CHAPTER 3

How Participatory is Global Governance of Trade and Environment? The Cases of WTO and UN Climate Summits

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Introduction

The emergence and increasing importance of multiple layers of governance 'above' the state has become a central feature of contemporary international relations. Few would question that during the last decades, the policy process has increasingly migrated to the international level. To a greater or lesser extent, virtually all economic, political, and social activities are today subject to rules decided upon, implemented, monitored, and enforced by international institutions of various sorts. While domestic institutions have not gone out of business, it is beyond doubt that an increasing number regulatory processes traditionally confined within the boundaries of nation-states have today been supplanted, or at least complemented, by new forms of policy-making taking place within a wide array of different international institutional venues. Areas as diverse as

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trade, finance, the environment, human rights, and even national security are more and more subjected to rules developed under the auspices of international governance systems (Mattli and Woods 2009).

At the heart of the debate about global governance lies the question of its democratic legitimacy. As global governance systems have become increasingly central in contemporary public policy-making, concerns about the democratic legitimacy of these political processes have also emerged, questioning the viability of democratic processes still largely confined within the boundaries of the nation-state and calling for a number of possible reforms to make global governance more democratically accountable and thus redress its massive 'democratic deficit' (Nanz and Steffeck 2004).

The question how to address the problem of democratic legitimacy in global governance is subject to debate and different answers to this question largely reflect different underlying normative positions concerning the definition of the scope of the global *demos* (for an overview see Marchetti 2011). What is common to these different conceptions is the idea that a reform global governance is necessary in order to create the social and institutional conditions that can facilitate the expression of citizens' concerns and ensure the responsiveness of power (Archibugi et al. 2011; Castells 2008; Held 1995; Nanz and Steffeck 2004; Scholte 2002).

Granting greater access to civil society actors to these institutions is widely perceived as one potentially effective solution to provide global governance with more expertise, accountability and, ultimately, legitimacy (Charnovitz 2000; Robertson 2000; Scholte 2000). The ultimate goal of opening up global governance to greater participation by civil society actors is, these arguments go, the creation of an appropriate public sphere, that is an institutionalized arena for deliberative political participation beyond the limits of national boundaries (Jens and Steffeck 2004; Scholte 2002). In light of the growing gap between the global space where the issues arise and the national space where such issues are managed, a flourishing international public sphere is deemed necessary in order to avoid that the global socio-political order remains defined by the realpolitik of nation-states (Castells 2008; Held 2004).

Whether more openness of global governance is conducive to the emergence of an international public sphere however, largely remains an empirical question. Assessing empirically whether greater openness fosters the emergence of an international public sphere and can thus be instrumental to addressing global governance's democratic deficit is particularly important given that critical voices warn us that greater civil society

access to global governance may deepen the bias of interest representation already existing at the domestic, hence it may turn out to worsen, rather than solve, existing problems of democratic legitimacy (Fischer and Green 2004; Fischer 2010; Spiro 2000).

Recent research shows that global governance has witnessed a systematic shift towards greater involvement of civil society actors. While there is of course significant variation in how much different global governance systems grant access to societal actors, empirical evidence confirms the existence of a far-reaching institutional transformation of international organizations (IOs) over recent decades pervading all issue areas, policy function, and world regions: these IOs increasingly share authority with organized societal actors (Tallberg et al. 2014).

Has greater openness of IOs led to the emergence of a truly international public sphere? In this chapter we assess whether existing claims about the changing nature of political mobilization by societal groups resulting from greater IOs openness withstand empirical examination. On the basis of original datasets collecting information on the participation of both 2000 societal groups at World Trade Organization (WTO) Ministerial Conferences and 6500 societal groups at UN Climate Summits over the 1995–2012 period we are able to trace the evolution of the population of societal interests active within these international governance systems. Both international fora provide significant access to societal actors, but to a varying degree. While the General Agreement on Tariffs and Trade (GATT) system explicitly denied access to societal interests, with the creation of the WTO in 1995 specific guidelines stipulating more openness towards these organized groups were also adopted (Steffek and Kissling 2006; Van den Bossche 2008). Nevertheless, the UN Climate Summits are even more open to the input of societal actors due to the even more lenient accreditation requirements (see research design for more details). Comparing both cases thus allows us to reflect on the impact of IO openness towards the creation of an international public sphere with a higher degree of generalizability.

