

Fair and Equitable Negotiations? African Influence in Creating the International Access and Benefit-sharing Regime.

Brendan Coolsaet and John Pitseys

In 2010, Parties to the Convention on Biological Diversity (CBD) adopted the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization ('access and benefit-sharing', or ABS), an international agreement aiming to share the benefits arising from the utilization of genetic resources, in a "fair and equitable way" (art. 1). The adoption of the Nagoya Protocol is the result of a long set of negotiations on the making of an international ABS regime, triggered by a situation of *distributive injustice*: countries using genetic resources reap most of the benefits, while the costs related to the conservation and protection of these same resources is mainly carried by provider countries. Through the establishment of an international ABS regime, benefits and burdens arising from the use of genetic resources should thus be shared fairly between user countries and provider countries¹.

Such a conception raises two well-documented issues. First, theories of distributive justice are ill-suited for the study of the underlying conditions that shape the decisions leading to the distribution of benefits and burdens. These conditions are rooted in the material, social, cultural and institutional circumstances within which the decision-making process takes place². Second, given that different conceptions of morality and justice coexist in society, the conditions of a fair agreement tend to be better approached by defining the conditions of a fair decision-making process³. The conditions for fair and equitable benefit-sharing thus lie in a decision-making procedure that is similarly fair and equitable, or, in other words, governed by the principles of *procedural justice*.

However, the current complexity and interdependence of an ever growing number of multilateral environmental agreements and the unequal distribution of resources and (bargaining) power among States, generate unequal participation opportunities. In this context, this article explains how the supposedly most disadvantaged participants manage to influence the decision-making process and the outcome document, thereby pointing towards procedural justice.

This paper starts by expounding its theoretical and methodological foundations. It then shortly introduces the history of negotiations on ABS and the Nagoya Protocol. The research framework then is applied to the participation of African countries in these negotiations, showing that they had influence, despite unequal starting points, and identifying possible sources of this influence. The concluding section draws lessons from the African influence on

¹ Blais 2002.

² Young 1990; Schlosberg 2007.

³ Among a large literature, see Cohen 1986, 1987, 1996; Estlund 1997, 2002; Christiano 1996, 2008.

ABS with regard to international procedural justice and discusses possible measures to ensure procedural fairness in environmental regimes.

Analyzing procedural justice and influence

Procedural justice can be considered to exist “when all parties who will be affected by a decision *have had a chance to participate in the decision-making process and to influence the final outcome*”⁴.

In the context of this paper, two clarification points need to be made with regard to this definition. First, as we are dealing with interstate procedural justice, the ‘affected’ parties are those which are formally associated to the legal sphere of decision (*i.e.* States)⁵. This is not to deny the increasing role of non-state actors in multilateral negotiations, nor do we consider interstate procedural justice sufficient to meet intra-state justice claims.

Second, we consider procedural justice to be achieved when the process is governed by “fair equality of opportunity”, in line with the Rawlsian principle⁶. In this paper, procedural justice does not entail that parties must all exert *equal* influence, nor that their respective interests must be taken into account in an *equal* manner. In other words, this paper does not claim to determine the winners and losers of the process, but the conditions under which each party gets a fair chance to influence it. Procedural justice hence does not require a comparative panorama of each party’s influence: being less influential than another party does not necessarily mean being not influential enough. This article uses the African countries’ influence in the ABS negotiations as a proxy to analyze the conditions promoting a fair share of influence. As African countries are counted among the most disadvantaged countries in the world, one can reasonably expect them to represent a ‘lowest common denominator’ in terms of participation and influence⁷. While the relationship between influence and justice is complex (and goes way beyond the scope of this article), we argue that if African countries can influence the process, all other Parties are at least equally capable of doing so as well, thus pointing towards procedural justice.

Taking the above into account, how do we measure influence? According to Arts and Verschuren, influence is “the achievement of (a part of) an actor's goal in political decision-making, which is either caused by one's own intervention or by the decision-makers' anticipation”⁸. This definition offers a double advantage. First, it goes beyond the traditional interactionist approach of influence (*i.e.* actor X influences actor Y). What we are looking for is whether African countries had influence on the negotiation process and its results, rather than on the specific behavior of other players. Second, the definition allows taking into

⁴ Clayton 1998, emphasis added.

⁵ For a broader description and justification of the substitution of the all-affected principle by the subject-to-the-law principle, see Beckman 2004 and Karlsson 2006.

⁶ Rawls, 1971, p. 47 (revised edition). *Fair equality of opportunity* require that offices and positions are distributed on the basis of merit, and that all have reasonable opportunity to acquire the skills on the basis of which merit is assessed

⁷ Anand 2004; Gupta 2006.

⁸ Arts and Verschuren 1999.

account the anticipation of influence, which is important as the classical resources for power (pressure, coercion, threat, ...) are likely to be absent in the case of African participation. Hence, the presence of an actor can be sufficient to exert influence, as are his thoughts and ideas⁹. The role of thoughts and ideas links up with Zimmerling's views on influence, described as one's capacity to frame the debate on what is and what ought to be or, in other words, on normative issues¹⁰.

Using this definition, this paper mobilizes different methodological frameworks on participation and influence in order to assemble a new framework. The resources parties dispose of to participate in the decision-making process are susceptible of causing unbalanced participation opportunities. Hence, Shue's concept of background justice¹¹ and Fisher and Green's¹² indicators are used to describe the resources African countries disposed of during ABS negotiations at the CBD. More particularly, three key indicators are used: (1) the *delegation size*, which allows mirroring the (un)balance of human resources between the negotiating parties; (2) the experience of the African delegations, measured by the consistency of their attendance to ABS meetings since 2001; and (3) the *characteristics of the political system*, which gives an hint of the stability and the level of political inclusion.

While these indicators allow taking stock of the starting position of African countries, they do not provide information on their actual influence. We thus analyze the goal attainment of African countries, considered by Corell and Betsill as being the most significant factor for assessing the level of influence of participants in international environmental negotiations¹³. The first dimension of goal attainment refers to the *effects on the negotiation outcome*, reflected by the extent to which African positions and priorities are taken onboard in the final text. To avoid incomplete representation of influence, Corell and Betsill also suggest taking into account the *effects on the negotiation process* itself: whether or not the actor is recognized and its arguments are heard by negotiation partners. As one interviewee puts it: "Our first priority was to have the opportunity to express our views on equal footing with representatives of developed countries"¹⁴.

