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## Moments of influence in global environmental governance

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International environmental negotiations such as the 10th Conference of Parties of the Convention on Biological Diversity (CBD COP10) are state-dominated, and their outcomes are highly publicized. Less transparent is the role of non-state delegates who effect changes during negotiation processes through myriad strategies and relations. This article focuses on the influence of indigenous peoples and local community (IPLC) delegates in official COP10 negotiations using collaborative event ethnography to identify and evaluate ‘moments of influence’ that have gone largely unnoticed in the literature on global environmental politics. Findings indicate that IPLC delegates influenced negotiations by enrolling, shaming, and reinforcing state actors. Such relational maneuvers and interventions may appear inconsequential, but their implications are potentially far-reaching. Recognizing moments of influence improves understandings of non-state influence, relational power, and the multiple ways diverse actors reach across networks to overcome the power asymmetries that continue to characterize global environmental governance.

**Keywords:** collaborative event ethnography; global environmental governance; indigenous peoples; influence; relational power; Convention on Biological Diversity

### Introduction: the ‘thickening’ of participation and the enduring ‘thinness’ of influence in global environmental governance?

In October 2010, more than 10,000 people participated in the 10th Conference of Parties (COP10) of the Convention on Biological Diversity (CBD) in Nagoya, Japan. In suits, sashes, sarongs, and biodiversity-themed t-shirts, these actors populated the working groups, side events, press briefings, island-themed

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barbeques, and dance parties that comprised the Conference. They presented new ideas for advancing biodiversity conservation, protected their national mandates and organizational interests, coordinated access to financing, strengthened alliances, and held decision-makers accountable.

CBD COP10<sup>1</sup> was a highly inclusive event: more than two-thirds of the registered participants were non-state delegates, including representatives of IPLCs (indigenous peoples and local communities), NGOs (non-governmental organizations), and businesses, education and research organizations, among others.<sup>2</sup> In this and other respects, CBD COP10 exemplified a trend in recent decades wherein actors with diverse values and interests seek to influence global environmental governance (Andonova and Mitchell 2010, p. 272, Parkins and Mitchell 2005).

Despite this ‘thickening’ of participation in global environmental politics (Andonova and Mitchell 2010), civil society actors too often remain at the periphery of decision-making processes (Fisher and Green 2004, Fisher 2010, Paulson *et al.* 2012). The CBD is a case in point, as it is a two-tier system wherein parties hold and actively protect their decision-making authority by limiting non-state participation in decision-making processes (Fisher and Green 2004, Bavikatte and Robinson 2011, Reimerson 2012). Yet, non-state actors, including IPLC actors, do effect change in global environmental governance. Among other examples, at CBD COP12 in 2014, parties adopted use of the term ‘IPLCs’ rather than the term ‘ILCs’ (indigenous and local communities).<sup>3</sup> IPLCs have lobbied for this change and parties have resisted it because the term ‘peoples’ implies the guarantee of such rights as self-determination (see Niezen 2000, Reimerson 2012). If non-state actors are gaining access to and mounting change in global environmental governance even as they remain marginalized in actual decision-making processes, then how does their influence emerge in decision-making processes?

Below, we make the case for recognizing and appreciating ‘moments of influence’ in the study of non-state influence in global environmental governance. With a focus on IPLC participation in the official negotiations that comprised COP10, we use collaborative event ethnography (CEE) to identify and evaluate moments that have gone largely unnoticed in the literature but through which actors negotiate and overcome the enduring power asymmetries that continue to characterize global environmental governance. We adopt the word ‘moments’ to signal influence that is situational and incremental, and thus might be invisible to those not observing the negotiations in real time. We argue in particular that by sounding an alarm for, shaming, and aligning with state actors, IPLC actors influence negotiation processes. On the surface, these interventions and maneuver may appear inconsequential in meetings characterized by hundreds of decisions and seemingly infinite points of cooperation, compromise, and contestation. However, our ethnographic lens revealed how IPLC delegates effect change in state-dominated environmental negotiations where their power to negotiate is structurally constrained.

We draw a distinction between *influence* and *outcomes*, where influence is not observed solely or primarily through outcome metrics. This distinction is key to advancing understandings of power and influence beyond what Brick and Cawley (2008) describe as ‘ledger politics,’ which constrains analyses of change in environmental policies to readily discernable successes or failures associated with specific policy initiatives. In other words, to the extent that non-state actors make progress toward their goals in environmental politics slowly, in a disparate fashion, and through means that are often subtle, their gains may not be evident in a list of policy outcomes resulting from a single decision-making arena. We direct our attention to the spontaneous and elusive, but nonetheless strategic and tactical, actions and relations that can alter – however momentarily – the progression of negotiations and potentially lead to a cascade of effects across nodes of governance.

