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Amandine Orsini

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The negotiation burden of institutional interactions: non-state organizations and the international negotiations on forests

Amandine Orsini
Université Saint-Louis

Abstract *The participation of non-state actors in international politics has been investigated since the creation of international institutions. Yet, the rules, principles and norms of global governance are no longer discussed in single isolated institutions. Rather, with the proliferation of international regimes and organizations, international issues are now negotiated in a context of institutional interactions known as ‘regime complexes’. This poses new questions, in particular on the negotiation burden that these new processes place on international actors. To answer this question, this contribution compares non-state participation in both contexts (single regimes and regime complexes), using the international forest negotiations as a case study. It uses quantitative methods to measure the negotiation burden of single regimes and compare it with the negotiation burden of regime complexes. The negotiation burden of single regimes is found to be insignificant, political interest being the major motivation for participation, while the negotiation burden of regime complexes is found to be real, demanding a certain type of material and organizational resources in order for non-state actors to participate. Yet a certain diversity of non-state representation is maintained within regime complexes, non-governmental organizations being dominant with respect to business groups.*

Introduction

New international institutions arise regularly on the international scene. And because the pre-existing ones never die (Strange 1998) this proliferation has led to increasing institutional interactions. As a result, while international issues have for long been negotiated under unique international regimes, it has recently appeared that several regimes could be responsible for the same issue area. The concept of ‘regime complexes’ was coined to picture this new reality. ‘Regime complexes’ were first defined as ‘elements of interlocking structures or networks of regimes that operate in broad issue areas’ (Underdal and Young 2004, 374). This definition has recently been refined to make clear that a regime complex presents six characteristics: (i) it is made of distinct regimes; (ii) these regimes are at least three in number; (iii) it deals with a specific problem; (iv) its regimes have some degree

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of overlapping membership; (v) they have interactions; (vi) these interactions are perceived as problematic (Orsini et al 2013, 29–32).

Regime complexes are developing on a growing number of international issues, including, among others, climate change (Keohane and Victor 2011), international migration (Betts 2009), intellectual property (Muzaka 2011), cyber-activity (Nye 2014) and security (Hofmann 2009). For instance, Keohane and Victor enumerate not less than eight sub-units in the regime complex for climate change, including, among others, international treaties such as the United Nations Climate Convention and the Kyoto Protocol, several United Nations (UN) specialized agencies such as the UN Environment Programme, numerous bilateral initiatives such as the ones developed by China and the United States and by China and India, international clubs like the G20 and the G8+5 and, finally, multilateral development banks such as the World Bank.

Research on regime complexes has developed from the mid-2000s and has taken diverse directions. First, scholars have worked to propose tools to describe regime complexes. From the examination of synergies and conflicts between institutions (Johnson and Urpelainen 2012), a consensual typology emerged, describing a continuum from highly fragmented complexes to highly integrated ones (Biermann et al 2011, 19). In this continuum, it is possible to differentiate phases of atomization, competition, specialization and integration in what appears to be the life cycle of regime complexes (Morin and Orsini 2014).

Second, researchers have questioned the origin of the institutional interactions that create regime complexes. Several explanations centre on the strategic role of states in fostering the creation of new fora when they consider that their interests are no longer sufficiently reflected in the current governance architecture (Gehring and Faude 2014; Morin and Orsini 2014). Sometimes the creation of new institutions is also linked to path-dependency dynamics, whereby provisions contained in former treaties call for new institutions to be created, despite the lack of real political need for them (Gehring and Oberthür 2009).

Third, researchers have investigated the meaning of institutional fragmentation for intergovernmental cooperation. They have questioned the impact of regime complexes on power distribution, demonstrating that it has tended to favour the most powerful states (Drezner 2009). Others have proposed analytical tools to understand the consequences of regime complexes for regime effectiveness, showing that they improve flexibility and adaptability (Biermann et al 2011).

Yet, despite these research streams, one important analytical aspect of regime complexes has so far been neglected: the role that non-state actors¹ play in their negotiation. Having said that, this research gap somewhat echoes a similar lacuna that still persists in the ‘single regime’ literature, that is, the systematic study of non-state participation. The development of regime complexes is therefore a good opportunity to come back to the debate regarding the participation of non-state actors in international regimes.

¹ ‘Non-state actors’ encompass a broad range of international actors that are not governmental. Similar expressions are ‘major groups’, used in UN language, and ‘private actors’. More precisely, non-state actors include business actors—being individual firms, business associations, etc—scientific stakeholders—academia, research organizations—non-profit organizations—known as ‘non-governmental organizations’ (NGOs)—indigenous and local communities, farmers, workers, women and youth. Most non-state actors are organizations or networks of organizations.

There are a number of reasons why the issue of non-state participation is key. First, non-state actors contribute to the development of international law: 'had NGOs never existed, international law would have a less vital role in human progress' (Charnovitz 2006, 346; see also Wallace and Josselin 2002). Overall, international relations cannot be fully understood without at least glancing at non-state actors. Second, as early as 1998, Keohane was invoking non-state actors to fill in the democratic deficit he was observing in international affairs: 'one promising approach would be to seek to invigorate transnational society in the form of networks among individuals and nongovernmental organisations' (Keohane 1998, 93). Unequal representation of interests is potentially disruptive of the legitimacy of international decisions. All parties affected by a decision should have a chance to participate in decision-making and to influence final outcomes if procedural justice is to be respected (Coolsaet and Pitseys 2015, 2). Third, looking at the participation of non-state actors helps one to determine under which conditions non-state actors might influence international processes. This work follows the assessment of earlier authors that the study of non-state involvement in international negotiations is relevant to the assessment of the overall influence of non-state organisations on the international scene (Betsill and Corell 2008).