As our research reveals asymmetries between the starting point of African countries and their actual influence, we trace the negotiation process to envisage the sources of this influence. We therefore combine Betzold's influence measurement framework¹⁵, with insights from contemporary deliberative theory. Betzold distinguishes four possible procedural strategies through which disadvantaged states manage to successfully exert influence:

- (1) the normative strategy: an important part of the power of disadvantaged states resides in their ability to establish normative leadership and thus make themselves legitimate negotiation partners¹⁶;

⁹ *Ibid.*

¹⁰ Zimmerling 2005

¹¹ Shue 1992.

¹² Fisher and Green 2004.

¹³ Corell and Betsill 2001; Betsill and Corell 2001.

¹⁴ Authors' interview with Comorian delegate, June 30, 2011 (Interview 8).

¹⁵ Betzold 2010.

¹⁶ *Ibid.*; Wallbott 2013.

- (2) the liaison strategy, which makes use of the power and expertise offered by third-parties such as knowledge networks and international non-state actors (NSAs);
- (3) the target-based strategy seeks common interests with (stronger) negotiation partners in order to enforce one's priorities;
- (4) the process-based strategy reflects the skills with which a party uses the procedural rules as a leverage for influence and power¹⁷.

These different inputs allowed assembling the framework illustrated by table 1. Following Arts and Verschuren's method for data-collection in complex decision-making¹⁸, data for this paper was acquired through a triangulation of 14 semi-structured interviews, primary sources and secondary literature. This allowed combining perspectives from both African and non-African delegates (EU delegates, IGO representatives ...), as well as confronting them with raw data and third-party analysis.

Table 1 - Research framework

Variables	Resources for participation	Goal attainment & recognition	Sources of influence
Indicators	• Human resources • Delegation experience • Characteristics of the political system	• Outcome • Process	• Normative strategy • Liaison strategy • Target-based strategy • Process-based strategy
Source	Fisher and Green 2004	Corell and Betsill 2001	Betzold 2010

Africa and the global governance of genetic resources

ABS was put on the international agenda with the adoption of the CBD, in 1992, and its third objective of fair and equitable sharing of the benefits arising from the utilization of genetic resources¹⁹. However, it was only in 2000 that the *Ad Hoc Open-ended Working Group on ABS* (WGABS) was created,²⁰ which led to the adoption of the Bonn Guidelines, a non-binding document aimed at assisting Parties in developing an ABS-regime. The slow pace of negotiations triggered a call for action at the 2002 World Summit on Sustainable Development in Johannesburg and an ensuing mandate, in 2004, for the WGABS to negotiate an international regime implementing the ABS provisions of the CBD. These efforts, intensified by the end of the years 2000, eventually amounted to the adoption of the Nagoya Protocol²¹.

¹⁷ Betzold 2010.

¹⁸ Arts and Verschuren 1999. Unlike the authors, however, we did not rely on ordinal quantification of the different indicators.

¹⁹ Broggiato *et al.* forthcoming.

²⁰ Blais 2002.

²¹ Chiarolla 2010.

From the start, African countries have been very active in the ABS discussion. Africa has a lot at stake when it comes to biodiversity and genetic resources, as the subsistence, both physical and cultural, of the numerous rural communities on the continent heavily depend upon natural resources and their associated knowledge²². But the continent is also a major provider of genetic resources as it hosts an important part of the world's biodiversity hotspots²³. African countries were thus prompt protagonists of an international ABS-regime, as testified by the early adoption, in 2000, of the *African Model Legislation for the Protection of the Rights of Local Communities, Farmers and Breeders, and for the Regulation of Access to Biological Resources*²⁴. Despite their central position in the functioning of a future global ABS regime, the participation of African countries has often been overlooked in recent work on global environmental politics.

An Unfair Participation Process?

Unequal Starting Points...

The amount of delegates present during global environmental negotiations provides us with a first indicator of “practical” procedural equity²⁵, even if the size of the delegation does not by itself guarantee an effective and efficient participation. Nonetheless, the complexity of the subjects, the numerous parallel sessions and the large amount of information to analyze logically favor bigger delegations²⁶. In this regard, the analysis of the different delegation sizes illustrates an important capacity gap: Figure 1 shows trends in average delegation sizes by group of countries since the start of the negotiations on ABS in 2001²⁷. Delegations of African countries during the WGABS show a steady trend, with half of the African countries represented only by a single delegate during the WGABS. In comparison, during these same meetings, the emerging BRICS had, on average, 8.9 delegates for each delegation, while the EU member states brought 3.8 members per delegation.

While the gap at COP10 decreased, the EU and BRICS still had respectively two and four times the amount of on-site African delegates. The figures of participation also reveal an important gap in the consistency of attendance of the national delegations: only 11% of all African countries were represented during all the sessions of the WGABS (compared to 29% for the EU and 80% for the BRICS). In the beginning of the ABS negotiations, this also translated in a lower capacity of African countries to ensure submissions of their positions to the CBD Secretariat: before 2008 “only a handful of individual statements of African states had been recorded”²⁸.

²² CBD 2010.

²³ UNEP 2010.

²⁴ Munyi and Jonas 2013.

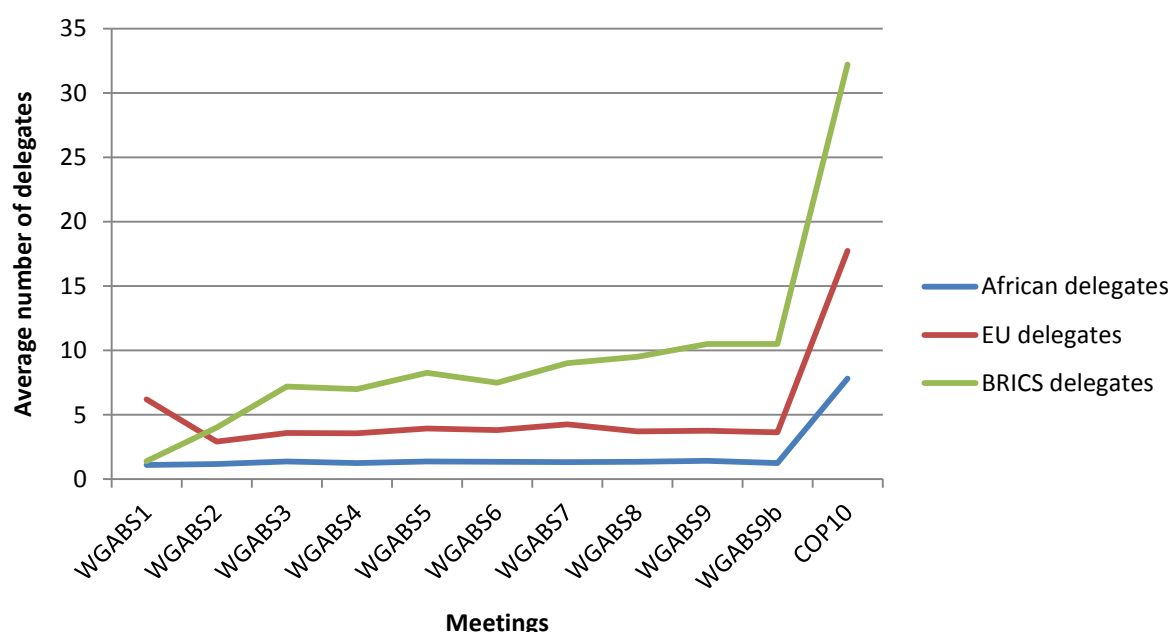
²⁵ Depledge 2006.

