel Convention 1995-1998	Jonathan Krueger	0.08750000	0.50000000	0.20000000	0.10000000	0.50000000	0.4285714	0.4642857	0.07142857	0.42857143	0.3392857	0.07142857
2	Amendment to the Basel Convention 1995-1998	Kate O'Neill	0.08750000	0.50000000	0.20000000	0.10000000	0.50000000	0.4642857	0.4642857	0.07142857	0.42857143	0.3392857	0.07142857
3	Antarctic Treaty 1959-1980	Christopher C. Joyner	0.85000000	1.00000000	0.00000000	0.00000000	1.00000000	1.00000000	1.00000000	0.29166667	0.00000000	0.00000000	0.00000000
4	Antarctic Treaty 1959-1980	M.J. Peterson	0.85000000	1.00000000	0.00000000	0.00000000	1.00000000	1.00000000	1.00000000	0.29166667	0.00000000	0.00000000	0.00000000
5	Antarctic Treaty 1980s	Christopher C. Joyner	0.42307692	1.00000000	0.07142857	0.00000000	0.8333333	1.00000000	1.00000000	0.45833333	0.00000000	0.00000000	0.00000000
6	Antarctic Treaty 1980s	M.J. Peterson	0.42307692	1.00000000	0.07142857	0.00000000	0.8333333	1.00000000	1.00000000	0.45833333	0.00000000	0.00000000	0.00000000
7	Antarctic Treaty 1989/91-1998	Christopher C. Joyner	0.40909091	0.8333333	0.08333333	0.00000000	0.8333333	1.00000000	0.50000000	0.27777778	0.00000000	0.00000000	0.00000000
8	Antarctic Treaty 1989/91-1998	M.J. Peterson	0.40909091	0.8333333	0.08333333	0.00000000	0.8333333	1.00000000	0.50000000	0.27777778	0.00000000	0.00000000	0.00000000
9	Basel Convention 1995-1998	Fred P. Gale,The British Timber Trade Federation (important forestry industry association),6 = Don t know,10250,10250,160	0.17073171	0.8333333	0.16666667	0.08333333	1.00000000	0.00000000	0.1805556	0.04166667	0.00000000	0.2916667	0.09722222
10	Basel Convention 1995-1998	Jonathan Krueger	0.17073171	0.8333333	0.16666667	0.08333333	1.00000000	0.37500000	0.1805556	0.04166667	0.37500000	0.2916667	0.09722222
11	Basel Convention 1995-1998	Kate O'Neill	0.17073171	0.8333333	0.16666667	0.08333333	1.00000000	0.1666667	0.1805556	0.04166667	0.50000000	0.2916667	0.09722222
12	CCAMLR 1980s	Christopher C. Joyner	0.37500000	0.6666667	0.08333333	0.00000000	1.00000000	1.00000000	1.00000000	0.36666667	0.00000000	0.00000000	0.00000000
13	CCAMLR 1980s	M.J. Peterson	0.37500000	0.6666667	0.08333333	0.00000000	1.00000000	1.00000000	1.00000000	0.36666667	0.00000000	0.00000000	0.00000000
14	CCAMLR 1989/91-1998	Christopher C. Joyner	0.36000000	0.8333333	0.07142857	0.00000000	0.50000000	1.00000000	0.50000000	0.25000000	0.00000000	0.00000000	0.00000000
15	CCAMLR 1989/91-1998	M.J. Peterson	0.36000000	0.8333333	0.07142857	0.00000000	0.50000000	0.00000000	0.50000000	0.25000000	0.00000000	0.00000000	0.00000000
16	CITES Convention 1989-1998	Peter H. Sand	0.11538462	NA	0.11111111	0.05555556	0.25000000	0.50000000	0.50000000	0.25000000	0.00000000	0.00000000	0.00000000
17	CITES Convention 1973-1989	David S. Favre	0.04545455	0.8333333	0.18333333	0.05000000	0.25000000	0.50000000	0.62500000	0.50000000	0.00000000	0.00000000	0.00000000