Several studies also mention the key role played by non-state actors within regime complexes. For instance, forest governance '[is] highly fragmented and characterised by a multiplicity of state and non-governmental actors and institutions' (Glück et al 2010, 37). Another study shows that, 'ultimately, the impact of regime complexity on global governance depends on the interplay between systemic spill overs and the types of strategies followed by state and non-state actors within overlapping regimes' (Gómez-Mera 2015, 2). Among others, Gómez-Mera develops the important role played by the Global Alliance Against Traffic in Women in the global regime against human trafficking and forced labour. Not only do regime complexes involve non-state actors but they are likely to foster their participation. As Alter and Meunier explain: 'complexity contributes to making states and IOs more permeable, creating a heightened role for experts and non-state actors' (Alter and Meunier 2009, 17).

While the participation of non-state actors could be beneficial to international affairs in theory, it is far from being easily implemented in practice. One key question is whether the current consultation processes ensure the representation of a fair balance of non-state actors, in terms of categories and therefore interests. To answer this question, this article studies the participation of non-state actors in single regime negotiations as well as in the negotiation of regime complexes. It investigates in both contexts the barrier to entry, known in the scientific literature as 'negotiation burden', that non-state actors have to overcome to be able to attend international negotiations. It considers that enough empirical information over enough time is available for scholars to begin assembling useful datasets that can help validate, or not, earlier qualitative observations about non-state participation. It uses international forest negotiations as a case study.

A first part discusses the work done so far on the issue of non-state participation in single regimes. It elaborates two hypotheses to be tested. A second part discusses non-state participation in the context of institutional interactions. It formulates two additional hypotheses. The third part presents the methodology. The

fourth and fifth parts present the results obtained and the seventh part summarizes the main findings and discusses possible improvements of the research.

The negotiation burden of single international regimes: hypotheses

Multilateral negotiations are demanding processes, as they consist of numerous meetings, split into a plethora of sub-sessions and taking place all over the world. The issue of the constraints created by such intense processes has always been on the agenda of practitioners and of international affairs' scholars.

In 2001, the UN Development Programme was already concerned about the limited negotiating capacity of weaker governmental actors, such as developing countries (Chasek and Rajamani 2001), meaning that their voice might be less heard. In 2007, the International Institute for Sustainable Development produced a report on the same issue (Doran 2007). The difficulties faced by developing countries in following international negotiations were linked to the proliferation of meetings and to the practice of changing venues when negotiations entail a larger number of sessions and stretch over long periods of time.

Academic studies were also conducted on this topic, including in the sub-field of global environmental governance. Scholars proposed qualitative analyses of the actual participation of weaker actors in international environmental negotiations (Fisher and Green 2004) as well as quantitative assessments of the 'negotiation burden' of global environmental negotiations (Muñoz et al 2009). This burden corresponds to the amount of time and money required to be able to follow international negotiations. It clarifies the expectation that non-state actors will join international negotiations. Just as practitioners, scholars have recognized that 'the negotiation burden has been particularly heavy for developing countries, which often have the fewest resources and weakest capacity' (Muñoz et al 2009, 1).

While these studies concentrated on state actors, they tended to neglect the issue of non-state participation. This is surprising, as 'regime actors need not be limited to states—all state and non-state actors (businesses, academics, experts, NGOs and so on) who actively participate in and shape, to a greater or lesser degree, the outcomes of contests over the principles, norms and rules that govern an issue-area are necessarily considered regime actors' (Muzaka 2011, 761). To be sure, academic work on non-state actors' lobbying in single regimes is very well developed, there being abundant analytical studies and empirical evidence on issues such as climate change (Newell 2000), biological diversity (Arts 1998) and trade (Woll 2008). But these studies analyse lobbying strategies without questioning the negotiating capacity required for actors to actually be able to participate in international negotiations. This is partly explained by the fact that most studies concentrate on a single negotiation meeting. It is only recently that researchers have started to study non-state participation on the long term, looking at climate change as an empirical case study (Hanegraaf 2015; Downie 2014).

Another related research gap is that 'few studies analyse environmental non-governmental organisations (ENGOs) and business groups together, which limits how far conclusions can be generalised' (Downie 2014, 2). Looking at a broader range of non-state actors, and not just NGOs, is justified by the growing importance of all categories of non-state actors in all issue areas. This is made feasible by the increasing recognition that their strategies are similar (despite different motivations) (Sell and Prakash 2004).

Filling in these lacunae, I concentrate on two recent coexisting perspectives to study the participation of non-state actors in long-term international negotiations: the collective action perspective and the neopluralist perspective (Hanegraaf 2015). According to the collective action perspective, initial mobilization and participation in international negotiations is favoured for business groups that have fewer collective action problems. Moreover, this advantage is likely to persist over time, as it 'stems from the fact that first entrants can achieve greater control of resources than followers, and gain vital experiences that newcomers may lack' (Hanegraaf 2015). As a result, there is a risk of international negotiations being captured by for-profit organizations.

According to the neopluralist perspective, the unbalanced representation that exists between business groups and other categories of non-state actors at the beginning of international negotiation processes is, on the contrary, likely to decrease over time as NGOs, experts or indigenous communities become aware of the negotiated issues and start to mobilize. As early as 1998, Keohane was predicting that, because NGOs were mastering international communication tools, 'international policies may increasingly be monitored by loose groups of scientists or other professionals, or by issue advocacy networks such as Amnesty International and Greenpeace' (Keohane 1998, 94). The neopluralist perspective implies that the number of non-state actors mobilized ought to increase over time, with no particular limit on this increase. It has sometimes been the case that recent international negotiations have seen a very high level of involvement of civil society organizations, creating counterproductive dynamics in overcrowded negotiations (Fisher 2010).

