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CORPORATE LOBBYING AND MULTILATERAL ENVIRONMENTAL AGREEMENTS

EXAMPLES FROM THE CLIMATE CHANGE
AND BIOSECURITY SECTORS

Amandine Orsini and Daniel Compagnon
Translated from French by Kathryn Kleppinger

The abundant literature on international environmental policies,¹ or the equally extensive literature on global environmental governance,² focus largely on states and on their negotiation strategies. The role of business corporations as non-state actors in these negotiations has been insufficiently studied to date,³ in sharp contrast to the growing attention paid to environmental Non-Governmental Organizations (NGOs) and to the

1. Pamela S. Chasek, Janet W. Brown, and David L. Downie, *Global Environmental Politics* (Boulder: Westview Press, 2006); Peter Dauvergne (ed.), *Handbook of Global Environmental Politics* (Cheltenham: Edward Elgar, 2005); Lorraine Elliott, *The Global Politics of the Environment* (Houndmills: Palgrave Macmillan, 2004); Philippe G. Le Prestre, *Protection de l'environnement et relations internationales: les défis de l'écopolitique mondiale* (Paris: Armand Colin, 2005); Ronnie D. Lipschutz, *Global Environmental Politics: Power, Perspectives, and Practice* (Washington: CQ Press, 2004).

2. Frank Biermann and Philipp Pattberg, "Global environmental governance: taking stock, moving forward", *Annual Review of Environment and Resources*, 33 (2004): 277-94; Sheila S. Jasanoff and Maribeth L. Martello (eds) *Earthly Politics: Local and Global in Environmental Governance* (Cambridge: MIT Press, 2004); Jacob Park, Ken Conca, and Matthias Finger, *The Crisis of Global Environmental Governance: Towards a New Political Economy of Sustainability* (London: Routledge, 2008); Oran R. Young (ed.), *Global Governance. Drawing Insights From the Environmental Experience* (Cambridge: MIT Press, 1997).

3. See, however, Robert Falkner, *Business Power and Conflict in International Environmental Politics* (Houndmills: Palgrave Macmillan, 2008); David L. Levy and Peter J. Newell (eds), *The Business of Global Environmental Governance* (Cambridge: MIT Press, 2005); Amandine Orsini, *La biodiversité sous influence? Les lobbies industriels face aux politiques internationales d'environnement* (Brussels: Éditions de l'Université de Bruxelles, 2010). There is also a wealth of literature not on international regimes as such but on multi-actor public/private partnerships (see for example Pieter Glasbergen, Frank Biermann, and Arthur P. J. Mol (eds), *Partnerships, Governance and Sustainable Development: Reflections on Theory and Practice* (Cheltenham: Edward Elgar, 2007)); on corporate social and environmental responsibility and green sponsorship, on the self-regulation of transnational firms through international standards (particularly ISO), or even on the codes of good conduct and the mechanisms of certification by third parties – for example in the forestry domain (Marie-Claude Smouts, *Forêts tropicales, jungle internationale: Les revers d'une écopolitique mondiale* (Paris: Presses de Sciences Po, 2001)). For an overview, see Robert Falkner, "Private environmental governance and international relations: exploring the links", *Global Environmental Politics*, 3(2), 2003, 72-87; Philip Pattberg, *Private Institutions and Global Governance: The New Politics of Environmental Sustainability* (Northampton: Edward Elgar, 2007); Marie-Claude Smouts (ed.), *Le développement durable: Les termes du débat* (Paris: Armand Colin, 2nd edn, 2008): 4th part.

transnational movements they have created.¹ Although state actors formally negotiate Multilateral Environmental Agreements (MEAs), these negotiations are part of a wider set of more or less informal deliberations that take place particularly during the Conferences of the Parties, but also through multiple interactions which take place between non-state actors and members of state delegations ahead of or during official negotiations. It is easy for conventional wisdom to ascribe the failure of a given conference to the harmful power of multinational companies secretly pulling the strings in the background. While it seems obvious that corporate interests are potentially affected by the provisions of many MEAs,² the influence that companies are able to exercise on the definition and evolution of these regimes is more often assumed than empirically documented.

Our goal in this paper, therefore, is to examine more closely the role played by the companies involved in the negotiations around the Convention on Climate Change (CCC) and the Convention on Biological Diversity (CBD), two MEAs adopted at the end of the Rio Earth Summit in 1992. Negotiated in 1997 within the framework of the CCC, the Kyoto protocol set specific targets for the reduction of greenhouse gases (GHG) at international level. Under the aegis of the CBD, the Cartagena Protocol, signed in 2000, regulated the international exchange of Genetically Modified Organisms (GMOs) to control the risks linked to transgenic seeds. These two bitterly negotiated MEAs have a real or potential impact on the activities of many industrial sectors and conflict with certain more business-friendly agreements, particularly within the framework of the World Trade Organization. More specifically we will substantially qualify one of the theoretical approaches currently popular in International Relations³ concerning the role played by businesses within MEAs – the neo-Gramscian approach – according to which the outcome of negotiations is strongly conditioned by the corporations' hegemonic power, both structural and ideological. The available empirical data concerning our two case studies suggest a more nuanced vision, and the use of an analytical framework that emphasizes the diversity of positions adopted by economic actors as a function of their variable interests and resources as well as of their weak influence on the conclusion and outcome of international environmental negotiations.

1. In particular Baas Arts, *The Political Influence of Global NGOs* (Utrecht: International Books, 1998); Baas Arts and Sandra Mack, "Environmental NGOs and the biosafety protocol: a case study on political influence", *European Environment*, 13 (2003): 19-33; Catherine Aubertin (ed.), *La biodiversité au prisme des ONG* (Montpellier: Éditions de l'IRD, 2005); Nathalie Berny, "Le lobbying des ONG internationales d'environnement à Bruxelles: Les ressources de réseau et d'information, conditions et facteurs de changement de l'action collective", *Revue française de science politique*, 58(1), 2008, 93-117; Michele M. Betsill and Elisabeth Corell (eds), *NGO Diplomacy: The Influence of Nongovernmental Organizations in International Environmental Negotiations* (Cambridge: The MIT Press, 2007); Helmut Breitmeier and Volker Rittberger, "Environmental NGOs in an emerging global civil society", in Pamela S. Chasek (ed.), *The Global Environment in the Twenty-First Century: Prospects for International Cooperation* (Tokyo: United Nations University Press, 2000): 130-63; Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, New York: Cornell University Press, 1998); Thomas Princen and Matthias Finger, *Environmental NGOs in World Politics: Linking the Local and the Global* (London: Routledge, 1994).

2. For example, the Montreal Protocol on substances that deplete the ozone layer, adopted in 1987 in the framework of the Vienna Convention for the protection of the ozone layer, forbids the production and the use of certain gases that were initially heavily used in various industries.

3. As is common practice in the discipline we use capital letters (IR) to distinguish the discipline of International Relations from its object of study.