The chapter proceeds as follows. In Section 2, we briefly review the existing literature to come up with a broad definition of how a truly international public sphere should look like. Having set such a normative benchmark, we then turn in Section 3 to our data to assess the extent to which patterns of actual participation by societal groups in these two governance systems meet these normative standards. Our rough and largely illustrative analysis suggests that greater access to these two international governance systems has not brought about a fundamental change in the

nature of political action by societal groups. While the number of societal groups targeting these two international venues is substantial, we find that the nature of their political mobilization remains overwhelmingly 'domestic', both in terms of issues that they deem important and act upon and with respect to their organizational character.

An International Public Sphere: Setting a Normative Benchmark

Before any assessment is made of whether an international public sphere has emerged as a result of the greater access granted to non-state actors in international governance structures we should define how such an international public sphere should look like. In other words, a benchmark is needed in order to proceed with a meaningful assessment of actual patterns of political mobilization by non-state actors within global governance structures.

We briefly review the existing literature and identify at least three components of what could be plausibly defined as a 'truly' international public sphere, the emergence of which many authors identify as a necessary condition for existing governance structures to be democratically legitimate.

As a starting point, it is important to stress that arguing in favour of the emergence of an international public sphere to redress the international governance democratic deficit does not necessarily mean advocating the creation of a national democracy writ large (Jens and Steffeck 2004). While some authors have argued along these lines (see Marchetti 2008), others have taken a less radical stance and argued that the institutionalization of arenas for deliberative political participation beyond the limits of national boundaries would be a more realistic goal (Jens and Steffeck 2004). The normative assumption underlying this position is that the actors affected by particular political decision should be given the opportunity to meaningfully participate and make their voice heard to the very decision-making procedures that lead to the adoption of such decisions (Macdonald 2008). Interaction between these actors and political institutions do not need to take the form of electoral authorization and accountability, the argument goes, as long as effective expression of stakeholders' concerns and some degree of responsiveness of political power is ensured (Archibugi et al. 2011).

Having clarified that an international public sphere should not be confused with a global polity, there remains the question of what should be its key defining properties. Three properties seem key for a public sphere to be truly international. The first concerns the *organizational scope* of

the constituencies that actively participate to the political processes taking place within global governance fora. Since structures of decision making increasingly transcend national boundaries, meaningful international deliberation is deemed to require new forms of participation of the very transnational interests affected by these political decisions. A first condition for the emergence of an international public sphere can thus be considered the presence and active participation by non-state actors that represent constituencies transcending national boundaries—that is, that have a transnational organizational character. The existing literature provides ample illustrative evidence that organizations with a transnational organizational character, be they global or regional, may affect the management of political issues within international governance fora in significant ways (Glasius et al. 2005; Keck and Sikkink 1998). Yet, it remains be seen whether their influence is purely idiosyncratic or reflects the emergence of a truly international public sphere.

A second key property of an international public sphere concerns what we define the *issue scope* of constituencies' political action. While the organizational scope of the societal interests active in global governance tells us whether constituencies transcending national boundaries have become important, perhaps more important is to assess the types of issues these actors' act upon. A proper international public sphere requires that actors involved in it address transnational problems, not only that that they have a transnational organizational character. If deliberation about international issues is what an international public sphere is about, then we should observe that actors participating to such deliberative processes increasingly act with a global or international frame of reference in their action and goals (Castells 2008). The challenge for the emergence of an international public sphere to emerge consists therefore in giving voice to opinions that are shaped independently from the single national perspectives shaped by purely national interests. As Jens and Steffeck (2004, 322) put it, an international public sphere entails the creation of 'deliberative forums in which groups of social actors cooperatively address a certain global problem, and the ensemble of which could serve for enhancing broader transnational policy debates. Such participatory debates reserve themselves the prerogatives to scrutinize and monitor policy choices of international organizations'.