The only empirical tests developed for both perspectives have shown that the neopluralist scenario tends to be validated within single regime negotiations (Hanegraaf 2015). I therefore propose Hypothesis 1 (H1) as a general model to describe the pattern of non-state actors' participation in international negotiations.

H1. Negotiations of single international regimes are initially dominated by business groups, which are, over time, progressively joined by other categories of non-state actors such as NGOs.

Some authors claim that H1 can be falsified. For instance, one study indicates that, 'first, in the initial stages of international negotiations, weak actors, such as ENGOs, may have a unique strategic opportunity to dominate discussions because more powerful actors are not mobilised' (Downie 2014, 16). This is why H1 is tested empirically to control its relevance.

If earlier studies try to picture the patterns of involvement of non-state actors in international negotiations, they completely neglect the issue of the resources needed for them to become involved. This is surprising because the negotiation burden is likely to create a participation barrier, a landmark study of non-state actors in global environmental politics showing that 'members of the South are systematically disadvantaged' (Betsill and Corell 2008, 205).

This poses the question of which resources are needed for actors to participate in international negotiations. For non-state actors, a consensual typology differentiates material, organizational and discursive resources (Levy and Newell 2005; Shawki 2011). 'Material resources' refers to financial capacities,

number of staff and budget. 'Organizational resources' correspond to capacities to work with others, to bridge alliances and to mobilize contacts. For instance, an international federation of environmental groups such as Friends of the Earth has great organizational power, as it can mobilize people in numerous countries and build relationships with several and important local, national, regional or international actors. 'Discursive resources' refers to the ability to master information, to diffuse it and to frame debates. For instance, the International Coalition to Ban Landmines, which was awarded the Nobel Peace Prize in 1997, has been central to the framing of the landmine issue as an issue of justice.

A number of studies suggest that both material and organizational resources are key assets for non-state actors to participate in international negotiations on the long term. To the contrary, discursive resources are key for lobbying, once participation is confirmed, and therefore will not be considered in this study of participation. A comparative study of NGO diplomacy in global environmental governance concludes that 'factors that helped ENGOs achieve their goal include ... the availability of significant financial resources' (Betsill and Corell 2008, 14). Financial resources indeed ensure the availability of staff and secure expenditure for travel and accommodation. The contacts non-state actors develop are also key to maintaining their participation: 'in long negotiations, such as the climate change negotiations, strategic opportunities will arise for *highly networked actors*' (Downie 2014, 16, emphasis added). Organizational resources are needed in order to know about important negotiations and to get information on how to participate.

Both material and organizational resources are important to maintain a consistent level of participation, that is a participation in repeated conferences. Consistency is important to 'build up an institutional memory' (Chasek and Rajamani 2001, 7) and to develop clear negotiating strategies and positions. I draw Hypothesis 2 (H2) from the above and aim, again, to test it empirically.

H2. In the context of single regime negotiations, the negotiation burden means that non-state actors that have consistent participation have greater material and organization resources than non-consistent organizations.

The negotiation burden of institutional interactions: hypotheses

Few studies touch upon the issue of non-state participation in regime complexes and the ones that do so deal with the issue indirectly. Among others, Green's study of private actors' initiatives in the climate change regime complex shows that non-state actors and public/private partnerships play an important role in managing international issues such as climate change, creating their own, private, regime complex (Green 2008). Yet it focuses exclusively on non-state initiatives developed in parallel with governmental processes and does not look at the participation of non-state actors in intergovernmental negotiations. Yet Green's work suggests that non-state actors' governance initiatives may develop when these actors are not able to take part in intergovernmental processes, that is, when the negotiation burden is too high.

Another study by Muzaka focuses on the role of states and non-state actors in the development of the intellectual property regime complex (Muzaka 2011). Yet, her research focuses on agenda-setting and does not cover the further developments of the complex. She therefore looks at the short-term involvement of non-state actors as agenda-setters but not at their long-term participation in the complex. Gehring and Faude arrive at the same conclusion that non-state actors are active as agenda-setters in the development of regime complexes, looking at health issues: 'a coalition of developing countries, supported by public health NGOs, struggled successfully to put drug-related intellectual property rights on the WHO [World Health Organization] agenda, and thereby deliberately created functional overlap with the WTO' (Gehring and Faude 2014, 491).

Despite the lack of empirical studies, one could extrapolate that the participation patterns of non-state actors in the context of a regime complex are likely to follow the rules of neopluralism. The existence of several negotiation fora could favour the participation of a plurality of actors: 'there is no single, omnibus negotiation—rather, there are multiple negotiations on different timetables and dominated by different actors' (Raustiala and Victor 2004, 280). Because no clear trends have been identified, I propose a third hypothesis, inspired by H1.

H3. The negotiations of international regime complexes are initially dominated by business groups that are, over time, progressively joined by other categories of non-state actors such as NGOs.

Just as for single regimes, the participation of non-state actors in regime complexes is likely to require resources: 'if nothing else, such participation requires a great deal of (expensive) expertise and resources which undoubtedly disadvantage weaker actors' (Muzaka 2011, 773). When issue areas are dealt with in parallel fora at the same time, non-state actors will probably need even more resources to be able to follow the debates, especially on a long-term basis. Muzaka adds a few lines later, 'it is mainly the stronger actors who have the capacity and resources to engage meaningfully and sustain long-term contestations taking place at various levels and in multiple fora simultaneously' (Muzaka 2011, 773). Drezner shares the same view when analysing state politics regarding complexes: 'there are powerful reasons to believe that regime complexity will enhance rather than limit the great powers' (Drezner 2009, 68).

