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20 Global environment

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Introduction

This chapter critically explores the evolution of US foreign policy on environmental issues over four and a half decades, from the Nixon administration to the Obama administration, with a brief examination of prospects under the new Trump administration. It shows that while the USA was widely regarded as an environmental leader during the Cold War period, it has more often than not been an environmental laggard in the post-Cold War period. The Obama administration's reengagement in climate diplomacy stands out as a significant exception but its efforts have been rapidly wound back by the new Trump administration. The larger trend of waning environmental leadership has occurred at the same time as international environmental problems, most notably climate change, have increasingly moved from the periphery towards the centre of international politics. This trend is attributed to the more challenging character of the new generation of global environmental problems that emerged in the late 1980s (particularly climate change), increasing domestic political polarisation on environmental issues exacerbated by an organised campaign by conservative think tanks, general concerns over economic competition with a rising powers in the global South and a general political failure to recalibrate US grand strategy in the light of the increasing threats of catastrophic global environmental risks despite increasing engagement with energy and climate security by the US military.

During most of the period of the Cold War, the environment was widely regarded as a matter of ‘low politics’ for state foreign policy makers as well as international relations scholars (Smith 1993). However, this began to shift in the late 1980s with the increasing prominence of trans-boundary and global environmental problems, the proliferation of domestic and transnational environmental non-government organizations (NGOs), and the publication of *Our Common Future* by the World Commission on Environment and Development (the Brundtland Report) (WCED 1987). These developments helped generate the momentum for the spectacular 1992 Earth Summit held in Rio de Janeiro—the largest ever gathering of heads of state at the time. The emergence of local and transnational environmental networks behind the Iron Curtain had played a role in the transformations that led to the collapse of the Soviet Union while the leader of the world’s emerging sole superpower, US President George H. W. Bush Sr., declared himself ‘the environmental president’ when he came to office in 1989. Yet despite the unprecedented rise in international environmental concern in the 1980s, the environment proved not to be a central foreign policy priority for George Bush Sr., or indeed any previous or subsequent US president (as distinct from Vice President, such as Al Gore) until the Obama administration. Indeed, the neo-liberal New World Order that Bush championed after the demise of the Soviet Union has become less, rather than more, hospitable to environmental concerns.

Since the turn of the Millennium, however, both foreign policy makers and International Relations scholars are increasingly recognizing that environmental problems can no longer be quarantined from, or relegated as secondary to, security and economic concerns. Growing rates of species extinction, land degradation, deforestation, natural resource depletion, pollution, and, above all, the multiple risks to life-support systems and human communities from human-induced climate change are now being reframed as sources of potentially catastrophic risk that pose major ‘threats’ to human health, economic stability, and physical security while also challenging traditional strategies of territorial defence. In the wake of five, increasingly serious, assessment reports by the Intergovernmental Panel on Climate Change (IPCC), the problem of climate change has gradually moved from the periphery towards the centre state of international politics and foreign policy concerns. The much publicized *Stern Review on the Economic Costs of Climate Change* (Stern 2007), released in October 2006, argued that the short-term economic costs of mitigating global warming are minuscule when set against the longer-term economic costs of failing to take action. In April 2007, the UN Se-

curity Council held its first meeting to discuss the international security implications of climate change, and many national security strategies now incorporate a discussion and response to climate change as a security risk

This chapter provides a historical review and critical evaluation of the USA's shifting response to international environmental problems. It begins with the administration of President Richard Nixon, which is the period when international environmental problems first rose to international prominence, and tracks the USA's engagement with major international environmental summits and environmental treaties up to and including the end of the Obama administration (to the end of 2016). It is shown that the USA was regarded as a leader in both domestic and foreign environmental policy making in the 1970s and to some extent in the 1980s, but by 1992 it had lost this international leadership mantle and by the mid-2000s it was widely regarded as a laggard. The Obama administration reversed this trend but the new Trump administration has quickly and spectacularly reinstated it.

The two questions raised by this history are: what explains the overall trend of declining leadership since the end of the Cold War at a time when global and trans-boundary environmental problems have become more rather than less serious and threatening to both the US and global security? And why has USA's environmental leadership under the Obama administration emerged as an exception to this trend? In order to address these questions, the chapter locates the evolution of US foreign environmental policy in the context of the evolution of domestic environmental politics and policy, on the one hand, and the evolution of environmental multilateralism and US grand strategy, on the other hand. It is argued that both of these developments have shaped US foreign environmental policy making. Finally, the chapter offers a brief critical analysis of theories of foreign policy making and argues that constructivist approaches to foreign policy analysis have the capacity to provide more nuanced, multi-level accounts of the US's environmental diplomacy than standard realist, Marxist and rationalist accounts, including two-level game theory.

Environmental multilateralism and the USA

The late 1960s are typically singled out as the birth of the modern environmental movement as a widespread

and persistent social movement. The long period of economic boom and population growth following the end of the Second World War produced a range of mass-produced goods but also a mass of ubiquitous ecological problems, with growing transboundary implications. Although most political leaders rejected the doomsday scenarios generated by the limits-to-growth advocates of the early 1970s, a steady stream of studies of global environmental trends has continued to underscore the increasing gravity of the global ecological crisis, culminating in the biggest global environmental challenge of all—human-induced climate change.¹ In response to these broad developments, the post-Second World War period also witnessed a spectacular increase in environmental lawmaking at the national and international levels. Yet the spectacular rise in environmental multilateralism, punctuated by four major earth summits—in Stockholm in 1972, in Rio de Janeiro in 1992, Johannesburg in 2002 and again in Rio de Janeiro in 2012 (known as Rio plus 20')—has also brought into relief a range of major tensions between developed and developing countries over environment and development priorities, the meaning of sustainable development, environmental justice, and environmental and human security, and the allocation of burden sharing responsibilities. Throughout this period, the world has looked to the USA for environmental leadership as the world's richest country, with the largest cumulative and per capita ecological footprint and the greatest economic and technological capability to respond (Bukovansky et al. 2012). However, whereas the US Congress was the major force for environmental leadership in the 1970s, since the early 1990s Congress has acted as a major restraint on attempts by the US Executive to play a leadership role.