The third property of an international public sphere that we consider concerns the *degree of inclusiveness* of the interests that get to participate, hence that get represented, in international decision making processes.

Who are the interests that actively participate to these deliberative processes? Are all relevant stakeholders fairly represented or is there a structural imbalance in the systems of interest representation emerging at the international level? One of the greatest challenges in making global governance more democratic is to ensure that all stakeholders, that is, those affected by political decision adopted within global governance fora, can make their voice heard. As Scholte (2002, 296) nicely argues 'all interested parties must have access and preferably equal opportunities to participate. Otherwise civil society can reproduce or even enlarge structural inequalities and arbitrary privileges.' To put it differently, the observation of the growing relevance of transnationally organized groups that focus on transnational issues might still obscure the possibility that these actors are only a subset of a large population of potentially relevant stakeholders, hence that access to global governance remains skewed in favour of privileged interests. Critical voices have long noted the emergence of a truly international public sphere can be hampered if the business community and/or constituencies from developed countries disproportionally profit from the opening up of global governance structures to non-state actors relative to 'civil society' actors and developing countries respectively (Fried 1997; Fischer and Green 2004; Spiro 2000).

To sum up, we believe we can fruitfully use the concept of international public sphere as a normative benchmark to empirically assess whether increased access to global governance structures can foster greater democratic legitimacy of these systems of political authority. Greater access can help address concerns about the democratic legitimacy of global governance insofar as it fosters the emergence of an international public sphere. In our view, a truly international public sphere can be defined as such when the constituencies that actively participate to the political processes taking place within global governance fora (1) have a transnational organizational character; (2) act upon transnational issues; (3) are inclusive.

Research Design

The data is drawn from a large-scale project (see Hanegraaff 2014) that maps all interest group participation at two international venues: the World Trade Organizations Ministerial Conferences (MC) (between 1995 and 2012) and the United Nations Climate Summits (CS) (1997–2011). Next to the mapping of organizations also a set of interviews were done at one MC (Geneva 2012) and two CSs (Durban-2011 and Doha 2012).

About the first, the interest population of the WTO MCs, we coded all interest organizations that were registered by the WTO-secretariat as eligible to attend and/or attended in one of the seven ministerial conferences the WTO organized since 1996 (see Hanegraaff et al. 2011; Hanegraaff et al. in press). In total we identified 1962 different organizations that were eligible and/or attended at least one of the seven Ministerial Conferences. All these organizations were coded on the basis of a limited number of variables which were identified by systematically coding all the websites. For 1,409 organizations we could identify a website which offers some to more elaborate data on the organization; for 360 organizations we were not able to find a website, but information stored on other websites enables us to code at least some basic features of these organizations. Only 24 organizations could not be traced. This dataset with web-based information gives us a comprehensive insight into the type of organizations interested in WTO policies, the region or the countries where they come from, their respective areas of interest, how they are organized and so on. Moreover, because we rely on all MCs since 1995 (Singapore) until the last in 2012 (Geneva), we can account for density, diversity, and stability changes over time. Despite the fact that our dataset provides us with a very rich map of trade related interest groups that operate at a global scale, we should also mention a number of weaknesses.

