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Thinking Transnationally, Acting Individually: Business Lobby Coalitions in International Environmental Negotiations

AMANDINE ORSINI

Firms are key actors interfering with the negotiations of international environmental agreements. However, their ability to engage in collective lobbying via the establishment of business transnational coalitions has received little attention so far. In order to fill this gap, this article conducts a micro–macro analysis of corporate lobbying during the negotiations of two sub-agreements of the Convention on Biological Diversity. In particular, it scrutinises the degree of transnationalisation of two senior business lobby coalitions in these negotiations: the Global Industry Coalition and the International Chamber of Commerce. In contrast to former studies of business lobbying on environmental agreements, the analysis stresses the variety of business interests represented in international negotiations and underlines the bargaining processes taking place inside each transnational business coalition. Transnational business lobby coalitions are found useful for business networking activities, either as tactical tools or as information platforms. Yet corporate lobbying efforts are still conducted predominantly on an individual basis.

Introduction

The privatisation of global governance—that is to say the growing relevance of non-state actors in international policy making—is at the core of current research in environmental studies. On the one hand, there is a risk of seeing environmental regulations being bypassed by “business as usual” practices hostile to the environment;¹ on the other, corporations are increasingly prone to be part of the solution towards sustainable development.² In these interactions between environmental regulations and industrial interests, transnational business lobby coalitions—defined as business political organisations going beyond national or regional boundaries—are meant to play an important role by bridging corporate interests

*The author would like to thank Morten Ougaard and two anonymous reviewers for comments on earlier versions of this work.

1. Jennifer Clapp, “Transnational Corporate Interests and Global Environmental Governance: Negotiating Rules for Agricultural Biotechnology and Chemicals”, *Environmental Politics*, Vol. 12, No. 4 (2003), pp. 1–23; Ian H. Rowlands, “Transnational Corporations and Global Environmental Politics”, in D. Josselin and W. Wallace (eds.), *Non-state Actors in World Politics* (Basingstoke: Palgrave, 2001), p. 138.

2. Robert Falkner, *Business Power and Conflict in International Environmental Politics* (Basingstoke: Palgrave, 2008).

with international environmental objectives. Yet few studies currently investigate the way these transnational business coalitions organise their interests with regard to international environmental regulations. Moreover, these studies have merely analysed the climate change agreement as a case study,³ neglecting other crucial domains of environmental politics such as chemicals management, water policy or biodiversity. This is even more surprising given that the functioning of transnational environmental non-governmental organisations (ENGOS) has already been investigated by scholars interested in various domains of environmental governance.⁴ Moreover, transnational ENGOS' actions have been scrutinised using a broad range of theoretical approaches and models.⁵ Contrariwise, studies of business actors have given mainly unified and deterministic accounts of the transnational business lobby on environmental regulations.⁶

In order to fill these gaps, this article proposes an empirical scrutiny of the level of transnationalisation of business lobby coalitions in international environmental negotiations. The study relies on the analysis of the two most dynamic transnational business coalitions—the Global Industry Coalition (GIC) and the International Chamber of Commerce (ICC)—in the negotiations of two sub-agreements of the Convention on Biological Diversity (CBD). Detailed scrutiny of these business lobby groups demonstrates that transnational business collective action and transnational business political influence are constantly questioned by internal bargaining processes and organisational adjustments between firms. In practice, most business lobbying efforts are still conducted individually, while transnational coalitions are used as tactical tools or information platforms.

This article is organised as follows. The first part details the theoretical grounds available for the study of transnational business lobby coalitions. In former studies, the transnational dimension of business lobbies has been considered either as a landmark of their great cohesion or as a smokescreen hiding the numerous conflicts dividing a hypothetical “business community”. In order to test both interpretations, we use a micro–macro approach to the study of transnational business lobby coalitions to investigate their overall impact on the negotiation process as well as their internal functioning. The second part presents the domain chosen to investigate the role of transnational business lobby coalitions: the negotiations of one environmental treaty, the Convention on Biological Diversity. This Convention has increasingly interfered with corporate activities, more precisely with two sub-agreements in the fields of biotechnology and genetic resources' management. The third and fourth parts of the article then detail the case studies chosen to apply the proposed micro–macro approach to the analysis

3. 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*, Vol. 8, No. 4 (2008), pp. 36–65; 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* (Cambridge, MA: MIT Press, 2005), pp. 73–104.

4. Alcock Frank, “Conflicts and Coalitions within and across the ENGO Community”, *Global Environmental Politics*, Vol. 8, No. 4 (2008), pp. 66–91; Brian Doherty, “Friends of the Earth International: Negotiating a Transnational Identity”, *Environmental Politics*, Vol. 15, No. 5 (2006), pp. 860–880.

5. Michele Betsill and Elisabeth Corell (eds.), *NGO Diplomacy: The Influence of Nongovernmental Organizations in International Environmental Negotiations* (Cambridge, MA: MIT Press, 2007).

6. Levy and Newell, *op. cit.*; Clapp, *op. cit.*; *idem*, “Transnational Corporate Interests in International Biosafety Negotiations”, in R. Falkner (ed.), *The International Politics of Genetically Modified Food: Diplomacy, Trade, Law* (Basingstoke: Palgrave, 2007), pp. 34–47.

of transnational business lobby coalitions. They expose respectively the way two coalitions, the Global Industry Coalition and the International Chamber of Commerce, elaborated their positions and participated in the negotiations of the sub-agreements of the biodiversity treaty. Finally, the conclusion summarises the main results evidenced by the study. Both cases demonstrate that the transnationalisation of business lobbying efforts has not happened yet, owing to the complexity of business collective action.

Privatising Environmental Governance: The Primacy of Transnational Business Lobby Groups?

As stated in the introduction, the privatisation of global governance in general and of environmental governance in particular has retained great attention among scholars in the past decade.⁷ More precisely, business actors, as potentially powerful players on the international scene, have been analysed in detail. Their growing importance has raised the question of a potential shift from public to private authority.⁸ This shift has inspired numerous research lines on business actors in environmental governance. Two major academic trends can be identified so far: one announcing a shift of authority in international politics in favour of a very well-organised transnational private sphere; the other underlying the fragmentation of such a private sphere and inviting scholars to consider its diverse compounds as independent political units interfering with each other as well as with public authorities.