Regime complexes are likely to multiply the expenditure on travel, as negotiations often take place all over the world, and to multiply the number of individuals who will be sent to these negotiations. Alliances and good contacts with other players are likely to be needed for non-state actors to identify the different components of the regime complex. I propose Hypothesis 4 (H4) on this basis, introducing here a distinction between mono-forum non-state organizations that follow the negotiations of single regimes and multi-fora non-state organizations that follow the negotiations of regime complexes.

H4. Multi-fora non-state organizations have greater material and organizational resources than mono-forum organizations.

Table 1. Meetings included in the data-set

Forum	Meeting number	Starting date	End date	City	Number of observers
COFO	15	12 March 2001	16 March 2001	Rome	16
ITTC	30	28 May 2001	2 June 2001	Yaoundé	23
UNFF	1	11 June 2001	22 June 2001	New York	8
ITTC	31	29 October 2001	3 November 2001	Yokohama	10
UNFF	2	4 March 2002	15 March 2002	New York	22
ITTC	32	13 May 2002	18 May 2002	Bali	27
ITTC	33	4 November 2002	9 November 2002	Yokohama	23
COFO	16	10 March 2003	14 March 2003	Rome	12
ITTC	34	12 May 2003	17 May 2003	Panama City	22
UNFF	3	26 May 2003	6 June 2003	Geneva	27
ITTC	35	3 November 2003	8 November 2003	Yokohama	19
UNFF	4	3 May 2004	14 May 2004	Geneva	24
ITTC	36	20 July 2004	23 July 2004	Interlaken	26
ITTC	37	13 December 2004	18 December 2004	Yokohama	16
COFO	17	15 March 2005	19 March 2005	Rome	20
UNFF	5	16 May 2005	27 May 2005	New York	31
ITTC	38	19 June 2005	21 June 2005	Yokohama	16
ITTC	39	7 November 2005	12 November 2005	Yokohama	14
UNFF	6	13 February 2006	24 February 2006	New York	/*
ITTC	40	29 May 2006	2 June 2006	Yokohama	18
ITTC	41	6 November 2006	11 November 2006	Yokohama	17
COFO	18	12 March 2007	16 March 2007	Rome	26
UNFF	7	16 April 2007	27 April 2007	New York	24
ITTC	42	7 May 2007	12 May 2007	Yokohama	15
ITTC	43	5 November 2007	10 November 2007	Yokohama	25
ITTC	44	3 November 2008	8 November 2008	Yokohama	18
COFO	19	16 March 2009	20 March 2009	Rome	26
UNFF	8	20 April 2009	1 May 2009	New York	24
ITTC	45	9 November 2009	14 November 2009	Yokohama	23
COFO	20	4 October 2010	8 October 2010	Rome	29
ITTC	46	13 December 2010	18 December 2010	Yokohama	26
UNFF	9	24 January 2011	4 February 2011	New York	12
ITTC	47	14 November 2011	19 November 2011	Guatemala	25
COFO	21	24 September 2012	28 September 2012	Rome	23
ITTC	48	5 November 2012	10 November 2012	Yokohama	15
UNFF	10	8 April 2013	19 April 2013	Istanbul	13
ITTC	49	25 November 2013	30 November 2013	Libreville	27
COFO	22	23 June 2014	27 June 2014	Rome	20
ITTC	50	3 November 2014	8 November 2014	Yokohama	19

*Data were not available for this negotiation meeting.

The international forest regime complex as a case study

To test the hypotheses I investigate the participation of non-state actors in the forest regime complex. Since the 1990s, sustainable forest management has been negotiated in more than eight intergovernmental and private international institutions (Glück et al 2010).

This study concentrates on the intergovernmental processes of this complex and therefore focuses on negotiations at the Committee on Forestry (COFO) of the UN Food and Agriculture Organisation (FAO), at the UN Forum on Forests (UNFF) and at the Council of the International Organisation for Tropical Timbers (ITTC). The FAO is historically one of the most important international organizations working on forests (Cadman 2010, 9)—monitoring, reporting and producing assessments. The UNFF coordinates national and international policy efforts for sustainable forest management. The ITTC regulates the use of tropical forests' resources. The study starts in 2001, the date of creation of the UNFF, and Table 1 presents the negotiation meetings covered.

This complex has five characteristics that make it a good case to test the four hypotheses.

First, environmental issues are pertinent cases because they are 'created, constructed, regulated and contested between, across and among scales, and through hybrid governing arrangements which operate in network terms' (Bulkeley 2005, 876). The environmental domain is favourable for NGOs (Charnovitz 2006) that play important roles in regime development. Moreover, forests represent an important stake for a wide range of non-state actors: 'there is a wide variety of political actors with different interests, values and expectations who introduce different discourses to forest policy to legitimise their political positions' (Glück et al 2010, 52). Timber traders are highly interested in maintaining the wood commodity market. ENGOs fight hard against illegal logging and deforestation. To sum up, 'since the 1990s, intergovernmental organisations and non-state actors including, transnational nongovernmental organisations and other private actors such as multinational corporations have been trying to change the governance of tropical forests' (Ongolo 2015, 12). I have shown elsewhere that, compared with other environmental issues, forest issues mobilize a fair number of multi-fora non-state actors (Orsini 2013). This participation is favoured by easy rules of procedures for their admission as observers to the negotiations. At the ITTC, interested organizations have to fill in an application form to obtain observer status, while the FAO and UNFF accept as observers all organizations registered at the UN Economic and social council (ECOSOC), as well as any other interested organizations. While non-state actors are active in international forest politics, negotiations are not overloaded by their presence. Problems of negotiations' saturation (Hanegraaf 2015, 87) should not appear on this issue.