From environmental leader to laggard and leader again

In the early 1970s, the USA stood out as a world leader in domestic environmental law and policy (much of which has since been emulated by other states), and under the presidency of Richard Nixon the USA pursued a relatively proactive role at the 1972 Stockholm Conference on the Human Environment. Indeed, Nixon (along with Lyndon Johnson) has received the strongest rating in a survey of the environmental records of the ten presidents from Truman to Clinton (Soden and Steel 1999: 347–9). Yet Soden and Steel (1999: 347–8) suggest that these presidents were 'merely caught in the tide of congressional efforts, public support, and environmental realities that demanded a federal response to a growing number of programs'. They con-

clude that the credit for US domestic and international environmental leadership in the 1970s must go to the environmental movement (which generated a major momentum for environmental concern in American society), to their lobbyists, and to Congress, which displayed mostly bipartisan support for environmental initiatives during this period.

As the following brief history shows, although the US president is chief diplomat and chief executive officer, US foreign environmental policy decisions have been largely shaped by domestic environmental politics, and the president is merely one, albeit one very significant, player in a complicated set of political processes in the deeply fragmented US political system. Writing before the Obama administration, Soden and Steel (1999: 349) argued that there has never been a ‘substantial “environmental president”’ but there have certainly been some substantial and unapologetic anti-environmental presidents, most notably Ronald Reagan and George Bush Jr, and we can now add Donald Trump as leader of this list. However, as we shall see, President Obama exploited the full capacity of his constitutional and leadership powers to step around a hostile Congress and prosecute an active diplomatic agenda in climate policy.

The Nixon years: setting the pace

President Richard Nixon was not known for his environmental sympathies but he nonetheless presided over one of the most innovative periods of environmental policy making and law making in US history, which included the enactment of the National Environmental Policy Act (NEPA) in 1969 that established the Council on Environmental Quality (CEQ) within the White House, and the Environmental Protection Agency (EPA), set up in 1970. The 1960s had seen the spectacular growth of environmental organizations and public environmental awareness in the USA, culminating in the first nationwide ‘Earth Day’ in 1970. Nixon had assumed office in 1968 on a tide of rising environmental concern and he signed a range of new environmental treaties relating to fisheries and the protection of Antarctic seals, which was consistent with a history of long-standing US leadership in the protection of marine resources and marine mammals. He also signed a treaty designed to protect the seabed from nuclear testing.

However, it was the 1972 Stockholm Conference where the USA sought to develop a green international reputation. During the period 1968–72 the Nixon administration was facing a major crisis over its interven-

tion in Vietnam, including international criticism for the ‘ecocide’ resulting from the use of Agent Orange by the US military, along with international criticism for its atomic testing. The Nixon administration saw Stockholm as a significant opportunity to reassert international moral leadership, gain domestic approval, and divert attention from ‘that war’. Preparations for the conference were dominated by the executive, particularly the State Department and the CEQ, with very little involvement by US environment or business organizations. Hopgood attributes this lack of involvement to the relative insulation of the State Department and CEQ from domestic social pressures, and the relative lack of international focus of US environmental organizations at that time (Hopgood 1998: 87). However, Stockholm acted as a major catalyst for the development of both domestic and international environmental NGOs, which have played an increasingly significant role, particularly as watchdogs, in subsequent international environmental negotiations.

The USA’s two most prominent initiatives at Stockholm were support for the establishment of the United Nations Environment Program (UNEP) to coordinate environmental matters within the UN, and a pledge to contribute 40 per cent of a \$100 million voluntary fund to support UNEP. The USA also used the occasion to promote the development of a convention on ocean dumping, the establishment of a World Heritage Trust, and a ten-year moratorium on whaling. These were relatively ambitious initiatives when judged by the standards of the day. Yet they also provide a good illustration of the limited scope of environmental policy making at the international level (Hopgood 1998: 79). For example, the USA rejected calls for additional funding to developing countries to assist them with meeting their environmental commitments.

Nixon pursued fewer environmental initiatives in his second term of office, which coincided with the energy crisis of 1973–4 and the Watergate scandal, which led to his resignation. Nixon’s successor, President Gerald Ford, was largely preoccupied with the political fallout from Watergate (including his pardoning of Nixon) and an economy suffering from stagflation. Although Ford had once worked as a park ranger at Yellowstone national park, he took very few domestic or international environmental initiatives during his brief tenure, and his international efforts largely involved follow-up work arising from previous administrations. This period saw the signing of the two uncontroversial conventions dealing with ocean pollution, the ratification of the Convention on Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1974, and the signing of a treaty on the conservation of polar bears (Long, Cabral, and Vandivort 1999: 207).

The Carter years: arrested development

President Jimmy Carter is widely regarded as the first US president to adopt a global environmental perspective, evidenced by his commissioning in May 1977 of the *Global 2000 Report to the President* (Council on Environmental Quality and Department of State 1980), which was released in 1981. Through this report, Carter sought a comprehensive overview of global environmental trends on population, resources, and the environment. Although Carter's international environmental concerns were more sincere than those of Nixon, his international environmental record turned out to be more modest. Confronted with an ongoing energy crisis and an ailing economy at home, and the Iranian hostage crisis abroad, the Carter administration was unable to play any concerted leadership role in addressing the alarming global environmental trends that were revealed in the *Global 2000 Report to the President*. Nonetheless, he began the difficult process of addressing the USA's growing dependence on imported energy that included demand-management and the promotion of renewable energy. He introduced the Public Utilities Regulatory Policy Act, which included energy conservation and efficiency measures, appointed a White House Task Force on National Energy Policy, placed the Department of Energy in the presidential cabinet, and introduced a major energy bill (which failed to pass Congress) and a bill establishing a Synthetic Fuels Corporation, which passed Congress (Long, Cabral, and Vandivort 1999: 208). Two further major domestic environmental initiatives were the Superfund Act (later signed off by Reagan), to regulate the clean-up of toxic waste sites, and the protection of vast areas of Alaskan wilderness.