In what follows, we present a brief overview of scholarship on participation and non-state influence in global environmental governance and further characterize our conceptualization of influence. We then introduce CEE, the methodological approach we employed to assess participation, power, and influence at COP10. We then illustrate our understanding of ‘moments of influence’ with three examples of how IPLC delegates influenced negotiations surrounding, first, the deletion of prior and informed consent (PIC) from the main text of the emergent Nagoya Protocol on access and benefit sharing (ABS) and, second, an indigenous group’s proposal that climate change be part of the theme for a future meeting on Article 8j. Access and benefit sharing pertains to the fair and equitable sharing of benefits arising from the utilization of genetic resources, and the Nagoya Protocol on ABS was an important outcome of COP10 negotiations (see Bavikatte and Robinson 2011, Marion Suisseeeya 2014). Article 8j (hereafter, 8j) directs parties to ‘respect, preserve and maintain’ IPLC knowledge, innovations, and practices relevant for conservation and sustainable use (see also Reimerson 2012). We conclude with a discussion of how our conceptual approach to ‘moments of influence’ improves understandings of influence and power in global environmental governance, and we offer suggestions for future research.

### **Background: non-state participation and influence in global environmental governance**

The CBD emerged, along with the United Nations Framework Convention on Climate Change (UNFCCC), from the 1992 United Nations Conference on Environment and Development (hereafter, Rio). Before Rio, participation in international negotiations was primarily confined to states, but in the lead-up to Rio, the UN opened the accreditation process to enable limited civil society participation (Raustiala 1997, Muehlebach 2001). Thereafter, parties enabled broader stakeholder participation in the CBD by allowing the inclusion of non-

state delegates, including IPLC delegates, as observers unless one-third of the parties object (United Nations 1992, p. 16).

The term 'participation' has little meaning without reference to power (Arnstein 1969, Cooke and Kothari 2001, Cornwall 2004, Williams 2004). Scholars have identified multiple power asymmetries in global environmental governance, assessing how framing, agenda setting, cultural and organizational norms, geopolitical status, and access to resources shape who gets to present ideas, what counts as an idea, and how ideas become incorporated into decision-making processes (Young 2000, Parkins and Mitchell 2005, Gruby and Campbell 2013). Scholars have also characterized the various strategies and maneuvers that non-state actors employ to try to overcome these constraints (Keck and Sikkink 1999, Gough and Shackley 2001, Gemmill and Bamidele-Izu 2002, Risse 2004). Yet, to improve understandings of power in global environmental governance, there is also a recognized need to move beyond the question of *how* non-state actors participate to consider also the *effects* of their participation in global environmental governance (Betsill and Corell 2001).

Linking non-state actors' activities to substantive or procedural effects is key to the growing body of work on non-state influence in international environmental decision making. Power, in these analyses, refers to actors' political capabilities ('the aggregate of political resources available to an actor') in decision-making processes, whereas influence is the ability to use that power to shape and alter negotiation outcomes (Cox and Jacobson 1973 p. 4, see also Arts 1998, Betsill and Corell 2001, Corell and Betsill 2008). These and other scholars recognize that influence may be observed at various points within policy processes. Yet, they conceptualize influence largely, although not exclusively, in terms of goal attainment measured through the specific outcomes of a given negotiation process (e.g., the decisions reached at Conventions).

We are not seeking to undermine the importance of linking actions to effects in the study of non-state influence. Instead, we are concerned that an over-reliance on outcome indicators has the potential to narrow unintentionally the scope of observations to those types of influence, strategies, and effects that are readily discernable in policy outcomes and, as a result, significantly narrow understandings of power and influence in global environmental governance. There are direct and readily visible causal linkages between some actions and effects. However, other actions and interventions influence negotiations through indirect routes and in less discernable ways (e.g., by changing the course of debate, undermining another actor's strategy, or inserting an idea that may be taken up in other rooms or venues). The latter influences are key to effecting change in global environmental governance, even when they are reflected neither in the text representing the final decisions taken by parties nor in significant procedural shifts in negotiations. In short, the absence of an effect on negotiation outcomes should not be equated with an absence of influence in negotiations.