²⁶ Schroeder *et al.* 2012; Yamin and Depledge 2004.

²⁷ All figures based on the list of registered participants of the WGABS and COP10.

²⁸ Wallbott 2014, p. 117.

Figure 1 - Change in average size of national delegations to WGABS/COP10



As underscored by African delegates at COP10²⁹, this discrepancy affected the delegations capacity to analyze the negotiation documents in due time and decide whether or not the texts were acceptable for them, let alone propose alternatives. Moreover, the figures of African delegates present throughout the ABS meetings mirror the evolution of delegation sizes in other environmental regimes³⁰: this asymmetry reflects a long-lasting structural problem in the representation of developing states at the UN³¹.

The capacity problem of developing countries delegations is further exacerbated by the characteristics of their political systems. The type of the political system, the openness of the system and the instability play a key role in the way countries (are able to) organize their foreign policy³². Weak levels of democratic development and high political instability not only tend to undermine a country's internal reflexive and epistemic resources – and thus their effective capacity to participate in the negotiation process – it also weakens their credibility and legitimacy. When compared on a global scale through democracy indexes, notwithstanding a few exceptions, African countries are the most unstable countries and have the weakest level of democratic development in the world³³. Sometimes described as “quasi

²⁹ Nijar 2011a.

³⁰ Schroeder *et al.* 2012.

³¹ Keohane 1966.

³² Milner 1997; Risse-Kappen 1991; Rosenau 1971.

³³ Based on figures from: *Manning the barricades: Who's at risk as deepening economic distress foments social unrest?* London: Economist Intelligence Unit, March 2009; and *Democracy index 2010. Democracy in retreat.* London: Economist Intelligence Unit, 2010;.

states³⁴, African countries also have limited capacity to prioritize multilateral processes in general³⁵, and the CBD in particular.

... *With a Mitigated Effect*

Looking only at this background injustice between participants, one could expect African countries to have had little influence on the ABS negotiations and on content of the final agreement. Verifying this requires looking at the content of the agreement and at the negotiation process, as explained above.

Effects on Negotiation Outcome. Three types of demands were highlighted by African countries in the discussions on ABS³⁶. The *first* one concerned the legal nature of the future Protocol. It had to include:

- (1) effective compliance mechanisms such as "checkpoints" monitoring the utilization of genetic resource; and
- (2) measures for dispute resolutions³⁷.

Second, African countries advocated for a broad scope for the Protocol, whether it be in economic terms, in spatial terms or in temporal terms. Africans therefore asked:

- (3) to cover both genetic resources and their derivatives³⁸, an overwhelming majority of substances derived from genetic resources being semi-synthetic products containing no more genetic material³⁹;
- (4) to cover genetic resources found outside the geographic boundaries of nation States, for which the sharing of benefits is managed by a global multilateral benefit-sharing mechanism⁴⁰, and idea set on the agenda by African countries in 2010⁴¹;
- (5) to include genetic resources which had been accessed before the entry into force of the Protocol⁴².

Third, African countries advocated for the recognition of their specific political and economic status. Given the importance of Indigenous and Local Communities (ILCs) and their

³⁴ Jackson 1990.

³⁵ Young 1989; Sørensen 2001.

³⁶ Authors' interview with delegate from the Democratic Republic of the Congo, May 19, 2011 (Interview 4); Authors' interview with Ugandan delegate, June 20, 2011 (Interview 7); Authors' interview with Comorian delegate, June 30, 2011 (Interview 8); Authors' interview with ENB staff member, June 24, 2011 (Interview 9); Authors' interview with EU delegate, June 27, 2011 (Interview 10); Authors' interview with Malagasy delegate, July 1, 2011 (Interview 11); Authors' interview with Zambian delegate, June 24, 2011 (Interview 12); Authors' interview with Nigerien delegate, June 24, 2011 (Interview 13); See also Wallbott, Wolf and Pozarowska 2014

³⁷ Authors' interview with Earth Negotiation Bulletin staff member, June 24, 2011 (Interview 9); Authors' interview with EU delegate, June 27, 2011 (Interview 10); Ling 2010.

³⁸ Authors' interview with Zambian delegate, June 24, 2011 (Interview 12).

³⁹ ten Kate and Laird 1999.

⁴⁰ Authors' interview with Earth Negotiation Bulletin staff member, June 24, 2011 (Interview 9); Authors' interview with Nigerien delegate, June 24, 2011 (Interview 13); Wallbott, Wolf and Pozarowska 2014.

⁴¹ Buck and Hamilton 2011.

⁴² Ling 2010.

knowledge in Africa, they have also called for a genuine recognition of these people and their traditions by the Protocol (6). Finally, African countries sustained that without additional financial resources and transfer of technology, it would be impossible for them to set up the necessary political and legal structures allowing for access to their genetic resources (7).

Comparing African claims with the final text presents a surprisingly mixed picture. While the Nagoya Protocol is a “masterpiece in creative ambiguity”⁴³ and African claims are often found in a diluted version of the original claim, it appears that their demands found a non-negligible echo in the final text.

Directly or indirectly, the three types of African demands can be found in the text. *First*, the Protocol requires Parties to establish a legal, administrative or policy framework for the exchange of genetic resources and benefits arising from their utilization. Despite the lack of details concerning such framework⁴⁴ and the apparent contrast between the rather detailed list of obligations for provider countries and those for user countries⁴⁵, the text still obliges user countries to take measures to ensure that their users have a prior informed consent for access to genetic resources (if so required by the provider country), as well as a mandatory benefit-sharing agreement. They must also provide the opportunity to settle legal disputes concerning the terms of this agreement and set up a series of “effective” checkpoints monitoring the utilization of genetic resources. Unfortunately, no criteria have been defined to establish appropriate measures in case of non-compliance.