On the international front, in 1979 Carter extended, by executive order, the application of the NEPA to US government activities abroad and in 1981 he banned the export of toxic waste to other countries. He initiated negotiations with Canada on acid rain and signed the Convention on Long Range Transboundary Air Pollution 1979. Shortly before leaving office, he ensured US participation in the World Climate Conference 1979, which contributed to the growing international research effort on climate change. However, Carter's most significant environmental legacy was his preparedness to question America's dependence on imported oil and his efforts to promote energy conservation and a renewable energy industry in America. Yet he also saw Persian Gulf oil as vital to US interests and created a new military command structure in the region, which eventually became the United States Central Command.

The Reagan years: deregulating the environment

Ronald Reagan's first official act in coming to office was to dismantle the solar panels that Carter had installed on the roof of the White House (Hartmann 2003)—an act that set the environmental tone of his presidency. As the first US president with an explicit anti-environmental agenda, Reagan embarked upon a comprehensive effort to reduce, and where possible eliminate, many of the environmental regulations that had been enacted over the previous decade. Indeed, the President Reagan brought an end to what had been a general bipartisan approach to environmental issues in previous decades, at least insofar as they required regulation. His Economic Recovery Act 1981 sought to reduce taxation and wind back spending on social and environmental programmes, including Carter's tax incentives for renewable energy, and to make way for the efficiency of the market. Reagan also devolved environmental responsibilities to the states and local governments, and screened all senior appointments to environmental agencies to ensure their conformity with his anti-environmental agenda (Vig 2006: 105). Although his attempt to abolish the CEQ failed to gain congressional approval, he succeeded in sidelining the agency by cutting its staff and ignoring its advice (Vig 2006: 105). Reagan's budget cuts also made it impossible for federal environmental agencies, such as the EPA and the Department of the Interior, to implement their mandates. However, Reagan's anti-environmental campaign slowed down considerably in his second term in response to growing public opposition, and his efforts to demonize environmentalists provoked a surge in the funding and membership of US environmental organizations (Dryzek et al. 2003: 34).

Although Reagan's anti-environmental agenda was mainly directed towards US domestic policy he made it clear that he would not sign any international environmental treaties that would compromise US economic competitiveness (Long, Cabral, and Vandivort 1999: 211). Reagan reversed Carter's 1981 executive order banning the export of toxic waste, declined to sign the 1989 Basel Convention which regulated the trans-boundary movement of hazardous waste, and stalled the acid rain negotiations with Canada. His administration rejected the United Nations Convention on the Law of the Sea (UNCLOS III) arguing that the USA should not be made to share its technological capabilities regarding seabed mining and offshore fishing with other nations. Reagan also ceased funding US population projects and withdrew from UNESCO, although his attempt to end US contributions to UNEP was successfully resisted by Congress (Hopgood 1998: 125–

6). However, Reagan did support several international environmental initiatives, such as the Convention on the Conservation of Antarctic Marine Living Resources 1982 and the International Tropical Timber Agreement 1985.

Yet it is no small irony that the most significant foreign environmental policy development that occurred during Reagan's second term—US ozone diplomacy—also stands out as the most significant example of US environmental leadership and multilateral engagement in the twentieth century. Scientists had discovered the link between the release of chlorofluorocarbons (CFCs) and the thinning of the earth's ozone layer in the early 1970s, and the USA had phased out non-essential CFC aerosols as early as 1978 under its Clean Air Act. The USA also played a leading role in pushing for a complete phase-out of ozone-depleting substances (compared to the weaker proposal for a 30 per cent cut proposed by the European Union (EU)) in the negotiations leading to the 1985 Vienna Convention for the Protection of the Ozone Layer. The discovery of the so-called Antarctic ozone hole in 1985 had prompted a concerted push for a phase-out by the US EPA. Moreover, in response to EU resistance, the US State Department mounted a major international consensus-building campaign to persuade other countries to agree to a worldwide phase-out of ozone-depleting substances, including ongoing periodic assessment of the list of ozone-depleting substances (Sitaraman 2001: 123–4). This campaign required all US embassies to explain the US negotiating position, beginning with like-minded countries and then extending to reluctant countries (Benedick 1991: 55–67). Domestically, the State Department worked closely with all branches of the US government, the major environmental and science agencies, and the CFC producers.

Although US CFC producers initially formed a united front against EPA regulatory proposals for a unilateral phase-out, they shifted their stance to support the international harmonization of regulations following the signing of the Vienna Convention in 1985 (which supported the principle of protecting the ozone layer, but without specific commitments). Key producers such as DuPont and Allied Chemical had invested in new production facilities for CFC substitutes and the US negotiators supported the industry's commercial interests in the negotiations for the Montreal Protocol 1987, which introduced a mandatory phase-out regime (DeSombre 2000: 93–4; Bang et al. 2007). The establishment of a multilateral fund has assisted developing countries with the financial and technical resources required to meet the costs of compliance with the re-

gime.

Many analysts of US ozone diplomacy have argued that the USA's international leadership role can be understood as an attempt by the USA to 'internationalize' its domestic environmental regulation. According to Elizabeth DeSombre (2000) this situation arises when there is a set of domestic environmental regulations in place and an agreement between US environmentalists and US industry that international regulation would be both environmentally and economically advantageous. On this analysis, the Reagan administration's ozone diplomacy is consistent with its position that it would not support any international environmental treaty that would compromise US economic competitiveness.