The hegemonic power of corporations in question: the diversity of industry sectors and state control

After briefly reviewing the neo-Gramscian understanding of corporations' hegemonic power in international environmental negotiations, we will examine two determining factors: the heterogeneity of economic actors and the control of the negotiation process by state actors.

The neo-Gramscian vision and its limits

In International Relations, neo-Gramscian analyses are grounded in a structuralist – but not exclusively materialist – vision of the world, where hegemony is the central concept although with a very different meaning from that given to it by neo-realism.¹ Following Robert Cox, neo-Gramscians define hegemony as a form of domination that does not rest solely on the state in its restrictive, administrative definition but rather on the state understood as a social organization which includes the administrative apparatus but also civil society organized into social classes. Above all, this hegemony is not exclusively material but rests also on intellectual and moral leadership.² The ideological foundations of this hegemony guarantee the consent of those who are dominated to the established form of political and social order.

This neo-Gramscian definition of hegemony attracted the attention of authors interested in the question of the influence of economic actors on the outcomes of international environmental negotiations.³ On the grounds that, in neo-Gramscian terms, “the persistence of social and economic structures [...] systematically advantages certain groups of actors”⁴ these researchers point out that the development of international norms is made for the benefit of dominant actors on the international scene, namely government elites and the managers of transnational firms. Hegemony is thus constructed through a “historical bloc”⁵ on a global scale, which takes the form of a network bringing together states – which are themselves an expression of socially dominant classes on a national scale – international organizations and non-state actors – particularly transnational firms that are strongly endowed with material and symbolic resources. According to the neo-Gramscian perspective, this transnational managerial class thus exercises its power through means that are both material – economic and organizational structures – and symbolic – the diffusion of culture, institutions, and

1. In the neo-realist understanding, hegemony is a prerogative of the state. A hegemon is thus a state that dominates the international stage, particularly as a result of its economic and military power. See Robert Gilpin, *War and Change in World Politics* (Princeton: Princeton University Press, 1981).

2. According to Robert Cox and Timothy Sinclair: “World hegemony can be described as a social structure, an economic structure, and a political structure; and it cannot be simply one of these things but must be all three.” (Robert W. Cox and Timothy J. Sinclair, *Approaches to World Order* (Cambridge: Cambridge University Press, 1996) 137).

3. The interpretation of Gramsci's work has taken different directions (see Andreas Bieler and Adam David Morton, “A critical theory route to hegemony, world order and historical change: neo-Gramscian perspectives in International Relations”, *Capital & Class*, 82, 2004, 85-114; David L. Levy and Peter J. Newell, “A neo-Gramscian approach to business in international environmental politics: an interdisciplinary, multilevel framework”, in D. L. Levy and P. J. Newell (eds), *The Business of Global Environmental Governance*, 53. Amongst these works, those which focus on the environment are widely perceived as the least determinist and economicist variants of the neo-Gramscian school.

4. David L. Levy and Peter J. Newell, “Business strategy and international environmental governance: toward a neo-Gramscian synthesis”, *Global Environmental Politics*, 2(4), 2002, 86.

5. This expression is borrowed from Gramsci who observed that ideas, state policies, and economic decisions are tied together to form an “historical bloc”. The expressions “passive revolution” and “war of positioning” are also directly taken from Gramsci. See R. W. Cox and T. J. Sinclair, *Approaches to World Order*.

technology. These means are used, successively or alternatively, by those actors engaged in the construction of world governance.¹

Although neo-Gramscians emphasize the hegemonic power of firms associated with the dominant transnational class, they also recognize that this hegemony is likely to change hands over time.² This change can take two different paths; that of a “passive revolution”, namely a reform encouraged from above and triggered by unsatisfied groups within the hegemonic class; or else that of a “war of position” between blocs, with the development of a “counter-hegemonic historical bloc”, through initiatives by dominated actors who are hostile to the existing social order. This protest “bloc” also relies on the three dimensions of power – economic, organizational, and discursive – mentioned above. The neo-Gramscian approach allows us to reflect on systemic change within the environmental domain by observing the strategies adopted by actors, especially those from civil society, who become involved in the “war of position” to change international standards and rules regarding the environment. The outcome of this confrontation is not predetermined because it depends in the end on the relative skill of each bloc in mobilizing the three dimensions of power that contribute to hegemony. Because of this confrontation, firms can be induced to modify their behavior, or simply their discourse, and to adapt to changes in the international normative and regulatory framework. This process, similar to a class struggle at international level, is said to provide a better explanation than the classical state-centered IR paradigms – namely neoliberalism and neorealism – of the transformations of multilateral accords in general and MEAs in particular. In this approach, economic actors are full political actors, and the influence of business interests on the formation of global environmental policies is assumed to be important, since the corporations involved are at the heart of the historical bloc of transnational capitalism.

However, the neo-Gramscian approach presents at least two limitations for understanding the role of economic actors in MEAs. Firstly, it underestimates the diversity of positions defended by different categories of economic actors; secondly, it privileges a reductionist structural vision of the power of firms at international level. Regarding the first point, neo-Gramscian analysts recognize the possible existence of divergences in the strategic positioning of corporate interests, but in practice they continue to consider corporations as homogenous actors with very predictable behaviors. As a result of their hypotheses concerning the unity of business milieus, their studies often focus on the role of a small number of industrial organizations as representatives of the whole of the “industrial community” in MEA negotiations. For these authors, divergences appear within industrial sectors – intra-capital conflicts³ – or between these sectors – inter-capital conflicts⁴ – but globalization nevertheless exercises, according to them, so much pressure on these economic actors that their positions tend to converge on the international level. Thus, in the available literature, inter- and intra-capital conflicts are often ignored, while most of the research produced emphasizes the convergence of industry positions at the global scale;⁵ or, when they mention the potential

1. David L. Levy and David Egan, “A neo-Gramscian approach to corporate political strategy: conflict and accommodation in the climate change negotiations”, *Journal of Management Studies*, 40(4), 2003, 803-29.

2. D. L. Levy and D. Egan, “A neo-Gramscian approach to corporate political strategy...”, 807.

3. Peter Newell, Matthew Paterson, “A climate for business: global warming, the state and capital”, *Review of International Political Economy*, 5(4), 1998, 679-703, (694).

4. Peter Newell, “Bio-hegemony: the political economy of agricultural biotechnology in Argentina”, *Journal of Latin American Studies*, 41(1), 2009, 39.

5. For instance Peter Andrée, “The genetic engineering revolution in agriculture and food: strategies of the ‘biotech bloc’”, in D. L. Levy, and P. J. Newell (eds), *The Business of Global Environmental Governance*, 135-66;

emergence of divergences between companies over time, it is immediately to downplay it as a slow process.¹ Nevertheless, some research does highlight the real diversity of positions among economic actors,² thereby encouraging the elaboration of a less deterministic analytical framework, one which took into account not just the diversity of firms, of the issues involved, and of negotiation contexts; but also how firms work together or separately during MEA negotiations.