Second, the fundamental question of the economic scope has been solved by broadening the term “utilization of genetic resources” to cover derivatives and thus include benefit-sharing for their utilization⁴⁶. The question of the establishment of a global multilateral benefit-sharing mechanism, one of the key African demands and opposed by Northern countries, is addressed by Article 10. The inclusion of this article has played a key role in the adoption of the Protocol by African countries⁴⁷. Finally, the Nagoya Protocol does not make any reference to the temporal scope of the agreement but the relatively broad scope of Article 10 is seen by some as an opportunity to redress this omission. As it covers the benefits arising from genetic resources for which it is not possible to grant or obtain prior informed consent, it “could potentially be used to address benefit-sharing for pre-Protocol accessions”⁴⁸.

As for the *third demand*, the text of the Protocol also offers a contrasted picture. Numerous references to ILCs can be found in the text: eight of the twenty-seven points of the preamble and thirteen of the thirty-six articles recall their role, recognize their rights and/or call for the respect of their traditional knowledge. It could thus be said that “the Nagoya Protocol goes beyond the CBD”⁴⁹ regarding traditional knowledge held by ILCs, a position primarily defended by the African countries throughout the ABS process⁵⁰.

⁴³ Earth Negotiations Bulletin, November 1, 2010.

⁴⁴ Authors’ interview with Belgian delegate, June 21, 2011 (Interview 6).

⁴⁵ De Jonge 2011; Nijar 2011b.

⁴⁶ Kamau, Fedder and Winter 2010.

⁴⁷ Authors’ interview with Nigerien delegate, June 24, 2011 (Interview 13).

⁴⁸ Buck and Hamilton 2011, p. 57

⁴⁹ Wallbott, Wolf and Pozarowska 2014

⁵⁰ *Ibid.*

Finally, beyond the usual recognition of developing countries in general, no specific recognition of the situation of African countries is made in the Nagoya Protocol.

Effects on Negotiation Process. As a delegate of the European Commission acknowledged: “African countries were very effective in coordinating their group and making strategic choices”⁵¹. This growing recognition culminated by the end of the negotiations in Nagoya, where Namibia, the chair of African Group, joined the EU, Norway and Brazil, in a ‘friends of the chair’ group convened by the Japanese presidency. While the African presence in this meeting can be explained by different (probably complementary) interpretations, it does point to a significant influence on the process. Having the African countries on board represented a major leverage to get the shaky draft accepted by other developing countries and securing a positive outcome in Nagoya. According to Nijar, it was the approval by African countries which triggered a consensus on the Protocol in the final days of the negotiations⁵². This is further confirmed by an interviewee, who stated that “the African Group came to be often solicited on their positioning regarding important issues”⁵³ and was recognized as being among the most specifically concerned players in the negotiations⁵⁴.

Observations. The above assessments of both the negotiation output and the recognition require two additional observations. The first one relates to the assessment methodology itself, as the analyzed outputs must be treated cautiously. The fact that some of the African objectives are not fully taken into consideration is quite obvious: a consensus-based decision-making process requires from each actor to concede some steps back from its original position. Moreover, analyzing the discrepancy between the public objectives proclaimed by African countries and the actual effects on outcome and process does not give by itself a precise idea of the level of fairness of the negotiation process.

Moreover, some practical assumptions can be pointed out already. While the African participation points to a certain level of influence, in terms of fairness the negotiation outcome is far from satisfying the African objectives. As Josphe puts it “developing countries are nowhere near where it wanted to be”⁵⁵. This result could easily be explained by stating that African countries were overwhelmed by the political and technical expertise of more powerful negotiation actors, such as the EU and Brazil. However, it is unlikely that African countries would have had any influence at all if the negotiations were only a matter of power and balance. Various factors can contribute to understand how African countries managed to influence the content of most of the key objectives of the Protocol.

⁵¹ Authors’ interview with EU delegate, May 3, 2011 (Interview 1).

⁵² Nijar 2011a.

⁵³ Authors’ interview with Nigerien delegate, June 24, 2011 (Interview 13).

⁵⁴ Ling 2010.

⁵⁵ Josphe 2010.

Analyzing the Factors of Procedural Justice in the ABS Negotiations: Four Possible Strategies

Normative Strategy: the Strength of the Civilizing Force of Hypocrisy

Three substantial arguments were used by African countries to reinforce their influence in the ABS negotiations. *First*, whenever possible, they put the ethical rationale of the third objective of the Convention (*i.e.* the fair and equitable sharing of benefits) in the limelight⁵⁶. The sharing of benefits stems from “the moral duty of developed countries”, not only for present use, but also for historical use of genetic material⁵⁷. The argument was based on the ‘beneficiary pays principle’: the fairest way to rectify the unequal distribution of costs and benefits related to the utilization of genetic resources “is to assign the moral responsibility to deal with the problems caused by historic [use] to the agents who have benefited from it”⁵⁸. *Second*, in line with the historic position of developing countries at the CBD, African countries stressed the importance of sovereign control over their resources. ABS had to go along with an enforcement of sovereignty as well as effective compliance mechanisms. Failing to do so was portrayed as allowing Northern biotechnology companies to continue their activities of biopiracy⁵⁹, violating the sovereignty of provider countries. Finally, the *third argument* referred to the environmental and economic vulnerability of African populations, as well as the vital role biodiversity resources play for the economic and social activity and for the perpetuation of traditions. This, however, was used with greater parsimony, some countries being wary that new strict environmental regulation could be used to hinder their development⁶⁰.

While being of different normative nature, these three arguments managed to replace the technical and instrumental dimension of the ABS discussion with the following normative question: which principles should the ABS negotiations strive for?

In doing so, the normative strategy allowed African countries to exert influence by using public normative argumentation, despite the reality of the power balance and the existence of well identified partisan interests. Their normative leadership contributed to create a common narrative on ABS among the negotiators⁶¹. Whether based on morality, fairness and/or legitimacy, this strategy also allowed promoting a deliberative approach for the ABS negotiations, thereby avoiding a pure North-South bargain⁶². The utilization of genetic resources cannot be treated as a mere tradable commodity upon which two actors can bargain, but involves a greater dimension of justice, morality and legitimacy, so the argument went.

⁵⁶ Authors’ interview with Zambian delegate, June 24, 2011 (Interview 12); Authors’ interview with Malagasy delegate, July 1, 2011 (Interview 11).

⁵⁷ Authors’ interview with delegate from the Democratic Republic of the Congo, May 19, 2011 (Interview 4); See also for example the position of the Group on the temporal scope of the Protocol, as relayed by the Earth Negotiation Bulletin on Tuesday October 26, 2010

⁵⁸ Weijers, *et al.* 2010.

⁵⁹ Ling 2010.

⁶⁰ Authors’ interview with African UNEP project manager, May 12, 2011 (Interview 3);

⁶¹ Czarniawska 1997; Wallbott 2014.