Second, while the architecture of international forest governance was initially referred to as a 'non-regime' (Dimitrov et al 2007, 231), several recent studies prefer to qualify it as a fragmented regime complex (Giessen 2013; McDermott 2014; Ongolo 2015; Smouts 2008; Wiersum et al 2013). It is true that, apart from the Non-legally Binding Agreement on All Types of Forests adopted in 2007 by the UNFF, there has been no international agreement on the issue since 2001. Moreover, international efforts have sometimes been bypassed by national or regional initiatives (Davenport 2005). Yet this does not mean that there is no regime com-

plex on international forest politics: there is an overall concern about the need for international sustainable forest management, but there is no common inter-governmental vision on how to do so and many intergovernmental and private initiatives flourish to tackle the issue. Looking at a fragmented regime complex is interesting because we can expect that actors will need to follow all arenas to be able to understand the issue, meaning that participation in the complex is relevant. Moreover, no precise international institution dominates the complex, meaning that all arenas can be considered of equal importance.

Third, several elements of the forest regime complex are private initiatives such as the Forest Stewardship Council and the Programme for the Endorsement of Forests Certification, two certification schemes that involve private actors. Studying the case of forests is therefore a good opportunity to evaluate the extent to which non-state actors created these private initiatives because they faced difficulties in participating in intergovernmental processes.

Fourth, a number of studies raise the issue of non-state participation in international forest governance without testing them empirically. Some authors signal that ENGOs are 'decidedly uninterested in multilateral forestry discussions among governments' (Dimitrov 2005, 16). Others say that forest negotiation is dominated by business actors that favour conflicts inside the complex: 'the main challenge that needs to be addressed is the dominance of powerful economic actors who impede the integration of environmental and social concerns in almost all the core components. These actors are partly inside but mainly outside the forest sector within the international trade, agriculture, energy production, mining and infrastructure sectors' (Glück et al 2010, 52). It is time to look at empirical evidence.

Finally, the forest issue is a topical issue 'where strategic linkage is happening' (Muñoz Cabré 2011), in particular to other environmental issues such as climate change. Specialists in climate negotiations signal that 'during climate change negotiations ... there are considerable attention shifts from the original focus on reducing emissions toward an emphasis on carbon sinks, such as REDD (Reduced Emissions from Deforestation and Forest Degradation)' (Hanegraaf 2015). Moreover, an increasing number of forest NGOs have registered at climate negotiations since 2007 and an increasing number of non-forest NGOs including carbon market NGOs and indigenous peoples NGOs have registered in international forest negotiations (Muñoz Cabré 2011).

Testing the hypotheses: operationalization

To test the four proposed hypotheses, a data-set on non-state participation in the different selected negotiations of the forest regime complex was elaborated using the observers in the different negotiation meetings identified. Such lists were sought from the different secretariats responsible for the identified negotiations when they were not directly available on the web. The data-set consists of all organizations that attended the identified forest conferences as observers ($N = 781$), comprising 309 different organizations, between 2001 and 2014.

Table 2 presents the general characteristics of the data-set. Two general observations can be drawn from Table 2. First, the percentage of multi-fora non-state actors (14.24 per cent) is relatively low. Intuitively, this tends to indicate that

Table 2. General characteristics of the data-set

	Number	% of total organizations
Total organizations	309	100.00
Organizations coming only once	193	62.46
Mono-forum organizations coming to two or three negotiation meetings	49	15.86
Mono-forum organizations coming to more than three negotiation meetings	23	7.44
Multi-fora non-state organizations	44	14.24

institutional fragmentation complicates non-state actors' participation in all the negotiations of the complex. The empirical test of this claim has of course to be further investigated.

Second, consistency is definitely an issue for non-state participation. Of all the organizations 62.46 per cent came only to one negotiation meeting. This could be a sign of the existence of a negotiation burden. However, it could also be explained by the fact that they realized they had no special interests in what was discussed. To eliminate biases relating to the latter situation, I only include in the empirical endeavours the organizations that came at least to two negotiation meetings.

In order to complete the database and test H2 and H4, I use indicators to characterize the material and organizational resources of the non-state actors that have participated in the corresponding negotiations. The eight coded variables are presented in Table 3. Material resources were coded using the variables LOCATION, REACH and STAFF. Organizational resources were coded using the variables LANGUAGE, AGE and INTERNATIONALISATION. Two additional variables were used as control variables: TYPE and SPECIALISATION. Coding was conducted using the *Yearbook of International Organizations* published once a year by the Union of International Associations. When the required information was not included in the *Yearbook*, the data-set was completed by using the ECOSOC index, by searching on the organizations' websites and by contacting them directly by email. As often as possible (for more than 90 per cent of the data-set) variables were coded for the year of the last negotiation meeting attended by the corresponding non-state actor. Otherwise, they were coded for a more recent date.

The choice of the variables is partly dependent on the availability of data. For instance, the number of representatives sent by each non-state actor to each negotiation meeting would have been a good indicator of the non-state actor's material resources but this information is not available in the lists of participants, which mention only the names of the organizations that attended the meetings. To know the budget of each organization would also have been an excellent indicator of material resources but this information was too hard to find. Regarding organizational resources, to have an idea of the names of the individuals who attended different meetings would have been a good indicator of potential networks among individuals but again this information was not available in the lists of participants.

