

Bargaining Resources and Strategies in Climate Change Negotiations

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Abstract ¹

Governments dispose of two instruments – resources and activities - to increase their impact in international negotiations. Apart from exogenous negotiation resources such as economic weight, states try to increase their endogenous resources by staffing their diplomatic delegations, by including various representatives of NGOs, research or the business community or by choosing experienced delegation leaders. Regarding their behaviour, governments show different levels of activity in the negotiations by intervening during the negotiations, by organising side events and by opting for different sorts of bargaining strategies, e.g. value-claiming versus value-creating or hard versus soft bargaining. This paper first discusses the resources different governments dispose of, and demonstrates that they try to compensate a lack of bargaining resources with their negotiation behaviour. Second, more light is shed on the specific determinants of hard or soft bargaining tactics. Drawing from the negotiation theoretic literature on the use of strategies and an original dataset of interview data on the use of bargaining strategies of 58 delegations in the UNFCCC negotiations, we find that economic power and pressure from domestic stakeholders – in particular in democracies – are most helpful to explain the choice of bargaining strategies.

Key words: negotiation strategy – resources – domestic level – UNFCCC negotiations

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Introduction

Governments in international negotiations dispose of two main instruments to improve their success during negotiations: resources and behaviour. On the one hand they can improve their negotiation resources by preparing and staffing their delegations with experienced diplomats, by including external experts from academia or the non-governmental sector in the hope to increase their power (Zartman and Rubin 2002). On the other hand they can choose a certain negotiation behaviour with which they try to realise their negotiation goals and find a solution for the negotiations. So far, we have relatively little systematic knowledge on the use of bargaining resources and choice of strategies in international and in particular climate change negotiations. Most of the existing studies have investigate only a certain aspect of negotiation behaviour such as the choice of strategies (Wagner, 1999) or they have discussed why states organize side events (Hjerpe and Linnér, 2010) or include NGOs in their delegations (Böhmelt, 2011). In this study I analyse the negotiation resources and negotiation activities in particular strategies which were used by the governments participating the UNFCCC negotiations in Copenhagen 2009. I can demonstrate that negotiation activities such as interventions are used to compensate for a lack of resources which is a new insight in the domain of international negotiation resources. Moreover, I analyse in the second part of the paper the choice of negotiation strategies to analyse which structural, domestic and delegation-specific variables determine the choice of a negotiation strategy.

Background

The Copenhagen UNFCCC negotiations were characterized by the high expectations policy-makers, the public and the media held before the summit and the disappointing lowest-common-denominator outcome at the end of two intense negotiation sessions (Dimitrov, 2010). The largest environmental negotiation gathering ever attracted a lot of attention since it was insinuated that the future of the global climate was to be decided at this event. The importance of this climate summit was illustrated by the 40000 participants and by the unusual length the heads of states were actually debating. Generally in such events the two or three last days are reserved for the government leaders to negotiate, in Copenhagen it was a whole week. Events such as the leak of a memo of the Danish presidency to the Guardian or the Danish ignorance of procedural details by creating the “Friends of the Chair” informal group to the dismay of the developing countries illustrate the importance of the diplomatic rules and behaviour during international summits (Dimitrov, 2010). Too many extreme positions, a too ambitious negotiation goal and lack of transparency during the negotiations were cited a reasons for the negotiation failure (Dimitrov, 2010). This underlines that the actual course of negotiations, the bargaining strategies and diplomatic resources are thought to have an effect on the outcome of negotiations.

Governments prepare carefully for such negotiations by choosing their positions, their delegations and by developing negotiation strategies since they gather that they might influence their negotiation success. The political science negotiation literature combines

various strands of the social sciences to analyse such activities. On the one hand it uses approaches from the game-theoretical literature where very parsimonious models identifying actors, their goals and capabilities are used to predict bargaining outcomes (for an application of such models in European Union negotiations see Thomson et al (2006)). On the other hand disciplines such as psychological and behavioural sciences add additional insights to the understanding of negotiations since the parsimonious game-theoretical models ignore too many aspects which seem influential such as the personality of the negotiators, their perception of the situation and similar individual components (Jönsson, 2002; Rubin, 2002b). Benefiting from all of these approaches are studies located in the so-called “negotiation analysis” literature which makes use of these ideas from various disciplines (Kremenyuk, 2002).

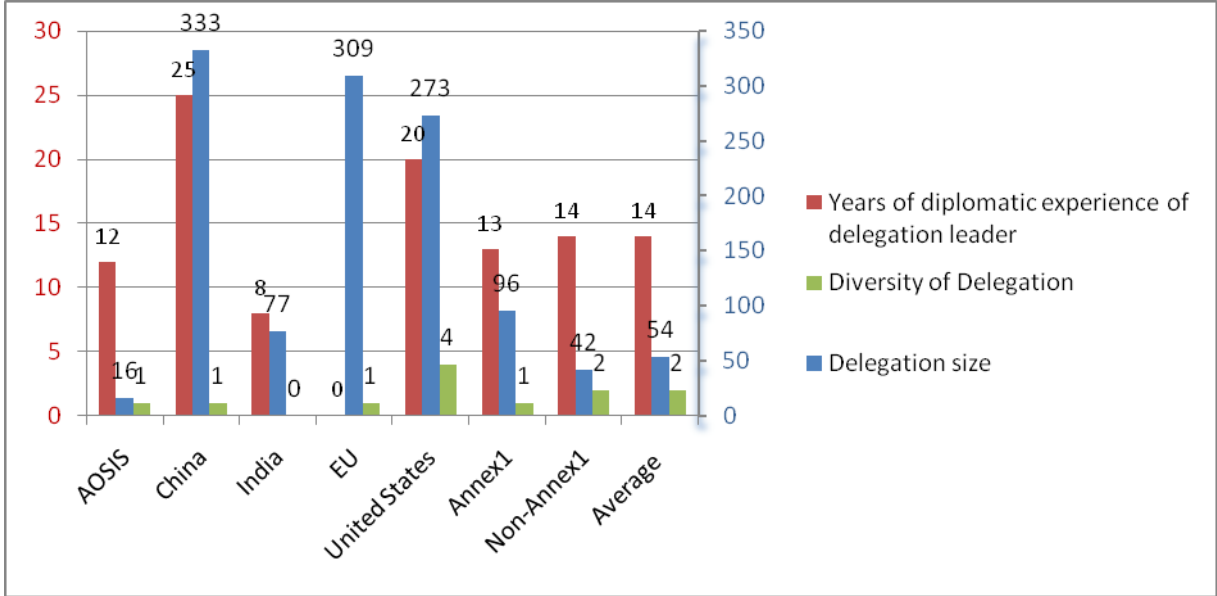
Based on these various insights I consider both resources and negotiation behaviour as essential components of a government’s diplomatic attempt to realize its foreign policy goal in international negotiations. A government can decide how it uses its resources to staff its delegation, how actively it uses its various diplomatic instruments such as interventions and which negotiation tactics it uses in a negotiation. I will look at the delegations and the diplomatic instruments in the first part of this study in order to descriptively demonstrate which means are used in climate change negotiations.