The second data source is the mapping of the UN climate summits interest group population (see Hanegraaff 2015a). To assess the development of the COP interest group community we mapped all interest organizations that attended COPs between 1997 and 2011. The dataset includes 6655 organizations which all attended one or more of the COPs since 1995. Note that this number substantially differs from some earlier accounts of the COP interest group community (see Muñoz Cabré 2011; Nordang-Uhre 2014). The reason is that previous studies included only organizations which had official UNFCCC observers. One important accreditation requirement to become an observer at a climate conference is that the organization is a non-profit establishment, which excludes individual firms from registering. This, however, does not mean that firms do not attend these conferences. Quite the contrary: firms, and other ineligible organizations for that matter, often cope with these official requirements by registering as a member of an official observer delegation. For instance, Shell and the Dow Chemical Company attend as members of the World Business Council for Sustainable Development, while Siemens and Google attend as part of the Alliance to Save Energy. As the UNFCCC lists each individual participant and its affiliated organization on its website we were able to identify all the organizations that attended the COP's meetings. This makes our overview of attendance much more encompassing and larger than those provided in earlier accounts. That is, where former analysis identifies 1,322 organizational entities attending COPs, this dataset consists of 6,655 unique organizations. Moreover, it is also one of the main reasons that the interest group population of the UN climate summits is considerable larger than the dataset of the WTO.

As with the WTO research strategy, the next step included a website-search for all these organizations. For most organizations a website was identified which provided more elaborate data on the organization. For about 20%we were not able to find a website, but information stored on other websites (for instance, from other interest groups who refer to the organization in question) enabled us to code some basic features of these organizations. Only for a small number of organizations no information at all was found (less than 5%). This dataset with web-based information gives a comprehensive insight into the types of organizations attending COP meetings, the region or countries from which they stem from, the issue areas in which they are active, their constituency base, and how they are organized. In addition, because there is data on almost all COPs from 1995 (COP3-Japan) to 2011 (COP17-Durban), we can account for density, diversity and stability changes over a substantial period of time.

The final dataset we rely on is an extensive interview project for both the MCs as well as the COPs (see Hanegraaff in press). The interviews were conducted during three major transnational negotiations rounds at the WTO's 2012 Ministerial Conference and the UN Framework Convention on Climate Change Conferences of the Parties in Durban in 2011 and in Doha in 2012. At these events, a team of three to four researchers asked lobbyists to participate in a 30-minute interview. The respondents were randomly chosen by the researcher in charge ('pointer') to make sure interviewers would not (unknowingly) have a bias in their selection of respondents (e.g. convenience sampling). Moreover, the researcher in charge made sure all physical areas at the conference location were targeted in order to increase the chance of getting a random and representative sample of the participants at the conferences. During the interviews, respondents were asked to mention

a specific issue they were working on and the strategies they used to influence policymakers in regards to the issue. The lobbyists were also asked to provide information about their organizations. In total, 348 lobbyists were interviewed at the three conferences.

An International Public Sphere in Global Governance?

In this section we proceed by looking at patterns of political mobilization by non-state actors in the context of two important global governance fora: the WTO and the UN Climate Summits. We look at this considering the three key properties of an international public sphere identified above, assessing actual patterns of political mobilization resemble fare relative to these three benchmarks.

Organizational Scope

We start with organizational scope, or the active participation by non-state actors that represent constituencies transcending national boundaries (see also De Bièvre et al. in press). Figure 3.1 plots the evolution over time of the number of non-state actors that have participated to WTO MCs and UN CSs. respectively, distinguishing between groups with a 'national' organizational character and groups with a 'global' organizational character. We distinguish between 'national' and 'global' depending on whether the sources of funding of these organizations are purely national or stem from more than one jurisdiction. The first indication of these figures is that while the population of non-state actors accessing the UN CSs has consistently increased over time, in the case of WTO MCs we observe an increase around 2005 which is, however, followed by a marked decrease in the subsequent phase. Second, at COPs more organizations participate, which, as argued earlier, is most likely a result of the more stringent accreditation requirements at the WTO. Finally, and most important for our analysis on the potential at the conferences for the creation of a global public sphere, we see that the 'national' component of these populations is very significant. At each conferences—both at the COPs and at the MCs—the number of national oriented organizations exceeds the number of global organizations.