One group of scholars perceives transnationalisation as the most determinant trend of privatisation processes. According to these scholars, firms can no longer be considered as relying on national or regional legacies. Quite the contrary: the growing transnational nature of companies gives them new grounds—beyond national or regional boundaries—to organise their interests on the international scene and to become both direct subjects and agents of globalisation processes. For instance, several transnational business lobbies have tried to interfere in the negotiations of environmental conventions. This is why, for this first group of scholars, transnational business groups require thorough attention for the understanding of the business lobby in international negotiations. More precisely, they expect transnationalisation to give business a particularly strong asset in comparison to governments that are still acting on an individual

7. For current debates on the privatisation of global governance see, among others, Jean-Christophe Graz and Andreas Nölke (eds.), *Transnational Private Governance and its Limits* (Abingdon and New York: Routledge, 2008); Tanja A. Börzel and Thomas Risse, "Public-Private Partnerships: Effective and Legitimate Tools of International Governance", in L.W. Pauly and E. Grande (eds.), *Reconstituting Political Authority: Complex Sovereignty and the Foundations of Global Governance* (Toronto: University of Toronto Press, 2004), pp. 195–216; for an application of these debates to the field of environmental governance see, among others, Philipp Pattberg, *Private Institutions and Global Governance: The New Politics of Environmental Sustainability* (Northampton, MA: Edward Elgar, 2007); Robert Falkner, "Private Environmental Governance and International Relations: Exploring the Links", *Global Environmental Politics*, Vol. 3, No. 2 (2003), pp. 72–87.

8. Susan Strange, *The Retreat of the State: The Diffusion of Power in the World Economy* (Cambridge: Cambridge University Press, 1996); Rodney Bruce Hall and Thomas J. Biersteker (eds.), *The Emergence of Private Authority in Global Governance* (Cambridge: Cambridge University Press, 2002); Virginia Haufler, *A Public Role for the Private Sector: Industry Self-regulation in a Global Economy* (Washington, DC: Carnegie Endowment for International Peace, 2001).

basis to protect their own interests. In the field of biodiversity regulations, for example, these scholars have dedicated particular attention to two business coalitions: the Global Industry Coalition and the International Chamber of Commerce.⁹ As Jennifer Clapp explains regarding the GIC: “by forming one industry coalition, the regional division that occurred among the negotiating states, in particular between North America and Europe, did not replicate itself among business actors”.¹⁰ This interpretation is shared by other authors studying the climate change and biodiversity negotiations who underline that “‘Global’ industry coalitions are often formed to express unity of interests across sectors. Examples include the Global Climate Coalition of fossil fuel industries and the Global Industry Coalition on biotechnology.”¹¹ Along the same lines, Sadowski recognises that the ICC is one of the two “notable business lobby groups” that “regularly attend environmental treaty meetings”.¹²

This primacy given to transnational business lobby groups favours a unique interpretation of business preferences regarding international negotiation processes, considering industries as a unified group of actors, naturally gathered in transnational coalitions. Therefore, this literature often makes the methodological choice to depict the trends, positions and strategies of the entire “business community” as a whole, instead of digging into the diversity of business lobbies. It sometimes evokes the possible differences of lobbying styles which have been observed between different corporations at the European level of policy making.¹³ However, these differences are never evoked when corporate lobbying in international negotiation processes is analysed. Quite the contrary: this literature often prefers to analyse the way potential business conflicts are resolved at the international level of policy making without considering the way in which these divergences among industries affect international politics.¹⁴ Transnational business lobby coalitions are referred to as landmarks for business lobbying. According to this first group of scholars, firms are acting transnationally and

9. Both coalitions are quoted as landmarks of transnational business lobbying by Jennifer Clapp, “Transnational Corporations and Global Environmental Governance”, in P. Dauvergne (ed.), *Handbook of Global Environmental Politics* (Northampton, MA: Edward Elgar, 2005), p. 285; the GIC is studied particularly by Peter Andr e, “The Genetic Engineering Revolution in Agriculture and Food: Strategies of the ‘Biotech Bloc’”, in Levy and Newell *op. cit.*; Clapp, “Transnational Corporate Interests and Global Environmental Governance”, *op. cit.*; and *idem*, “Transnational Corporate Interests in International Biosafety Negotiations”, *op. cit.* The ICC is the focus of Brian Hocking and Dominic Kelly’s, “Doing the Business? The International Chamber of Commerce, the United Nations, and the Global Compact”, in A. Cooper, J. English and R. Thakur, *Enhancing Global Governance: Towards a New Diplomacy?* (Tokyo, New York and Paris: United Nations Press, 2002), pp. 203–228.

10. Clapp, “Transnational Corporate Interests and Global Environmental Governance”, *op. cit.*, p. 7.

11. Peter J. Newell and David L. Levy, “The Global Environmental Governance”, in C. May (ed.), *Global Corporate Power* (Boulder: Lynne Rienner, 2006), p. 165.

12. Shauna J. Sadowski, “Bringing Multinational Corporations into the Environmental Treaty-making Process through the UN Global Compact”, *Papers on International Environmental Negotiation*, Vol. 14 (2005), p. 3. The other coalition that Sadowski refers to is the World Business Council for Sustainable Development. Sadowski distinguishes these two general transnational business coalitions from more specific ones such as the GIC that follows only the Cartagena Protocol on Biosafety negotiations.

13. David Coen, “Environmental and Business Lobbying Alliances in Europe: Learning from Washington?”, in Levy and Newell, *op. cit.*, pp. 197–222.

14. Britta Steffenhagen, “The Influence of Biotech Industry on German and European Negotiation Positions Regarding the 2000 Cartagena Protocol on Biosafety”, Master’s thesis, Freie Universit t Berlin (2001).

this gives them significant power in international negotiation processes. The “logic of influence”¹⁵ is the rationale behind the development of transnational business coalitions.

The second group of scholars studying the privatisation of global governance—and in particular the participation of business in environmental agreements—considers the transnationalisation of business lobbies more cautiously. They recognise that business is a discerning political actor on the international scene. Yet they add that this does not mean that firms ignore collective action problems. Rather, business conflicts, as tensions between different industries, affect the potentiality for business lobby groups’ transnationalisation and as such need to be studied carefully.¹⁶ Instead of reiterating the initial hypothesis of business studies scholars tending “neither to open up the firm to examine the social power relations within, nor to look outside at their extension into wider social contexts”,¹⁷ the supporters of the business conflict model improve the understanding of the social relations taking place between firms.

These scholars sketch the divergences among business interests according to three potential conflicts: between firms placed at the upstream and the downstream part of the products’ supply chain—determining their dependence regarding other industrial sectors and their links with consumers; between local/national firms and international corporations—having a different degree of transnationalisation of their activities; and between technological innovators and laggards—according to their capacities to propose new technologies to respond to environmental objectives. This distinction of three potential conflicts has helped scholars to explain the complexity of business lobbying efforts during international environmental negotiations. It explains why certain fractions of industries have been very proactive in relation to environmental regulations whereas others have maintained a very confrontational stance regarding environmental issues, creating a “Gray-Green continuum”¹⁸ of corporate interests. For instance, firms participating in the negotiations of the Cartagena Protocol, an agreement dealing with biosafety issues, have split according to the first two kinds of conflicts identified above.¹⁹ For scholars interested in business conflicts, business transnational coalitions such as the GIC and ICC are expected to be interesting international actors. Yet these specialists privilege the study of individual firms as well as national or regional associations in order to understand the conditions under which firms are expected to participate in international environmental negotiations. Summing up, they signal that firms are acting mainly individually as they pursue different objectives. In this case, what we would call a “logic of conflicts” is prevalent over the “logic of influence”.