Negotiation Resources: Size and Composition of Delegations and Diplomatic Experience

Although it is commonly assumed that thorough preparation and a high level of information improve the chances for success in negotiations (Barry and Friedman, 1998; Druckman, 1994; Murnighan, 1992) we have yet little systematic knowledge on the ways governments try to improve this preparation and information level. Also practical negotiation advice for climate negotiations suggests planning, expertise and background as helpful for achieving goals (Gupta, 2000). One way to do this is to improve the possible impact of a negotiation delegation by its quantity and quality. The more members and the more experience a delegation encompasses the faster a delegation can react to new proposals and the more information can be gathered about the course of negotiations or the positions of possible coalition partners and therelike.

In the UNFCCC Copenhagen negotiations the delegations varied strongly as to their size: Technically, Denmark had the largest delegation on 526 people which is explained by the fact that they were heading the negotiations. Amongst the participants, the Brazilian delegation was the largest with 450 delegates followed by China (333), the EU (309), and the US (273). The smallest delegations with only 3 to 5 delegates were sent by Turkmenistan, Yemen, Somalia, Honduras and Dominica. In graph 1 I show the delegation sizes of some of the key players in the Copenhagen negotiations. The average delegation size was 54 members, and quite obviously the major players exceed this substantially with China’s huge delegation (333 people) in stark contrast to the rather small Indian delegation of 77 delegates. Unsurprisingly, the AOSIS countries have on average a small delegation of 16 people, as was expected by the non-Annex1 countries.

Graph 1: Negotiation Experience, Delegation Diversity and Size of the most important negotiators



Generally, the delegation size can partly be explained with the economic strength of a state; the correlation coefficient of delegation size with the GDP is 0.49. This coefficient is not as high that it would not leave room for additional explanations such as the resolve or administrative capacity of a state.

Next to the size of delegations, governments can empower their delegations with third party actors by the so-called ‘borrowing power from external actors’. Very popular in the realm of climate change negotiations is the inclusion of researchers, but common are also invitations to NGOs (Böhmelt, 2011; Raustiala, 2001), media and business representatives into delegations. An example for this is the extensive cooperation of AOSIS with the Foundation of International Law and Development (FIELD). NGOs and their inclusion in negotiation delegations are considered a helpful tool to gain influence of bargaining parties (Betsill and Corell, 2001); moreover these actors provide expertise and information (Raustiala, 2001). In the Copenhagen climate change negotiations 59% of the delegations which we had interviewed had included researchers. Just the same percentage of delegations reported to have included NGOs, whereas only 31% included representatives from industry and 25% from the media. In the case of NGOs their inclusion is often mere window-dressing to increase the legitimacy of a country’s negotiation attempts (Böhmelt, 2011).

In graph 1, a measure for the diversity of the negotiation delegation is shown. If the measure equals one, only one third party representative (NGO, business, media or research) is represented, if it has the value of four all sorts of actors were represented. As for our countries shown here, this was the case only for the US.

When we compare the composition of the delegation between Annex 1 and non-Annex 1 countries we find that NGOs are included in both groups, whereas the developed countries include more researchers (67% of Annex 1 countries include researchers in contrast to 55% of non Annex I countries) but fewer media representatives. Distinct is the difference when it comes to the inclusion of industry groups: only 25% of developing countries include industry

representatives in contrast to 44% of Annex 1 countries. This might be one indicator that business representatives have better access in developed country delegations.

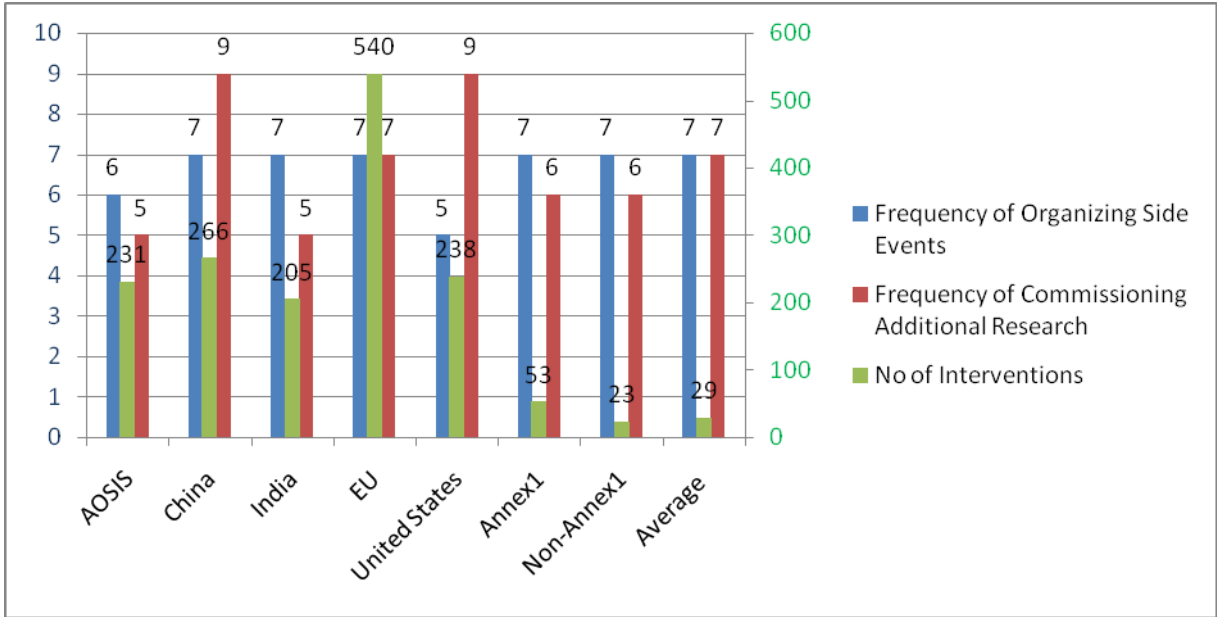
In graph 1 another diplomatic resource – the negotiation experience of the delegation leader is shown; this variable will be used later on in a multivariate model explaining the choice of negotiation strategies. Particularly, experimental bargaining studies illustrate that prenegotiation experience influences the negotiation outcomes (Druckman, 1968). But also the more political science oriented negotiation literature underlines the importance of negotiator personalities (Rubin, 2002a) although it is generally accepted that leaders function in context which has to be taken into account. Interestingly, there is hardly a difference between Annex 1 and non-Annex 1 countries. Both groups have leaders with an average number of 14 years which is similar to the overall delegation average (no value is reported for the EU). More remarkable are the differences again between China and India where China seems again to act more professionally than India by employing a much more experienced diplomat. Nevertheless, the chief negotiator of the Indian delegation, Mr Ramesh, is said to have impressive negotiation qualities which are not reflected in the mere number of years of delegation experience (see our case study about India in the UNFCCC in Michaelowa/Michaelowa 2011 in the framework of our research project).

Negotiation Behaviour: Side Events, Research, Interventions and Strategies

Negotiation delegations can also distinguish themselves by their behaviour and their activities during the negotiations. Determination and interest in a certain negotiation outcome might motivate certain delegations to compensate their lack of resources with choosing certain negotiation behaviour. In the context of climate change negotiations we investigate the frequency of organizing side events, the demand for further scientific research, the activity of making interventions during negotiations, and the choice between hard and soft bargaining strategies.