With these concerns in mind, we demonstrate the emergence of influence in global environmental governance and the relational strategies through which

IPLC actors effect change in decision-making processes. This approach reflects our interests in the relational dimensions of power in global environmental governance: how power in decision-making processes is ‘constituted in and through social relations’ (Okereke *et al.* 2009, p. 64) and ‘contingent upon the successful – albeit often short-lived – enrolment of (at least some) others toward shared means and ends’ (Horowitz 2012, p. 809). Thus, we focus in particular on heretofore-ignored dimensions of influence – namely, how IPLC actors navigate, pursue, and evade relationships with state actors to influence negotiations. We observe influence in moments when IPLC actors effect changes in behaviors, processes, trajectories, and outcomes through the processes of enrollment, alignment, reinforcement, and evasion. The implications of these changes may be short term and discrete or longer term, more amorphous, and dispersed across sites and networks.

Our findings provide three important contributions to scholarship. First, with few exceptions (e.g., Schroeder 2010), the literature on non-state influence in global environmental governance focuses almost exclusively on NGO actors, and there is substantive need to extend this analytical focus to other groups. There is particular need to improve understandings of how IPLC actors effect change in decision-making processes, because IPLCs have been actively engaged and actively marginalized in global environmental governance processes for several decades (Dunbar-Ortiz 2006, Niezen 2000, Muehlebach 2001, Anaya 2004), and they are disproportionately affected by the negative impacts of environmental change as well as the policies designed to address it (Ksentini 1994, Colchester 2004, Schroeder 2010). Second, we direct attention to the range of strategies through which marginalized actors effect change and exercise power, however incremental, that may lead to immediate shifts in the trajectory of a negotiation and/or longer-term changes in decision making over time. Third, by uncovering indirect and less readily discernable linkages between actions and effects, we improve understandings of the non-state influence and the relational nature of power in global environmental governance.

### **Methods and approach: collaborative event ethnography**

Collaborative event ethnography (CEE) is a coordinated methodological approach for studying large-scale, short-duration events wherein researchers collaborate before, during, and following data collection (Brosius and Campbell 2010, Campbell *et al.* 2014). It is designed to facilitate research on proceedings that are complex and fragmentary (such as the CBD COP10) involving thousands of participants and hundreds of simultaneous events and decision-making processes. Following Brosius and Campbell (2010), we approached the CBD COP10 as a field site where we examined who participated, how and under what conditions, and with what consequences. ‘Collaborative ethnography’ generally refers to ethnographic studies conducted in collaboration with study subjects, commonly local community members (Lassiter 2005,

Velásquez Runk 2014, Brosius 2015). Here, we use the term to refer to collaboration between our 17-member interdisciplinary research team, who participated in COP10 as an official Education delegation.<sup>4</sup> In addition to adopting a common analytical framework for data collection, we met regularly before, during, and after the event to discuss, refine, and analyze our observations.

In terms of data collection, we attended and documented the various structured components of COP10. These included official negotiations, which are consensus-based decision-making arenas where parties are the primary negotiators and where non-party participation is limited according to the CBD's rules of engagement (CBD 1992), and parallel events (side events, press conferences, and cultural performances). In total, we attended 162 of these events, selected based on their resonance with the theme of non-state participation. At the events, we collected data in the form of field notes, voice recordings, photographs, and sketch maps, noting what was said and done by whom, in what contexts, and with (or without) whom. We supplemented these findings with secondary source materials that documented the objectives and interventions made by IPLC actors.

We analyzed our data thematically and comparatively. While at the CBD COP10, we met daily to discuss and compare our observations according to a matrix of pre-defined themes (e.g., science, markets, and participation) and topics (e.g., ABS, biofuels, and protected areas; see Campbell *et al.* 2014). After leaving Nagoya, we transcribed and coded our observations, shared these materials electronically, and discussed and debated our interpretations (see Corson *et al.* 2014). We then identified a more targeted set of themes (e.g., sounding alarms for, shaming, and aligning with states) based on our observations of how different actors altered negotiation processes, and we began to interpret these as strategies for exerting influence.

### **Capturing moments of IPLC influence in COP10 negotiations**

IPLC actors have participated in every CBD COP, beginning with COP1 in 1994. Compared to other UN conventions such as the UNFCCC, IPLCs appear to have somewhat greater access to participate in and shape CBD negotiations (Fisher 2010, Schroeder 2010). Among other examples, at COP4 in 1998, parties recognized the 8j working group as a 'think tank' for indigenous peoples interested in the CBD (COP CBD 1998, Djoghla 2007). At COP5 in 2000, parties recognized the International Indigenous Forum on Biodiversity (IIFB) as an advisory body for indigenous issues (COP CBD 2000). This decision resulted in a dedicated IPLC seat at the table for negotiations related to 8j, Article 10c, and ABS at COPs and other preparatory meetings.