Secondly, the neo-Gramscian approach overestimates structural power in the international arena by proposing an excessively deterministic interpretation of international relations, which has such a general validity that it cannot be subjected to any empirical falsification. Neo-Gramscian authors of course do recognize that the power of businesses is partially dependent on their relational power and on their skills in effectively mobilizing their resources. At the same time, economic liberalism's ideological dominance in international institutions – understood in the broadest sense and including regimes – is supposed to facilitate *a priori* the adoption of corporate positions by the states.³ In any case for the neo-Gramscians the influence of industrial lobbies is a function of the sum of resources that companies can mobilize rather than on their initiatives during the negotiations. However, many recent studies show that the power of transnational firms is far from automatic, and particularly that in most cases governments remain in control of negotiation processes and outcomes.⁴

Heterogeneity of corporate interests and reappraisal of the role of the state in international environmental negotiations

A fundamental shortcoming of the neo-Gramscian approach, namely the question of the solidarity of the corporate sector, is addressed in recent research in International Relations. Research which draws on the business conflict school thus considers that the private sector can encompass a wide spectrum of actors whose interests may diverge in a given situation. The political positioning of firms is evaluated particularly with respect to three criteria: their place in the process of production of goods and services; whether they are national or international – which determines the institutional and political framework in which the firms operate;⁵ and finally, their capacity for innovation and for proposing new technologies capable of addressing the environmental problems under negotiation.⁶ This analytical

David Coen, "Environmental and business lobbying alliances in Europe: learning from Washington?", in D. L. Levy, and P. J. Newell (eds), *The Business of Global Environmental Governance*, 197-220, (217); David L. Levy and Ans Kolk, "Strategic responses to global climate change: conflicting pressures on multinationals in the oil industry", *Business and Politics*, 4(3), 2002, 275-300; Peter Newell, *Climate for Change, Non-State Actors and the Global Politics of the Greenhouse*, (Cambridge: Cambridge University Press, 2000).

1. P. J. Newell, M. Paterson, "A climate for business...".

2. R. Falkner, *Business Power and Conflict...*; P. Newell, "Bio-hegemony: the political economy..."; Irja Vormedal, "The influence of business and industry NGOs in the negotiation of the Kyoto mechanisms: the case of carbon capture and storage in the CDM", *Global Environmental Politics*, 8(4), 2008, 36-65.

3. D. L. Levy and P. J. Newell (eds), *The Business of Global Environmental Governance*.

4. Cornelia Woll, *Firm Interests: How Governments Shape Business Lobbying on Global Trade* (Ithaca: Cornell University Press, 2008); Patrick Bernhagen, "Business and international environmental agreements: domestic sources of participation and compliance by advanced industrialized democracies", *Global Environmental Politics* 8(1), 2008, 102.

5. For example, firms that are subjected to a constraining framework at the national or regional level – such as in the case of the European Union – are likely to support the establishment of an equally constraining international framework in order to be on equal footing with their competitors.

6. R. Falkner, *Business Power and Conflict*.

framework was developed for the case of the international negotiations for the protection of the ozone layer, for which some firms had developed substitutes for the harmful substances previously used in industry. However, no decisive technological innovation was proposed in the course of international negotiations on climate change or biosecurity. We will thus concentrate on the first two criteria.

Regarding the first criterion, the approach that examines the position of each company in the production process was introduced by world system analysis theorists, such as Terence Hopkins and Immanuel Wallerstein. The notion of the production chain that they use refers to “a series of interorganizational networks clustered around one product or commodity, linking households, businesses, and states to one another within the world-economy.”¹ It is the governance of these chains in particular that creates the different relationships that each business has with its environment – clients, suppliers, control authorities, etc.

The second criterion defining the preferences of businesses is warranted because states are to a large extent behind the definition of the conditions under which firms operate. They must above all respect national legislation in order to market their products. Moreover, states have signed numerous international accords that thus have a direct impact on the activities of firms. Companies have become subject to multiple regulation which has interprofessional, national, and regional origins, or may be as a result of membership in the World Trade Organization.²

Once their interest has been defined, the participation of companies, in particular transnational ones, in negotiations of international agreements is motivated by their aversion to risk (arising from action as well as from inaction), their concern for the firm’s image, and the possibility of learning from previous experiences.³ However, although this framework is relevant for understanding the active involvement of large companies in international debates, we should not ignore the material costs of participating in international meetings for small and medium-sized companies, as well as for firms from the southern countries – or the domination of large western firms within the resultant transnational lobbying coalitions. Moreover, as the sociology of organizations has demonstrated ever since March and Simon’s pioneering work, because they are riven by conflict and dysfunctions, firms – and industrial coalitions in particular – are guided by limited rationality, particularly in regard to the dissemination of information internally. This limited rationality comes into play moreover as much in the definition of companies’ interests as in their decisions to be involved or not in international negotiations. Like all other social actors, firms involved in international negotiations must also overcome the paradoxes of collective action beyond a facade of solidarity, as the European example demonstrates.⁴ National and European associations are thus sometimes more active and effective than transnational associations, which lack the capabilities to act.⁵

1. Gary Gereffi, Miguel Korzeniewicz, and Roberto P. Korzeniewicz, “Introduction: Global commodity chains”, in Gary Gereffi and Miguel Korzeniewicz (eds), *Commodity Chains and Global Capitalism* (Westport: Praeger, 1994), 6, cited in Peter Leigh Taylor, “In the market but not of it: fair trade coffee and Forest Stewardship Council certification as market-based social change”, *World Development*, 33(1), 2005, 130.

2. Bernard Jullien and Andy Smith, *Industries and Globalization: The Political Causality of Difference* (Basingstoke, Palgrave Macmillan, 2008), 18.

3. Virginia Haufler, *A Public Role for the Private Sector: Industry Self-Regulation in a Global Economy* (Washington: Carnegie Endowment for International Peace, 2001).

4. Justin Greenwood, *Interest Representation in the European Union* (Basingstoke: Palgrave Macmillan, 2007).

5. Wolfgang Streeck, Jürgen R. Grote, Volker Schneider, and Jelle Visser, *Governing Interests: Business Associations Facing Internationalization* (London, Routledge, 2006), 245.