In graph 3 the interview results for additional diplomatic activities apart from negotiation strategies are displayed. Firstly, we asked the delegation representatives and experts how often they organized side events during the UNFCCC summits and secondly, how often they commission additional research (on a scale from 1 = very rarely to 7 = very often; in the graph the median value is displayed). Furthermore, we have access to data which measures the number of oral interventions in the ongoing climate change negotiations (from December 2007 to December 2009) as registered by the Earth Negotiation Bulletin (Castro et al., 2011) (see the data appendix for a more extensive explanation of these data).

Graph 2 Negotiation Activities by interviewed delegations: Frequency of Organization of Side Events, Frequency of commissioning additional research (median value), absolute no of interventions in negotiations



Sources: own survey of negotiation delegations; for No. of interventions (Castro, et al., 2011)

When comparing the median values of the ordinal variable for the frequency of organizing of or actively participating in side events, we see relatively little variance between the negotiators. Side events are a relatively low cost activity conducted by both rich and less affluent member states and country coalitions. The frequency with which they are used confirms the previous finding by Hjerpe and Linné (2010, p. 176) who found that side events are popular and used for capacity building, sharing information, introducing potential negotiation items and interconnecting people and policy areas. In their survey, however, they found, that particularly negotiators from African, South and Latin American countries considered side events as a form of capacity building. Yet, we could not find a difference between our most crucial states and country groups so that I conclude that certain less affluent states might need the side events more but that the more affluent states do not risk missing them either.

When it comes to commissioning additional research, China and the US, two of the most crucial negotiators, engage in this activity most frequently with a score of 9 (=very frequently). One might interpret this as an attempt to slow down the negotiation process since these two delegations are not keen supporters of an ambitious climate treaty; in particular the US has been known in the 1990s to obstruct the negotiations with this tactic. In contrast, additional research can also be interpreted as a means to find new and creative solutions for old problems.

We find distinctly more variance in the number of interventions made in the previous UNFCCC negotiation summits. Quite outstanding in this activity is the European Union which made 540 in these negotiation rounds. Although non-Annex I countries make in general fewer interventions (n=23), China and India and members of the AOSIS group are a distinct exception. It seems obvious that the AOSIS countries try to compensate their lack of

size by their activity with providing 231 interventions. India's small delegation does not impede its activity since they are relatively active (205 interventions), similar to the Chinese delegation with 266 interventions.

After considering the negotiation resources and some activities of a delegation we look into their actual behaviour by investigating their choice of strategies as indicated in their interviews with us.

Investigating Strategies

The increase of international organisations and the accompanying rise of international negotiations has fostered the interest in the question which states use which strategy in international negotiations for which reasons. With strategies usually an overall behavioural pattern held by a negotiator or a delegation is described (Elms, 2006; Odell, 2000); whereas the term tactic describes various moves in the framework of an overall negotiation plan or strategy. However, the differentiation between strategy and tactic is not clear cut in the literature. Recent case studies about strategies in international negotiations include Odell (2000; 2006), Narlikar and Odell (2006) and Elms (2006) for trade negotiations, Schneider (2009) as well as McKibben (2011) for the European Union, and e. g. Wagner (1999), Bang et al (2005), and Underdal (2011) for environmental politics. Most of those are of qualitative nature and quantitative empirical studies about bargaining strategies are still rare which amazes since negotiation strategies are an integral part of the foreign policy of a country and multilateral negotiations become more frequent and more important. Only Dür and Mateo (2010; 2009), Panke (2011) and McKibben (2011) have provided quantitative analyses about the use of negotiation strategies, but all focus on the European Union. In this study I will investigate for the first time whether some of the findings of the EU based literature also hold for climate change negotiations.

Negotiation analysts have developed several different classifications for negotiation strategies in order to distinguish more their characteristics. Table 1 gives an overview over the most commonly used distinctions. Not all of these distinctions describe exactly the same difference, since some rather refer to the motivations of the bargainers and some to the observable style of the strategies. The established distinctions "value-claiming/value-creating" (Lax and Sebenius, 1986; Odell, 2000) "distributive/integrative" (Walton and McKersie, 1965) and "bargaining/problem-solving" (Hopmann, 1996) are probably the most established terminologies and are often used interchangeably.

Table 1: Different Bargaining Typologies

Distributive	Integrative (Walton and McKersie, 1965)
Definition: "Dividing a fixed resource between the parties where one party's goals are in basic conflict with those of the other party "	Definition: "attainment of objectives which are not in fundamental conflict with those of the other party" (Walton and McKersie, 1965, p. 9),
Examples: opening with demands, refusing to make concessions, exaggerating one's	Examples: identifying problems whose solutions would benefit both sides e.g.

minimum needs and true priorities, manipulation information to others' disadvantage, taking other's issues hostage, worsening their alternatives to agreement, filing a legal complaint against other, making threats, and actually imposing penalties. (Odell, 2011, p. 6)	uncovering differences which can be exploited for mutual benefit in the sense of side payments by issue linkages (Odell, 2000, p. 137), finding common or complementary interests and solves problems confronting both parties" (Odell, 2011, p. 5)
Value-claiming	Value-creating (Lax and Sebenius, 1986),(Odell, 2000)
Definition: Insisting on an agreement under which one side will gain at the expense of the other relative to the status quo ante (Odell, 2000, p. 32)	Definition: promoting the attainment of goals that are not in fundamental conflict (Odell, 2000, p. 33)
Bargaining	Problem Solving (Carnevale and Pruitt, 1992; Hopmann, 1996)
Definition: behavior designed to affect or modify the behavior of targets without necessarily implying a substantive change in position on the part of the actor . Examples: being manipulative, involving threats and a win-lose attitude, confrontation (Elgström and Jönsson, 2000, pp. 685-686)	Definition: behavior intended to approach the negotiation as a problem to be solved rather than as a contest to be won, e.g. perspective taking, brainstorming, formula creation, identifying options that satisfy both parties, collaboration Examples: information sharing, joint search for common interests and a win-win attitude (Elgström and Jönsson, 2000, pp. 685-686)
Hard	Soft (Dür and Mateo, 2008)
Conflictual or aggressive tactics	Cooperative or friendly tactics
Non co-operative	Cooperative (McKibben, 2011)
Definition: refusing to offer concessions, extracting concessions from other states, e.g. veto threats or delaying an agreement, refusal to offer concessions often accompanied to demand for concession from opposing states	Definition: concession offers that indicate a state's willingness to adjust from its position but the lack of willingness to accept the most preferred outcome of opposing states, offering concessions that signify a willingness to accept the outcome preferred by opposing states on at least one of the central issues
Offensive	Defensive (Odell, 2000)
- offensive variant of value-claiming strategies. Examples demanding concessions, threatening to take harmful action (Odell, 2000, p. 225)) , the.	Definition: defensive variant of value-claiming strategy (e.g. threatening or imposing countersanctions, bringing a counterclaim against the other under international rules) seemingly reactions to a counterpart's value-claiming strategy, defensive distributive strategy consists of analogous steps [to the offensive variant, comment of the author] to protect against losing value. (Odell, 2011, p. 6)

All of these target the motivation of the negotiator. They contrast the desire to attain objectives which are not in fundamental conflict with those of the other party (Walton and McKersie, 1965, p. 9) or the wish to achieve an outcome which leaves both parties better off (Odell, 2000) to a negotiating behaviour which insists that one side will gain at the expense of the other. This rather negatively connoted style is also labelled as “win-lose, zero-sum, pure conflict” in which negotiators care about their personal gain, where negotiation goals are mutually exclusive and where negotiators do not accept compromises which are not efficient for them (Kersten, 2001, pp. 500-501). However, Odell stresses that the counterpart – integrative strategies are not necessarily altruistic (Odell, 2000, p. 34).