Based on the data-set and coding, the hypotheses are tested as follows. H1 is tested by obtaining, for each negotiation meeting, the percentage of business groups and of environmental organizations attending. Percentages are used

Table 3. Variables coded for each non-state organization

Variables	Values
<i>Dependent variables</i>	
PARTICIPATION	0 = mono-forum organization that attended two or three negotiation meetings 1 = mono-forum organization that attended more than three negotiation meetings (considered consistent) 2 = multi-fora organization
<i>Independent variables for material resources</i>	
STAFF	0 = small (<10); 1 = medium (<20); 2 = large (<100) 3 = very large (>100)
LOCATION (considering that the wealth of the country where the headquarter is located is an indicator of the wealth of the organization)	1 = headquarters country in Africa 2 = headquarters country in Europe 3 = headquarters country in North America 4 = headquarters country in South America 5 = headquarters country in South East Asia 6 = other
REACH	0 = offices in one country 1 = offices in 2–5 countries 2 = offices in 6–10 countries 3 = offices in more than 10 countries
<i>Independent variables for organizational resources</i>	
LANGUAGE (considering that the more languages are spoken, the wider the network of the organization)	Languages spoken from 1 to 7
AGE (considering that the older the organization, the wider its network)	0 = before 1970 1 = between 1970 and 1985 2 = between 1986 and 20003 = from 2001
INTERNATIONALIZATION*	1 = local organization 2 = national organization 3 = internationally oriented local organization 4 = internationally oriented national organization 5 = regionally defined membership organization 6 = regional federation 7 = universal membership organization 8 = international federation
<i>Control variables</i>	
TYPE (based on motivations of the organization or of its members)	0 = science; 1 = NGO; 2 = indigenous, local communities and farmers; 3 = business; 4 = other (youth, workers, forest owners)
SPECIALIZATION	0 = non-state actor non-specialized in the forest issue 1 = non-state actor specialized in the forest issue

*The variable INTERNATIONALIZATION is inspired by the classification ‘types of organizations’ used by the Union of International Associations.

because the total number of organizations attending each negotiation is very diverse. Graphs are drawn to facilitate the reading of the pattern of participation.

H2 is tested by conducting statistical tests² evaluating to what extent the mono-forum non-state organizations considered to be consistent (that attended more than three negotiation meetings) have greater resources than the organizations that attended two or three negotiation meetings of single regimes.

H3 is tested like H1, considering multi-fora business groups and multi-fora ENGOs attending.

H4 is tested by conducting statistical tests evaluating to what extent multi-fora non-state actors can be considered to have greater material and organizational resources than mono-forum organizations.

For statistical tests, frequency tables of two variables are made by listing all the levels of one variable as rows in a table and the levels of the other variables as columns. Hypothesis tests are performed on these frequency tables to determine whether or not relationships between the rows and column variables are present, that is, whether the levels of the row variable are differentially distributed over the levels of the column variables. In particular, I used the Fisher's test, which compares data with a model where no effects are visible.

Empirical evidence for the negotiation burden of single regimes

Figure 1 presents the results obtained to test H1, in the three inter-governmental processes taken separately.

It shows that ENGOs have always been more numerous than business organizations in individual forest negotiations, with four exceptions at the ITTC. This contradicts H1 and in fact both the collective action and the neopluralist perspectives on non-state participation in single regimes. Actually the participation pattern reflects a sort of reverse collective action model: ENGOs dominate non-state representation at first, business organizations catching up over time. This partly results from a dual dynamic whereby business organizations get better represented over time, while ENGOs tend to be less numerous, demonstrating a sort of 'negotiation fatigue'. Figure 1 invalidates the claim that business organizations are prominent in international forest negotiations, at least if one looks at observers.

Table 4 presents the results obtained while testing H2. A *p*-value of less than 0.1 is considered significant.

The test performed indicates no significant difference in terms of resources between the two groups compared. The only significant difference appears for the variable SPECIALIZATION, which differentiates organizations as specialized or

² What follows are bivariate analyses. Multivariate analysis (logistic regression) was considered for H2 and H4; however, it drops all observations containing one missing data, representing 36 observations (a third of the total). Furthermore, most of the missing data were for the variable STAFF, which makes the remaining observation set not representative of the original data-set. One solution could be to run the regression excluding the variable STAFF despite having a less representative sample. In any case, this gave results mostly in line with the bivariate analysis: SPECIALIZATION was found to be significant for consistency and INTERNATIONALIZATION and REACH were found to be significant for complexity. With a multivariate model, SPECIALIZATION was also found to be significant for COMPLEXITY, which is the only element that differed from the bivariate analysis. The results for the multivariate analyses are available upon request.