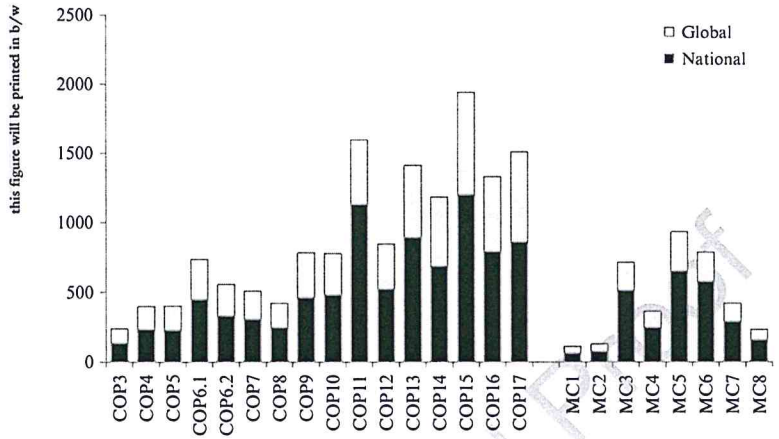

Fig. 3.1 Number of actors per COP (left) amd MC (right). Author's own compilation

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Perhaps more telling regarding this second point is Fig. 3.2, which consider the evolution over time of the percentage, and not the absolute numbers, of 'national' and 'global' organizations attending these conferences. Figure 3.2 indicates with clarity that the organizational character of non-state actors actively participating to both UN CSs and WTO MCs remains overwhelmingly domestic (consistently over time 60% and 70% respectively). These figures suggest that while the population of non-state actors might be on the increase in some cases, the organizations representing constituencies transcending national borders remain a minority, while the vast majority of these populations is composed of 'national' organizations seeking access to international institutions. Moreover, we also see that at the climate conferences, more globally oriented organizations are active compared to WTO-MCs. This latter result is quite understandable given the nature of the problems at stake. While climate change is an issue that inherently requires joint action and has implications that are global in scope, trade issues are characterized by a more marked national dimension, both in terms of priorities and distributive effects.

These aggregate data of course obscures potentially interesting differences within the populations of non-state actors attending these two

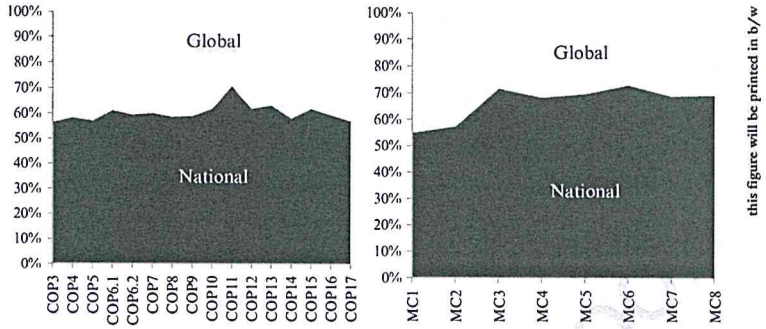

Fig. 3.2 Percentage national versus global per COP (left) and MC (right). Author's own compilation

conferences. In particular, we note that there are important differences in terms of the organization character of active non-state actors depending on whether they represent concentrated or diffuse interests (Olson 1965). We capture this difference by distinguishing between 'business' organizations and 'non-governmental organizations (NGOs)' organizations. The results are presented in Table 3.3, for the COPs, and Table 3.4, for the MCs.

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The results, portrayed in Fig. 3.4, for instance, show that 'business' organizations attending WTO MCs tend to be more 'national' than the average (around 8 % compared with around 70%), whereas 'NGOs' tend be relatively more 'global' than the average (around 40% compared with around 30%). Interestingly enough, Fig. 3.3 show the same results do not hold in the case of UN CSs, as we can observe a much more balanced distribution between 'business' and 'NGOs' concerning their organizational character.