Bush the elder: the failed 'environmental president'

In the wake of public criticism of Reagan's anti-environmentalism, the resurgence of the US environment movement during the 1980s, and growing international concern over global warming, George Bush Sr. chose to badge himself 'the environmental president' in the 1988 presidential race. Once elected, Bush surprised his critics by appointing key environmental advocates to head the EPA and CEQ, and he supported the further strengthening of the Clean Air Act in 1991, which included more stringent reductions in sulphur dioxide emissions. These amendments also pioneered the system of tradable pollution permits in sulphur dioxide and prepared the ground for the negotiation of an acid rain treaty with Canada in 1994 to reduce sulphur dioxide emissions by 50 per cent by 1994. Bush also agreed to amendments strengthening the ozone treaty in 1992.

Yet despite these early initiatives, and the significant opportunity for environmental leadership presented by the 1992 Earth Summit, George Bush Sr. failed to live up to his promise to be America's environmental president. Having served for eight years as Reagan's vice-president, which included actively supporting his campaign of environmental deregulation, Bush played a conservative role in negotiations over the two biggest international environmental challenges: climate change and biodiversity protection. Indeed, President Bush negotiated his presence at the 1992 Earth Summit on the condition that the United Nations Framework Convention on Climate Change (UNFCCC) would not include specific targets or timetables for greenhouse gas (GHG) emissions reductions, arguing that this would place an intolerable burden on the US economy. Nonetheless, in signing the UNFCCC, the US committed to the core burden sharing principles of equity and

common but differentiated responsibilities and respective capabilities under the UNFCCC (hereafter CBDR), which called on developed countries to lead in mitigation on the basis of their greater responsibility for emissions and their greater capacity to pursue mitigation, and to assist developing countries mitigate and adapt to climate change. However, the Bush administration declined to sign the Convention on Biological Diversity (CBD), bowing to pressure from the US biotechnology and pharmaceutical industries, which argued that the provision requiring royalties to be paid to developing countries for the use of their native genetic diversity did not provide adequate patent and copyright protection for US industry. President Bush also attracted international condemnation for his oft-quoted declaration at the summit that ‘America’s lifestyle is not up for negotiation’.

In the last eighteen months of office, President Bush returned to the work he had performed as former Vice President by installing Vice-President Dan Quayle as head of the Council on Competitiveness to respond to industry complaints of excessive regulation, including environmental regulation (Vig 2006: 107).

The Clinton years: unfulfilled promises

Bush’s failure as an environmental president served as a key target in Bill Clinton’s presidential campaign in 1992. Clinton, and his environmentally committed Vice-President Al Gore, received strong endorsement from the US environment movement, and their Democratic campaign included a wide range of environmental promises, including signing the CBD, committing to quantitative targets to reduce US CO₂ emissions (i.e. to return to 1990 emissions levels by 2000), raising the corporate average fuel economy (CAFE) standard for motor vehicles, and promoting renewable energy research and development (Paarlborg 1999; Vig 2006: 108). The Clinton–Gore team also emphasized the economic advantages that would flow from an increased investment in more environmentally friendly technologies as an antidote to the traditional discourse of ‘environment versus the economy’ that had characterized the Reagan and Bush administrations. On winning office, Clinton abolished the Council on Competitiveness, appointed well-known environmental professionals to key executive positions, and established an Office for Environmental Policy to ensure the integration of environmental policies in all departments (Vig 2006: 108). This push for integration also extended to foreign policy. Vice-President Al Gore was a key climate advocate

and supporter of enlarging the USA's security framework to include environmental concerns (see Key quotes 20.1). Secretary of State Warren Christopher announced in 1997 that the Clinton administration would 'put environmental issues where they belong: in the mainstream of American foreign policy' (Christopher 1998: 412). Indeed, Long, Cabral, and Vandivort (1999: 218) assert that Clinton had 'assembled one of the most environmentally friendly (greenest) administrations in American history'.

Despite this initial enthusiasm, the Clinton administration faced significant obstacles in promoting a new environmental agenda. The 1992 presidential race had taken place in the context of a declining economy, declining public interest in environmental issues, and falling funding and membership of environmental organizations. Even before the 1994 congressional elections, which gave control of both houses to the Republicans, Clinton suffered a major congressional defeat over his proposal to introduce a broad-based tax on fuels, which was his major domestic initiative for fulfilling his commitment to reduce US CO₂ emissions to 1990 levels by 2000. The initiative was eventually replaced with a much more modest tax on gasoline. Moreover, his Climate Change Action Plan, which relied on voluntary measures, bore little relationship to his initial climate pledge.

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KEY QUOTES 20.1: Letter from Vice-President Al Gore

We have moved beyond Cold War definitions of the United States' strategic interests. Our foreign policy must now address a broad range of threats including damage to the world's environment—that transcend countries and continents and require international cooperation to solve.

Environmental problems such as global climate change, ozone depletion, ocean and air pollution, and resource degradation—compounded by an expanding world population—respect no border and threaten the health, prosperity, and jobs of all Americans. All the missiles and artillery in our arsenal will not be able to protect our people from rising sea levels, poisoned air, or foods laced with pesticides. Our efforts to promote democracy, free trade, and stability in the world will fall short unless people have a livable environment.

(Letter from Vice-President Albert Gore Jr. attached to US Department of State 1998)

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Although Clinton signed the CBD in 1993 (subject to certain reservations), he failed to secure ratification in the Senate, despite gaining the approval of representatives from the US biotechnology and pharmaceuticals industry based on the reservations (negotiated as side agreements with industry) (Paarlberg 1999: 239). A similar fate befell the USA's signing of the Kyoto Protocol in 1997. Prior to the negotiations at Kyoto, the Republican-dominated Senate—sensitive to the economic concerns of fossil-fuel producing states in the USA—had unanimously passed the Byrd–Hagel resolution making any support by the Senate dependent on two conditions: that the Protocol would not harm the US economy, and that developing states must undertake commitments in the same time period as developed countries. This was followed by a \$13 million advertising campaign by the US fossil fuel industry in the lead-up to the Kyoto meeting that warned Americans of the economic costs of implementing the Protocol (Oberthur and Ott 1999: 72). The US delegates at Kyoto were initially constrained by a limited negotiating mandate that reflected these concerns: to accept only a stabilisation rather than reduction of emissions target), and only if developing countries also accepted emissions reductions targets in the same time period. However, last-minute intervention by Al Gore to break a major deadlock in the negotiations resulted in the USA agreeing to cut emissions by seven per cent by 2008–12 from 1990 levels without developing country participation. Although this diplomatic shift by the USA was hailed as a major breakthrough in the international climate negotiations, it was clear that the Clinton–Gore administration would be unable to win Senate ratification. Indeed, Clinton avoided such a confrontation with the Senate by not submitting the Protocol for approval, despite the fact that the USA had successfully negotiated a range of so-called flexibility mechanisms under the Kyoto Protocol (such as carbon trading, joint implementation, and the clean development mechanism) that would make it easier for the USA to reach its target.