15. We borrow this expression from Wolfgang Streeck and Philippe C. Schmitter, “From National Corporatism to Transnational Pluralism”, *Politics and Society*, Vol. 19, No. 2 (1991), pp. 133–164. These authors evidence four criteria defining the shape of business associations: the logic of membership, the logic of goal formation, the logic of influence and the logic of effectiveness. As we are in a context of corporate lobbying in international negotiations, the coalitions studied correspond to the logic of influencing the debates.

16. Falkner, *Business Power and Conflict*, *op. cit.*; see also Vormedal, *op. cit.*

17. Louise Amoore, “International Political Economy and the ‘Contested Firm’”, *New Political Economy*, Vol. 5, No. 2 (2000), p. 185.

18. In the case of climate change see Vormedal, *op. cit.*, p. 41.

19. Falkner, *Business Power and Conflict*, *op. cit.*

Both interpretations of current business participation in international negotiations give interesting insights into the possible basis for business influence on environmental treaty negotiations. The first interpretation recalls the primacy of business transnational coalitions as powerful political actors. The second proposes the analysis of corporate lobbying on an individual basis. Both approaches consequently offer a different assessment of the level of transnationalisation of business lobbies. Also, while focusing exclusively on the role of business as a transnational actor or as an individual one, they underestimate the probability that firms pursue both roles. The importance of each level—the transnational or the individual one—for corporate lobbying is indeed not clear in these studies of business lobbies that concentrate either on one or the other dimension. As they neglect the individual dimension of corporate lobbying to the benefit of transnational lobby groups, scholars from the first group give few insights on the mechanisms that enable firms' collective action. In the same vein, academics from the second group who are interested in situations of business conflict give no explanation of the political roles played by transnational business coalitions.

Contrariwise, we believe that corporate lobbying in international negotiations probably lies in the interplay between transnational and individual actions. For instance, firms could start lobbying on an individual basis and then create common lobby groups that iron out the differences among corporations. Also, corporations could coordinate on a common basis for the actions they agree on and pursue individual lobbying activities for more precise negotiated points. Therefore, to investigate the relationship between the two possible bases for corporate political action in international environmental negotiations, we choose to apply a micro–macro approach to the analysis of transnational business coalitions. This approach has been adopted by several scholars interested in the role of business in global governance in general, not just in international negotiations.²⁰ Indeed, as these scholars explain,

much theory in the social sciences is of limited use because it is macro-macro theory which turns out to be wrong when its implicit micro foundations are false in a specific context [...] Micro–macro theory attempts to remedy these defects by comprehending micro processes that constitute structural change, just as those micro processes are constituted and constrained by the structural.²¹

Adopting a micro–macro approach to corporate lobbying in environmental negotiations enables the drawing of a link between the achievements of the broader business political organisations in the negotiations of environmental agreements—the macro-level component—and their internal functioning—the micro component. Transnational lobby coalitions are chosen as units of analysis as they represent the nodes between the macro/transnational and micro/individual level of corporate lobbying. The purpose of this study is to evaluate their level of transnationalisation.

20. John Braithwaite and Peter Drahos, *Global Business Regulation* (Cambridge and New York: Cambridge University Press, 2000); see also David L. Levy and Aseem Prakash, "Bargains Old and New: Multinational Corporations in Global Governance", *Business and Politics*, Vol. 5, No. 2 (2003), p. 143.

21. Braithwaite and Drahos, *op. cit.*, p. 14.

Methodologically, in order to do so, the crucial task is to conduct research without prejudging any kind of organisational prevalence. The narrow focus of former studies of corporate lobbying can be explained by their choice of a deductive approach to the study of business lobbying. Moreover, overall there is a lack of empirical studies of corporate lobbying in international negotiations.²² Therefore, we propose to use an inductive/empirical approach to the study of corporate lobbying. As with any kind of methodology, induction presents advantages and drawbacks. Its main advantage is to propose an exploratory approach leading to unexpected and original results. Its main shortcoming is to be cumbersome in term of research efforts. This is why we choose to work on a particular environmental agreement: the Convention on Biological Diversity, and to concentrate on two business coalitions—the GIC and the ICC. The choice of one agreement allows us to conduct extended empirical research of business lobbying on this convention. Indeed, the study relies on an extended literature review of the CBD negotiations; on fieldwork observations during several negotiation meetings of the CBD including the third and the fourth Conferences of the Parties to the Cartagena Protocol and the fourth and fifth meetings of the working group on natural genetic resources; on 56 interviews with key actors—government officials, ENGOs and business representatives of the negotiation and implementation processes; and archival material on the negotiation period including lists of participants of the CBD meetings and position papers circulated during the negotiations.

In the following parts of the article, the conceptual framework chosen—a micro–macro approach to transnational business coalitions—is applied to the analysis of the two most active transnational business groups in the negotiations of the CBD. After providing some information about the impact of the CBD on corporate activities, we implement the conceptual framework by first looking at the broad achievements of these coalitions and then at their internal functioning.

The Rise of the Biodiversity Treaty

The CBD has been one of the most dynamic treaties in the environmental field since its adoption in 1992 at the Rio Summit. Conceived initially as an international treaty to preserve the world's natural heritage, the CBD currently addresses issues that range from ecosystem preservation to the exploitation of genetic resources, from conservation to international property rights management and justice, from market development to responsibilities towards biotechnological innovations. The CBD is therefore considered as “the first true sustainable development convention”.²³ To address all these different issues, the Convention developed, in particular, into two related international agreements: the Cartagena Protocol on biosafety and the Nagoya Protocol on access to genetic resources and benefit sharing. Both agreements impact greatly on the activities of corporations.