An additional graph provides an even more fine-grained picture that is illustrative of two important points. Figure 3.5 provides an illustration of how different non-state actors are distributed regarding the 'organizational character' dimension across different sectors. The business category is further disaggregated into four subcategories, namely. labour, services, manufacturing, and agriculture, while the NGOs category is further disaggregated into three subcategories, human rights, development, and environment.

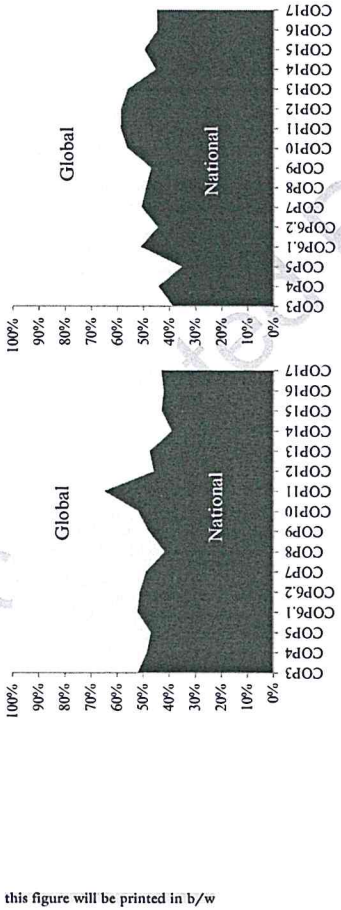

Fig. 3.3 Percentages domestic & global among business and NGOs at COPs. Author's own compilation

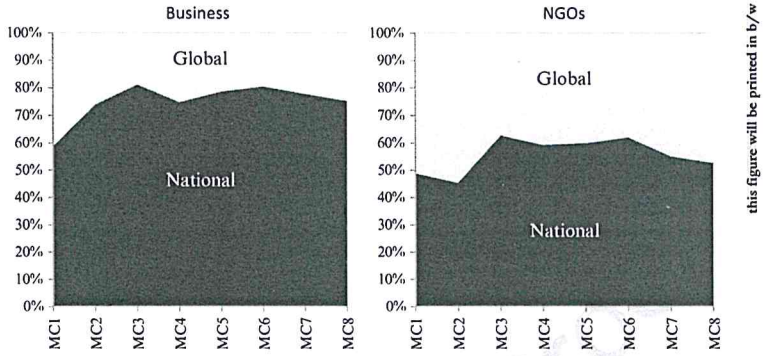

Fig. 3.4 Percentages domestic & global among business and NGOs at MCs. Author's own compilation

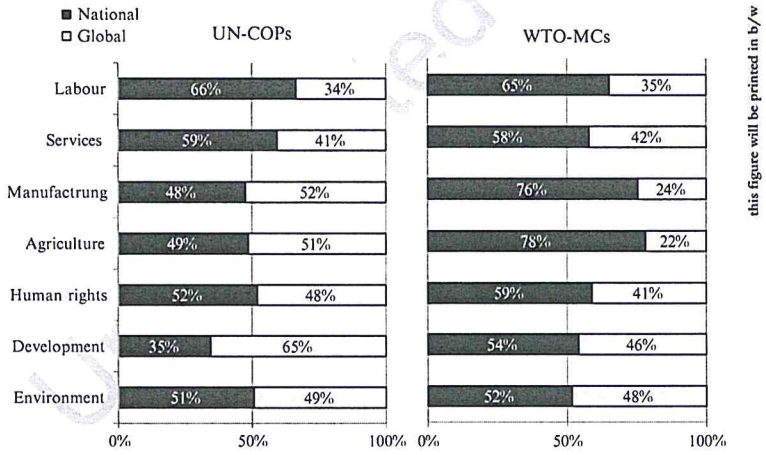

Fig. 3.5 Percentages national & global per sector at COPs and MCs. Author's own compilation

The key observation here is that all organizations representing different 363
'business' sectors tend to have a more 'national' organizational character 364
and, in line with previous data, more so in the context of WTO MCs. This 365