In the negotiations for the Cartagena Protocol on Biosafety 2000, under the CBD, the USA led the so-called Miami group of nations that opposed trade restrictions on the trans-boundary movement of genetically modified organisms. Moreover, Clinton's negotiation of the North American Free Trade Agreement with Canada and Mexico attracted strong criticism from US environmental organizations for setting off a 'race to the bottom' in environmental regulation and enforcement, which he sought to allay through the inclusion of new environmental and labour side agreements. A concerted campaign by US environmental organizations

against the environmental limitations of the General Agreement on Tariffs and Trade also prompted the USA to play a role in ensuring the inclusion of the objectives of sustainable development and environmental protection in the 1994 Marrakesh Agreement establishing the World Trade Organization.

In the end, the Clinton administration failed to make any significant progress on climate change, failed to secure the ratification of the Kyoto Protocol or CBD, and declined to sign the Cartagena Biosafety Protocol. This may be attributed largely to a well-organized industry opposition and a hostile Congress, which gave considerable airing to the views of global-warming sceptics (McCright and Dunlap 2003: 361). Clinton's also displayed a pragmatic disposition, which included a readiness to compromise environmental goals, and an overriding concern to maintain the competitiveness of the US economy. Nonetheless, the Clinton administration did seek to grapple with the challenge of policy integration by promoting the discourses of ecological modernization and introducing environmental security as a component of US foreign policy and defence planning (The White House 1996).

Bush Jr.: the fossil fuel president

The election of George Bush Jr. to the White House in 2001 following his narrow victory over Al Gore in the 2000 presidential race saw the return of a strong pro-business agenda and a corresponding roll-back and revision of many domestic environmental regulations that was reminiscent of the Reagan years (Vig 2006: 115–17). However, whereas the Reagan administration had led the world in the negotiations to protect the ozone layer, the Bush administration attracted widespread international criticism for its repudiation of the Kyoto Protocol in 2001, echoing the concerns of the Byrd-Hagel resolution (despite the fact that US public opinion was in favour of ratification in early 2001).³ Yet despite the Bush administration's scepticism about climate science, the USA has continued to play a major role in climate change research.

The Bush administration rejected prescriptive domestic legislation such as mandatory emissions reductions targets, a price on carbon or mandatory renewable energy targets. Instead, through its Climate Change initiative, it sought to reduce the GHG emissions intensity of the US economy by 18 per cent by 2012, largely through voluntary measures and technology development (The White House 2002). GHG intensity refers to the amount of GHG produced per unit of GDP, so GHG intensity can fall while aggregate emissions continue

to rise (albeit at a slower rate). By the Bush administration's own admission the GHG intensity of the US economy has been in long-term decline and the 18 per cent target was only slightly above forecasts based on a business-as-usual scenario (Depledge 2005: 23).

More significantly, the Bush administration's climate change strategy was overshadowed by its National Energy Strategy, based on recommendations from an Energy Task Force chaired by Vice-President Cheney. Drafted in secrecy by representatives from the fossil fuel and related industries, the Task Force (concluded in May 2001) sought to step up the supply of energy (primarily, but not exclusively, fossil fuels) rather than reduce demand. Many of the report's recommendations were incorporated into the Energy Policy Act, which passed Congress in 2005. The Act provided larger subsidies to the oil and gas industries to encourage exploration and drilling, the streamlining of environmental regulations to accelerate increased energy production, the opening up of the Alaskan National Wildlife Refuge to exploration and drilling, and low-interest loans and research grants for the development of nuclear power plants (The White House 2006). Although President Bush acknowledged America's vulnerability arising from its addiction to oil in his 2006 and 2007 State of the Union Addresses (Bush 2006, 2007) his response was primarily technology driven and concerned to secure supply and keep energy costs low rather than reduce demand.

Vice-President Cheney's energy strategy proved to be the single most important initiative shaping the Bush administration's domestic and international climate change policy. This was in part a response to the fact that USA's dependence on externally sourced oil rose to 56 per cent in 2006, almost half of which came from the Middle East. Although the Bush administration denied that oil was a motivation behind the US invasion of Iraq in 2003, gaining access to Iraq's oil fields for foreign multinationals has nonetheless emerged as the only significant pay-off from the war but it has come at the price of fanning anti-Americanism and Islamic fundamentalism.

The Bush administration's foreign climate policy agenda sought to undermine the Kyoto Protocol by developing 'environmental coalitions of the willing', in the form of voluntary partnerships for clean technology development that cut across the developed/developing country divide. The most significant of these partnerships is the Asia Pacific Partnership on Clean Development and Climate 2006 between the USA, Australia, Japan, China, South Korea, India and later Canada, which provided a non-binding framework for cooper-

ation to promote the diffusion of new ‘clean’ technologies (Christoff and Eckersley 2007). Now defunct, the partnership was based on market-friendly procedural norms of equality of commercial opportunity rather than the UNFCCC’s principles of CBDR (McGee and Taplin 2006: 188).

The Bush administration also turned its back on other environmental agreements and follow-up work arising from the 1992 Earth Summit. It declined to press for ratification of the CBD and declined to sign or ratify the Cartagena Protocol on Biosafety 2000. President Bush also declined to attend the World Summit on Sustainable Development in Johannesburg in 2002 and the US delegation present strongly resisted efforts to agree on an international renewable energy target.