However, this distinction of motives is confusing, since it both encompasses style and motive. It is, for example, feasible that a conflictive tactic can be used to increase a pie and create value. This differentiation in observable style and motive is partly appreciated by Odell (2000) when he points out that there is also an offensive and defensive variant of value-claiming strategies. While the offensive version of the value-claiming strategies sounds relatively intuitive (e.g. demanding concessions, threatening to take harmful action (Odell, 2000, p. 225)), the defensive variant of value-claiming strategies (e.g. threatening countersanctions) are reactions to a counterpart’s value-claiming strategy.

One could also describe this as more or less intensive use of hard strategies while leaving the motivation aside. Since it is always extremely challenging to analyse and observe the actual intention of an actor, I mostly follow the recommendation of Dür and Mateo (2008) to distinguish more or less conflictive strategies by calling them hard (e.g. threatening, publicly criticizing) and soft (e.g. publicly praising the other side, making compromises). This distinction classifies strategies according to their degree of conflictiveness. Thus it avoids a judgement whether an actor negotiates in the common interest and is thus value-creating or whether an actor bargains in his private interest and is thus value-claiming. Since in some extreme situations, a threat can even be help to increase a pie, the distinction is not so clear anymore; furthermore tactics can at the same time be integrative (create value) and distributive (divide scarce resources). Furthermore, this distinction resembles McKibben’s (2011) differentiation between non-cooperative and cooperative. Additionally, the ‘degree of conflictiveness’ of the distinction also encompasses the honesty shown in negotiations which takes up an idea behind the “contending/bargaining versus problem-solving” distinction (Pruitt, 2002). An actor who misleads counterparts does not contribute to a conflict solution and rather conveys conflict in contrast to more open negotiators who disguise their real interests. Therefore, hard and soft strategies also include moves to hide or reveal the own preferences.

Hard bargaining strategies are strategies which are conflictive and not designed to be open. Well-known strategies suggested in the game-theoretical literature such as threats and promises (Hovi, 1998; Matthews, 1989) belong to this group, but also strong commitments to not give in, entering negotiations with a high opening demand, criticizing the other side or shaming tactic, creation of defensive coalitions, delays of an agreement.

Soft bargaining strategies include friendly tactics such as signalling flexibility, conciliatory statements, seeking partners for compromise, offering concessions on issues not included on the negotiating agenda in exchange for receiving concessions in issues already

included within the negotiation, praising the other side, and making compromise proposals by inventing new offers (Dür and Mateo, 2008).

The use of hard and soft strategies is said to increase the effect of the bargaining power resources, however it might also partially compensate for a lack of power resources (Barry and Friedman, 1998). Yet, we do have little knowledge yet, who uses which strategy.

Measuring Strategies

To measure the use of strategies, we conducted structured interviews with members of UNFCCC negotiating parties or, where necessary, with experts possessing knowledge about positions of particularly interested countries where their representatives declined to be interviewed. We chose to collect these data with interviews since we considered them as difficult to gather from printed documents. Although it is possible to code protocols according to categories such as “problem solving” (see for an application (Wagner, 1999)), we found it more convincing to ask the interview partners themselves since they had the most insider knowledge. However, one has to bear in mind that interviewees have an incentive to portray themselves in a certain light so that we might have an underestimation and bias in the use of hard strategies.

The interviews were conducted during five consecutive UNFCCC meeting in Bangkok, Barcelona, Copenhagen (all 2009), as well as twice in Bonn (2010). We conducted 62 interviews to get estimates for 58 negotiation parties (Indonesia and Bangladesh twice, plus a representative of the EU and an expert on LDCs). We mainly tried to target senior staff within the delegations we approached. Yet given that delegation leaders are typically very busy, we often had to be content with interviewing delegation members further down the hierarchical ladder. Next to the bargaining positions, we asked our interview partners a host of questions about their delegation’s strategic behavior during the negotiations. Furthermore we asked them for an assessment of the role different domestic and international stakeholders played for the formulation of national negotiation positions with the question “What influence do the following actors have on your delegation’s negotiating position before and during the negotiations? (very low, low, moderate, high, very high)“. The answer to this question was coded as ordinal variables and used as influence measure of domestic stakeholders.

I compiled an index by adding all questions concerning the use of hard bargaining strategies and dividing by the number of strategies. The questions concerning the hard negotiation strategies were:

- 1) How often does your delegation declare that it will not change a position (under any circumstances)?
- 2) How often does your delegation criticize other countries’ positions?
- 3) If other parties demand concessions from your delegation, how often does your delegation reject or ignore such demands?
- 4) How often does your delegation hide its actual objectives to reach a stronger negotiating position?
- 5) How often does your delegation demand concessions for its own benefit?

- 6) In order to reach its objectives, how often does your delegation use threats (sanctions, trade restrictions, leave the negotiations, etc.) to influence other parties' positions?
- 7) In order to reach its objectives, how often does your delegation use promises (concessions, aid, etc.) to change other parties' positions?

Promises could also be considered as a rather less conflictive or soft negotiation strategy. However, I follow Hopmann's (1996) argumentation when he claims that bargaining behavior wants to affect the behavior of others in contrast to problem-solving behavior. Since promises are defined as statement to cause positive consequences when a target behaves in a certain manner, they are classified as bargaining and not problem-solving or value-creating. An illustrative example for a promise as not value-creating was the money offer of the EU, Japan, Norway, and the US during the Copenhagen negotiations. Although some of the sums were relatively substantial, the developing countries' negotiations were not pleased, claiming that they did not want this money but survival (Dimitrov, 2010, p. 808).

We also asked for three forms of soft negotiation strategies, which were:

- 1) If other party's interests are contrary to yours, does your delegation express understanding for this?
- 2) How often does your delegation propose new solutions in the common interest?
- 3) How often does your delegation propose an exchange of concessions for mutual benefit?

These questions were measured on an ordinal scale from 1- 8 (1= very rarely to 8= very often). The lowest value of the summative "hard strategy index" is 0 (meaning that a government has never once used a hard strategy) and the highest 8 (which is the highest value in the sample), with a mean at 2.94. In the group with the most frequent use of hard negotiation strategies (top 10%) belong Switzerland², China, Zambia, Bangladesh, Nigeria followed by states such as the USA, the EU, Mexico, Russia in the upper 25 percentile.