One hundred eighty-seven individuals registered for COP10 as members of the 'ILC sector.'<sup>5</sup> Indigenous peoples also attended the meeting as members of NGO and state delegations, the Secretariat, and the United Nations, and as scholars, industry representatives, and observers. In this range of configurations, IPLC actors participated both in official negotiations and in parallel events. Non-

party delegates have access to official negotiations and are permitted to engage in negotiations at the discretion of the President of the COP, a responsibility that was generally delegated to the chairs of various negotiations (see Marion Suiseeya 2014). If granted permission, non-party delegates may comment and provide suggestions on existing text under negotiation, but they are only allowed to introduce new ideas if first endorsed by at least one party.

In COP10 working groups, parties considered, edited, and ultimately advanced or rejected the text under negotiation. Parties adopted most proposed text by consensus without formal objection. Draft text that remained contentious in COP10 working groups became bracketed (literally placed between square brackets thus: [bracketed text]) and forwarded to friends of the chair meetings and contact groups.<sup>6</sup> In these smaller groups, interested parties and non-party delegates with interests at stake renegotiated and sought to influence the deliberations on bracketed text.

### ***Sounding an alarm for and enrolling state actors in ABS negotiations***

Among the most anticipated outcomes of COP10 was an agreement on an international regime on access and benefit sharing (ABS). ABS negotiations centered on questions of how, if, and to what extent an international regime would address three main issues: derivatives of genetic resources, traditional knowledge,<sup>7</sup> and compliance in both provider and user countries (Marion Suiseeya 2014). The primary opportunity for IPLC engagement in formal ABS negotiations was through the ABS ‘informal contact group,’ in meetings such as the one we describe below.

Throughout COP10, delegates circulated their concerns (e.g., in press conferences and side events) that the highly anticipated ABS protocol would either fail to gain consensus or, worse, only gain consensus in a version so ‘watered down’ that it would be essentially ineffective. Thus, by the penultimate day of the COP, the pressure to finalize the protocol pervaded the meeting, tensions ran high, and negotiations progressed rapidly. The negotiators included delegates from the Africa Group, the Asia-Pacific Group, the Group of Latin American and Caribbean Countries (GRULAC), and several countries. In addition, non-party delegates representing the IPLC sector (an IIFB delegate), Research Organizations, and NGOs each had one seat at the table.

The co-chairs commenced the meeting by highlighting a series of accomplishments and agreements and moving at a fast pace through a number of issues that were ostensibly minor, but around which parties had failed to reach consensus. For example, in less than a minute, the co-chairs proposed to delete three issues still outstanding, including one reference to prior and informed consent (PIC) in an article on traditional knowledge. With no objections raised, they deleted the items and moved on to the next issue. Approximately 10 minutes later, the IPLC representative called attention back to this deletion of PIC. Doing so required that the delegate challenge the rules of order whereby chairs resist



and sometimes refuse to return to previous, ostensibly settled, items on the agenda:

IPLC representative: 'I apologize for taking the floor. Can another matter be considered? As you have been moving through and deleting text ... it has overtaken the issue of PIC. In paragraph 5.1bis, you deleted PIC and it should not be deleted.'

Chair: 'Yes, it was deleted.'

IPLC representative: 'Yes, that's the problem.'

GRULAC representative: 'We did not agree on deletion of 5.1bis...'

Chair: '...we cannot go back now...'

GRULAC representative: 'It was going quickly when this was deleted...'

Chair: '...we need you to be focused.'

Philippines representative: 'This is the third day we are sitting here together. My understanding ... is we deleted the first part of 5.1bis, but last night we agreed to discuss the second option. Perhaps we will benefit from further discussion...'

Chair: 'You are right ... seems we need to come back to Article 5.'

The IPLC representative's brief intervention sounded an alarm when negotiations were moving so quickly that other delegates might miss minor changes in text that had significant implications for their collective interests. The IPLC representative garnered support from like-minded parties, and together they managed to turn negotiations back to prevent an already agreed upon, albeit hasty, deletion of PIC. Returning to ostensibly closed agenda items is not unheard of, but it does break from the rules and norms of official negotiations, and chairs resist doing so. In this case, and despite severe time constraints, the chairs yielded to the IPLC delegate's request, due, at least in part, to the fact that this intervention received clear support from GRULAC and Philippines delegates.