While the USA remained the largest financial contributor to the IPCC and UNFCCC during this period, it rejected a precautionary approach on climate change and biosafety. This stood in stark contrast to its aggressive policy of precaution and pre-emption in addressing terrorist threats, including military intervention in the territories of states that harbour terrorists. In all, the Bush administration’s foreign policy was overwhelmingly preoccupied with the war on terror and weapons of mass destruction rather than climate change and the growing risks of ‘weather of mass destruction’.

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CONTROVERSIES 20.1: Hydrocarbon energy security versus climate security

In his famous ‘crisis of confidence speech’ televised to the nation on 15 July 1979 during the second energy crisis President Jimmy Carter he declared that ‘In little more than two decades we’ve gone from a position of energy independence to one in which almost half the oil we use comes from foreign countries, at prices that are going through the roof’ (Carter 1979). In response to soaring inflation and gasoline queues he announced a range of measures, including import quotas, energy conservation measures, and significant investment in developing domestic sources of energy (including renewables and coal).

Between 1979 and 2008, America’s dependence on imported oil steadily increased along with oil prices. By 2008, crude oil prices reached a record high of just over USD140 per barrel from its historical low below USD20 a year after the Asian financial crisis of 1997, although prices have since fallen due to increasing supply and falling demand. This situation produced a confluence of risks, including concerns over ‘peak

oil’, increasing US dependence on supply from unstable regions, and the growing risks of climate change from the continued production and consumption of fossil fuels. For example, in *Powering America’s Defence: Energy and the Risks to National Security* the CNA’s (formerly the Center for Naval Analysis) Military Advisory Board (MAB) argued that excessive dependence on oil weakens international leverage, undermines economic stability, and increases US vulnerability, and that ‘inefficient use and overreliance on oil burdens the military, undermines combat effectiveness, and exacts a huge price tag—in dollars and lives’ (CNA 2009, vii).

However, rather than synchronise energy security and climate policy, the Bush–Cheney energy strategy focused on increasing the supply of energy (primarily, but not exclusively, fossil fuels) rather than reducing energy demand or imposing an increasingly stringent cap on emissions. In contrast, under the Obama administration the Department of Defence emerged as one of the key innovators in low-carbon technologies and biggest consumers of renewable energy, based on linking energy and climate security. Promoting energy efficiency and innovation in renewable energy technologies were seen as ‘force multipliers’ that would increase operational effectiveness, reduce the number of combat forces diverted to protect energy supply lines, reduce energy costs and reduce greenhouse gas (GHG) emissions in support of U.S climate change initiatives (US DoD and DoE (2010)).

At the same time, security analysts were increasingly turning their attention to the different ways in which climate change impacts would work as ‘threat multipliers’, such as the increasing incidence of extreme weather, the proliferation of new diseases, heightened internal and international tensions resulting from large scale migration caused by environmental displacement, ocean acidification and loss of fisheries, changes in agricultural production and water availability and food shortages and rising food prices (e.g. CNA 2007; Busby 2008; DoD 2014). Moreover, climate change also threatens economic and financial security since companies, investors, economies and the global financial system are all increasingly exposed to climate risks if decarbonisation occurs too slowly, and they exposed to investments in stranded fossil fuel assets if decarbonisation occurs quickly. These concerns are reflected in the draft recommendations of the G20’s Financial Stability Board’s Taskforce on Climate-Related Financial Disclosure (TCFD).

Yet the urgency of linking the US’s energy security needs with climate change were considerably damp-

ened by the end of the Obama administration's second term due to the so-called 'shale revolution', which produced a dramatic shift in the US's domestic hydrocarbon production profile (Bang and Skodvin 2014). As early as the 1980s, American energy companies had developed new techniques (such as horizontal drilling and hydraulic fracking) for extracting natural gas and oil from rock formations, particularly shale. The rapid spread of these technologies saw gas production soar and prices plummet such that by the end of the decade gas-fired electricity generation had become cheaper than coal-fired generation. Likewise, from 2009 to 2015, US crude oil production rose in each successive year (most spectacularly in Texas) in response to high crude oil prices to reach its highest levels since 1972 (US EIA 2016a), although prices have since fallen due to increasing supply and falling demand. By 2013, the U.S. produced more oil domestically than it imported from foreign sources (Whitehouse 2016) and by 2015 the US had emerged as the largest producer of natural gas and petroleum in the world (US EIA 2016b), although by 2016 the US was third to Saudi Arabia and Russia in petroleum production.

The increasing domestic production of fossil fuels was supported by the Obama administration as part of its 'all of the above' energy strategy. Yet in its final year of office, the Obama administration could boast that during its two terms 'domestic energy-related emissions have fallen to their lowest level in 20 years, and our dependence on foreign oil is at a 40-year low — and declining' (Whitehouse 2016). Although the administration's climate and energy policies can take some credit for the historic decline in the US's emissions by 2016 (US EIAc, 2016), the decline in economic activity following the 2007-2008 financial crisis and the switch from coal to gas also played a key role. Although gas is much less emissions intensive than coal, the sheer scale of growth in US gas production and consumption are expected to see emissions from gas surpass those from coal by the end of 2016 (US EIAc, 2016).

In stark contrast, the Trump administration's climate and energy agenda has focused on dismantling the Obama legacy and aggressively promoting fossil fuel exploration, extraction and use so that the U.S. can achieve 'global dominance' as an 'energy superpower' (Whitehouse 2017).