⁶² Mansbridge *et al.* 2011.

Through normative argumentation, African countries thus used the “civilizing force of hypocrisy”⁶³ to put forward their own self-interested prerogatives.

Liaison Strategy: the Limits of Governance Conceived as Collective Learning

A normative strategy alone is not sufficient for yielding an effective epistemic input in the negotiation process. The discussion also requires a more informed debate, a better balance of the available expertise, and a greater transparency of the lobbying dynamics. In this framework, the quality of epistemic input allows giving a concrete translation – or instead, imposing a political gridlock – to the arguments supposedly accepted by all the Parties.

This is the reason why a normative strategy gains to be supported by a liaison strategy⁶⁴. One of the main challenges for the African countries was to countervail their deficit in terms of expertise and negotiation narrative by establishing or integrating networks platforms and epistemic communities: “networks of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area”⁶⁵. These communities, by encompassing various institutions that set up and organize the collective discussion, promote the emergence of an embryonic ‘deliberative system’ at the international level. In doing so, they contribute to equalize the expertise of the actors⁶⁶, fuel the argumentation process⁶⁷ and favor the collective recognition of interests⁶⁸. Participating in these networks thus provides with various tools to get a grasp of the political debate and build up “deliberative capacity”⁶⁹.

Two types of networks seem of interest in this context: (1) pre-Nagoya epistemic communities/networks, such as the ABS Capacity Development Initiative; and (2) the support by NSAs during the final negotiations in Nagoya.

The Dutch and German-led ABS Initiative was launched in 2005, following a request from African negotiators during WGABS3. It gave birth to the creation of pan-African cooperation on ABS, which contributed not only to building African knowledge on ABS,⁷⁰ but also allowed defending a coherent and common African position in the different international *fora* covering ABS issues⁷¹. Examples of this include the 2006 ABS Vision for Africa⁷², the Central Africa Forest Commission (COMIFAC) ABS Strategy, commissioned in 2007⁷³, and the current development of African Union Guidelines for a coordinated implementation of the Nagoya Protocol.

⁶³ Elster 1994, 1995.

⁶⁴ Orsini 2013.

⁶⁵ Haas 1992.

⁶⁶ Christiano 1996; Habermas 1992.

⁶⁷ Mansbridge et al. 2012.

⁶⁸ Mansbridge 2006, 2010.

⁶⁹ Dryzek 2009, see also Cohen and Sabel 1997 proposing a ‘direct deliberative polyarchic’ perspective.

⁷⁰ Wallbott 2014.

⁷¹ Munyi and Jonas 2013.

⁷² See ABS Initiative, Milestones on <http://www.abs-initiative.info/about-us/milestones/>

⁷³ Available online (only in French): http://www.abs-initiative.info/fileadmin/media/About_us/Milestones/msr-abs-comifac-fr.pdf

During the final negotiations in Nagoya, the cooperation between African delegations and NSAs seemed fruitful at first sight. The opinions expressed in the various interviews with African delegates range from “very good relationship”⁷⁴ to “including representatives of civil society and NGOs in the delegation has always been a strong point in our country”⁷⁵. Some African delegations were indeed “examples for the inclusion of NSAs in their delegations”⁷⁶. However, behind the scenes, the situation has to be nuanced. When looking at the composition of the delegations, most of the invited NSAs were national actors not necessarily related to a bigger and influential international parent organization⁷⁷. Besides, several interviewees were also openly cautious about using NSA-expertise as a strategy. As one interviewee put it: “under no circumstances would we have made use of resources provided by NGOs during the conference”⁷⁸. Several interviewees feared that NSAs would use their resources (*i.e.* their right to speak) to strengthen their own positions, rather than the other way around⁷⁹. Finally, several delegates stressed the inconstant nature of NGO support, with only a few international NGOs still being actively involved in the support of developing countries’ delegations by the end of the negotiations⁸⁰.

The effect of the liaison strategy is thus double-edged. While the capacity of delegates may have increased through active engagement with pre-Nagoya epistemic communities, the support provided by NGOs during the final negotiations may not have been regular and steady enough to guarantee an effective strengthening of African capacity during the negotiations. This shows that creating epistemic communities, capacity building platforms and/or NGO networks is not sufficient to equalize the background conditions between the parties. Although they may reinforce capacity, research has shown that these networks often fail to fully address the knowledge gaps and diverging priorities between powerful and weaker actors⁸¹. Transforming these information resources available in civil society networks requires to dispose of a range of social resources, technical expertise, and logistics that African delegations did not dispose of individually.

Target and Process-based Strategies: the Effectiveness of Pooled Resources

African Countries considered a third way to optimize their chances to influence the negotiation process: using the formal equal statute they benefit as a material way to reclaim

⁷⁴ Authors’ interview with Comorian delegate, June 30, 2011 (Interview 8).

⁷⁵ Authors’ interview with Malagasy delegate, July 1, 2011 (Interview 11).

⁷⁶ Authors’ interview with EU delegate, May 3, 2011 (Interview 1); Authors’ interview with Comorian delegate, June 30, 2011 (Interview 8).

⁷⁷ Based on the list of registered participants of the Tenth meeting of the Conference of the Parties to the Convention on Biological Diversity.

⁷⁸ Authors’ interview with delegate from the Democratic Republic of the Congo, May 19, 2011 (Interview 4).

⁷⁹ Authors’ interview with EU delegate, May 3, 2011 (Interview 1); Authors’ interview with African UN liaison officer of the Rio Conventions, 11 May 2011 (Interview 2); Authors’ interview with delegate from the Democratic Republic of the Congo, May 19, 2011 (Interview 4).

⁸⁰ Authors’ interview with delegate from the Democratic Republic of the Congo, May 19, 2011 (Interview 4); Authors’ interview with Belgian delegate, June 21, 2011 (Interview 6); Authors’ interview with Earth Negotiation Bulletin staff member, June 24, 2011 (Interview 9); Authors’ interview with EU delegate, June 27, 2011 (Interview 10).

⁸¹ Karlsson 2002; Gutman 1994.

power within the negotiations. The principle “one state, one vote” was no longer taken as an aggregative factor of equality but as a strategic tool to build alliances and acquire leadership positions.