The IPLC representative's ability to influence the trajectory of these negotiations hinged on persistence, timing, attention to detail, and, most importantly, the ability to enroll state support. There are two dimensions of this example that warrant further explication. First, the IPLC delegate intervened to protect PIC, which is a minimalist and much weaker version of *free* prior and informed consent (FPIC). Many indigenous peoples regard FPIC as key to protecting their rights in global environmental governance (Colchester and Ferrari 2007), because it mandates that coercion to obtain consent is unacceptable. The CBD, along with other international treaties, however, only recognizes PIC. By acknowledging, rather than pushing against, prevailing power structures – not only the rules of order, but also institutionalized definitions and the standing

decisions of states – the IPLC put forth an intervention that state actors could readily support.

Second, although this specific reference to PIC was preserved in the moment described above, it was ultimately removed from the Nagoya Protocol. Thus, the IPLC delegate affected the immediate outcomes of these negotiations, but only temporarily, because the associated changes to the text proved short-lived at best. The IPLC representative's moment of influence in these negotiations, as well as her strategy of enrolling state actors, were evident in our analysis of negotiation processes, but these would be missed in a study based solely or primarily on outcomes indicators. This example brings up questions about the significance of momentary influence in global environmental governance and underlines the need to trace the effects of delegates' activities beyond those that are most visible in a single set of negotiations or policy arena. As we argue in our conclusions, failing to alter policy outcomes directly is significant, but it does not negate the influence that relatively minor interventions have in global environmental governance processes.

### *Evading and aligning with states during 8j negotiations*

Our next two examples draw from three sites of negotiation (one 'friends of the chair' meeting and two contact groups) wherein actors addressed a suite of unresolved issues related to 8j. Among these, delegates negotiated the dialogue theme for an upcoming 8j working group meeting wherein actors would advance recommendations for COP11. Before presenting our examples, we set the scene for the relational tactics IPLC actors employed to effect change in theme negotiations. We then highlight how, in a context of observable conflicts of interest between IPLC and state actors and among the various IPLC actors who attended these negotiations, IPLC delegates' relations with states served as strategic avenues for exerting influence.

Relative to other negotiations we observed at COP10, this series of negotiations was particularly inclusive of IPLCs actors. Holding seats at the table were: representatives from the IIFB; the Indigenous Women's Biodiversity Network (IWBN), which seeks to improve the participation of indigenous women in the CBD; and the Saami Council, which represents indigenous peoples from the northern regions of Sweden, Norway, Finland, and Russia. Several other IPLC actors also attended the negotiations, among them a 'First Nations' (indigenous peoples residing in what is now Canada) delegate and IPLC delegates residing in what is now Brazil. Moreover, the chair – a member of the Secretariat who also identifies as indigenous – and state delegates, including those representing Brazil and Canada, encouraged indigenous perspectives.<sup>8</sup>

For example, the chair began theme negotiations by accepting reactions to the IIFB's initial proposal, 'biodiversity and climate change.' Several indigenous and state delegates supported this theme, most notably the Canadian delegate who argued: 'Indigenous peoples in our country, and in particular the Inuit, feel

very passionately that [climate change] is a fundamental issue.’ Noting the lack of indigenous voice in UNFCCC negotiations, he further asserted that addressing climate change in the CBD context might increase indigenous participation in the UNFCCC. He reiterated that this is an issue that ‘our aboriginal people feel . . . strongly about.’ The Brazilian delegate, however, withheld support from the IIFB’s proposal, arguing that emphasizing climate change – the mandate of the UNFCCC – in CBD contexts could undermine the mandate of the CBD.

The chair then turned the discussion to indigenous representatives, inviting responses first from the IIFB representative, who maintained the group’s preference for biodiversity and climate change, and second, the IWBNI, who suggested protected areas. After a round of inputs from other state delegates, the Brazilian delegate clarified her country’s position: ‘the importance of climate change is not at issue. What is at issue is identifying a theme that reflects Brazilian ILC priorities.’ She then assured the chair that her delegation was open to a range of other possible themes: protected areas, benefit sharing, ‘just not climate change.’ Thereafter, a delegate from the Saami Council supported the theme of biodiversity and climate change, and backed Canada’s call for the need to promote indigenous participation in UNFCCC negotiations. Eventually, the chair decided to re-bracket the theme; it would be renegotiated in a subsequent contact group.

In the negotiations of ensuing issues, both the Brazilian and Canadian delegates continued to invoke the apparent preferences of IPLC actors, most notably indigenous peoples in their own countries, including indigenous members of their delegations. As we demonstrate next, IPLC delegates either undermined (in the case of Canada) or reinforced (in the case of Brazil) state delegates’ claims to represent indigenous views.