Secondly, the neo-Gramscian interpretation, by over-emphasizing the structural dimension of the power of firms, presents international negotiations as a process whose result is pre-determined. On the contrary, while many studies underline the intensity of lobbying by firms to influence the content of public policies at the national level or within the European Union (EU), which sometimes leads to integration into the decision-making process which is analyzed in neo-corporate terms,¹ it is not possible at the international level to conclude that firms automatically enjoy influence on MEAs. A quantitative study correlating the political pressure exerted by industries at national level on the one hand, and the states' endorsement of and compliance with international environmental regimes on the other concludes that there is an indeterminate link between business and government elites, contrary to the claims of the hegemony thesis.² Firms find it more difficult to have their views adopted at international level than at national level,³ and more often perceive the negotiation of an MEA as a risk rather than as an opportunity. Above all, the resources controlled by the actors are only one factor among many others under analysis in understanding the influence of firms.⁴ Their actual influence depends finally on their ability to mobilize their resources, to adapt to the negotiation configuration, and to understand what is at stake within it, but also to develop alliances with other actors, including penetrating those networks which are influential in decision-making.

Instead of believing that MEAs are determined in advance, it is more accurate to acknowledge that multilateral negotiation, particularly in the environmental domain, remains relatively undetermined until the end of the process, and is difficult to grasp: "Conference diplomacy and multilateral negotiation are characterized by complexity – multiple parties addressing multiple issues, playing multiple roles based on multiple values."⁵ Paradoxically, drawing up the final texts also quite often depends on the strength of interpersonal relationships between the negotiators.⁶ Many of them in interview confirm that the negotiations are favorable to exchange and to the creation of networks of actors who share the same desire to establish international standards,⁷ thus "success within the complexities of GEG (global environmental governance) seems to depend on relatively simple attributes: personalities, relationships, trust, mutual respect and a sympathetic understanding of others' interests".⁸ However the negotiators represent the states, and it is they who control the formal outcome. If such control over the outcome is deemed important for commercial issues,⁹ it is equally so for environmental ones.

1. Gehrard Lehbruch and Philippe C. Schmitter, *Patterns of Corporatist Policy-Making* (London: Sage, 1982). Our use of the broader literature on lobbying is justified by a certain number of similarities between the analysis of international policies and that of public policies. See Frank Petiteville and Andy Smith, "Analyser les politiques publiques internationales", *Revue française de science politique*, 56(3), 2006, 357-66.

2. P. Bernhagen, "Business and international environmental agreements...", 102.

3. Ian H. Rowlands, "Transnational corporations and global environmental politics", in Daphné Josselin and William Wallace (eds), *Non-State Actors in World Politics* (Basingstoke: Palgrave, 2001) 133-49.

4. Andreas Dür and Gemma Mateo, "Irish associations and lobbying on EU legislation: resources, access points, and strategies", *Irish Political Studies*, 25(1), 2010, 107-22.

5. Pamela S. Chasek, *Earth Negotiations: Analyzing Thirty Years of Environmental Diplomacy* (Tokyo: United Nations University Press, 2001), 23.

6. P. S. Chasek, *Earth Negotiations...* 33-4.

7. Philippe Zeller, "La protection de l'environnement, un exemple de diplomatie mondialisée", *Autrement*, Série mutations, 213, 2002, 56-65.

8. Richard E. Saunier and Richard A. Meganck, *Dictionary and Introduction to Global Environmental Governance* (London: Earthscan, 2007), 9.

9. C. Woll, *Firm Interests: How Governments...*

Industrial lobbying and international environmental negotiations: some empirical illustrations

To reinforce this analysis of the limits of the neo-Gramscian approach with respect to the diversity of business interests and to the central role of the state in negotiations' outcomes, we will consider two cases, the Kyoto Protocol on climate change and the Cartagena Protocol on biosafety.

The Kyoto Protocol and the energy industry

While the UN Framework Convention on Climate Change, adopted in 1992, set the general principles for fighting global warming, particularly the necessary reduction of GHG emissions, it did not include any timetable nor any specific targets for signatories such as the ones included in the Kyoto Protocol of 1997. This shortcoming of the CCC is explained predominantly by the pressure from George H. Bush's administration, since the President stated that "the American way of life was not negotiable". With the support of this governmental position, industries producing and consuming fossil fuels moved quickly to prevent the adoption of constraining measures. Their sheer weight in the world economy guaranteed that they would from the start receive the attention of western governments.¹ The structural power of gas and oil companies thus weighed particularly heavily on the CCC proceedings, since these companies had concentrated their lobbying on decision-making at the national level, ahead of the multilateral negotiations. It was particularly effective in the United States before Rio, facilitated by the circulation of elites ("revolving doors") between the top levels of the state bureaucracy and the private sector,² but also in Europe at the beginning of the 1990s with the failure, even at this point, of the Community project to establish a common carbon tax.³

In parallel, firms also formed transnational coalitions at the national level to ensure that they were represented in the international negotiations and to counter the alliance of scientists and environmental NGOs who were calling for increasingly stringent intergovernmental commitments. One of the first of these coalitions to appear, and the most active, was the Global Climate Coalition (GCC) that from 1989 brought together gas and oil producers as well as companies from the (primarily American and European) automobile sector. One of its first goals was to undermine the growing scientific consensus on climate change, using the arguments of "climate skeptics"⁴ to cast doubt on the methods of the International Panel for Climate Change (IPCC), a body created in 1988 by the United Nations Environmental Program and the World Meteorological Organization to synthesize world scientific

1. Robert Reinstein, cited in P. Newell, *Climate for Change, Non-State Actors...*

2. P. Newell, *Climate for Change, Non-State Actors...*, 102-4.

3. Jon Birger Skjaereth, "The climate policy of the EC: too hot to handle?", *Journal of Common Market Studies*, 3(1), 1994, 25-45.

4. It was the large industrial groups in fossil fuels that financed the research of "climate skeptics", either directly or through foundations such as the Cato Institute, a think-tank funded notably by Philip Morris and Exxon Mobil: see Sourcewatch, <http://www.sourcewatch.org/index.php?title=Cato_Institute>. Among other "negationist" institutes on climate change are the Heritage Foundation, the Heartland Institute, the George C. Marshall Institute and the Hoover Institution, all close to conservative Republicans. This propaganda gained in intensity again in the months ahead of the Copenhagen Conference of the Parties, at the instigation of the Koch Industries conglomerate in particular, whose involvement was exposed by Greenpeace: see "Koch Industries secretly funding the climate denial machine", 30 March 2010, <<http://www.greenpeace.org/raw/content/usa/press-center/reports4/koch-industries-secretly-fund.pdf>>. Between 2006 and 2009, these actions represented an expenditure of 37.9 million dollars for Koch Industries and 87.9 million dollars for Exxon Mobil.

knowledge on climate change. More importantly, the GCC used the economic argument, which was all the more forceful since most western political leaders had already internalized its logic. In 1996, the GCC publicly warned the American government of the impact on the OECD economy of a reduction of 20% of GHG emissions.¹

As the Kyoto conference approached, the GCC insisted that it was necessary for the sake of equity for the southern countries to commit themselves to the reduction of emissions. This was the message of a vast propaganda campaign by a think tank, the Global Climate Information Project. The Bush administration (senior) until 1992, and then that of George W. Bush from 2000 to 2008, were for ideological and family reasons very close to fossil fuel producers,² although most of these companies had also donated large sums to Democratic presidential candidates and candidates for Congress. The US Congress, whose agreement is a requisite for the ratification of all treaties including MEAs – as Clinton could verify after he signed the CBD – often plays a decisive role, and its members were the target of an intense and relatively effective lobbying campaign before Kyoto.