The added soft strategies index resulted in a "soft strategy index" ranging from 0 to 8 with a mean of 4.6. The two indices are quite strongly correlated (0.52 Pearson correlation coefficient) which seems to indicate that states do not use these strategies exclusively but rather use both forms to achieve their negotiation goals. This confirms the finding that purely integrative strategies are rare in international negotiations since the danger of exploitation by others is too high (Odell, 2006, p. 16). Since I gather that interview participants are more reluctant to admit using hard negotiation strategies, I will consider foremost the use of hard negotiation strategies.

The relationship between negotiation resources and negotiation behaviour

Although there is generally a broad knowledge on the theoretical foundation of these bargaining strategies, we lack knowledge on the relationship between the negotiation resources and the activities. In the first part of this study it was shown that the resources seem more related to the economic size of a country, whereas the activities might be a possibility to

² Since Switzerland is an extreme outlier in this measure, I excluded it in the following OLS regressions.

compensate for a lack of resources. Therefore, I analysed the three negotiation resources (experience, diversity and size of delegation) and the four negotiation activities (side events, commissioning additional research, interventions) with a exploratory principal factor analysis and found that there are two distinct underlying dimensions – a resources and an activity related one. The resources years of experience and diversity of delegation load highly on the first dimension, delegation size could be attributed to either the first or second underlying dimension. The more activity-related variables (side event, commissioning research, interventions, soft and hard negotiation strategies) load highly on the second dimension and demonstrate that they constitute a different dimension than the resources . Although the activities might also be influenced to some extent by resources, since it is probably easier to make more interventions with a bigger delegation, they describe a distinctly different negotiation characteristic.

Table 2a Principal components factor analysis: variance proportions of the first three factors

Factor	Variance	Proportion	Cumulative	Eigenvalue
Factor 1	2.6	0.357	0.35	3.21
Factor 2	2.03	0.15	0.51	1.41
Factor 3	1.03	0.11	0.62	1.03

Table 2b Factor loadings (option rotate, varimax, only those greater than 0.3 are listed)

	Factor 1	Factor 2
Years of diplomatic experience of the delegation leader		0.63
Years of environmental diplomatic experience of the delegation leader		0.79
Diversity of Delegation		0.73
Hard Bargaining Strategies	0.59	0.42
Soft Bargaining Strategies	0.53	
Size of Delegation	0.54	0.48
Side Events	0.63	
Demanding Research	0.82	
No of Interventions	0.73	

As we can see from the factor analysis hard bargaining strategies are not easily categorized as either resource or activity and not as easily understood. For this reasons we are looking in more detail in the choice of negotiation strategy by the respective governments.

What Determines the Choice of Bargaining Strategy

Economic Power

Although negotiating delegations could be considered equal considering they are all sovereign entities in the UN system, power dynamics play an important role in climate change negotiations³. The most common assumption of choice of strategy is that rather more powerful countries choose hard bargaining strategies since their use of hard strategies is more credible (Dür and Matteo, 2009; Pruitt, 1983). Hard strategies are not restricted to big member states although they are expected to be less often used by small states (Odell, 2000, p. 33). Delays, refusals, lack of retributions can be easily be carried out by small states.

Weaker states are expected to choose rather soft bargaining tactics since their aggressive tactics are less credible and might suffer more from counterstrikes or revenge. (Habeeb, 1988). Small member states often lack economic resources or have smaller negotiation delegations, so that they are required to use alternative means such as soft bargaining strategies or clever argumentation (Bjoerkdahl, 2008) as more social constructivist approaches would suggest (Risse, 2000). Thinking of the shadow of the future (Axelrod, 1984), weak states have a strong interest not to deteriorate the relations between other and more influential states. A study by Bayard and Elliott (1994) confirms this effect by outlining that US threats were the more effective the more successful the target states were on trade. Therefore I will postulate in my first hypothesis:

H1: The more economically powerful states are, the more they will use hard negotiation strategies.

Saliency

Linked to the idea of outside options is the urgency with which a government desires a proposal. The more attractive a failure of agreement, the less urgent a negotiation outcome is. Urgency, saliency of a topic or time pressure is a frequent factor influencing political outcomes, e.g. when impatient legislators are found to make more concessions (Hiroi, 2008) or when political decisions are consciously delayed (Alesina and Drazen, 1991).

The best alternative to negotiated agreement (BATNA) (Fisher, 1991) also called the reservation point (Raiffa, 1982) or resistance point is the value of the best alternative to a negotiated outcome. For some the BATNA is a more convincing explanation to explain some negotiation outcomes than pure power resources: if a small state in a negotiation situation which requires unanimity has a high BATNA, it can easily outbalance the power asymmetry by refusing to agree (Odell, 2011).

Negotiators evaluate how satisfied they and their domestic constituencies would be if negotiations fail. From this, some conclude that the worse the outside options available to states, the more cooperative their negotiation strategies (Morris et al., 1999; Muthoo, 1999).

³ For a more general overview of the effects of power in international negotiations such as the EU see Bailer (2004; Bailer, 2010)

In contrast, states which are more concerned by a certain topic – in our case global warming - might derive a certain moral power in the negotiations because the neglect of their interests might cause audience costs for their negotiation partners (Fearon, 1994); furthermore some countries in particular the AOSIS states are existentially threatened if climate change will not be slowed down. Thus, their extreme vulnerability might motivate them to use hard bargaining strategies as a weapon of last resort.

According to this line of argumentation, the second hypothesis postulates accordingly: *H2: The less attractive the outside options of a government (or the higher the salience of a negotiation to a negotiator), the more these states will use hard negotiation strategies.*

Domestic level and Democracy

Within international relations theory, the liberal theory attributes a strong influence to a state's preference for domestic variables, and asserts that they are the defining elements of a state's interest. In his liberal institutionalist approach, Moravcsik (1997, p. 518) defined states' interests as being an aggregate of individual interests. Pluralist scholars would also suggest societal actors to explain the negotiation behaviour, in particular interest groups or the domestic audience (De Bièvre and Dür, 2005). The effect of domestic groups on international negotiators has been termed by Schelling (1960) as the "paradox of weakness". With this term he explained how a government negotiator can press for concessions at the international level by illustrating how critical and sceptical his domestic constituency is. Putnam (1988) popularised this approach under the heading of "two-level games" and illustrated distinctly that domestic actors influence the bargaining position of an international representative forcefully. The political-economy literature elaborates in more detail which actors are considered more influential in determining a state's policy. Grossman and Helpman (1996) outline that governments are faced with competing special interest groups whose interests they have to balance. Faced with the pressure from clientelistic groups, governments are tempted to give in to this since they want to ensure their support. Grundig (2009) notes that governments are unable to assess the true state of the world and are dependent on lobby groups to judge the impact a policy might have on industries, the environment, etc.(see also (Weiler and Bailer, 2011). Such lobby groups will be able to influence governmental positions in international negotiations to different degrees, particularly if the constituency of the lobby group in question is expected to be strongly affected by legislation following the climate change negotiations.

The influence of clientelistic interest groups and their influence on their country's bargaining behaviour is also analysed in the spatial two-level game literature (Milner and Rosendorff, 1996; Milner and Rosendorff, 1997). Most formal modellers agree that the importance of domestic constraints has to be qualified slightly and condition the conjecture in various ways (Iida, 1993; Mo, 1995; Tarar, 2001). If the actors at the domestic level, e.g. interest groups, are too strong, they might just lead to a breakdown, or if the government is not well informed about the preferences of the domestic interests groups it might not use their potential most effectively (Milner and Rosendorff, 1997).