### *Shaming and evading state actors*

Several minutes after the chair re-bracketed the 8j theme, and well into discussions on a different topic – the 8j code of ethics – the Canadian delegate made a brief point about the loss of traditional knowledge among Inuit people. Then, the First Nations delegate stood to address the meeting with visible frustration: ‘I am sick and tired of hearing the positions of the Canadian delegation . . . Our 60 First Nations do not belong to Canada, we belong to ourselves. . .’ The individual further asserted that the Canadian government purports to know what is best for First Nations without listening to what First Nations would like from the government. In response, the chair thanked the First Nations delegate and asserted that the Canadian delegation was ‘doing its best to provide a solution.’ The chair addressed a few additional items on the agenda then closed the meeting.

Although the First Nations delegate did not return to subsequent meetings in this series of 8j negotiations, his intervention appeared to alter the Canadian delegate’s behavior. Before the intervention, the Canadian delegate proactively

engaged in debate, all the while invoking the apparent views of indigenous peoples in Canada. After the intervention and in the subsequent negotiations in this series, the Canadian delegate adopted a more passive approach whereby he continued to support the IIFB but refrained from making representations of the priorities and concerns of First Nations.

Canada's stance on indigenous rights remains a source of contention in the CBD (e.g., IISD 2014), and this was also evident at COP10 where rights advocates identified Canada as a prime obstacle to incorporating indigenous rights into the CBD. For this and other reasons, the CBD Alliance, a network of civil society groups, awarded Canada its annual Dodo Award, named for the 'quintessential symbol of biodiversity loss' and 'failure to evolve.' Thus, the First Nations delegate's intervention was one of a collection of maneuvers that relied on the politics of identity and morality and 'the mobilization of shame' (Muehlebach 2001, p. 417) to rebuke states and their delegates.

This example illustrates the critical and provocative nature of some IPLC actors' interventions (e.g., Muehlebach 2001, Doolittle 2010) and how influence can emerge in moments of strategically evading alliances with state actors. However, given, first, that international environmental negotiations privilege – and in many respects reify – state authority, and, second, that IPLC actors do not always share the same interests and preferences, there is also substantive incentive for IPLC actors to align with and reinforce state actors. In this example, the First Nations delegate undercut the Canadian delegates' attempts to speak in the interests of IPLC actors. In our next example, the visible support that Brazilian IPLC actors demonstrated for the Brazilian delegate legitimized and reinforced her attempts to do the same thing.

#### *Aligning with and reinforcing state actors*

The second set of 8j theme negotiations took place four days later and was brief: parties and indigenous groups maintained their positions, and the issue of selecting a theme remained unresolved. The following day, theme negotiations came to a close as follows.

The Canadian delegate began discussion of the theme by showing deference to indigenous groups and emphasizing the importance of IPLC preferences in these negotiations: 'we look to indigenous communities to suggest what would be their preferences.' In response, the IIFB representative reiterated the preference for biodiversity and climate change, and the chair asked for a reaction from Brazil. The Brazilian delegate explained, 'we have consulted with the indigenous and local communities from Brazil, and they said that they don't support the decision so it's not possible for us to accept climate change.' When the chair threatened to return the issue to the working group unresolved, the IIFB representative proposed in quick response 'ecosystem management and ecosystem services.'

Again, the chair solicited a reaction from Brazil, and the Brazilian delegate asked for a moment while she conversed with the small contingent of IPLC delegates seated directly behind her. These private consultations continued for four long minutes before the Brazilian delegate responded: 'I have been talking to Brazilian indigenous and local communities and we believe that this is a compromise that we can accept.' The meeting ended with statements of gratitude and applause.

8j theme negotiations were meant to be inclusive of IPLC actors, and theme outcomes were supposed to reflect a theme proposed and 'preferred' by indigenous groups. If we were to rely solely on outcome indicators to assess IPLC actors' influence in theme negotiations, we might conclude that the IIFB delegate's influence led to the outcome, ecosystem management and ecosystem services. To some extent, this was the case. After all, in a third round of negotiations, the IIFB put forward this theme, and parties endorsed it. At least three dimensions of this example, however, undermine such a conclusion and, as a result, underscore the importance of assessing negotiation processes in the study of non-state influence in global environmental governance.

First, IPLC actors comprise a differentiated, rather than homogenous, group with diverse, sometimes divergent, priorities and avenues for influence. Thus, the IIFB does not always represent the diverse, and sometimes divergent, perspectives of all those who identify as IPLC actors in the context of the CBD. Moreover, in some cases, it may be more strategic for IPLC actors to align with states' delegations rather than designated IPLC representatives. Second, the IIFB, among other indigenous actors, clearly preferred the theme *not* advanced by parties: biodiversity and climate. However, the Brazilian state-IPLC alliance successfully blocked climate change from consideration, even though a majority of indigenous and party negotiators supported the theme. Third, in a negotiation process meant to ensure IPLC participation and to promote IPLC priorities, the Brazilian party delegate, in alliance with Brazilian IPLC delegates, forged greater influence over theme outcomes than the recognized IPLC delegations.