18	CITES Convention 1973-1989	Peter H. Sand	0.04545455	0.8333333	0.18333333	0.05000000	0.25000000	0.75000000	0.62500000	0.50000000	0.00000000	0.00000000	0.00000000
19	Conservation of Flora and Fauna 1964-1980	Christopher C. Joyner	0.50000000	0.6666667	0.10000000	0.00000000	NA	1.00000000	1.00000000	0.45000000	0.00000000	0.00000000	0.00000000
20	Conservation of Flora and Fauna 1964-1980	M.J. Peterson	0.50000000	0.6666667	0.10000000	0.00000000	NA	1.00000000	1.00000000	0.45000000	0.00000000	0.00000000	0.00000000
21	Conservation of Flora and Fauna 1980s	Christopher C. Joyner	0.40000000	0.6666667	0.10000000	0.00000000	NA	1.00000000	0.50000000	0.28571429	0.00000000	0.00000000	0.00000000
22	Conservation of Flora and Fauna 1980s	M.J. Peterson	0.40000000	0.6666667	0.10000000	0.00000000	NA	0.00000000	0.50000000	0.28571429	0.00000000	0.00000000	0.00000000
23	Conservation of Flora and Fauna 1989/91-1998	Christopher C. Joyner	0.63636364	0.6666667	0.10000000	0.00000000	NA	1.00000000	0.50000000	0.27777778	0.00000000	0.00000000	0.00000000
24	Conservation of Flora and Fauna 1989/91-1998	M.J. Peterson	0.63636364	0.6666667	0.10000000	0.00000000	NA	0.00000000	0.50000000	0.27777778	0.00000000	0.00000000	0.00000000
25	Conservation of Seals 1972-1980	Christopher C. Joyner	0.22222222	0.6666667	0.08333333	0.00000000	0.00000000	1.00000000	1.00000000	0.25000000	0.00000000	0.00000000	0.00000000
26	Conservation of Seals 1972-1980	M.J. Peterson	0.22222222	0.6666667	0.08333333	0.00000000	0.00000000	1.00000000	1.00000000	0.25000000	0.00000000	0.00000000	0.00000000
27	Conservation of Seals 1980s	Christopher C. Joyner	0.33333333	NA	0.10000000	0.10000000	NA	1.00000000	0.50000000	0.00000000	0.00000000	0.00000000	0.00000000
28	Conservation of Seals 1980s	M.J. Peterson	0.33333333	NA	0.10000000	0.10000000	NA	0.00000000	0.50000000	0.00000000	0.00000000	0.00000000	0.00000000
29	Conservation of Seals 1989/91-1998	Christopher C. Joyner	0.44444444	NA	0.10000000	0.00000000	NA	1.00000000	0.50000000	0.25000000	0.00000000	0.00000000	0.00000000
30	Conservation of Seals 1989/91-1998	M.J. Peterson	0.44444444	NA	0.10000000	0.00000000	NA	0.00000000	0.50000000	0.25000000	0.00000000	0.00000000	0.00000000
31	Convention on Biological Diversity 1992-1998	Gudrun Henne	0.20043103	1.00000000	0.11805556	0.11805556	1.00000000	0.9411765	0.9289216	0.30147059	0.00000000	0.00000000	0.00000000
32	Convention on Biological Diversity 1992-1998	Kal Raustiala	0.20043103	1.00000000	0.11805556	0.11805556	1.00000000	0.9166667	0.9289216	0.30147059	0.00000000	0.00000000	0.00000000
33	Danube River Protection 1985-1991	Andy Garner	0.12962963	0.6666667	0.00000000	0.00000000	0.50000000	0.00000000	0.00000000	0.00000000	0.00000000	0.00000000	0.00000000
34	Danube River Protection 1985-1991	Iliia Natchkov	0.12962963	0.6666667	0.00000000	0.00000000	0.50000000	0.00000000	0.00000000	0.00000000	0.00000000	0.00000000	0.00000000