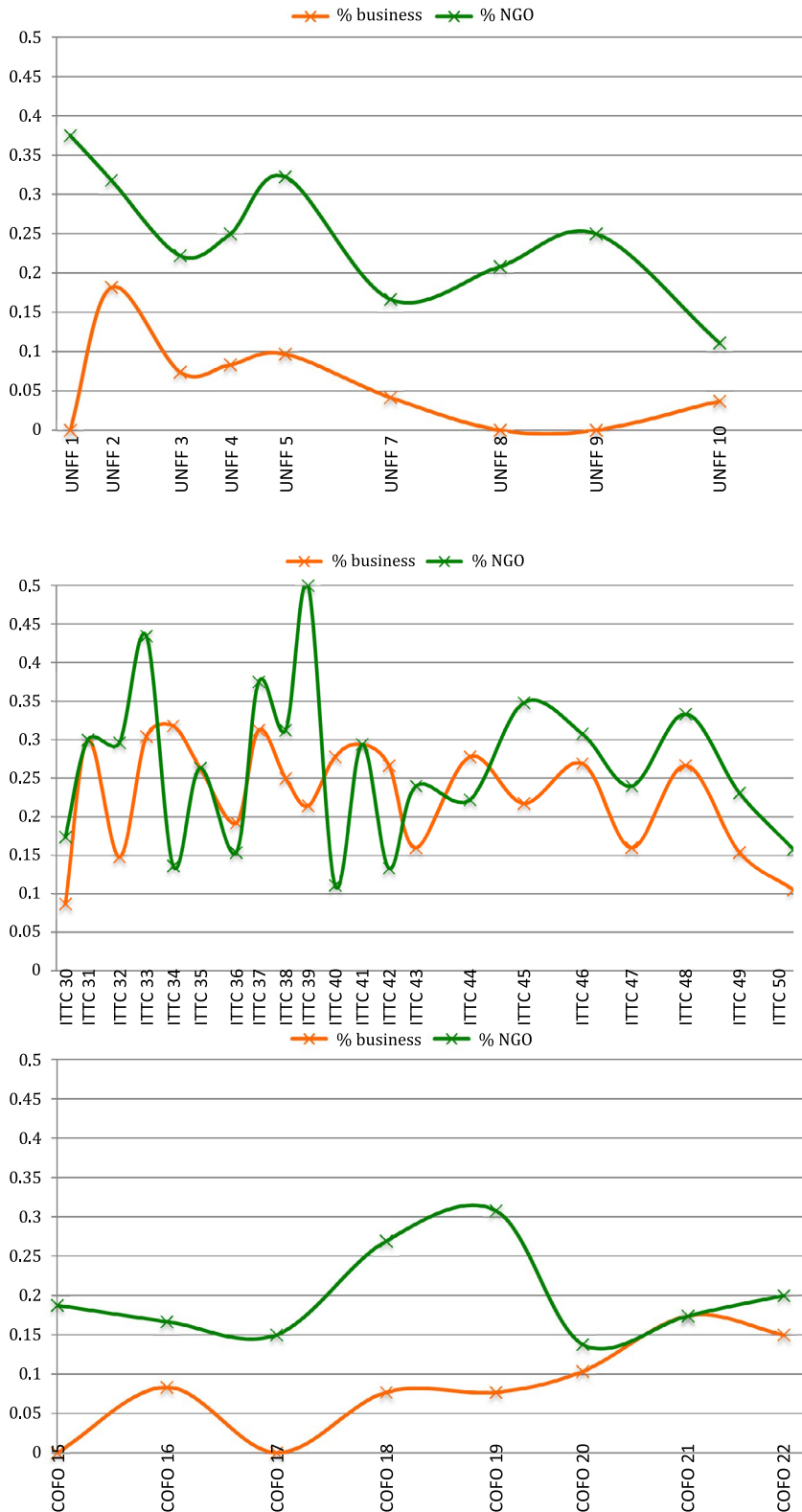


Figure 1. Percentage of business and of ENGOS present at the UNFF, ITTC and COFO meetings, 2001–2014

Table 4. Fisher’s test comparing the resources of the consistent and non-consistent non-state organizations in single regime negotiations

Variables	% coded	p-value Fisher test (chi squared)	Variable significantly different
<i>Material resources</i>			
LOCATION	100.00	0.1849602	No
REACH	100.00	0.6714029	No
STAFF*	63.88	0.7951942	No
<i>Organizational resources</i>			
LANGUAGE	95.83	0.6874975	No
AGE	100.00	0.6641818	No
INTERNATIONALIZATION	98.61	0.9889977	No
<i>Control variables</i>			
TYPE	100.00	0.7169222	No
SPECIALIZATION	98.61	0.01091558	Yes†

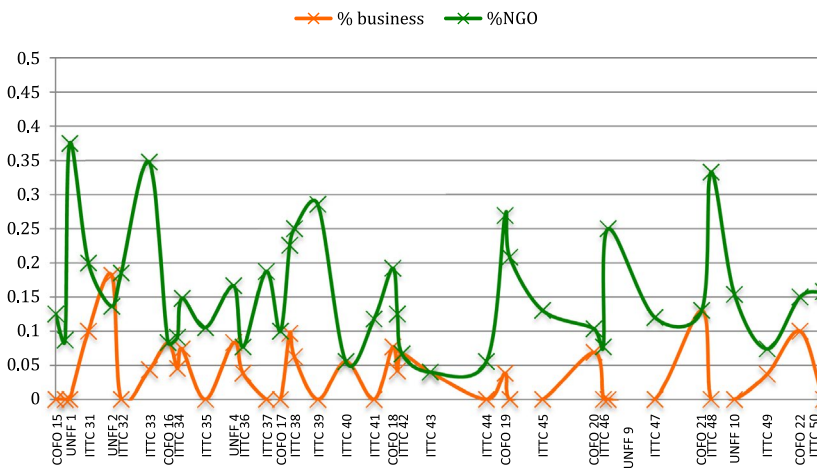


Figure 2. Percentage of multi-fera business organisations and ENGOS present at the forest regime complex meetings, 2001–2014

not in forest issues. The sign of the relationship works as follows: the more a non-state organization is specialized in forest issues, the more its participation will be consistent. This suggests that the consistent organizations are the ones that have a special interest in the forest issue. This claim is valid both for ENGOS and for business organizations. Political interest is the real driver of participation in single regime negotiations, whatever the resources of the non-state organization. The negotiation burden does not seem to be a barrier to the long-term involvement of non-state actors in single regimes.

Table 5. Fisher's test comparing the resources of mono-forum organizations with multi-fora non-state organizations in the regime complex negotiations

Variables	% coded	<i>p</i> -value Fisher test (chi squared)	Variable significantly different and direction of the relationship
<i>Material resources</i>			
LOCATION	100.00	0.2226551	No
REACH	100.00	0.003925343	Yes
STAFF	70.69	0.3517494	No
<i>Organizational resources</i>			
LANGUAGE	96.55	0.5645243	No
AGE	100.00	0.8850874	No
INTERNATIONALIZATION	99.14	0.002759505	Yes
<i>Control variables</i>			
TYPE	100.00	0.1535931	No
SPECIALIZATION	99.14	0.4368966	No

Empirical evidence for the negotiation burden of the regime complex

Figure 2 presents the percentage of business and of environmental multi-fora non-state organizations present in each negotiation forum of the complex, over time, as an empirical test of H3.