Having a voice as a Party consequently means this voice can be used both during the negotiations and within the various regional and economic groups of countries. Organized within the African Group, the largest regional group in terms of membership, African countries were pooling resources and information from its numerous members, as well as within many different regional and interest groups⁸². As such, 40% of the G77, four of the members of the Like-Minded Mega-Diverse Countries, 70% of the Least Developed Countries and one emerging BRICS country are African countries. Interviewees testified on the ambition to delineate a common position and coalition building strategy within the African Group so as to speak with one voice in the different bodies where its members were present⁸³. In this context, the target-based strategy functioned as a voice multiplier: the Group could express itself through its own regional entity and through all the other interest groups its members were part of, in most of which it represented a majority. The Group’s proximity with other developing countries was therefore central to its influence in the ABS negotiations⁸⁴. The advantages of such a strategy could have been wrecked by the background asymmetries African delegations had to face individually: dispatching a member to the different interest groups means, at least partially, losing one member of an already scarce delegation. However, pooling (human) resources solved this issue: together, African countries were not characterized by poorly staffed delegations anymore, but by the Group’s 398 delegates, able to compete with the biggest regional and interest groups in the room.

This strength, combined with the multiplication of memberships has been used to establish a very effective linkage strategy⁸⁵: the Group conditioned environmental protection to the right to development, to the necessity of international equity and to the provision of financial support. Assuming that user countries were disposed to go to great lengths to ensure easy access to genetic resources for their biotechnology industry⁸⁶, African countries insisted on the fact that “unless a breakthrough on ABS was achieved and was accompanied by substantive funding-related decisions, there would be no agreement on either the Strategic Plan[, an overarching framework for action on biodiversity in the entire UN system,] or the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES)”⁸⁷.

By linking the topics as an indivisible whole, the Group not only efficiently invoked their opponents’ self-interests, but also used the possibility of a failure of the negotiations as leverage for power. Setting up an efficient target and process-based strategy has given African countries the occasion to transform an explicit threat (*i.e.* the boycott) into a possible (self-

⁸² Authors’ interview with Comorian delegate, June 30, 2011 (Interview 8); Authors’ interview with Malagasy delegate, July 1, 2011 (Interview 11).

⁸³ Authors’ interview with Malagasy delegate, July 1, 2011 (Interview 11); Authors’ interview with Nigerien delegate, June 24, 2011 (Interview 13); Authors’ interview with Zambian delegate, June 24, 2011 (Interview 12).

⁸⁴ Wallbott, Wolf and Pozarowska 2014.

⁸⁵ *Ibid.*

⁸⁶ Authors’ interview with EU delegate, June 27, 2011 (Interview 10).

⁸⁷ Earth Negotiations Bulletin, November 1, 2010.

fulfilling) warning, whose resolution was independent of their own will⁸⁸. In other words, the success or failure of the negotiation was not relying anymore on their own action but on the willingness of its negotiation partners to secure a deal in Nagoya. In doing so, the Group strengthened its credibility and reinforced the normative force of its arguments⁸⁹, thereby forcing user countries to close a deal on ABS to which they were mostly reluctant⁹⁰.

Finally, it could be argued that the effective use of the target and process-based strategies has contributed to the inclusion of Namibia in the “friends of the chair” group, as discussed above. This privileged access was an unexpected occasion for the Group to transfer their demands and priorities from the general public space to this “empowered deliberative space” of the negotiation process⁹¹.

What does this tell us about procedural justice?

By using the case of participation of the African countries in the negotiations of the Nagoya Protocol, we have shed light on how the most disadvantaged countries manage to exert influence during long-lasting multilateral negotiations and have their priorities recognized in the final text (albeit in a diluted version and without guarantee of effectiveness).

In doing so, our analysis puts in perspective some commonly-established points on multilateral deliberation and international public governance. First, departing from rational choices approaches of political decision⁹², our study stresses the effective force of normative argumentation and political publicity for the fairness of the process leading to a political decision. It shows that a public discussion between formally equal parties, when driven by arguments of public interest, may contribute to valorize the particular interests of the most disadvantaged parties. This can be explained by the fact that, even when driven by self-interested objectives, an actor’s position is better accepted if it fits with public reason arguments⁹³. During ABS discussions, African countries defended their proposals by referring to considerations recognized by others as having normative force. Our study thus contributes to previous research pointing to the use of normative argumentation in multilateral environmental negotiations as a strategy to alter the way in which parties define, frame and understand what is and what ought to be⁹⁴.

Our paper also puts forward the contrasted role that expertise networks play during the negotiations. While the inclusion of African countries within epistemic communities has allowed increasing their expertise and building alliances, the input of these networks should not be overestimated. If deliberative capacity may be enhanced through governance networks and collective information platforms, a post-representative network governance process does

⁸⁸ On the nuances between a threat and a warning see Nozick 1969, 453-458; Schelling 1960, 35 and 123.

⁸⁹ On the decisive advantage to transform or rephrase a threat as a warning, see Elster 1995.

⁹⁰ Aubertin and Filoche 2011.

⁹¹ Dryzek 2009; Orsini and Compagnon 2013.

⁹² Goldstein and Keohane 1993; Hasenclever, Mayer, and Rittberger 1997.

⁹³ Elster 1994, 1995, 1998.

⁹⁴ For seminal sources see Mansbridge 1992 and Risse 1998. For applications in the field of global environmental politics see Betzold 2010 and Wallbott 2014.

not suppress by itself the background inequalities between the parties. These background inequalities undermine both the epistemic quality and the formally inclusive nature of the decision-making process. The ABS negotiations show that the democratic role played by expertise is inescapably jeopardized if background conditions are not balanced and/or formal equality of the Parties is not guaranteed.

Beyond these two points, the paper came to spot the primordial role formal equality played in target and process-based negotiation strategies. On its own, formal equality is inefficient at tackling the resource inequalities and closing the capacity gap between the parties, even though it is often brandished as a banner by the most disenfranchised ones. However, this paper shows that formally equal representation may be used both as a voice multiplier and as effective control leverage in the negotiations. At the CBD, the principle “one country, one vote” becomes a weapon for entering “empowered” places of deliberation, building alliances, solidifying warning strategies and conquering leadership positions, allowing for normative leadership and discursive capacity built through networking strategies to develop to full potential. In this respect, it should be noted that the influence of African countries in the ABS debate would gain full extent only if coupled with similar conditions of participation in other ABS-related *fora* such as WIPO, the FAO or the WTO: we are wide of the mark.