In spite of these qualifications, we would expect a stronger use of hard negotiation strategies the more intense the pressure from clientelistic groups. From the US Congress voting literature, we know that the parliamentarians often follow the economic interests of

their constituencies (Magee et al., 1989; Peltzman, 1984). In particular in the case of the US the lobbying efforts of greenhouse gas emitters are particularly strong and impede President Obama to reach a far more ambitious climate change treaty since these lobbies influence the Congress strongly which has to ratify the treaty.

While there are a host of studies concluding that domestic interest groups do impact national negotiation behavior and positions on climate change, most authors focus on studying one particular pressure group, particularly the role the business lobby plays (see e.g. Bryner, 2008; Newell and Patterson, 1998). Giving his study a broader aim, Newell (2002) looks into the behavior of four different non-state actors (the mass media, environmental pressure groups, the fossil fuel lobby, and Working Group 1 of the IPCC) and shows that it is easier for these groups to forward their interest through lobbying at the national level by influencing states' positions, instead of trying to intervene directly at international negotiations. Alternatively, Schelling and Putnam may be wrong: a too strong domestic interest in a certain negotiation outcome has also made negotiators more willing to compromise in order to achieve something rather than nothing (Moravcsik, 1998, p. 482). Nevertheless, I expect that governments are under pressure from interest groups in particular the clientelistic and small groups according to Olson (1968) and that this pressure motivates governments to choose hard bargaining strategies.

H3: The stronger the pressure of clientelistic interest groups, the more often governments will choose hard negotiation strategies.

However, it can be costly for a government to give in too strongly to clientelistic groups since inefficient policies might not be appreciated in particular when a citizenry is very environment friendly oriented so that governments are motivated to follow the ideas of the electorate according to the median voter theorem (Black, 1948). Especially, the highly publicized climate change negotiations are bound to be influenced by the public's attitude towards climate change. Voters know and care about climate policy; it is, however, unclear whether they are prepared to pay the costs of climate change policies. Public opinion is not always in favour of environment protection, in particular if it is costly for some. It matters most whether winners and loser are organized, have access to decision makers and can thus mean political benefit for politicians (Dolsak, 2001). Furthermore, the attention voters pay to climate change varies. Harrison (2007) shows that American and Canadian voters cared for the ratification of the Kyoto protocol, however they were not paying close attention to environmental politics in general. If voters do not sufficiently care about a topic, interest groups stand a far higher chance to influence governments since they also provide information to governments. However, it could be argued that the value change from materialist to postmaterialist values (Inglehart, 1977; Inglehart and Welzel, 2005) in industrialized countries could motivate citizens to favor climate-friendly policies. Therefore I gather that the public opinion has a positive influence on the use of hard strategies.

H4: The stronger the pressure of the public opinion, the more often governments will choose hard negotiation strategies.

The effect of voters and interest groups on a country's foreign policy and thus their negotiation style might to some extent also depend on the domestic institutions. Very little knowledge exists on the question to which degree the institutional set-up of a country determines its negotiation strategies, however more established is the research on the effects

of institutions which interact with other political variables such as preferences (Harrison and McIntosh Sundstrom, 2007; Weaver and Rockman, 1993). Borrowed from the “democratic peace” literature one can argue that democratic states need to make more credible commitments (Schultz, 1999) towards their constituents and that domestic ratification constraints might thus influence the choice of strategies.

It is unclear in which direction this domestic pressure goes. On the one hand, strong domestic interest in environmental negotiations might funnel a state to use rather hard strategies in order to demonstrate determination to the constituents. Accountability to voters might result in more resolve of the representatives to reach their negotiation goals (Druckman, 1994). On the other hand, too hard bargaining behaviour might not be considered as appropriate or threatening to an outcome when a national constituency desires an outcome. In the Copenhagen climate change negotiations for example the EU delegations could not have risked contributing to a negotiation failure by a too destructive strategy since the majority of the EU’s public was strongly in favour of an environmental-friendly agreement.

Thus, I take up the idea that democratic and autocratic states might differ in their approach to bargaining strategies (Odell, 2011) and postulate that less democratic states rather tend to use hard strategies since they might not fear negative domestic sentiments. Since a breakdown due to too hard negotiation strategies would be considered as damaging general welfare, meaning slowing down global warming, democratic states opt for more risk-averse strategies which do not impose high net costs or risks on a broad range of social actors (Moravcsik, 1997).

H 5: The more democratic states are, the less their governments use hard bargaining strategies.

Additionally, I investigate an interacting effect with the level of democracy since I gather that governments in democracies are more dependent on the support of crucial stakeholders such as business interests, NGOs and the voters. Business interests are essential for democratic interests by ensuring economic wealth and jobs for voters. One could argue that leaders in autocracies are also easily influenced by business interests for the same reasons; nevertheless the impact might be weaker since the fate of the citizens might not be as directly linked to government support as in established democracies where economic growth is one of the strongest predictors for election success. In the same line, negotiation studies have also shown that representatives of states or group in contrast to individuals are more resistant to yield in negotiations since they want to please constituents (Benton and Druckman, 1973; Pruitt, 1983).

Therefore, I expect that democratic governments are rather under pressure to use hard negotiation strategies by domestic stakeholders:

H 6: The effect of domestic stakeholders on the use of hard bargaining strategies is conditional on the level of democracy.

Results

In the first results of my multivariate data analysis using OLS regression⁴ in table 1 I could confirm the expectation concerning economic power⁵. The more economic overall power countries have, the more often they use or can afford to use hard bargaining strategies as the positive and significant coefficient of the logged GDP variable indicates. The result is so strong and robust that this variable is used as baseline model for the following models. The finding confirms findings by Dür and Mateo (2010) who found a similar effect for EU negotiations. Looking at GDP/per capita, however, gives the more differentiated picture that rich countries rather shy away from hard strategies. The UNFCCC negotiations encompass a greater variety of countries and thus allow to explore the effect of economic power more thoroughly. Whereas overall economic power rather contributes to the use of hard bargaining strategies in both the EU and the UNFCCC negotiations, actual wealth and as we will later see democratic development rather have a reverse effect and motivate a state to use fewer hard strategies. The other variables accounting for CO² producers or the share of CO² emissions do not display any remarkable or significant results.

Perceived vulnerability to climate change does seem to motivate the concerned countries to use hard bargaining strategies. For some countries, such as Bangladesh, a breakdown of negotiations would be extremely detrimental so that they seem to risk in this case being bold in negotiations in spite of a lack of economic power. In a similar vein, Tuvalu opposed the Copenhagen Accord since it felt betrayed by the very weak agreement (Dimitrov, 2010, p. 811). This result was calculated using an interview question in which we asked the delegates to indicate on a scale from 0 to 100 how vulnerable their country was to climate change. When we used the climate vulnerability index compiled by the South Pacific Applied Geoscience Commission (SOPAC, 2010), I got a negative non-significant effect. Further research is needed at this point to clarify why we have such contradictory results for the two measurements of vulnerability. Nevertheless, the finding of the interview measure of salience confirms observations by experts which found small states such as Tuvalu to be rather bold and expressive in the negotiations, probably in some cases out of despair.