35	Danube River Protection 1991-1994	Andy Garner	0.36250000	0.6666667	0.04545455	0.00000000	0.00000000	0.3333333	0.3541667	0.00000000	0.00000000	0.00000000	0.00000000
36	Danube River Protection 1991-1994	Iliia Natchkov	0.36250000	0.6666667	0.04545455	0.00000000	0.00000000	0.37500000	0.3541667	0.00000000	0.00000000	0.00000000	0.00000000
37	Danube River Protection 1994-1998	Andy Garner	0.25000000	0.6666667	0.04166667	0.00000000	0.00000000	0.4444444	0.4222222	0.00000000	0.00000000	0.00000000	0.00000000
38	Danube River Protection 1994-1998	Iliia Natchkov	0.25000000	0.6666667	0.04166667	0.00000000	0.00000000	0.40000000	0.4222222	0.00000000	0.00000000	0.00000000	0.00000000
39	Environment Protection Principles 1974-1992	Helcom/Peter Ehlers	0.00000000	0.3333333	0.03125000	0.00000000	0.00000000	1.00000000	1.00000000	0.00000000	0.00000000	0.00000000	0.00000000
40	Environment Protection Principles 1974-1992	Matthew Auer	0.00000000	0.3333333	0.03125000	0.00000000	0.00000000	1.00000000	1.00000000	0.00000000	0.00000000	0.00000000	0.00000000
41	Environment Protection Principles 1992-1998	Helcom/Peter Ehlers	0.00000000	0.50000000	0.03333333	0.00000000	0.00000000	1.00000000	1.00000000	0.00000000	0.00000000	0.00000000	0.00000000
42	Environment Protection Principles 1992-1998	Matthew Auer	0.00000000	0.50000000	0.03333333	0.00000000	0.00000000	1.00000000	1.00000000	0.00000000	0.00000000	0.00000000	0.00000000
43	Great Lakes Ecosystem Management 1978-1998	Jack Manno	0.25000000	0.1666667	0.11111111	0.11111111	0.00000000	0.50000000	0.50000000	0.08333333	0.1666667	0.02777778	0.02777778
44	Great Lakes Ecosystem Management 1978-1998	Leonard B. Dworsky	0.25000000	0.1666667	0.11111111	0.11111111	0.00000000	0.50000000	0.50000000	0.08333333	0.1666667	0.02777778	0.02777778
45	Great Lakes Water Quality 1972-1978	Jack Manno	0.50000000	0.3333333	0.09090909	0.09090909	0.00000000	0.50000000	0.4807692	0.00000000	0.16666667	0.1602564	0.00000000
46	Great Lakes Water Quality 1972-1978	Leonard B. Dworsky	0.50000000	0.3333333	0.09090909	0.09090909	0.00000000	0.4615385	0.4807692	0.00000000	0.15384615	0.1602564	0.00000000
47	Great Lakes Water Quality 1978-1998	Jack Manno	0.50000000	0.3333333	0.08333333	0.08333333	0.00000000	0.5833333	0.5416667	0.08333333	0.16666667	0.12500000	0.00000000
48	Great Lakes Water Quality 1978-1998	Leonard B. Dworsky	0.50000000	0.3333333	0.08333333	0.08333333	0.00000000	0.50000000	0.5416667	0.08333333	0.16666667	0.12500000	0.00000000
49	Great Lakes Water Quantity 1972-1978	Jack Manno	0.33333333	0.50000000	0.10000000	0.10000000	0.50000000	0.50000000	0.50000000	0.08333333	0.16666667	0.16666667	0.02777778
50	Great Lakes Water Quantity 1972-1978	Leonard B. Dworsky	0.33333333	0.50000000	0.10000000	0.10000000	0.50000000	0.50000000	0.50000000	0.08333333	0.16666667	0.16666667	0.02777778
51	Great Lakes Water Quantity 1978-1998	Jack Manno	0.33333333	0.50000000	0.10000000	0.10000000	0.50000000	0.5833333	0.5416667	0.16666667	0.08333333	0.12500000	0.02777778