In 2000, the Parties to the Convention on Biological Diversity adopted the Cartagena Protocol on biosafety (thereafter the Protocol) to regulate the transboundary movements of genetically modified organisms (GMOs) obtained from

22. Falkner, *Business Power and Conflict*, *op. cit.*, p. 24.

23. Philippe Le Prestre, “Introduction: The Emergence of Biodiversity Governance”, in P. Le Prestre (ed.), *Governing Global Biodiversity* (London: Ashgate, 2002), p. 1.

biotechnology manipulation. Since then, the Protocol has secured the international trade in modified seeds by establishing the precautionary principle as a basis for part of the international trade of GMOs. Its procedures recognise that those GMOs intended to be introduced into the environment—mainly agricultural varieties—may have adverse effects on the conservation and sustainable use of biological diversity. It therefore requires their precise documentation and monitoring during their transport. Interestingly, the Protocol challenges the former principles of substantial equivalence—that GMOs present the same risks as non-GMOs—and sound science assessment—that no particular measure can be taken without a previous scientific assessment of the impacts of GMO seeds—recognised by the World Trade Organisation (WTO).²⁴ As a binding international agreement, the Protocol has served as the basis for the elaboration of national biosafety legislation in countries such as Mexico, China and South Africa.²⁵ The developments of the Cartagena Protocol have consequently had a strong impact on biotechnology companies, grain traders and food retailers worldwide.²⁶ Biotechnology products have been subject to close scrutiny by several countries—and in particular the Member States of the European Union—pushing grain traders and food retailers to consider the possibility of segregation and labelling of GMOs.

Another provision of the biodiversity treaty that has impacted business was adopted in 2010 when the Parties to the Biodiversity Treaty elaborated the Nagoya Protocol on access to genetic resources and benefit sharing (ABS) (hereinafter the ABS Protocol). The ABS Protocol is meant to regulate international bio-prospecting activities—that is to say the collection and analysis of natural genetic resources for research and/or commercial purposes. Natural genetic resources are indeed searched out by industries as basic components for pharmaceuticals or cosmetics products, new plant varieties, industrial processes, etc. In order to regulate the international trade in natural genetic resources, the ABS Protocol aims at balancing the conditions of access to biological diversity with the profits made from the by-products of genetic resources. It consequently puts an end to the former “common heritage principle” that, before 1992, stated that genetic resources were free to access by any users.²⁷ The agreement has still to be ratified by 50 Parties in order to enter into force but the CBD members are already working on its implementation. In particular, several countries are considering the inclusion of an international certificate to identify the genetic resources used in intellectual property rights applications—mainly patents. Indeed, there are currently no mechanisms available to trace back the use of genetic resources in commercialised products. In order to enable such traceability, the disclosure requirement would ask users to declare the provenance of the genetic resources used in their patented applications. This would give providers of genetic resources the concrete possibility to ask for compensation. This provision on

24. Sebastian Oberthür and Thomas Gehring, “Institutional Interaction in Global Environmental Governance: The Case of the Cartagena Protocol and the World Trade Organization”, *Global Environmental Politics*, Vol. 6, No. 2 (2006), pp. 1–31.

25. Aarti Gupta and Robert Falkner, “The Influence of the Cartagena Protocol on Biosafety: Comparing Mexico, China and South Africa”, *Global Environmental Politics*, Vol. 6, No. 4 (2006), pp. 23–55.

26. Andrée, *op. cit.*, pp. 135–166; Falkner, *Business Power and Conflict*, *op. cit.*

27. Kal Raustiala and David G. Victor, “The Regime Complex for Plant Genetic Resources”, *International Organization*, Vol. 58 (2004), pp. 277–309.

intellectual property rights accentuates businesses' worries regarding the ABS Protocol. Pharmaceutical and biotechnology firms are indeed concerned that such a certificate will impact on industrial secrets and weaken the current patent system, favourable to their interests.

As in the biosafety case, the CBD principles regarding ABS have served as a basis for the development of national legislation in, among others, Latin America—Costa Rica and the Andean countries—Brazil and India.²⁸ These last two countries also established national legislation on access to biodiversity asking for, among other things, disclosure of genetic resources in patent applications. Just as in the biotechnology case, the position adopted by these countries aims at changing the rules established by previous international organisations—mostly the WTO Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). Together with Norway, Brazil and India are joined by a coalition of developing countries to ask for an amendment to the TRIPS agreement on disclosure. The European Union, Norway and Switzerland have also asked the World Intellectual Property Organisation to analyse the potential for disclosure requirements relating to genetic resources.²⁹ All these mobilisations for disclosure are going to have an impact on business practices related to the use of genetic resources. Indeed, firms will have to improve the transparency of their supply chains and be ready to pay some compensation for the use of genetic resources. Several business associations are also worried that the absence of or inaccurate disclosure will lead to patent repeal. As patents are at the core of their business, these companies are following the implementation of the ABS Protocol with great interest.

The above-mentioned developments on biosafety and ABS, as well as their impact on trade and intellectual property rights, increase the visibility of the CBD in global environmental governance.³⁰ The growing success of the biodiversity treaty and its interactions with several commercial agreements have engendered the increasing participation of business groups in its negotiations.³¹ In particular, two dynamic transnational business coalitions—the GIC and the ICC—have taken part in the negotiations of both CBD sub-agreements. The GIC participates in the international negotiations of the Cartagena Protocol on Biosafety; the ICC is very active in the discussions relating to the Nagoya Protocol on access to natural genetic resources.

Transnationalisation as a Tactical Tool: Illustration with the GIC

In 1998, the creation of the GIC as a common business organisation to represent industry during the negotiations of the Cartagena Protocol on biosafety was the first attempt at coordination among business representatives interested in

28. Michael J. Miller, "Biodiversity Policy Making in Costa Rica: Pursuing Indigenous and Peasant Rights", *Journal of Environment & Development*, Vol. 15, No. 4 (2006), pp. 359–381.

29. Amandine J. Bled, "Technological Choices in International Environmental Negotiations: An Actor–Network Analysis", *Business & Society*, Vol. 49, No. 4 (2010), pp. 570–590.

30. Kristin G. Rosendal, "Regulating the Use of Genetic Resources—Between International Authorities", *European Environment*, Vol. 16 (2006), pp. 265–277.

31. Stanley W. Burgiel, "Non State Actors and the Cartagena Protocol on Biosafety", in Betsill and Corell, *op. cit.*, p. 77. This is also confirmed by the lists of participants at the Cartagena Protocol negotiation meetings.

biosafety. As the negotiations started in 1995, industry representatives were mainly absent for agenda setting. Laura M. Reifschneider, the only business representative who attended all the negotiation meetings of the Protocol, remembers the chaotic state of organisation in 1996:

A handful of individuals showed up [...] It quickly became obvious that the self-selected assembly of people gathered under the banner of the “private sector” had little in common and, moreover, did not begin to represent the range of potentially interested parties.³²

This low involvement of corporations is confirmed by the lists of participants to the negotiations at that time and has several explanations. Firstly, very few business representatives knew about the CBD and its negotiations.³³ Secondly, few industry members believed that the Protocol would become a binding international agreement.³⁴ Thirdly, at that time, business representatives were quite close to their own government’s representatives and did not see any real need to intervene directly in the negotiations.³⁵

The few industry representatives attending the negotiation meetings were organised in regional lobby associations that were already following questions of interest to their members, at the national or regional level. This was the case among others of the American Seed Trade Association (ASTA), the Biotechnology Industry Organisation (BIO), the Industrial Biotechnology Association of Canada (BIOTECCanada) and the Canadian Corn Growers Association for North America; the European Association for Bioindustries (Europabio) and the Green Industry Biotechnology Platform (GIBIP) for Europe; and the Japan BioIndustry Association (JBIA) for Asia. Differences among these groups were significant and sensitive.