It was in the hope of winning Congress ratification, in the unfavorable context created by the “Byrd-Hagel” resolution, that the Clinton administration tried to maximize the flexibility mechanisms (such as carbon “sinks”, Russian “hot air”, the Clean Development Mechanism (CDM), or the Joint Implementation), as these were deemed to reduce the economic costs of US compliance with its commitments under the Kyoto Protocol.³ All in vain, as the Republicans – with a majority in Congress since the 1994 mid-term elections – were hostile on principle to any binding agreement constraining economic actors’ freedom. They favored voluntary commitments from private companies along with future technical innovations as the most adequate responses to global warming, a threat they perceived as hypothetical. It was once again the Senate’s hold-up of legislation on energy and climate that forced President Obama to adopt a minimalist position during the Copenhagen Conference in December 2010.

Although it had a significant impact in the United States and in the JUSCANZ countries,⁴ the GCC did not achieve its goals during the negotiations leading to the Kyoto Protocol. Internally, despite a superficial cohesion among its members, leadership of the coalition was in practice exerted by the firms that were the most directly affected by the future decisions – namely American producers of oil products and coal.⁵ Yet, they failed to prevent an agreement being reached that included specific targets for reduction and a binding timetable.

1. David L. Levy, “Business and the evolution of the climate regime: the dynamics of corporate strategies”, in D. L. Levy and P. J. Newell (eds), *The Business of Global Environmental Governance*, 73-104 (82).

2. R. Falkner, *Business Power and Conflict...*, 105.

3. Reinhard Steurer, “The US’s retreat from the Kyoto Protocol: an account of a policy change and its implications for future climate policy”, *European Environment*, 13, 2003, 344-60. In the same vein, the promotion of emissions trading for the implementation of the Protocol, in lieu of the carbon tax that was initially favored by Vice President Gore and by the EPA (Environmental Protection Agency), was supported by the earlier success of a similar market in the fight against acid rain in North America (Loren Cass, “Norm entrapment and preference change: the evolution of the European Union position on emission trading”, *Global Environmental Politics*, 2(5), 2005, 38-60. This was not the translation of neoliberal ideology that it is sometimes alleged to be (Aurélien Bernier, *Le climat otage de la finance, ou comment le marché boursicote avec les “droits à polluer”* (Paris: Mille et une nuits, 2008) chap. 1), and it is significant that today in the United States, the conservative Republicans closest to the fossil fuel business sector are strongly opposed to the “cap and trade” strategy supported by Obama.

4. The JUSCANZ is an inter-state coalition bringing together Japan, the United States, Canada, Australia, and New Zealand.

5. Robert Falkner, “Global climate change”, in *Business Power and Conflict...*, 110. Indeed, the GCC was dissolved in 2002 once the American retreat from the Kyoto protocol was achieved.

Gradually, cracks appeared between the different economic sectors that were potentially impacted.

As early as 1991 a new industrial coalition was created, the International Climate Change Partnership (ICCP), which brought together industrial players heavily dependent on energy use, such as the chemical firm Dupont, which, incidentally, played a decisive role in the adoption of the Montreal Protocol on the protection of the ozone layer.¹ Firms using fossil fuels do not necessarily have the same interests as those producing gas and coal.² Thus, the ICCP adopted a more moderate position vis-à-vis the binding targets for emissions reductions, and over the climate debate in general. Then, the insurance industry, worried about growing costs for covering risks associated with climate change, clearly positioned itself in favor of reducing emissions; not to mention the nuclear lobby that had an objective interest in penalizing modes of energy production which generated carbon dioxide. Which sector a firm was part of and how its activities were affected by the international climate change regime were thus decisive elements defining its position.

The geographic origins of companies also played a role in the differentiation of strategies within the same sector.³ Thus, as early as 1995, European companies involved in fossil fuels production adopted a more open position than their American competitors. Certain oil companies such as Shell and BP then broke away from the anti-Kyoto lobby and ostentatiously moved into the renewable energies market; in October 1996, British Petroleum announced its withdrawal from the GCC and subsequently developed an ambitious program for reducing its emissions⁴ – all these initiatives based on eco-efficiency and intended to boost both market positions and the public image of the company.⁵ In Germany, seventeen industrial associations called for a voluntary target of a 20% reduction in emissions by 2005; a proposal that the GCC had radically opposed. The European Union, which played an active role in the absence of US leadership, initially wanted to go beyond what its industries proposed.⁶ However, the closer collaboration of the European Commission with the fossil fuel sector led to a more modest target of a 12% reduction in emissions. Similarly, the new industry initiatives converged with the Commission's policy, as was the case when in 2000 Shell created its own system for an emissions trading scheme, at the point when planning for the European emissions trading system that would be implemented in 2005 had just started.⁷

Thus the multiplication of industrial coalitions, such as the GCC, involved in climate negotiations reflects the diversity of positions expressed within the different economic sectors

1. Robert Falkner, "The business of ozone layer protection: corporate power in regime evolution", in D. L. Levy and P. J. Newell (eds), *The Business of Global Environment Governance*, 105-34.

2. R. Falkner, *Business Power and Conflict...*, 98-9.

3. D. L. Levy, "Business and the evolution of the climate regime...", 95.

4. BP put in place a system of GHG emissions trading within the group and announced in 2003 that it had reduced its emissions by 10% in comparison to 1990 levels (D. L. Levy, "Business and the evolution of the climate regime...", 84). With the acquisition of Amoco and a dynamic policy of research and development, BP became the leader in solar energy, a sector projected to generate 5% of its income in 2020. Levy observes the same type of divergences between Europe and the US for the automobile industry.

5. Olivier Boiral, "Concilier environnement et compétitivité, ou la quête de l'éco-efficience", *Revue française de gestion*, 158, 2005, 163-86.