Figure 2 contradicts both the collective action and neopluralist perspectives. Overall, there are more ENGOs within the multi-fora category of organizations and the proportion of ENGOs to business ones is stable. This means that ENGOs have always been better represented than business ones in the forest regime complex.

To understand if this pattern is linked to the resources of the corresponding organizations, Table 5 presents the Fisher's test comparing the resources of mono-forum and multi-fora non-state organizations, to test H4.

H4 is partly validated. In Table 5 two variables, REACH and INTERNATIONALIZATION, are clearly significant. Regarding REACH, the multi-fora group of non-state organizations contains more organizations with a large reach (present in more than ten countries), confirming that multi-fora non-state organizations have more material resources at least for this aspect. For the INTERNATIONALIZATION variable, there are far fewer national organizations, but many more regional federations and international federations within the multi-fora group of non-state organizations. This tends to indicate that multi-fora non-state organizations are more internationalized than mono-forum organizations. When the results for H3 and H4 are put in perspective, it appears that organizations with a high REACH and INTERNATIONALIZATION score are not necessarily business organizations but actually also include ENGOs.

Discussion and further research paths

The starting point of this paper was to verify empirically the existence of a negotiation burden for non-state actors in the context of single regime negotiations and in the context of the negotiation of regime complexes. The idea was to contribute

to the development of complementary literature on the quantitative analysis of the emergent international governance system in the shape of regime complexes, a particular sub-set of institutional interactions. The research presented has built on the existing literature to propose four hypotheses to evaluate the negotiation burden of single regimes and of regime complexes. These hypotheses suggested that business actors would initially dominate single regime negotiations as well as the negotiation of regime complexes, and that they would be joined by NGOs in the long run. They also suggested that non-state actors with greater resources would have more consistency in single regime negotiations and would be more likely to become multi-*fora* non-state organizations.

Several important conclusions can be drawn from the obtained results, both on the overall negotiation burden of non-state actors and on the precise case of forest governance which I developed as an empirical illustration.

On the overall negotiation burden, three hypotheses out of the four proposed have been invalidated. Regarding H1, in the case of single regime negotiations, NGOs tend to be better represented than business organizations at the beginning of the negotiations, while the proportion between the two becomes more equal over time. Earlier assessments that business actors were more present in forest negotiations may have been based on two elements that are not reflected in the present study: (i) it may be that business actors are more present in national delegations, one aspect that this study does not cover; (ii) it may be that business actors are more forceful in international forest negotiations, taking the floor more often to express their views and multiplying their lobbying activities. In any case, the possibility of participation for ENGOs and business groups is found to be equal, if not more favourable to ENGOs.

The testing of H2 indicates that there does not seem to exist a negotiation burden in the case of single regime negotiations. The participation of non-state organizations seems to depend on the very interest they defend and therefore on their level of specialization. Earlier assessments of the negotiation burden were based on the objectification of the negotiation burden (how many meetings, where they are, etc) and not on the way they were potentially managed by non-state actors in the long term. The good news is that these costs can in the end be handled by non-state actors.

Regarding H3, in a regime complex context ENGOs are also better represented, and this dominance lasts over time. This suggests that participation patterns in a regime complex context are different from participation patterns in a context of single regimes, ENGOs having a better general view of international negotiation processes than business actors. This could be explained by denser collaboration patterns between different ENGOs which are not present between different business organizations.

Regarding H4, the research performed shows the existence of a certain entry barrier to non-state organizations becoming multi-*fora* in the long term. Organizations with a wider reach and a higher level of internationalization are more likely to be multi-*fora* non-state organizations. This means that only organizations that score high with respect to these resources can hope to become multi-*fora* non-state actors. Yet, a certain degree of diversity is maintained in the multi-*fora* group of non-state actors. This suggests that, while the negotiation burden exists, internationalized groups that do not necessarily represent business interests can overcome it. Moreover, this burden is not too high and does not concern all types

of resources. Probably, the amount of resources needed to maintain multi-fora participation over time is balanced by the fact that having access to regime complexes also improves efficiency, whereby non-state actors better know which meetings are important and choose which ones to attend. In any case, it gives them the opportunity to develop new lobbying strategies such as forum shopping or forum shifting which will increase their impact (Orsini 2013).

On the precise case study of forests, the results contradict interpretations according to which forest politics are dominated by strong economic actors and tend to be left aside by discouraged global NGOs. Moreover, evidences validate the claim that non-state actors create private institutions because they are not able to participate in governmental processes.

There are many possible paths to improve the research presented here. One way to do so would be to choose more precise variables to trace material or organizational resources such as the number of representatives sent, their identity or the budget of the organizations. One limitation of this analysis is its quantitative nature: the number of organizations, while a useful proxy, does not necessarily reflect the quality or significance of the participation of non-state actors. Moreover, looking at figures does not help one to investigate the potential strategies developed by non-state organizations to improve their participation rate, such as coalition formation, pooling of expertise or strategic alliances.

Because most hypotheses were invalidated, this study provides room to propose new models of non-state participation in international negotiations. For regime complexes in particular, more precise models could investigate the importance of reach and internationalization, and also look at how organizations themselves use these resources to better follow regime complexes.

Finally, the research could be taken one step further by considering the issue of non-state actors' influence. This article has been looking at fair equality of opportunity, but not at fair equality of influence. Equal representation does not mean that the respective interests of non-state actors are taken into account in an equal manner. The data-set relates to negotiation effort rather than to negotiation impact.

Disclosure statement

No potential conflict of interest was reported by the author.

Notes on contributor

Amandine Orsini is professor of Political Science at the Université Saint-Louis – Bruxelles. She specialises in International Relations. Her most recent books include *The European Union with(in) international organisations* (Ashgate 2015) and *Essential Concepts to Global Environmental Governance* (Routledge, 2015 co-edited with Jean-Frédéric Morin).

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