References

- Anand, Ruchi. *International environmental justice: a north-south dimension*. Ethics and global politics. Aldershot, England ; Burlington, VT: Ashgate, 2004.
- Arts, Bas, and Piet Verschuren. Assessing Political Influence in Complex Decision-making: An Instrument Based on Triangulation. *International Political Science Review*, 20, no.4 (1999): 411-424
- Aubertin, Catherine, and Geoffroy Filoche. The Nagoya Protocol on the use of genetic resources: one embodiment of an endless discussion. *Sustentabilidade em Debate* 2, no. 1 (2011): 51-64.
- Beckman Ludvig, Demokratin och debatten om de utländskamedborgarnas rösträtt. In *Engagemang, mångfald och integration*, edited by Borevi, Karin and Strömblad, Per, Stockholm, Fritzes, 2004.
- Betsill, Michele M., and Elisabeth Corell. NGO Influence in International Environmental Negotiations: A Framework for Analysis. *Global Environmental Politics* 1, no. 4 (2001): 65-85.
- Betzold, Carola. 'Borrowing' Power to Influence International Negotiations: AOSIS in the Climate Change Regime, 1990–1997. *Politics* 30, no. 3 (2010): 131-48.
- Blais, François. The fair and equitable sharing of benefits from the exploitation of genetic resources : a difficult transition from principles to reality. In *Governing global biodiversity: the evolution and implementation of the Convention on Biological Diversity*, edited by Le Prestre, Philippe. Aldershot: Ashgate (2002): 145-157
- Broggiato, Arianna, Tom Dedeurwaerdere, Fulya Batur, and Brendan Coolsaet. Access and Benefit-Sharing & the Nagoya Protocol: the Confluence of Abiding Legal Doctrines. In *Implementing the Nagoya Protocol. Comparing Access and Benefit-sharing Regimes in Europe* edited by Brendan Coolsaet, Boston, Brill/Martinus Nijhoff Publishers, forthcoming.
- Buck Matthias, Hamilton Clare. *The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity*, *Review of European Community and International Environmental Law*, 20 (2011): 47-61
- CBD. Global Biodiversity Outlook 3. 94. Montréal: Secretariat of the Convention on Biological Diversity, 2010.
- Chiarolla, Claudio Making Sense of the Draft Protocol on Access and Benefit Sharing for COP 10. In *Idées pour le débat*, 11. Paris: Institute for Sustainable Development and International Relations (IDDRI), 2010.
- Christiano, Thomas. *The Rule of the Many*. Boulder, Westview Press, 1996
- Christiano, Thomas. *The Constitution of Equality: Democratic Authority and Its Limits*. Oxford, Oxford University Press (2008).
- Cohen, Joshua. An Epistemic Conception of Democracy. *Ethics*, n°97 (1986): 26-38
- Cohen, Joshua. Deliberation and Democratic Legitimacy. In *The Good Polity. Analysis of the State*, edited by Hamlin, Alan, Pettit, Philip, New York, Blackwell, 1989.
- Cohen, Joshua. Procedure and Substance in Deliberative Democracy». In *Democracy and Difference: Contesting the boundaries of the Political*, edited by Benhabib, Seyla, Princeton, Princeton University Press, 1996: 85-119
- Cohen, Joshua, Sabel, Charles, Directly-Deliberative Polyarchy, *European Law Journal* Vol. 3, n°4 (1997): 313–342
- Corell, Elisabeth, and Michele M. Betsill. A Comparative Look at NGO Influence in International Environmental Negotiations: Desertification and Climate Change. *Global Environmental Politics* 1, no. 4 (2001): 86-107.
- Czarniawska, Barbara *Narrating the Organization. Dramas of Institutional Identity*, Chicago, University of Chicago Press, 1997.
- De Jonge, Bram. What is Fair and Equitable Benefit-sharing? *Journal of Agricultural and Environmental Ethics* 24, no. 2 (2011/04/01): 127-46.
- Depledge, Joanna. *The Organization Of Global Negotiations: Constructing The Climate Change Regime*. London: Earthscan, 2006.

- Depledge, Joanna. Striving for No: Saudi Arabia in the Climate Change Regime. *Global Environmental Politics* 8, no. 4 (2008/11/01 2008): 9-35.
- Dryzek, John. Democratization as Deliberative Capacity Building. *Comparative Political Studies* 42, no. 11 (2009): 1379-1402.
- Elster, Jon. Argumenter et négocier dans deux assemblées constituantes, *Revue française de science politique* 44, no. 2 (1994): 187-2560
- Elster, Jon. Strategic Uses of Argument». In *Barriers to Conflict Resolution*, edited by Arrow, Kenneth, and al., New York, Norton (1995): 236-257.
- Elster, John. Deliberation and Constitution-making. In *Deliberative Democracy*, edited by Elster, John, Cambridge (UK), Cambridge University Press, 1998: 97-122.
- Estlund, David. Beyond fairness and deliberation: the Epistemic Dimension of democratic Authority. In *Philosophy and Democracy*, edited by Christiano, Thomas, New York, Oxford University Press, 2006 (1997): 69-95
- Estlund, David. Political Quality. In *Democracy*, edited by Estlund, David, Malden/Oxford, Blackwell, 2002: 173-234
- Fisher, Dana R., and Jessica F. Green. Understanding Disenfranchisement: Civil Society and Developing Countries' Influence and Participation in Global Governance for Sustainable Development. *Global Environmental Politics* 4, no. 3 (2004/08/01 2004): 65-84.
- Goldstein, Judith, Keohane, Robert. *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change*. Ithaca, N.Y.: Cornell University Press 1993.
- Gupta, Joyeeta. Increasing disenfranchisement of developing country negotiators in a multi-speed world. In *The politics of participation in sustainable development governance*, edited by J.F. Green and W.B. Chambers: United Nations University Press, 2006.
- Gutman, Pablo. Developing countries and international environmental negotiations: The risks of poorly informed choices. *Society & Natural Resources* 7, no. 4 (1994/07/01 1994): 389-97.
- Haas, Peter M. Introduction: Epistemic Communities and International Policy Coordination. *International Organization* 46, no. 1 (1992): 1-35.
- Habermas, Jürgen. *Between Facts and Norms - Contributions to a Discourse Theory of Law and Democracy*, 1998 (1992), MIT, MIT Press
- Hasenclever, Andreas, Mayer, Peter, Rittberger, Volker *Theories of International Regimes*. Cambridge: Cambridge University Press, 1997.
- Jackson, Robert H. *Quasi-states: Sovereignty, International Relations and the Third World*. Cambridge, UK: Cambridge University Press, 1990.
- Jospeh, Reji K. International Regime on Access and Benefit Sharing: Where Are We Now? *Asian Biotechnology and Development Review* 12, no. 3 (2010): 77-94.
- Kamau Evanson Chege, Fedder Bevis and Gerd Winter, The Nagoya Protocol on Access to Genetic Resources and Benefit Sharing: What is new and what are the implications for provider and user countries and the scientific community? *6/3 Law, Environment and Development Journal* (2010): 246-262
- Karlsson, Sylvia I. The North/South Knowledge Divide: Consequences for Global Environmental Governance. In *Global Environmental Governance: Options and Opportunities*, edited by D. C. Esty and M. H. Ivanova. New Haven CT: Yale School of Forestry & Environmental Studies, 2002.
- Karlsson, Johan, Affected and Subjected—The All-Affected Principle in Transnational Democratic Theory. Discussion paper SP IV 2006-304, Social Science Research center berlin, 2006
- Keohane, Robert O. Political Influence in the General Assembly. *International Conciliation* 557 (1966)
- Ling, Chee Yoke. Access and Benefit Sharing Treaty Enters Critical Stage. *South-North Development Monitor* no. 7027 (2010). Published electronically 27/10/2010.
- Mansbridge, Jane. *The Politics of Interests: Interest groups transformed*, Boulder, Westview press, 1992, pp. 32-57.
- Mansbridge, Jane. Conflicts and Self-interest in Deliberation”. In *Deliberative Democracy and Its Discontents*, edited by Besson, Samantha, Marti, Jose Luis, Ashgate Publishing Group (2006): 107-132