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Obama: improvising around domestic and international deadlock

The election of Barack Obama marked an important shift in domestic environmental and energy policy and international climate diplomacy. The Obama administration declared climate change to be one of its key priorities and it has made significant budget allocations for the advancement of renewable energy, and the inclusion of clean energy provisions and environmental infrastructure expenditure in the so-called green economic stimulus package in response to the financial crisis (The White House 2011). Whereas President Bush had effectively rejected the climate regime's burden-sharing principles of CBDR and US climate leadership, President Obama has sought to respond to international expectations of US leadership by accepting and re-interpreting CBDR in ways that seek to accommodate domestic political concerns and pressures, on the one hand, and the US's position *vis-à-vis* rising powers in the developing world, on the other. He and his Secretary of State, John Kerry, have repeatedly drawn attention to the new 'post-Kyoto environment' and China's and India's rapid emissions growth trajectory as a reason to reject the rigid binary between industrialised and developing countries in the UNFCCC and Kyoto Protocol and to recalibrate differentiated responsibilities to include contemporaneous commitments from the major emerging emitters in the developing world (Obama 2009).

On the domestic front, President Obama initially hoped that Congress would enact national cap-and-trade legislation to reduce US emissions. Although one bill managed to pass the House of Representatives on 26 June 2009 (the Waxman–Markey bill [HR 254] by 219 votes for, 212 against), the Democratic leadership in the Senate abandoned its efforts to push the bill through the Senate in July 2010 due to lack of support.

However, Obama's first climate diplomatic test came before this legislative defeat. The fifteenth conference of the parties (COP15) to the UNFCCC was held in Copenhagen in December 2009, where it was hoped that a new treaty would be negotiated that included all major emitters (many of which had no emissions reduction obligations, including the USA and China). However, the negotiations threatened to collapse due to deep disagreements. China and India argued that developing countries should not be required to undertake legally binding (as distinct from voluntary and nationally appropriate) emissions measures in accordance with CBDR, while the US (negotiating under the continuing shadow of the Senate's Byrd-Hagel resolution, and in the hope that the Waxman-Markey bill might pass the Senate) insisted on symmetry of legal (as distinct from substantive) commitment. In the chaos of the endgame negotiations, the US met with

Brazil, South Africa, India and China and forged the outlines of the nonbinding Copenhagen Accord 2009, which provided a 'bottom-up', voluntary 'pledge and review' model of emissions reduction. Although the accord was not adopted at Copenhagen due to refusal by some parties to accept such a minilateral deal that departed from due process, it was endorsed a year later at the Cancun conference.

The Obama administration pledged to reduce the US's emissions by 17 per cent by 2020 from a 2005 baseline, which amounts to a cut of around 3 to 4 per cent from a 1990 baseline. This pledge was in step with the Waxman-Markey bill, but fell well below the minus 25 to 40 per cent range recommended by the IPCC for developed countries. This stood in stark contrast to the EU's emissions reduction target for 2020, which is to reduce emissions by 20 per cent by 2020 from a 1990 baseline, rising to 30 per cent if other developed countries make comparable commitments.

The heavy Democratic losses in the mid-term Congressional elections in November 2010 gave the Republicans control of the House of Representatives (242–193) and narrowed the Democrat's majority in the Senate to 53. A majority (128 or 53 per cent) of the 242 Republicans in the House of Representatives publicly question the science of climate change (Johnson 2010). This conservative swing, which reflects high unemployment following the global financial crisis (GFC) and an aggressive campaign against action on climate change by the Tea Party movement, significantly diminished the prospects of any significant climate or energy bill passing the 112th Congress. Indeed, the Tea Party movement, along with the growth of conservative and anti-environmental think tanks with the specific aim of 'manufacturing uncertainty' around climate science (Jacques et al. 2008), helped to make the denial of human-induced climate change a litmus test of US conservatism and 'true Republicanism'. For the remainder of its period in office, the Republican controlled Congress provided a 'sturdy legislative wall' against any new climate bills (Dunlop, McCright and Yarosh 2016, 6)

The Obama administration responded by using his executive powers under the Clean Air act to regulate emissions to improvise around this wall (see Major Debates and their Impact 20.1). During the administration's first term, EPA regulations were applied to reduce emissions from cars, light trucks and later from new and renovated power plants. During the second term, EPA regulations were extended to all existing power plants under Obama's Clean Power Plan - the centre piece of his broad Climate Action Plan.

Launched in 2013, the Plan contained a very wide range of domestic and foreign policy strategies, policies and measures, including ending tax breaks for big oil companies and improving efficiency standards for vehicles, appliances and equipment, ending public financing for new coal plants overseas under global sector public financing, strengthening climate cooperation with China and India, mobilising global climate finance for the Green Climate Fund, and seeking a new international climate agreement that was ambitious, inclusive and flexible (The Whitehouse 2013).

The Climate Action Plan represents the most significant domestic climate initiative undertaken by any President, and it was produced in the second year of the four year negotiations that led to the Paris Agreement 2015. In 2011, the parties to the UNFCCC had adopted a new negotiating roadmap to produce a new and durable international treaty that would be ‘applicable to all’ for the post-2020 period. At the time the future of the Kyoto Protocol, which was due to expire in 2012, was uncertain, and with no successor treaty in sight, and the Copenhagen Accord pledges only ran to 2020. The new treaty, called the Paris Agreement, was adopted in 2015, and represented an historic breakthrough in the international climate negotiations. The Paris Agreement is a hybrid approach that builds a strengthened version of the pledge and review approach of the Copenhagen Accord into a legally binding treaty that includes long-term goals, tougher temperature targets, the provision of climate finance and other support to developing countries, and provisions for a dynamic ratcheting up of mitigation ambition by all parties through regular cycles of review.

Although a wide range of parties, and particularly the French Presidency, can be credited for the success of the negotiations leading to Paris, the Obama administration’s active re-engagement in the process proved to be pivotal in breaking the historical deadlock between the US and China over CBDR. First, the administration’s active bilateral diplomacy with China paid off. The US-China Joint Announcement on Climate Change in November 2014, which announced the parties’ respective commitment to national action, bilateral cooperation on climate change and their commitment to a new treaty, injected considerable momentum in the negotiations. The US promised to reduce US emissions by 26-28 per cent by 2025 from 2005 levels while China announced it will seek to achieve ‘the peaking of CO₂ emissions around 2030 and to make best efforts to peak early and intends to increase the share of non-fossil fuels in primary energy consumption to around 20% by 2030’ (The Whitehouse, 2014). Although China tended to play a defensive role inside the

negotiations compared to the US, their cooperation in the closing days of the Paris meeting and their joint ratification of the Paris Agreement at the G20 meeting in China in September 2016 were crucial in finalising the agreement and speeding the ratification process.