6. R. Falkner, "Global climate change", 105.

7. Jon B. Skjaereth and Tora Skodvin, *The Oil Industry and Climate Change: Common Problem, Varying Strategies* (Manchester: Manchester University Press, 2003), cited in Jon Hovi, Tora Skodvin, and Steinar Andresen, "The persistence of the Kyoto Protocol: why other Annex I countries move on without the United States", *Global Environmental Politics*, 3(4), 2003, 14.

concerned,¹ which refutes both the vision of the unitary economic actor and the postulate of an ideologically monolithic “transnational managerial class”. Moreover, the firms’ positions are not fixed but rather evolve with changing contexts that are both political (rise of “climate risk” on the political agenda and greater awareness of national public opinion) and economic (opportunities offered by “green growth”). Thus many companies in the energy sector, even in the United States including oil majors, began to move in 2000 towards a proactive attitude on GHG emissions, with the creation for example of the Pew Center on Global Climate Change in April 1998 – supported by many large firms, including BP and Toyota. The American Businesses for Clean Energy coalition includes thousands of American companies. When the vice president of the American Chamber of Commerce made controversial statements on climate science and the reality of global warming in August 2009, more than a dozen large firms left the organization as a result of the public outrage, and the split was institutionalized in spring 2010 with the creation of a rival federation (Chambers for Innovation and Clean Energy) led by the San Francisco Chamber of Commerce, which supported the energy and climate policy bill promoted by the Obama administration.²

At the international level, the influential World Business Council for Sustainable Development – created in 1991 but better known since the Johannesburg Summit in 2002 – supports the reduction of GHG emissions and promoted the instruments put in place by the Kyoto protocol (such as the CDM), while the International Chamber of Commerce maintains a more ambiguous position. Without even taking into account the coalitions of renewable energy industries, particularly the Business Council for Sustainable Energy now represented at the conferences of the parties (COPs) of the CCC, the private sector has never been as divided on the policies to support.

While the structural power of fossil energy industries and their influence on certain national decision-makers is clear, it is important not to exaggerate their impact on the international negotiations proper, particularly in 1997 at Kyoto. Although industrial coalitions are often capable of infiltrating certain national delegations, of taking advantage of their technical expertise to influence these delegations, or even of striking an alliance with certain blocking States – such as the OPEC countries³ which are even more hostile than firms to any binding regime for reducing GHG emissions – the final compromises on the Kyoto Protocol were negotiated by a small number of state delegates,⁴ leading to binding targets but with flexible mechanisms of implementation. The pressures from the fossil fuel industries gave a convenient excuse for political leaders wishing to avoid being held responsible for unpopular decisions.⁵

The dynamics outlined here underscore the undetermined outcome of environmental negotiations, since “economic costs and benefits do not always determine action in international negotiations. Internal political strategy and institutional dynamics matter as well.”⁶ In this context, the final wording of the Kyoto Protocol constitutes a compromise between a large

1. I. Vormedal, “The influence of business and industry NGOs...”, 51.

2. See the article by Josh Harkinson, “Chamber of commerce goes after climate dissenters in its ranks”, on the Mother Jones blog, posted 2 August 2010, consulted 3 August 2010: <<http://motherjones.com/blue-marble/2010/07/chamber-commerce-climate-NRDC-CICE>>.

3. D. L. Levy and D. Egan, “A neo-Gramscian approach to corporate political strategy...”; P. Newell, *Climate for Change, Non-State Actors...*

4. R. Falkner, “Global climate change”, 122.

5. P. Newell, *Climate for Change, Non-State Actors...*, 110.

6. J. Hovi, T. Skodvin, and S. Andresen, “The persistence of the Kyoto Protocol...”, 21.

number of actors, which include but are not limited to the big corporations. In fact, underlying the Protocol is the urgent need for an international response to global warming as argued by an epistemic community – scientists from the IPCC – while the binding targets were the result of mobilizations of civil society and the European Commission’s commitment. The flexibility mechanisms were put on the agenda by the American delegation, under pressure from its national fossil fuel industries. Finally, the refusal of the leaders of the G77 – emerging countries such as China, India, Brazil – to sign up to binding commitments, on the basis of the principle of differentiated responsibility, provided a pretext for adversaries to the Protocol in the United States. The same reflex also prevailed in 2009 in Copenhagen, when the Chinese-American rivalry contributed more to the failed outcome than the strategies of industrial lobbying. The complex outcome of climate negotiations cannot therefore be explained by one unique factor, in particular not by neo-Gramscian hegemony.

The Cartagena Protocol and biotechnology user industries

The Convention on Biological Diversity – also signed in Rio in 1992 and put into effect at the end of December 1993 – was the object of equally cumbersome negotiations. The successive COPs of the CBD from 1995 to 2000 debated the provisions of an additional protocol on biosecurity, named after the Colombian town Cartagena. Its original goal was to regulate the impact of all biotechnology products on biodiversity. The final agreement covers transgenic seeds, the specificity of which is acknowledged by the Protocol which establishes the juridical basis for the recognition of the precautionary principle at international level in relation to the transfer of genetically modified organisms (GMOs). The Protocol thus had an important impact on the activities of many companies involved in the development, the production, and the transportation of transgenic seeds.¹

Despite the emphasis in the academic literature on the common position of the companies that tried to influence the negotiations of the Protocol,² in fact, these positions diverged on many of the provisions of this agreement. Very much as in the case of climate change, at least two types of divisions emerged within the “industrial community”: an economic split based on the position of firms in the production chain, and a regulatory split based on the national and international legislations to which they were subject. As a result of their different attitudes to the questions under negotiation, companies were thus likely to adopt individual strategies: lobbying their national governments, direct involvement in negotiations through the creation of transnational industrial coalitions, or financing NGOs tasked with the promotion of biotechnologies, etc.

The changes in the alliance and lobbying strategies of American agricultural biotechnology companies are a good illustration of the divisions between the different firms involved in the negotiations of the Cartagena Protocol; and therefore the limits to transnational corporate action. At the beginning of the protocol negotiations, American agricultural biotechnology companies paid particular attention to the evolution of international negotiations, because the development of their products was relatively new and therefore heavily depended on the regulation frameworks that were adopted. These companies initially developed very

1. P. Andrée, “The genetic engineering revolution...”.

2. P. Andrée, “The genetic engineering revolution...”; Stanley W. Burgiel, “Non-state actors and the Cartagena Protocol on Biosafety”, in M. M. Betsill and E. Corell (eds), *NGO Diplomacy...*, 67-101; Jennifer Clapp, “Transnational corporate interests in international biosafety negotiations”, in Robert Falkner (ed.), *The International Politics of Genetically Modified Food* (Basingstoke: Palgrave Macmillan, 2007), 34-47.

strong links to their own government. The Monsanto Corporation in particular played a crucial role in the definition of a national position regarding the regulation of biotechnologies and of investment in innovation. The circulation of executives (“revolving doors”) between American regulatory agencies and this agricultural biotechnology company demonstrated the coordination between the commercial objectives of the group and American national policies.¹ An American journalist, who has followed the activities of Monsanto since 1993, noted its ability to influence American legislation:

“I learned not to underestimate the company's lobbying talent. Wherever it intervenes in public affairs, Monsanto does not hesitate to flex its muscles and lavishly finance lawyers, experts, and the political elite.”²

The signs of convergence between the company's discourse and the national policy choices increased in the run-up to the Cartagena Protocol negotiations. In 1998, Monsanto's vice president for research and development, Howard Schneidermann, announced for instance that biotechnologies would allow the United States to regain its place as a world industrial leader.³ From then on, the priorities of the firm became those of the United States, and the American government was also committed to the tune of the vast sums that it had invested in the development of biotechnologies.⁴ Under the influence of this close collaboration with industry, officials from various bureaucracies – the Office of Management and the Budget, the State Department, the Commerce Department, and the White House Office of Science and Technology Policy – decided to encourage the development of biotechnologies with a flexible regulatory framework, thus sending a positive message to Wall Street.⁵ Hence on the 26 June 1986 the White House released a set of flexible rules on biosecurity: the Coordinated Framework for Regulation of Biotechnology Policy.