52	Great Lakes Water Quantity 1978-1998	Leonard B. Dworsky	0.33333333	0.50000000	0.10000000	0.10000000	0.50000000	0.50000000	0.5416667	0.16666667	0.16666667	0.12500000	0.02777778
53	Kyoto Protocol to UNFCCC 1997-1998	David G. Victor	0.21148459	0.8333333	0.10882353	0.02941176	1.00000000	0.3636364	0.3660287	0.16985646	0.45454545	0.4641148	0.16985646
54	Kyoto Protocol to UNFCCC 1997-1998	Jacob Werksman	0.21148459	0.8333333	0.10882353	0.02941176	1.00000000	0.3684211	0.3660287	0.16985646	0.47368421	0.4641148	0.16985646
55	Nature Conservation 1992-1998	Helcom/Peter Ehlers	0.00000000	0.50000000	0.03846154	0.00000000	0.00000000	1.00000000	1.00000000	0.00000000	0.00000000	0.00000000	0.00000000
56	Nature Conservation 1992-1998	Matthew Auer	0.00000000	0.50000000	0.03846154	0.00000000	0.00000000	1.00000000	1.00000000	0.00000000	0.00000000	0.00000000	0.00000000
57	Norwegian-Russian												

75	UNFCCC 1992-1997	Jacob Werksman	0.22792023	0.6666667	0.12692308	0.03846154	1.0000000	0.3684211	0.3660287	0.16985646	0.47368421	0.4641148	0.16985646
76	UNFCCC 1997-1998	David G. Victor	0.23279352	0.6666667	0.14646465	0.04545455	1.0000000	0.3636364	0.3660287	0.16985646	0.45454545	0.4641148	0.16985646
77	UNFCCC 1997-1998	Jacob Werksman	0.23279352	0.6666667	0.14646465	0.04545455	1.0000000	0.3684211	0.3660287	0.16985646	0.47368421	0.4641148	0.16985646
78	UNFCCC Financial Mechanism 1992-1997	David G. Victor	0.12764550	0.6666667	0.10000000	0.00000000	1.0000000	0.3636364	0.6818182	0.30519481	0.45454545	0.2272727	0.09090909
79	UNFCCC Financial Mechanism 1992-1997	Jacob Werksman	0.12764550	0.6666667	0.10000000	0.00000000	1.0000000	1.0000000	0.6818182	0.30519481	0.00000000	0.2272727	0.09090909
80	UNFCCC Financial Mechanism 1997-1998	David G. Victor	0.15073529	0.6666667	0.10000000	0.00000000	1.0000000	0.3636364	0.6818182	0.09090909	0.45454545	0.2272727	0.09090909
81	UNFCCC Financial Mechanism 1997-1998	Jacob Werksman	0.15073529	0.6666667	0.10000000	0.00000000	1.0000000	1.0000000	0.6818182	0.09090909	0.00000000	0.2272727	0.09090909
82	United Nations Convention to Combat Desertification 1994-1998	Elisabeth Corell	0.18576582	0.8333333	0.00000000	0.00000000	1.0000000	0.2105263	0.2105263	0.10526316	0.00000000	0.0000000	0.00000000
83	United Nations Convention to Combat Desertification 1994-1998	Pamela Chasek	0.18576582	0.8333333	0.00000000	0.00000000	1.0000000	0.2105263	0.2105263	0.10526316	0.00000000	0.0000000	0.00000000
84	Bamako/Waigani Conventions 1995-1998	NA	NA	0.6666667	0.00000000	0.00000000	0.5000000	NA	NA	NA	NA	NA	NA
85	Bamako Convention 1991-1995	NA	NA	NA	0.00000000	0.00000000	NA	NA	NA	NA	NA	NA	NA
86	Basel Convention 1989-1995	Kate O'Neill	NA	NA	0.50000000	0.00000000	NA	0.2500000	0.2500000	0.00000000	0.25000000	0.2500000	0.00000000
87	OECD/EU/Lome IV-regulations 1989-1995	NA	NA	NA	1.00000000	0.00000000	NA	NA	NA	NA	NA	NA	NA