366 means that our data suggest that business actors defend more domestic
367 interest, while NGOs defend, on average, more the interests of a trans-
368 national community. Yet, important to add is that even among NGOs a
369 considerable amount of NGOs still defends the narrow interest of a single
370 country. At the WTO MCs this is even more than half. At the CSs, with
371 the expectation of the development organizations, also half of the NGOs
372 defends the interests of just one country. In sum, our findings show that
373 national groups are much more dominantly present at two crucial transna-
374 tional political venues, and, perhaps more importantly, this hasn't changed
375 over time. The distribution between domestic and global organizations
376 in the 1990s is similar to the distribution at the more recent conferences,
377 over 15 years later. This means that, at least in terms of the issues that are
378 defended at the conferences, we see no real development in the direction
379 of an increased global sphere.

380 ### *Issue Scope*

381 In the addition to the organizational scope of the constituencies repre-
382 sented in the WTO MCs and UN CSs, we also consider the issue scope
383 of the activities of global organizations, i.e. the issues they act upon. Do
384 global non-state actors that actively participate in policy-making processes
385 at the international level mostly focus on global issues—in other words, do
386 they act politically upon global issues, or do they in fact defend the interest
387 of a single domestic constituency? To see which interest 'global' interest
388 groups defend we asked them the extent to which they defended global
389 interest or more narrow domestic interests.
390 Figure 3.6 shows the amount of time these groups defend global inter-
391 ests or domestic interests for all groups, and disaggregated to business
392 and NGOs. A first remarkable observation is that, on average, the global
393 organizations dedicate as much as one-third of their time to lobbying on
394 domestic political issues. Again, these numbers appear to be quite consis-
395 tent independently of whether we consider business groups or NGOs. This
396 means that global organizations, which are already significantly underrep-
397 resented at the conference in question, are not solely dedicated to defend
398 transnational interests. This finding has important implications for our
399 assessment concerning the existence of an international public sphere,
400 suggesting that we should be cautious in assuming that organizations with
401 a transnational organizational character are also necessarily organizations
402 with a global issue scope. Quite to the contrary, our results suggest that

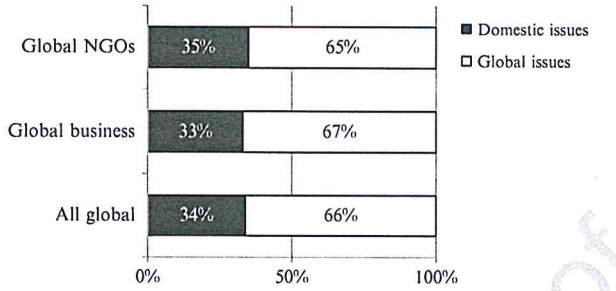

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Fig. 3.6 Global organizations defending domestic or global issues (split by global NGOs, global business, and all). Author's own compilation

organizations with a transnational organizational character may actually act as vessels of national interests.

Degree of Inclusiveness

The final set of data we consider looks into the degree of inclusiveness of the population of non-state actors attending the two international venues. In particular we consider two questions. First, we assess whether their business interests are disproportionally represented in these fora at the expense of NGOs. The data clearly reveal that, contrary to what one might have expected, 'business' and 'NGOs' seem to be fairly equally represented in both international venues and consistently over time. Indeed, Figs. 3.12 and 3.13 show that, with limited exceptions in the case of few UN CSs, the number of these two categories of non-state actors go consistently hand in hand over time. A meaningful assessment would require a comparison between the balance of representation of these groups at the domestic level and the observed equal balance in these two international venues. Yet these figures suggest that non-state actor's participation in these international venues is not skewed in favour of business. This is surprising in the sense that we know from studies in a domestic setting and in the EU that interest populations tend to be heavily skewed towards business interests (Fig. 3.7) .

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The picture changes when we consider whether there is a balanced representation of non-state actors from developed and developing countries.