### **Discussion: reconceptualizing influence in global environmental governance**

The examples detailed above demonstrate the importance of reconceptualizing influence in global environmental governance to account for the multiple ways traditionally marginalized actors, such as IPLCs, exercise power, however limited. In particular, our findings highlight three important and interrelated considerations for the study of influence: first, the processes of negotiations are as important as the outcomes of negotiations; second, relational power provides alternative pathways toward influence; and third, influence may be best understood through an incremental, building blocks approach where transformational effects are pursued over long time periods, achieved in intervals, and apparent in diverse types of effects.

Our close, ethnographic approach to negotiation processes, rather than outcomes, provided insights into the relational dimensions of power and the strategies actors employ to effect change. Most studies on non-state influence in global environmental governance conceptualize power in terms of a set of capabilities (e.g., access to finances, expert knowledge, and organizational legitimacy) possessed by some actors more than others and held, more or less, constant across negotiations processes (Arts 1998, Betsill and Correll 2001, Lund 2013). While this perspective highlights the asymmetries in resources and capabilities that so heavily determine decision-making processes, it can also narrow understandings of how actors generate power in and through social relations (Head and Gibson 2012).

In this analysis, we assessed both the structural constraints and the intrapersonal relations that constitute and condition non-state power in global environmental governance. In the face of clear and pervasive constraints and a relative lack of capabilities, IPLC delegates used relations with states actors as resources for creating, reconfiguring, and exercising power. Other analyses of indigenous participation in environmental politics tend to focus on the symbolic and rhetorical strategies through which IPLC actors position themselves in contrast, if not opposition, to states (Conklin 1997, Muehlebach 2001, Doolittle 2010, Hagerman *et al.* 2012). These strategies and interventions deserve continued attention in scholarship, not least because they bring diverse value systems to bear on processes that are dominated by state logics of sovereignty, security, and economic growth, and that risk failing to confront global environmental change as they maintain the *status quo*. In all of our examples, however, IPLC actors' ability to effect change in negotiations was less about their rhetorical prowess and 'where they stood' in relation to the issues at hand and more about where they stood in relation to state actors (Okereke *et al.* 2009, p. 65).

As for the position and posture IPLC actors adopt in relation to states, our findings demonstrate that non-state actors gain influence in negotiation processes when they question and critique state authority (as did the First Nations' delegate in 8j negotiations), as well as when they acknowledge, appeal to, and reinforce it. IPLC actors achieved the latter by deferring to the rules of order, adopting terms that have established precedence in the CBD (see Reimerson 2012, Marion Suiseeya 2014), and by aligning with state – rather than IPLC – delegations. Given that states remain predominant and IPLC actors marginalized in global environmental governance processes, the conditions under which IPLC delegates position themselves in line with, rather than against, states and the consequences of such alliances also merit much greater attention in future research and analysis.

Our findings also provide insights into the various types of change actors seek to effect in global environmental governance (Brick and Cawley 2008), and the need to link actors' actions to a wider array of effects. In ABS and 8j negotiations, IPLC and state delegates influenced discrete policy components – a term of reference and a negotiation theme. Other delegates used 8j negotiations

as a platform to articulate First Nations' perspectives and to address the marginalization of IPLCs in UNFCCC negotiations. Thus, IPLC delegates effected changes to extant policies *and* the 'value context' (Keck and Sikkink 1999) of these negotiations, neither of which would be evident in an analysis of negotiated outcomes.

Recent scholarship suggests that even where the effects of IPLC influence remain invisible or become obscured in the decisions that state actors work so diligently to protect, they may be apparent in changes to expectations, behaviors, and standards of practice. For example, over the past two decades, IPLC actors have lobbied states and a number of UN bodies (e.g., the World Bank) to recognize FPIC in various conservation and development contexts (MacKay 2004, Cariño 2005). While UN institutions and conventions only recognize PIC, *free* PIC (and not just PIC) is becoming the standard practice for projects related to dams, REDD+, and other large-scale development projects (Ward 2011, UN-REDD Programme 2013). Implementing FPIC is not always a smooth or an ideal process (Jagger *et al.* 2014). Yet, FPIC is transforming standards of practice despite the term's continued exclusion from convention texts. Thus, there is need in future scholarship for scholars to develop indicators for non-state actors influence that extend well beyond changes to texts.