As for my third hypothesis concerning the influence of domestic variables, I found only few promising results in the models without interaction terms, moreover the overall explanatory power of these models is rather small as some of the F-tests are not significant. Nonetheless, we could find an unexpected but distinct negative effect of clientelistic pressure. The stronger the influence of greenhouse gas emitter interests or green NGOs, the less countries tend towards hard negotiation strategies. This result is in accordance with the finding that democracies in general seem to use fewer hard negotiation strategies as the consistently negative coefficient of this variable indicates.

In the models in which we controlled for interaction effects between domestic stakeholder – citizens as in public opinion, green NGOs and business interests – we found the remarkable result that the negative influence of these stakeholders gets strengthened when

⁴ I used robust standard errors when outlier countries led to heteroskedasticity.

⁵ In order to control for the selection bias that our interview partners might be different from the overall population of negotiation parties, I controlled with a Heckman selection model whether the findings are robust. Since the findings were stable, I report the findings from the OLS regressions since they are easier to interpret.

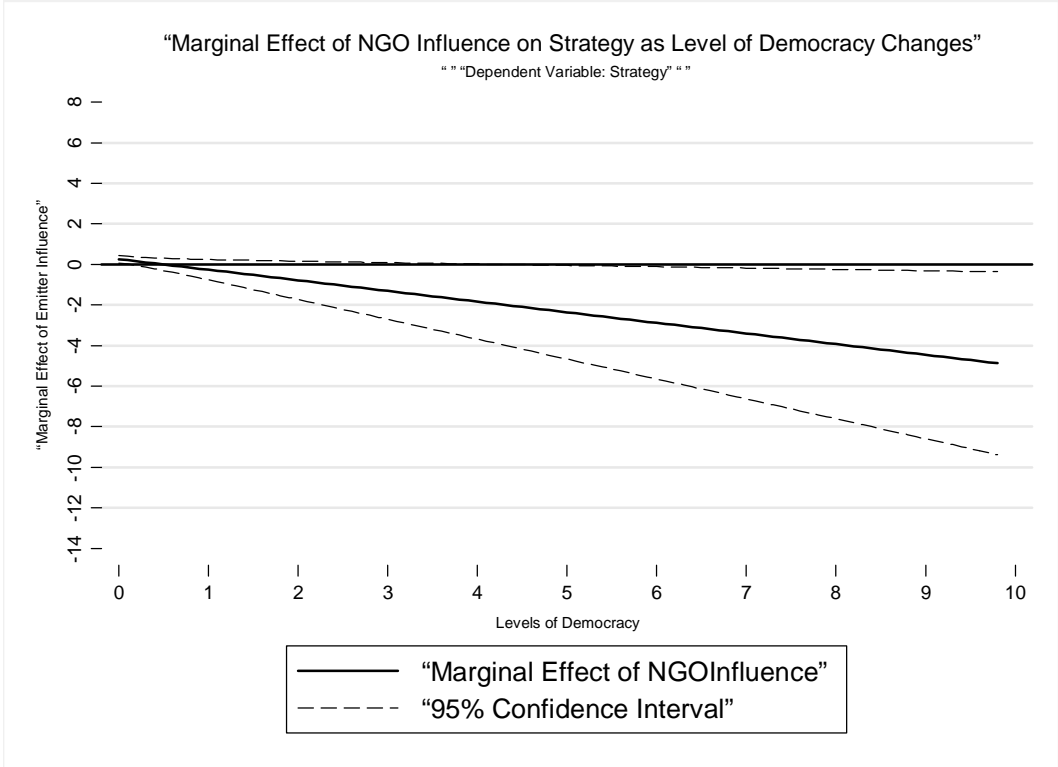
democracies are very well developed. This amazes partly since we would have expected for example that a state under strong pressure from clientelistic groups uses rather hard strategies. Quite the reverse seems to be true: the influence of the media, green NGOs and greenhouse gas emitters rather suppresses the use of hard strategies as the highly significant and negative coefficients suggest. I could not find a statistically significant influence for the greenhouse gas emitters measured with their structural-economic weight (Value of coal and oil exports / GDP) but an effect for their effect in influencing the negotiation position (conditional on the effect of democracy) as judged by our interview experts. This could be an illustration that lobbying efforts and access to negotiators matter in international negotiations in particular in democracies. Democratic institutions might function as transmission belts for clientelistic interest groups in case they lobby professionally. The conditional effect of “Green NGOs” is shown in graph 3.

Table 3 OLS Regression Analysis of the Choice of Hard Negotiation Strategies (Dependent Variable: Hard strategy, 1 (very rarely) – 8 (very often))

	Economic Structure Model	Saliency Model	Domestic Public Opinion	Domestic NGO	Domestic Greenhouse Emitters	Domestic Public Opinion Model Interacted with Level of Democracy	NGO Model Interacted with Level of Democracy	Greenhouse Emitters Model Interacted with Level of Democracy	Diplomatic Model
Log of nominal GDP 2009	0.31*** (0.11)	0.31*** (0.08)	0.23** (0.10)	0.24** (0.10)	0.25** (0.11)	0.23** (0.10)	0.26*** (0.10)	0.26** (0.11)	0.19 (0.12)
GDP per capita, PPP (current international \$)	-0.00* (0.00)								
Oil, gas, coal rents (% of GDP)	-0.02 (0.03)								
Fraction of global CO2 emissions	0.04 (0.05)								
Vulnerability of the country (0 = Benefits from climate change; 100 = Extreme risk)		0.02** (0.01)							
Climate change vulnerability, EVI index		-0.16 (0.25)							
Democracy (Freedom House/Polity)			-0.05 (0.08)	-0.08 (0.08)	-0.06 (0.08)	-0.12 (0.31)	-0.39* (0.20)	-0.37** (0.14)	-0.04 (0.06)
Influence of domestic public opinion on delegation's negotiation position			0.18 (0.12)			0.09 (0.42)			
Influence of domestic environmental groups on delegation's negotiation position				-0.14 (0.11)			-0.52** (0.23)		
Influence of domestic greenhouse gas emitters on delegation's negotiation position					-0.00 (0.10)			-0.36** (0.17)	
Influence of domestic public opinion on delegation's negotiation position * Democracy						0.01 (0.05)			
Influence of domestic environmental groups on delegation's negotiation position*Democracy							0.05* (0.03)		
Influence of domestic greenhouse gas emitters on delegation's negotiation position*Democracy								0.06** (0.02)	
Delegation size in Copenhagen meeting, coded from participant list, complete									0.00 (0.00)
Years of diplomatic experience of the delegation leader									0.01 (0.02)
Years of diplomatic experience in environmental matters of delegation leader									0.05** (0.02)
Number of interventions in UNFCCC from Dec. 2009 to Dec. 2010									0.00 (0.00)
Constant	-4.56* (2.52)	-5.67** (2.30)	-3.60 (2.41)	-1.89 (2.56)	-3.10 (2.51)	-3.01 (3.57)	-0.00 (2.86)	-1.37 (2.74)	-2.59 (2.95)
Observations	55	56	48	49	50	48	49	50	43
R ²	0.23	0.24	0.17	0.16	0.12	0.17	0.19	0.19	0.33
Adjusted R ²	0.17	0.20	0.11	0.10	0.07	0.10	0.12	0.12	0.22
F	3.79***	5.48***	3.03**	2.85**	2.15	2.24	4.04***	4.63***	3.62***