During the negotiations on the Protocol, the American input was thus logically the defense of flexible regulations for agricultural biotechnology. However, since the United States was not a party to the CBD – since the Senate had refused to ratify the treaty – its bargaining position was undermined. Despite close collaboration between the interested American firms and the members of the US official delegation,⁶ agricultural biotechnology companies thus felt the need to intervene directly in negotiations, particularly to try to influence the positions

1. Michael Taylor, deputy commissioner of the Food and Drug Administration (FDA) and responsible for producing guidelines on GMOs and veterinary drugs, was also a legal expert for Monsanto for seven years. Margaret Miller, associate director of the FDA for new veterinary drugs, and Suzanne Sechen, scientific data analyst for the FDA, had both already worked for the American company. John Gibbon, president of the Office of Technology Assessment for Congress, was at the same time a consultant for Monsanto. Mickey Kantor, a former American ambassador for commercial negotiations and then Secretary of Commerce, accepted a director-level post there. All these examples come from Jennifer Ferrara, “Revolving doors: Monsanto and the regulators”, *The Ecologist*, 28(5), 1998, 280-7. On the same subject, see also Hervé Kempf, *La guerre secrète des OGM* (Paris: Seuil, 2003), 122-3.

2. Cited in H. Kempf, *La guerre secrète des OGM*, 121.

3. Britta Steffenhagen, “The influence of biotech industry on German and European negotiation positions regarding the 2000 Cartagena Protocol on Biosafety”, graduation thesis for l'Otto-Suhr-Institut für Politikwissenschaft (Berlin: Freie Universität, 2001), 18.

4. William D. Hefferman, “Biotechnology and mature capitalism”, speech at the 11th annual meeting of the National Agricultural Biotechnology Council, Lincoln, 6-8 June 1999, <http://www.agribusinessaccountability.org/bin/view.fpl/1198/cms_category/1668.html> (consulted 26 April 2009).

5. B. Steffenhagen, “The influence of biotech industry...”, 26.

6. Richard Godown, Vice President for Agriculture and International Concerns in the American lobby group BIO (Biotechnology Industry Organization), thus worked with the government to create the American position on a possible biosecurity protocol. L. Val Giddings, director of biotechnology regulation at the FDA also negotiated

of the European Union and the countries from the South, who had been pushing until then for the adoption of binding rules on biosecurity.

Thus, the first industrial coalition to participate in the negotiations of the Cartagena protocol, the Global Industry Coalition (GIC), was created in 1998 through the impetus of American firms.¹ From then on the GIC undertook numerous lobbying activities in relation to all participants in the negotiations,² organizing cocktails and meetings during international summits, distributing brochures presenting its positions, regularly speaking out at the plenary sessions, and even exercising informal pressure on the delegates of certain developing countries.³ And yet, this transnational industrial coalition did not succeed in blocking the progression of international discussions in favor of a compulsory treaty, which was adopted in 2000 following sustained efforts from the EU and the developing countries. The failure of the GIC can be explained both by internal coordination problems and by the mismatch between their lobbying strategies and the expectations of state delegates.

In terms of the internal cohesion of the coalition, the leadership of American agricultural biotechnology companies at the launch of the GIC could not hide the many divisions between the members of this initiative. Thus, while agricultural biotechnology companies wanted to step up actions to prevent the adoption of a compulsory agreement, pharmaceutical biotechnology companies pursued their own interests by simply – and successfully – pleading for the exclusion of medical products from the ambit of the protocol.⁴ Similarly, the agricultural biotechnology companies were much more virulent than the food distribution companies and the seed transporters, who joined the negotiations late and were primarily concerned with preserving the possibility for the consumer to choose between GMO and non-GMO products.⁵ Moreover, differences in attitudes and in interests among the members of the GIC from different countries – particularly between Europeans and Americans – manifested themselves during the negotiations,⁶ particularly as a result of civil society pressure in Europe at a time when American consumers' awareness of GMOs was low. In this context, the coalition settled for the lowest common denominator, and the coalition more easily reached consensus on procedural issues than on substantial points of regulation.

As for failure factors external to the coalition, the academic literature tends to point to the dynamism of actors who defended positions opposed to those of the United States and of biotechnology companies, in particular the EU and the countries from the South, who worked with environmental NGOs.⁷ However, the lobbying strategies adopted by the GIC are also

the Cartagena protocol as a member of the American delegation before becoming the vice president for agriculture and nutrition of BIO (from interview records).

1. Amandine Bled, "Global environmental politics: regulation for or against the private sector? the case of the Cartagena Protocol on Biosafety", *Political Perspectives*, CIP 1, 2007, 1-22.

2. Peter J. Newell, "Globalization and the governance of biotechnology", *Global Environmental Politics*, 3(2), 2003, 56-71, (62); B. Steffenhagen, "The influence of biotech industry..."

3. Bernarditas C. Muller, "Like-minded group: Philippines", in Christophe Bail, Robert Falkner, and Helen Marquard (eds), *The Cartagena Protocol on Biosafety, Reconciling Trade in Biotechnology with Environment & Development?* (London: Earthscan, 2002), 142.

4. Robert Falkner, "Agricultural biotechnology", in *Business Power and Conflict...*, 140-79.

5. Evelyne Dufault, "Demi-tour: une approche sociologique des revirements de politique étrangère, le cas de la politique environnementale canadienne", Dissertation, Université du Québec à Montréal, 2006.

6. François Pythoud and Thomas Urs, "The Cartagena Protocol on Biosafety", in Philippe G. Le Prestre (ed.), *Governing Global Biodiversity: The Evolution and Implementation of the Convention on Biological Diversity* (Aldershot: Ashgate, 2002), 52.

7. P. Andrée, "The genetic engineering revolution...", 154; S. W. Burgiel, "Non-state actors and the Cartagena..."

at the bottom of its failures. The American companies leading the group opted for an aggressive approach, which was particularly resented by the countries from the South and the EU. The president of the European delegation at the biosecurity negotiations acknowledged that the relations between the Union and North American firms were particularly antagonistic.¹ Within the EU, European food distribution firms have been very active defending binding regulations regarding the traceability of GMO products. Furthermore, as in the case of Kyoto, the final phase of the Cartagena protocol negotiations took place in small negotiating groups,² over which business observers – and even certain state delegations – had no control. Above all, as final decisions were neared, the state delegates were no longer receptive to recommendations from the various pressure groups as they were keen to reach an agreement at any cost.³

Since the adoption of the Cartagena protocol in 2000, the landscape of interests and of industrial strategies has evolved during the subsequent negotiations over the implementation of the agreement. While American agricultural biotechnology companies initially relied on the support of their government then acted through the GIC, the post-2000 era has seen a reorganization of the GIC and the intensification of PR efforts to convince the public of the benefits of GMOs.