In order to unify these business coalitions, in 1998, several business members launched a strong international initiative under the auspices of the GIC. From then on the GIC represented “over 2,200 firms in 130 countries worldwide”³⁶ and produced common statements³⁷ for a large number of industry associations and individual corporations, taking the microphone during plenary sessions to voice the collective interest of firms. The GIC positions were delivered through numerous press releases, informal notes distributed in the negotiation rooms and e-mails sent to all CBD negotiators. For the transnational lobby coalition,

32. Laura M. Reifschneider, “Global Industry Coalition”, in C. Bail, R. Falkner and H. Marquard (eds.), *The Cartagena Protocol on Biosafety: Reconciling Trade in Biotechnology with Environment and Development?* (London: Earthscan and the Royal Institute of International Affairs, 2002), p. 273.

33. Interview with ICC representative, Grenada, Spain, 30 January 2006.

34. Reifschneider, *op. cit.*, p. 273.

35. Steffenhagen, *op. cit.*, p. 43.

36. Global Industry Coalition, “Biodiversity Jeopardized in Cartagena Biosafety Negotiations”, Press Release (17 February 1999), personal copy.

37. Among others, Global Industry Coalition, *op. cit.*; Global Industry Coalition, “Basic Requirements for a Successful Biosafety Protocol”; and Global Industry Coalition, “Environmental Protection, Economic Development will Suffer under Proposed Biosafety Protocol, Global Agriculture and Industry Representatives Warn Treaty Negotiators”, documents distributed at the sixth working group meeting on biosafety, personal copy; Global Industry Coalition, “Key Elements for a Successful Biosafety Protocol”, 27 August 1999, distributed by e-mail on 1 September 1999 to all delegates of the biosafety negotiations, personal copy.

the Protocol had to support the international use of GMOs, without being a barrier to trade, innovation and research activities, as all countries had to benefit from biotechnology products. The GIC also organised lunch meetings, cocktails and workshops with the different delegations negotiating the biosafety agreement,³⁸ paying special attention to the coalition of developing countries and the European Union that took the strongest stance.³⁹ As a consequence, the GIC soon became the most visible business lobby coalition in the biosafety negotiations, advocating a “workable” and “realistic” Protocol, which, according to the coalition, could take the shape of voluntary guidelines.

The GIC was consequently a strong transnational component to corporate lobbying in the biosafety negotiations, validating the macro component of business influence. We have already mentioned that the GIC is considered by scholars as a senior transnational business coalition and is actually still the most visible lobby group in the biosafety negotiations. This validates the view of a high transnationalisation level of corporate lobbying in the negotiations, consecutive to the “logic of influence”. However, the GIC is far from having reached its objectives. Notably, the Protocol adopted in 2000 is a binding agreement adding some procedures to control the international transfers of GMOs. While the GIC was advocating for the WTO free trade and substantial equivalence principles, the Cartagena Protocol is instituting new rules for GMO management. As a Swiss delegate explained, the GIC had worked hard to avoid the adoption of the Protocol in its current state. This is why we can say that it did not achieve its goal.⁴⁰ Actually, as the adoption of the Protocol marked the defeat of the transnational business group, the GIC members split into several business coalitions. This is because the “logic of conflicts” partly counterbalanced the “logic of influence”.

There were actually three lines of division among the GIC members. A first determinant of conflict was the position of the companies along the supply chain of genetically modified products. Biotechnology firms (gathered in, among others, the BIO, the BIOTECCanada, the Europabio and the JBJA) were indeed initially strongly opposed to any sort of binding obligations on their products, claiming their equivalence to traditional products and advocating for voluntary international guidelines. However, the grain traders (the ASTA for instance), which are responsible for the transport of genetically modified products, were more sensitive to consumer pressure and expressed interest in segregation and labelling solutions for GMOs.⁴¹

Differences were also sensitive between the economic actors making up the supply chain for agro-biotechnology products and those involved in

38. All this information on the actions of the GIC during the negotiations comes from archival material collected in January and June 2007 from two German observers who followed the biosafety negotiations closely.

39. Amandine Bled, “Global Environmental Politics: Regulation for or against the Private Sector? The Case of the Cartagena Protocol on Biosafety”, *Political Perspectives*, Vol. 1 (June 2007).

40. Interview with Swiss delegate, Curitiba, Brazil, 24 March 2006. However, the influence of the GIC has been particularly sensitive for the Canadian and American delegations that did not ratify the Protocol.

41. Evelyne Dufault, “Demi-tour: une approche sociologique des revirements de politique étrangère, le cas de la politique environnementale canadienne”, PhD thesis in Political Science, Université du Québec à Montréal (2006), p. 141; confirmed by an interview with one ENGO representative, Bonn, Germany, 9 January 2007 and with a business representative from the International Grain Trade Coalition, Bonn, Germany, 14 May 2008.

biotechnology applications for pharmaceutical products.⁴² This second category of companies was indeed less exposed to public scrutiny, was using GMOs only in confined environments and benefited from a positive reputation. This explains why those pharmaceutical companies using biotechnology applications were less reluctant to see some kind of regulation emerging, at least for biotechnology products destined to be introduced into the environment. The different positions of agro-biotechnology and pharmaceutical biotechnology firms raised difficulties in relation to coordination, for instance for Europabio, the European association which includes both categories of corporation.⁴³

A second factor of business conflict was the difference in the regulatory systems in place in the United States and the European Union. At that time, the American government was enforcing guidelines following a product-based approach recognising substantial equivalence for GMOs and non-GMOs. Contrariwise, debate between the EU Member States was orienting the European position towards a process-based approach, stating the particularity of biotechnology products and placing their use under the precautionary principle. As a consequence of these different regulatory systems, European and North American firms were generally advocating for their national regulation systems as a policy option, perceiving one another as competitors, instead of partners, in the international biotechnology market.⁴⁴

Finally, the divisions among the “business community” were exacerbated by the different lobbying styles adopted by corporations during the negotiations of the Protocol. North American companies indeed adopted a much more aggressive stance than their European counterparts.⁴⁵ The American representatives privileged straightforward approaches while European lobbyists preferred to negotiate informally with the CBD Parties. These differences were to the result of the diverse consultation systems put in place on both sides of the Atlantic.