- Mansbridge, Jane, Bohman, James Chambers, Simone Estlund, David Follesda, Andreas Fung, Archon Manin, Bernard, Marti, José Luis. The Place of Self-Interest and the Role of Power in Deliberative Democracy. *The Journal of Political Philosophy* 18, no. 1 (2010): 64-100.
- Mansbridge, Jane, Bohman, James, Chambers, Simone Christiano, Thomas Fung, Archon Parkinson, John, Thompson, Dennis, Warren, Mark, "A systemic approach to deliberative democracy ", in Parkinson, John, Mansbridge, Jane, *Deliberative Systems. Deliberative Democracy at the Large Scale*, Cambridge, Cambridge University Press, 2012: 1-26.
- Milner, H.V. *Interests, Institutions, and Information: Domestic Politics and International Relations*. Princeton University Press, 1997.
- Munyi, Peter, and Harry Jonas. Implementing the Nagoya Protocol in Africa: Opportunities and Challenges for African Indigenous Peoples and Local Communities. In *The 2010 Nagoya Protocol on Access and Benefit-sharing in Perspective. Implications for International Law and Implementation Challenges*. Martinus Nijhoff/Brill, 2013.
- Nijar, Gurdial Singh. The Nagoya Protocol on Access and Benefit Sharing of Genetic Resources: An Analysis. In *CEBLaw Brief*. Kuala Lumpur, Malaysia: Centre of Excellence for Biodiversity Law, 2011a.
- Nijar, Gurdial Singh. The Nagoya Protocol on Access and Benefit Sharing of Genetic Resources: Analysis and Implementation Options for Developing Countries. In *Research Papers*, edited by South Center, 2011b.
- Nozick, Robert. Coercion. In *Philosophy, Science and Method: Essays in Honour of H.L. Hart*, edited by Morgenbesser Sidney et al, New York, St. Martin's Press (1969): 440-472
- Orsini, Amandine, Navigating the Regime Complexes for Forestry and Genetic Resources. *Global Environmental Politics*, vol. 13, n°3 (2013): 34-55.
- Orsini, Amandine, and Daniel Compagnon. From logics to procedures: arguing within international environmental negotiations. *Critical Policy Studies* 7, no. 3, 2013.
- Paavola, Jouni. Environmental Conflicts and Institutions as Conceptual Cornerstones of Environmental Governance Research. In *CSERGE Working Paper*, 21: Research Centre for Social and Economic Research on the Global Environment (CSERGE), 2005.
- Rawls, John. *A Theory of Justice*, Harvard, Harvard University Press, 1999 (1971)
- Risse, Mathias. "Let's Argue!": Communicative Action in World Politics. *International Organization*, vol. 54, n°1 (2000):1-39
- Risse-Kappen, Thomas. Public Opinion, Domestic Structure, and Foreign Policy in Liberal Democracies. *World Politics* 43, no. 4 (1991): 479-512.
- Rosenau, James N. *The Scientific Study of Foreign Policy*. New York, London: Free Press ; Collier Macmillan, 1971.
- Schelling, Thomas. *The Strategy of Conflict*, Cambridge, Harvard University Press, 1960
- Schlosberg, David. *Defining environmental justice : theories, movements, and nature*. Oxford ; New York: Oxford University Press, 2007.
- Schroeder, Heike, Maxwell T. Boykoff, and Laura Spiers. Equity and state representations in climate negotiations. *Nature Clim. Change* advance online publication (11/18/online 2012).
- Shue, Henry. The Unavoidability of Justice. In *The International politics of the environment : actors, interests and institutions*, edited by Andrew Hurrell and Benedict Kingsbury, xiv, 492 p. Oxford: Clarendon Press, 1992.
- Sørensen Georg. *Changes in Statehood: The Transformation of International Relations*. New York: Palgrave, 2001.
- ten Kate, Kerry, and Sarah A. Laird. *The commercial use of biodiversity : access to genetic resources and benefit-sharing*. London: Earthscan, 1999.
- UNEP. State of Biodiversity in Africa. Nairobi: Division of Environmental Law and Conventions/Regional Office for Africa, 2010.
- Waldron, Jeremy. *Law and Disagreement*, Oxford, Oxford University Press, 2001.
- Wallbott, Linda. Goals, strategies and success of the African Group in the negotiations of the Nagoya Protocol. In *Global Environmental Governance after the Nagoya Protocol: Access and Benefit Sharing after the Nagoya Protocol*, edited by Sebastian Oberthür and G. Kristin Rosendal, Routledge, 2014: 114-131

- Wallbott, Linda, Franziska Wolff, and Justyna Pozarowska. The negotiations of the Nagoya Protocol: issues, coalitions and process. In *Global Environmental Governance after the Nagoya Protocol: Access and Benefit Sharing after the Nagoya Protocol*, edited by Sebastian Oberthür and G. Kristin Rosendal, Routledge, 2014: 33-59
- Weijers, Dan, David Eng, and Ramon Das. Sharing the responsibility of dealing with climate change: Interpreting the principle of common but differentiated responsibilities. In *Public Policy: Why ethics matters*, edited by Jonathan Boston, Andrew Bradstock and David Eng Canberra, Australia: Australian National University E Press, 2010.
- Yamin, F., and J. Depledge. *The International Climate Change Regime: A Guide to Rules, Institutions and Procedures*. Cambridge University Press, 2004.
- Young, Iris Marion. *Justice and the politics of difference*. Princeton: Princeton University Press, 1990.
- Young, Oran R. The Politics of International Regime Formation: Managing Natural Resources and the Environment. *International Organization* Vol. 43, No. 3 (Summer, 1989)
- Zimmerling, Ruth. *Influence and Power. Variations on a Messy Theme*. Dordrecht: Springer, 2005.