* p < .10, ** p < .05, *** p < .01, Standard errors in parentheses

Graph 3: Marginal Effect of NGO Influence as Level of Democracy Changes



This graph allows us to see that the reductive effect of NGO interests gets stronger the more developed a democracy is and we see that the pressure of domestic stakeholders has a stronger effect on the choice of negotiation strategy in democracies than in less democratic states. This finding leads us to further research into the idea to which degree domestic stakeholders influence the international negotiation behaviour of their governments and how this is intermediated by the institutions of a state. In general, we found that democracies tend to use fewer hard bargaining strategies than autocracies as the consistently negative coefficient of the Freedom House democracy measure shows. This underlines the finding that strong institutions provide a framework of rules and norms that constrain the use of force or similar non-integrative behaviour (Barnett and Finnemore, 1999; Underdal, 2011)⁶. Whereas democracies such as the EU might feel the need to be more cooperative in order to achieve a deal for pressuring NGOs or clientelistic groups, the Chinese delegation instead feels much less pressured to adapt its negotiation strategy to domestic pressure.

In a last model – the diplomatic model – we accounted for the effects of several diplomatic resources as introduced in the first part of this paper. Only the experience of the delegation leader in environmental negotiations showed a significant effect. This could mean that experienced delegation leaders know that hard negotiation strategies might be necessary or they know that a part of negotiations consists of being active and raising interest. It could also be an indication that experience boosts self-confidence so that negotiators dare to use

⁶ The relationship between the level of democracy and the use of hard bargaining strategies is linear, as several different model specification of the democracy variables have not proved to be significant.

hard strategies since they know the processes best. Alternatively, experienced environmental diplomats might be stuck in their roles and not motivated to develop value-creating strategies confirming Lawrence Susskind's (1994) claim that the organization of environmental negotiations encourages distributive bargaining behaviour due to long delays. Apparently, the choice of strategies is not only a form of foreign policy as continuation of domestic structural interests but depends also on more fine-grained diplomatic considerations and experiences of the respective delegations.

Conclusion

. In general, one has to concede that the size of coefficients, as well as the variance explained as measure with R^2 are rather small so that a lot still leaves to be explained. Considering the complexity of negotiations and the number of factors influencing the choices governments have to take in complex decision-making situations, this should not amaze. Certainly, our approach suffers – as many other quantitative studies – from the shortcoming that behavior is measured too crudely and only at one point in time. As Pruitt (2002) correctly points out considering strategies at several stages in the negotiations would allow for controlling whether a government changes its strategy by starting tough followed by yielding. This strategy is considered to be quite successful in contrast to a soft strategy throughout the process (Rubin and Brown, 1975). Both strategies can be necessary and sensible in negotiations since negotiators first have to compete due to their differing preferences, but if they are really interested in finding an agreement they have to yield at some point later in the bargaining procedure. Quite possibly we have interviewed the delegations too early in order to account for such strategy changes, however this is partly owed to the limitations of such a research project. Our interview partners confirmed this when they pointed out the tactic “exchanging concessions for mutual benefit” would only be later used. This also highlights that bargaining tactics are also chosen as reaction to the behaviour of others. Follow-up studies of this research should take up this question and question how often the strategies changed and were mixed. Recent research suggests that mixed strategies seem to reap the biggest benefits in international negotiations (Odell, 2000)

Furthermore, we have to concede that negotiations are extremely difficult to investigate since it can be beneficial not to disclose preferences and strategies openly. Nevertheless, we tried our best to get as good data as possible by ensuring anonymity and the purely scientific purpose to our interviewers. By trying to overcome the drawbacks of some existing negotiation studies which only look at one case in great detail, we have to take into account with our quantitative approach that we missed some details.

Yet this approach in which we studied 58 delegations allowed a more systematic analysis of the various reasons which lead to a certain negotiation behaviour and use of diplomatic resources and activities. It contributes to a new research area in which negotiation strategies in various international settings such as the EU (Dür and Mateo, 2010) are measured on a quantitative basis in order to find more general patterns in contrast to the more frequent, insightful case studies which make it necessarily harder to generalize. We found that hard and soft negotiation strategies are actually not as exclusive as they are usually portrayed in the literature. They are rather negotiation styles which lie on the same underlying

dimension where the hard negotiations are the most extreme form used by rather economically powerful states. A remarkable and new finding is the relationship between the democratic level of a state and its negotiation behaviour. The more democratic countries, the less they use hard bargaining strategies. This also means that they reduce hard strategies even more when they are faced with domestic pressure be it from NGOs or greenhouse gas emitter interests, most likely in the fear to endanger a compromise. Being accountable to domestic stakeholders and the public means that they rather go home with any compromise than no agreement at all. Further research in particular with case studies (see e.g. the case studies on India, Russia and the AOSIS countries) will demonstrate this effect more extensively and will help to understand the negotiation behaviour of states.

Appendix : Table A1 List of used variables

	n	Mean	Standard Deviation	Min	Max
Years of diplomatic experience in negotiations	48	13.85	8.84	0	40
Years of diplomatic experience in environmental negotiations	51	8.63	6.88	0	30
Diversity of Delegation (1 = one third party representative (NGO, business, media or research) is represented, 4= all four sorts of actors are represented)	58	1.76	1.35	0	4
Delegation size in Copenhagen meeting, coded from participant list	194	53.90	74.63	2	526
Frequency of Organising Side Events (1 = very rarely to 7 = very often)	57	6.19	2.09	0	9
Frequency of Commissioning Additional Research (1= very rarely, 8=often)	57	5.51	2.33	1	9
Number of interventions in UNFCCC from Dec. 2009 to Dec. 2010	201	29.72	71.84	0	540
Hard Negotiation Strategy (1= very rarely, 8=very often)	58	2.94	1.64	0	8
Soft Negotiation Strategy (1=very rarely, 8= very often)	58	4.61	1.84	0	8
Log of nominal GDP 2009	175	24.04	2.48	18.67	30.43
GDP per capita, PPP (current international \$)	179	13616.48	15699.01	319.14	91378.73
Oil, gas, coal rents (% of GDP)	58	3.45	6.21	0.00	24.83
Fraction of global CO2 emissions	56	1.33	4.03	0	23.55
Vulnerability of the country (0 = Benefits from climate change conceivable; 100 = Extreme Risk)	57	67.51	21.09	17.5	100
Climate change vulnerability, EVI index	198	3.44	0.76	1.67	5.5
Democracy (Freedom House/Polity)	160	6.05	3.16	0	10
Influence of domestic public opinion on delegation's negotiation position (1= very low, 9 = very high)	54	5.39	1.86	1	9
Influence of domestic environmental groups on delegation's negotiation position (1= very low, 9 = very high)	55	5.58	1.95	1	9
Influence of domestic greenhouse gas emitters on delegation's negotiation position (1= very low, 9 = very high)	56	4.05	2.34	1	9

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