Despite the initial aim of the GIC founding fathers to resolve business conflicts, these have been at play in the functioning of the GIC, qualifying the transnational dimension of the business coalition. In addition, a closer analysis of the history of the GIC reveals that its creation stemmed from the pressures that North American business representatives exerted on other private-sector representatives to create a common coalition. Interestingly, the Green Industry Biotechnology Platform, a European business coalition, disappeared just as the GIC was formed because of complaints from American companies that the GIBIP was “too dabbler” and did not correspond to the objectives of an “adequate lobby coalition”.⁴⁶ The GIBIP was oriented mainly towards information sharing and dialogue, while at that time the lobbying efforts of the North American representatives, which were the first investors in biotechnology applications, intensified. For instance, one European delegate confirmed being approached mainly by American and

42. Falkner, *Business Power and Conflict*, *op. cit.*, p. 170.

43. Kristin G. Rosendal, “Governing GMOs in the EU: A Deviant Case of Environmental Policy-making?”, *Global Environmental Politics*, Vol. 5, No. 1 (2005), p. 93.

44. Interview with a representative of Dupont, Grenada, Spain, 31 January 2006.

45. Richard Tapper, “Environment Business & Development Group”, in Bail, Falkner and Marquard, *op. cit.*, p. 271; confirmed by an interview with a representative of the European Commission, Paris, France, 10 July 2007.

46. Interview with two former representatives of the GIBIP, Paris, France, 4 July 2005 and Curitiba, Brazil, 24 March 2006.

Canadian companies during the negotiations of the Protocol.⁴⁷ Despite its claim to be a global coalition, the GIC was actually a networking effort steered by a few representatives of the North American biotechnology sector—representing respectively Dupont, BIO, BIOTECanada, Novartis seeds and the Canadian Institute of Biotechnology.⁴⁸

In practice, the apparent unity and the common strong lobbying efforts of the GIC were working as a smokescreen. Several former members of the GIC recognise that the coalition was facing important organisational problems before the adoption of the Protocol. Steering was done only by a few individuals, always the same ones, and the coalition even had financial difficulties.⁴⁹ Moreover, the leadership of the North American companies happened to be only partially efficient in ironing out the numerous divisions among business representatives. For instance, the pharmaceutical industry acted as a free-rider, advocating the deletion of pharmaceutical products from the scope of the Protocol, and left the debate as soon as this provision was adopted.⁵⁰ For their part, the grain traders left the GIC in 2000 as they were unsatisfied with the obstructionist position of the coalition, and created their own business coalition a few years later, namely the International Grain Trade Coalition. Finally, the European companies forming part of the GIC intensified their lobbying efforts at the European level of policy making where they tried to advocate middle-ground solutions for the acceptance of GMOs, such as adaptation periods. In the end, the creation of the GIC was actually experienced by these other corporate actors as a tactical move by American biotechnology companies that was poorly satisfying their needs.

Learning from its defeat, the GIC's most active members—Bayer Cropscience, BASF, Dow Agrosiences, Monsanto, Syngenta and Dupont, all major transnational firms involved in agricultural biotechnology—decided in 2000 to reinforce their influence on international biotechnology issues by creating a new business NGO, CropLife International, to communicate worldwide on the benefits of agricultural biotechnology. In 2004 the same companies put in place a steering committee for the GIC, bringing control of decision making inside the business group. In parallel to this reorganisation, the founding fathers of the GIC became wary of enrolling newcomers to the Cartagena agreement negotiations. Indeed, the GIC's leading members often approach non-GIC private-sector companies before the negotiations, explaining to them that being part of an international business coalition is an obligatory prerequisite in order to be registered as observers to the negotiations—which it is not. This strategy enables them to keep an eye on newcomers to the biosafety meetings.⁵¹

The transnational collective action difficulties that the GIC members faced have been solved since 2000 by the leadership and control of a handful of powerful multinational companies over the whole coalition's activities. The power struggles inside the coalition have led to its break-up into several transnational business coalitions—the GIC and the International Grain Trade Coalition—as well as its

47. Steffenhagen, *op. cit.*, p. 43.

48. Interview with GIC representative, Grenada, Spain, 2 February 2006.

49. *Ibid.*

50. Falkner, *Business Power and Conflict*, *op. cit.*, p. 170; confirmed by an informal discussion with the president of the GIC, Curitiba, Brazil, 14 March 2006.

51. Data originating from a questionnaire distributed to GIC members during the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol.

reorganisation around a steering committee supervising the decision-making procedure. As for any other category of actors, the divisions among the business community regarding biosafety issues—the “logic of conflicts”—have led to divergent political stances that have complicated collective initiatives for lobbying, undermining the “logic of influence”. Far from being the voice of the “business community”, the GIC’s transnational identity was created and is currently maintained as a tactical tool in the hands of a limited number of corporations.

Business Coalitions as Information Platforms: The International Chamber of Commerce CBD Task Force

The ICC is following the negotiations of the CBD and more precisely its provisions on access to genetic resources.⁵² The interests of the ICC are actually broader than environmental governance monitoring. This senior business coalition was created in 1919 to represent the voice of the business community at the international level.⁵³ As such, it is often and legitimately regarded as a reference in terms of industry representation.⁵⁴ In the negotiations on access to genetic resources, as a leading business coalition, in 2002 the ICC created a Commission on Biosociety to deal with the ABS issue under the CBD. Later, this special ICC body for ABS was reorganised under the ICC Commission on Intellectual Property and more precisely its task force dedicated to the CBD and its access and benefit-sharing theme. After monitoring the CBD discussion, in 2006, the ICC CBD task force put in place the first attempt—in the shape of the “industry group”—to gather under the same banner all industry members interested in the CBD negotiations on access to genetic resources. The industrial sectors interested in ABS are indeed numerous and include pharmaceutical, biotechnology, plant and cosmetic industries gathered in specialised coalitions such as the International Seed Federation (ISF), the Pharmaceutical Research and Manufacturers of America, BIO, and the Access and Benefit Sharing Alliance—formerly the American BioIndustry Alliance. When building up the “industry group”, the aim of the ICC task force on ABS was to unify these business positions and “correct” the potential differences among industry representatives.⁵⁵

Gathering all the corporate sectors under the same banner involves the organisation and chairing of common meetings before and after each negotiation session. It also includes speaking in the name of the “industry group” during the CBD negotiations and organising informal meetings with national delegations and the CBD Secretariat. The several interventions made by the ICC in the name of the “industry group” during the ABS negotiations as well as the apparent success of the “industry group” meetings—which were attended by all the business

52. Stephen Tully, “The Bonn Guidelines on Access to Genetic Resources and Benefit Sharing”, *RECIEL*, Vol. 12, No. 1 (2003), pp. 84–88; see also Michael Frein and Hartmut Meyer, “The Concept of Benefit-sharing: A Step Forward or Backward?”, in B. Burrows (ed.), *The Catch: Perspectives in Benefit Sharing* (Edmonds, WA: Edmonds Institute, 2005), p. 123.