Finally, our findings underscore the need to account for the cumulative effects of moments of influence; that is, how the collective moments of influence that IPLC actors amass over the years pay off across sites of policy making and practice. This requires a comparative, ethnographic, and longitudinal approach (Corson *et al.* 2014) to extend analyses of non-state influence beyond single policy events to capture better what scholars of governance call 'fast' and 'slow' variables (Walker *et al.* 2012). One particularly productive line of inquiry will be to assess how IPLC-state relations change, endure, and rupture as actors reach across the network of arenas, events, and relations that comprise global environmental governance to effect and to prevent changes in global environmental governance. To continue to improve understandings of non-state power and influence, it is important to assess how decisions, discourses, and alliances to protect and advance indigenous peoples rights emerge, prosper, and become stabilized in some contexts and blocked, reversed, and only partially or momentarily realized in others.

## Conclusion

The thickening of civil society participation in global environmental governance is promising in terms of the democratic values and diverse forms of justice it has the potential to promote, the legitimacy and accountability it could instill, and the devolution of power it could engender. However, increased access to international environmental decision-making forums does not guarantee increased power in decision making (Duffy 2013, Corson *et al.* 2015). Scholars can make better sense of these and related conundrums about how participatory governance works

by significantly improving understandings of how disempowered people effect change in global environmental governance in the face of persistent structural constraints. We addressed this by turning our analytical foci to questions of influence and, specifically, giving more analytical weight to moments of influence.

The CEE approach enabled us to discern and analyze dimensions of influence that remain under-examined in global environmental governance scholarship by paying close attention to actions that effect change in non-linear ways and the informal interactions and strategic relationships through which actors negotiate power and authority (Corson *et al.* 2014). Our analysis also illustrates the subdued, opaque nature of power and participation in CBD negotiations, the incremental and peak speed of decision making, and the creeping rates and indirect routes through which some actors exert influence on the international stage. As one long-time negotiator and expert on indigenous rights in UN Conventions emphasized, progress *is* being made and leverage gained, but it is happening ‘slowly, slowly.’<sup>9</sup> In this spirit, the strength of some moments of influence resides not in immediate gains, but in the potential to leverage greater gains in the future (Bavikatte and Robinson 2011). To ensure this is the case, future research will need to address the question of meaning and significance, not only in terms of the changes these and other achievements may lead to in policy processes, but also in terms of changes to practice and the *status quo*.

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### Notes

All of the authors made substantial contributions to this work. The CEE method relies on cooperation and collaboration among a group of researchers, and this extends to data collection, analysis, and writing results. There are no ‘gift’ or ‘ghost’ authors (see Laflin



*et al.* 2005) associated with this paper. RW coordinated and led all components of the paper and prepared the initial manuscript. KMS provided formative contributions to the theoretical framing, analysis, and critical revision of the manuscript. RG, SH, EM, MB, and PB provided important inputs to theoretical framing, analysis, and critical revision.

1. The CBD focuses on the conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits generated through its use and conservation. The COP forms the governing body of the CBD and meets biannually to review progress, identify priorities, and establish work plans. 'Parties' are those states that have signed and ratified the Convention. Non-party delegates include representatives from countries such as the USA, which have signed but not ratified the Convention, as well as non-state actors.
2. Compare this to UNFCCC COP18, where more than half of the registered participants, excluding media, were representatives from states (Marion Suiseeya 2014).
3. In deference to the preferences of IPLC actors and for the sake of consistency, we use the term 'IPLC' to refer to this group both in current and historical contexts, recognizing that at COP10, the official term was 'ILC.'
4. Unlike contexts where researchers may be clearly identified and observed by research participations, our participation in COP10 went largely unnoticed, and our presence was unlikely to have altered any of the proceedings we observed, no more so than the media reporters or other delegates in attendance. Although it was not possible to address directly the entire 'community' of CBD COP10 attendees, we made the purpose of our research clear to the CBD Secretariat, as well as to people we interviewed and with whom we conversed.
5. <http://iifb.indigenouportal.com/cop-cbd/cop-10/> (accessed 16 October 2014).
6. In the context of the former, the Chair invites and encourages specific individuals or 'friends' to attend, including non-parties.
7. In the CBD context, 'traditional knowledge' pertains to the established, practical knowledge of IPLCs that is locally specific, orally transmitted, and collectively owned (Reimerson 2012, p. 10).
8. Most of these negotiators returned to the subsequent contact groups, which occurred in different rooms. A different member of the Secretariat chaired those meetings, and negotiators sat in different configurations.
9. Anonymous interview, 29 October 2010, Nagoya, Japan.

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