On the organizational level, the GIC lost a certain amount of support after the adoption of the protocol. The pharmaceutical industry, which had achieved its goals, effectively left the CBD negotiations in 2000. In 2001, the transporters of seeds who were favorable to the protocol also decided to abandon the GIC to create another transnational coalition, the International Grain Trade Coalition, to defend their interests more effectively. Grain transporters thus collaborated actively – through the distribution of technical reports during intergovernmental summits – on the adoption and implementation of documentation rules for GMO cargoes. Weakened in number, the members of the Global Industry Coalition reorganized the internal functioning of the group at the start of the year 2000, putting in place a leadership committee to facilitate internal decision-making.⁴

To improve their image, the multinational companies involved in agricultural biotechnology created CropLife International in 2000, an NGO tasked with the promotion of agricultural biotechnology at the global level. A certain number of members of the GIC also came together with a transnational scientific organization, the Public Research and Regulation Initiative, in order to diffuse –under the guise of academic research – a positive take on the possibilities of GMOs.

The analysis of the establishment of the GIC and of its reorganization in 2000 illustrates the differences in where companies stand in relation to international regulations on transgenic seeds. The failure and subsequent changes in the lobbying strategies of the companies affected

1. Christoph Bail, Jean Paul Decaestecker, and Matthias Jørgensen, “European Union”, in C. Bail, R. Falkner, and H. Marquard (eds), *The Cartagena Protocol on Biosafety...*, 173.

2. Negotiations took a particular turn in 1999 when the “Vienna provisions” were adopted to proceed with the finalization of the text. Under this arrangement a closed meeting brings together only key negotiators for each of the state coalitions taking part in the negotiations. The order of speaking for these delegates was decided by lottery with multicolored balls – or even with different-colored teddy bears – in order to depoliticize the speeches and to facilitate exchanges.

3. A. Bled, “Global environmental politics...”.

4. Kyla Tienhaara, Amandine Bled and Robert Falkner, “Global corporations in environmental governance: continuities and changes”, in Frank Biermann and Philip Pattberg (eds), *Global Environmental Governance Reconsidered: New Actors, Mechanisms, and Interlinkages* (Cambridge: The MIT Press, 2011).

by the protocol – in particular agricultural biotechnology industries – are similar to the setbacks suffered by the GCC in the context of the Kyoto Protocol.

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In this study of the international action of firms affected by the negotiations of the Kyoto and Cartagena protocols, we have examined the solidarity of the relevant private sectors as well as their success or failure in influencing international negotiations. The idea was to test the neo-Gramscian hypothesis – that of a unified business environment ensuring its hegemony in the domains under negotiation through its ideological and material resources – against the findings of research into international environmental negotiations, which, even when not focused on the role of firms, presented useful information for understanding their behavior during negotiations.

The diversity of industry positions expressed during meetings linked to these two international regimes is striking. The two explanatory elements which we highlighted – the type of activity and the geographical origin of firms – are effectively discriminating factors. Transnational industrial coalitions – whether that be the GCC or the GIC – supposedly emblematic forms of transnational solidarity for neo-Gramscians – are in fact only temporary and fragile organizations, subject to changes in leadership and the specific strategies of individual firms.

The influence they enjoy seems very uneven depending on the industry sector and geographical origins of the firms in question, rendering highly problematic any empirical validation of the neo-Gramscian hegemony thesis, at least in relation to environmental regimes. As regards the strategies deployed, firms relied first on their lobbying capacities at national government level to influence the negotiation positions of states, as illustrated by the American case for both the CBD – agricultural biotechnology companies – and the CCC – fossil fuels industries. Industrial lobbying appears to be more pronounced and probably more effective at the national level, while transnational action seems more problematic. The participation of firms in the actual negotiations is in fact uneven, fluctuating and often less effective, including in comparison to environmental NGO coalitions. In addition, there is a large gap at international level between the resources mobilized by industrial sectors – expertise, the funding of scientific groups, organization of round tables and cocktails – and the outcomes that were actually obtained.

These two points allow us to nuance neo-Gramscian theses on the influence of firms on international environmental negotiations. The structural foundations of the influence of transnational firms on MEAs clearly endure, if only because of the objective weight of businesses in global production and commercial exchanges. It is, moreover, *because* state leaders have interiorized the constraints of international economic competition – hence Cerny's useful concept of a competition state¹ – and of the free trade norm promoted by the World Trade Organization, that the interests of firms are effectively taken into account. However, this logic held more at the start of the negotiations for the CBD and for the CCC than during the subsequent elaboration of their additional protocols of Cartagena and Kyoto.

1. See Philipp Cerny, *The Changing Architecture of Politics: Structure, Agency and the Future of the State* (London: Sage, 1990).

There is indeed a framework of strong links which have been established between the companies and their respective governments at national level that can be activated when common economic interests are in danger. However, what is in question is not the hegemony of transnational firms, in the neo-Gramscian sense, but the normative system shared by a majority of actors – including from the state – that values a deregulated market and the endless search for technological innovation. The negotiation of the additional protocols shows how links between firms and governments can be weakened as soon as the regulation of crucial environmental issues is under consideration.

Our analysis also presents two findings for studies of pressure groups in international negotiations. First of all, using organizations as a point of entry – particularly through transnational lobbying coalitions – based on the premise of a transnationalization of pressure groups, does not really appear to take into account influencing tactics operating in international negotiations. There undeniably exist other tactics for influencing outside of these coalitions – such as lobbying at the national level or direct alliances with certain governments during negotiations – which involves each actor occupying a number of positions in relation to the matters under negotiation. The key element in wielding influence is thus primarily located in the capacity to coordinate collective initiatives – which serve as a platform for mobilization – and individual actions.

The second finding is more methodological in nature and relates to the fluidity of negotiation situations; in other words to the difficulty of determining in practice which networks can unite pressure groups and members of governmental delegations. Just as merely participating in the conferences of the parties does not guarantee any effective influence, the similarity of position papers is more an indicator of convergence than of influence if one does not precisely retrace the modifications introduced under pressure from lobbyists. The analysis of influence in international negotiations should thus rest on detailed empirical data, which will help to improve over-mechanical theoretical models which rest exclusively on an analysis of the potential resources of the actors involved in the negotiation.¹

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1. To this extent, we are in agreement with the conclusions noted by Dür Andreas, “Interest groups in the European Union: how powerful are they?”, *West European Politics*, 31(6), 2008, 1212-30.

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