53. In particular for economic governance. See, for instance, Volker Schneider, “Global Economic Governance by Private Actors: The International Chamber of Commerce”, in J. Greenwood and H. Jacek (eds.), *Organised Business and the New Global Order* (London: Macmillan, 1999), pp. 223–240.

54. Dominic Kelly, “Global Monitor: The International Chamber of Commerce”, *New Political Economy*, Vol. 10, No. 2 (2005), pp. 259–271.

55. Interview with ICC representative, Grenada, Spain, 31 January 2006.

participants in the negotiations—are signs of the success of the transnational business coalition to express the voice of the entire business community.⁵⁶ In that sense, the lobbying actions of business in the negotiations of the sub-agreement on natural genetic resources demonstrate a certain degree of transnationalisation, shaping the macro component of business lobbying. The ICC has been the strongest advocate of a voluntary approach, asking for flexibility with regard to ABS international regulations and defending national approaches to the problem. The ICC has consequently always been reluctant about the idea of a binding international protocol or of an international certificate to improve the traceability of natural genetic resources. Despite the ICC's numerous calls in favour of the status quo, the Parties to the Convention have finalised a binding protocol on ABS during the tenth Conference of the Parties in October 2010.

The internal tensions that divide the “industry group” members explain part of the ICC failure to maintain voluntary regulations on ABS. Indeed, as in the biosafety case, a closer look at the internal functioning of the ICC reveals that the business transnational coalition is far from being the central node of business lobbying in the biodiversity treaty negotiations.

Tensions between different corporate actors are sensitive in the negotiations for a CBD sub-agreement on access to natural genetic resources. A first line of division separates the different industrial sectors involved in the negotiations. Seed companies have a more flexible position than pharmaceutical companies on the issue of disclosure for genetic resources used in patented applications. This is partly due to the better transparency of the production processes linked to the development of plants and seeds compared to the numerous steps separating modern medicines from their raw materials.⁵⁷ Part of the plant industry also relies on the International Union for the Protection of New Varieties of Plants (UPOV) and its Plant Variety Certificate mechanism, not TRIPS and the patent system, to protect intellectual property. The possible disclosure for patented applications would consequently not have an impact on the main activities of seed and plant industries. A second line of division appears according to the size of the corporations involved in ABS. Notably, inside the seed industry, bigger companies use the patent system as a reference for the protection of their innovations—and are therefore more inclined to oppose origin disclosure—while smaller ones prefer the UPOV system.⁵⁸ As a consequence, smaller companies are more eager to accept disclosure. Finally, as is the case for biosafety, a third line of division opposes corporations according to their corporate lobbying attitude—as demonstrated below.

As a consequence of these business conflicts, most of the ICC claims actually concern general points or procedural issues rather than precise policy proposals. For instance, in its first statement, the ICC ABS task force provided a reminder that several industrial sectors were concerned about the issue of access to genetic resources. As a consequence, a common approach for all sectors would not fit all business interests. The “industry group” also asked for the enforcement of

56. The information on the ICC ABS task force actions comes from observation data during the eighth Conference of the Parties of the CBD as well as the fourth and fifth CBD working groups on ABS.

57. Sarah Laird and Rachel Wynberg, *Access and Benefit-sharing in Practice: Trends in Partnerships across Sectors*, CBD Technical Series (2008).

58. Walter Smolders, *Disclosure of Origin and Access and Benefit Sharing: The Special Case of Seeds for Food and Agriculture*, QUNO Occasional Paper 17 (October 2005), p. 4.

voluntary guidelines such as the Bonn Guidelines on ABS to be complemented by national tools. This represented a rather general and low-risk proposal. In a second statement, the organisation asked to have one of its representatives attending the next contact group meeting—that is to say a closed negotiation session—that would debate the adoption of an international trading certificate for natural genetic resources. This second point was therefore dealing with the negotiation procedure rather than its content. Moreover, the ICC itself—not even the “industry group” as a whole—sometimes failed to find consensus for the drafting of its own position papers on the ABS issue.⁵⁹ The diversity of the industry representatives taking part in the CBD ABS negotiations is a crucial factor explaining the limits of the ICC in speaking for the entire “business community”. One business representative from the ISF gave evidence of the problem before the establishment of the “industry group”: “Due to the different positions of ISF and BIO, the ICC was unable to publish a common position on disclosure of origin and prior informed consent.”⁶⁰ In fact, the “industry group” did not resolve the conflicts among the different sectors taking part in the negotiations.

Moreover, the industry representatives gathered under the banner of the “industry group” happened to have difficulties in reaching consensus on the adequate lobbying attitude to adopt during the negotiations. One example of such internal conflicts was apparent during the African group’s—a coalition of African governments—draft proposal for an international binding regime on access to genetic resources on the first day of the fourth CBD working group on ABS. The proposal, elaborated by the Ethiopian government in collaboration with the NGO Third World Network, was meant to serve as a basis for the elaboration of the ABS Protocol. In international negotiations, proposing a text is usually critical as it pushes the negotiations forward and, if the text is adopted, gives closer control of the discussions for its authors. In that case, the analysis of the African group proposal was crucial for all participants, industry representatives included. However, the different stances adopted by the business representatives taking part in the “industry group” turned such an analysis into a difficult task. In the main, the American business representatives thought the text was a pretty dead proposal, a sort of joke, whereas the European business representatives perceived it as a real threat. The former were not even considering answering the text, while the European business representatives wanted to elaborate an industry proposal to counter the African group draft. Moreover, the European business representatives expressed concerns that the position of the European Union would be favourable to the text, while the American representatives were quite sure it was not going to be endorsed by any developed country. In particular, the European business representatives remembered that the first Biosafety Protocol draft had been put forward by several developing countries, helped by the Third World Network. According to them, industry had consequently to answer to the Ethiopian proposal in order to prevent the elaboration of a binding agreement similar to the Cartagena Protocol, this time applied to the ABS issue. In the end, a consensus proposal was reached by the “industry group” to produce a position paper to comment on the African text; but the

59. International Chamber of Commerce, *Access and Benefit Sharing: Special Disclosure Requirements in Patent Applications*, Discussion Paper (25 May 2005), p. 1.