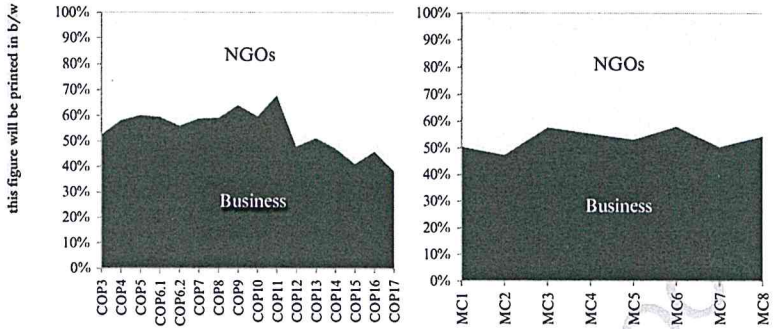

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Fig. 3.7 Business versus NGOs at COPs (left) and WTO (right). Author's own compilation

Unfortunately, due to time constraints, we can only present the data on participation to WTO MCs. We were not yet able to produce the patterns of attendance to these venues and UN CSs (this will be added at a later stage). The evidence we provide in Fig. 3.14 concerning WTO MCs, however, provides straightforward indications that non-state actors from developed countries are heavily over-represented relative to non-state actors from other, less developed, countries. Yet we do see a trend in which the developing countries are increasing their relative share somewhat over time (Fig. 3.8) .

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Conclusion

In this chapter we have addressed the empirical question whether concerns about the democratic legitimacy of global governance are warranted. The emergence of a truly international public sphere—that is, an institutionalized arena for deliberative political participation beyond the limits of national boundaries, is considered by many observers a potential solution to problems of accountability and legitimacy that plague global governance. Granting greater access to non-state actors to these international institutions has long been considered conducive to the emergence of such a truly international public sphere.

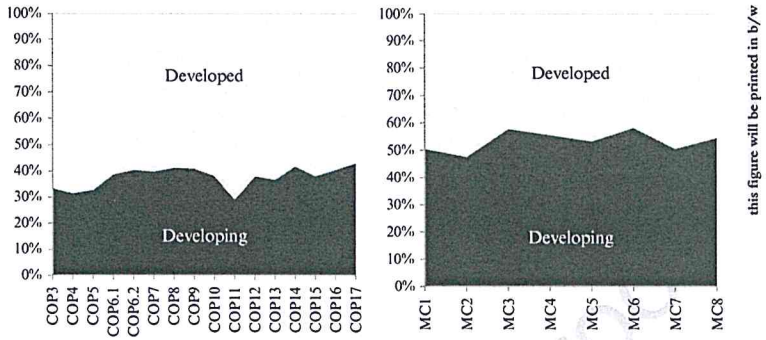

Fig. 3.8 Level of development at COPs (left) and WTO (right). Author's own compilation

Our chapter subjects this latter contention to empirical scrutiny by assessing whether important international governance systems that have substantially opened themselves up to non-state actor's participation in recent years such as the WTO and the UN Climate Summits have led to the emergence of a truly international public sphere. In order to develop such an exercise we start out by identifying a normative benchmark. We do so by defining an international public sphere as an arena for deliberative political participation in which non-state actors largely have a transnational organizational, largely act upon global issues and that are characterized by a high degree of inclusiveness.

The largely illustrative nature of our empirical analysis only allows us to highlight some general trends. First, and despite some important differences across venues, non-state actors with a national organizational character remain central in these two global governance systems attending these conferences. Second, both non-state actors with a national and a global organizational character, although much more in the former case, devote a significant amount of their lobbying effort to national rather than global issues. Finally, while patterns of political mobilization in global governance do not seem to be skewed in favour of business at the expense of NGOs, non-state actors from developed countries enjoy privileged access to international institutions. Our (very) preliminary results suggest that there is still a long way to go before we can speak of the existence of a truly international public sphere in global governance.

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