60. Smolders, *op. cit.*, p. 3.

“industry group” did not succeed in proposing its own draft for an international regime.⁶¹

As a result of different sensitivities regarding positions and attitudes, the transnationalisation of corporate lobbying in the ABS negotiations has been only partially achieved. All industry representatives taking part in the ICC ABS task force initiative recognised that their corporations sometimes had different interests and positions. When asked about their lobbying activities, they all answered that they were lobbying for their own companies first, not for the “industry group” as a whole. As one business representative testified: “That would be better to speak in the name of the ‘industry group’ but when I go to talk to delegates, I do it in the name of my own firm.”⁶² A representative of a European seed corporation summarised: “The ICC is trying to play a coordination role but it is totally unofficial.”⁶³ These claims confirm that lobbying still happens mostly on an individual—at best national or regional basis. Actually, to maintain the distinction between the ICC positions and those of the “industry group” is also important for the transnational business coalition. During the first coordination meeting of the “industry group” at the eighth Conference of the Parties, one ICC representative explained: “I would ask you not to declare that your own positions are ICC ones, otherwise I will be in trouble.”⁶⁴ Yet the ICC ABS task force was much appreciated and all industry members attended the “industry group” meetings. While lobbying still occurs on an individual basis, the ICC still has a political role to play as coordinator.

The business representatives participating in the ICC ABS task force “industry group” all considered that these common activities were a good opportunity to exchange information. In that sense, the goals of the “industry group” meetings were to know one another, to organise and decide who will do what, to see what industry does agree on—for instance, to ask to participate in contact groups is a claim shared by all industry members—and express the common messages.⁶⁵ Moreover, all industry members taking part in the “industry group” meetings had a common feeling that the initiative made sense in that they were all concerned about the same issue: access to genetic resources. As a consequence, despite the fact that the main basis of influence for industry lobby groups was still individual, their participation in the ICC coordination meetings made sense in that it had a positive impact on their individual lobbying activities. In the difficult context of the international negotiations on genetic resources, the information provided by the “industry group” was more than welcome. The political role assigned to the ICC ABS task force initiative was therefore one of a useful information platform.

61. Observation data during the “industry group” meeting following the African group proposal, Grenada, Spain, 31 January 2006.

62. Interview with a French business representative, Grenada, Spain, 1 February 2006.

63. Interview with a European seed company representative, Grenada, Spain, 31 January 2006.

64. Observation data during the eighth Conference of the Parties, Curitiba, Brazil, 23 March 2006.

65. Interview with one American pharmaceutical company representative and one European seed industry representative, Montreal, Canada, 12 October 2007.

Conclusion

The level of transnationalisation of business lobby groups in the negotiations of two sub-agreements of the Convention on Biological Diversity has been the central question of this article. In order to analyse the mechanisms at stake for transnational corporate lobbying, we adopted a micro–macro approach, concentrating on the broad role of transnational business coalitions as political actors and on their internal functioning. The analysis gives a detailed description of corporate lobbying in the negotiations of the CBD; it also sheds some light on the theoretical conceptualisation of business lobbies.

Practically, the level of transnationalisation observed is low and the two case studies presented demonstrate the difficulty for business to organise collectively during the biosafety and ABS negotiations. While business claims to act as “one voice” in the negotiations, lobbying actions are undertaken mainly on an individual basis. In both cases, the coordination difficulties affecting corporate actors engender specific political roles for the transnational business coalitions studied. In the case of the Global Industry Coalition, transnationalisation has been used by a handful of corporate individuals as a tactical tool. To improve the efficiency of the coalition, these business representatives have reinforced its organisational structure by putting a steering committee in place. This committee aims at resolving former dysfunctions regarding decision-making processes as well as secretariat duties. However, the concentration of power in the hands of a small number of corporations limits the access to decisions for companies that are not included in the steering committee. In the case of the International Chamber of Commerce ABS task force initiative, differences in positions and lobbying styles have turned the “industry group” initiative into an information platform rather than an integrated political instrument.

Whereas the “logic of influence” is at play to explain the level of transnationalisation of business lobbies, the “logic of conflicts” is noteworthy. In particular, while potential business conflicts between different business groups have already been underlined elsewhere,⁶⁶ the research developed here reveals that the internal functioning of business coalitions is another crucial parameter in understanding their political role. As in Robert Putnam’s two-level game,⁶⁷ we observe that firms first conduct bargaining activities among themselves before presenting their possible common positions to governments and adapt collectively to the negotiation environment. Both components of the business lobby—the micro and macro ones—are relevant in explaining their overall influence.

While several studies conclude that most lobbying activities take place at the national level of policy making,⁶⁸ this article underlines the pressures that business representatives exert during the international negotiations of environmental treaties. Yet these pressures are exerted particularly by individual—at best national or regional—corporate actors on national delegations. The analysis demonstrates that the relationships of individual firms or national and regional business associations with delegations determine the overall influence of

66. Falkner, *Business Power and Conflict*, *op. cit.*

67. Robert D. Putnam, “Diplomacy and Domestic Politics: The Logic of Two-level Games”, *International Organization*, Vol. 42 (1988), pp. 426–460.

68. Pamela S. Chasek, Janet Brown Welsh and David L. Downie, *Global Environmental Politics* (Boulder, CO: Westview Press, 2006), p. 89; Rowlands, *op. cit.*, p. 145.

business. While the effect of such relationships has not been the direct focus of this article, we have shown elsewhere that in the biosafety negotiations, American firms have had a strong influence on the negotiation position of the American delegation.⁶⁹ On the ABS issue, Brazilian firms have cooperated closely with their own government in favour of a binding protocol.⁷⁰

Theoretically, the limited scope of the study renders generalisation a difficult task. Yet one broader theoretical implication can be highlighted. The results demonstrate, in line with other studies of international negotiations, the artificial character of the distinction usually made by scholars between the capacities of business actors and ENGOs to organise as transnational interest groups.⁷¹ Scholars have so far tended to place more importance on ENGOs, underlying their great diversity that is thought to pose organisational dilemmas for their overall influence.⁷² Contrariwise, as already mentioned, business has been perceived as a very efficient political actor. However, as this article reveals, both categories may encounter some difficulties in acting as transnational actors and, in practice, as the ICC ABS task force “industry group” coordinator signalled: “industry is as difficult to organise as ENGOs, even worse”.⁷³ This assumption should be integrated more systematically in the studies of firms as political actors in an international context.

While focusing on only two case studies, this article could serve as the basis for new developments and as a further step towards the systematic understanding of business lobby groups. In order to test these criteria, further studies of the functioning of business transnational coalitions should be conducted.

69. Amandine Orsini, *La Biodiversité sous influence, les lobbies industriels face aux politiques internationales d'environnement* (Brussels: Presses de l'université de Bruxelles, 2010), pp. 93–111.

70. *Ibid.*, pp. 145–148.

71. Susan K. Sell and Aseem Prakash, “Using Ideas Strategically: The Contest between Business and NGO Networks in Intellectual Property Rights”, *International Studies Quarterly*, Vol. 48 (2004), pp. 143–175.

72. Alcock, *op. cit.*; Doherty, *op. cit.*

73. Interview with ICC representative, Grenada, Spain, 30 January 2006.