Second, the US played a major role in shaping the mitigation architecture of the Paris Agreement 2015 in ways that made agreement possible by focussing on breadth of participation and nationally determined commitments in the first instance, and then building ambition over time. Indeed, it is possible to trace a line back from the mitigation provisions in the Agreement to formal submissions to the negotiations made by the US as early as 2013, where the US proposed a hybrid agreement that would be a legal treaty, but with the mitigation provisions nationally determined based on national circumstances and housed outside the agreement in a register rather as legally binding targets (US 2013a and b). The US proposals survived the negotiations because they provided a path that enabled the parties to step around their deep disagreements. Most notably, it attracted the support of China and India (neither of which would have committed to legally binding obligations), while also making it possible for the Obama administration to implement its commitments using its executive powers rather than seek Senate ratification (Wirth 2016; Oberthür and Bodle 2016, 45). The Paris negotiations were also a highpoint in US and EU cooperation, which further contributed to a successful outcome. The Obama administration pledged 3 billion dollars to the Green Climate Fund - the single biggest contribution. A viable Fund was crucial to the continued support of developing countries to pursue national mitigation and adaptation.

The speed at which the Paris Agreement was ratified – within one year of the agreement’s adoption (compared to eight years for the Kyoto Protocol) demonstrated a general commitment to maintain the momentum of the historic agreement. It is no coincidence that agreement came into force on the 4 November 2016, only four days before the US election of Donald Trump as the new President. While Obama’s improvised domestic climate legacy is likely to unravel, his international climate legacy is likely to endure.

There were few other environmental treaty developments during Obama’s two term. Since the US has maintained its opposition to the Kyoto Protocol 1997 and CBD 1992, it did not become a party to the 2012 Doha amendment to the Kyoto Protocol (which extended the commitment period to 2020) and Nagoya Protocol on Access to Genetic Resources, which was negotiated under the CBD 1992.

Trump: back in reverse

During his Presidential campaign, Donald Trump – a climate sceptic - vowed to tear up the Paris Agreement along with the Obama administration's Clean Power Plan. As President elect, he has given the green light to aggressive fossil fuel exploitation in the US, including the revival of coal, and he has assembled a pro-fossil fuel and anti-environmental Cabinet that is more super-charged than President Reagan's to embark on a program of environmental deregulation. With the Republican party controlling both houses, the Trump administration is set to gain the support he needs to pursue his anti-environmental agenda. This agenda is also reflected in the Trump administration's foreign policy, which began with his appointment of Rex Tillerson - the former CEO of ExxonMobil – as the Secretary of State. After some delay and against strong urging from many world leaders as well as Tillerson, President Trump officially announced in June 2017 that the US would withdraw from the Paris Agreement. However, the Paris Agreement provides that a party must wait three years after the agreement comes into force before giving notice of withdrawal, and then wait another year for it to come into effect, which effectively covers Trump's first term. How the parties manage the US's continued presence at the negotiating table during this period remains to be seen. The world has changed a great deal since 2001, when the Bush administration repudiated the Kyoto Protocol. The parties to the Paris Agreement, including the EU, China and India, have made it overwhelmingly clear that they will press ahead even if the US withdraws and China has unexpectedly found itself assuming a new climate leadership role. The US's share of global emissions has declined, renewable energy is now much cheaper and despite Trump's urgings it is unlikely that coal can be revived in the US. In the US, many states (led by California), cities and businesses have declared that they will continue to work towards reducing emissions. There is also strong public support for climate action and Trump's election has had a galvanising effect on the environmental and renewal energy movement. Moreover, studies of US public opinion have shown that by the end of 2016, support for the 're-carbonisation' of the US economy and the rejection of the Paris Agreement, was much more pronounced among conservative Republican elites and does not reflect the views of a majority of voters, including conservative voters (Leiserowitz et al. 2016).

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MAJOR DEBATES AND THEIR IMPACT 20.1: The EPA's authority to regulate GHG emissions

In the landmark case of *Massachusetts v. Environmental Protection Agency*, 548 US (2007) the US Supreme Court ruled by a majority of five to four that the EPA has the authority and the obligation to regulate CO₂ emissions as pollutants under the Clean Air Act if it found that such emissions endangered public health and welfare. The ruling overturned a decision of the US Court of Appeals of the District of Columbia Circuit in September 2005.

The Bush administration declined to act on this decision but the Obama administration seized the opportunity to regulate CO₂ emissions as a pollutant following the failure of Congress to support cap-and-trade legislation. Following the EPA's 'endangerment finding' in December 2009 the administration used its Executive power to promulgate new regulations to reduce emissions from cars and light trucks, and later for new power plants and major modifications to existing power plants. In its second term, the same Executive powers were used to produce the centre-piece of the Obama administrations Climate Action Plan in its second term, the Clean Power Plan. Officially launched in June 2013, the Plan extended the EPA's authority to regulate emission to all existing power plants with the aim of reducing emissions from this sector by 32 per cent from 2005 levels by 2030. However, the Plan left it to each state to decide how best to achieve its allocated target.

In 1970, in the heyday of US environmentalism, Congress saw fit to confer considerable discretion on the EPA to identify and regulate pollutants. There have since been various unsuccessful attempts in Congress to constrain the EPA's regulatory power, and a major legal action was launched against both sets of EPA regulations produced by the Obama administration, which saw a suspension of the operation of the Clean Power Plan by Supreme Court in February 2016. However, while proving invulnerable to amendment thus far, it is an easy matter for a new administration to rescind the regulations by executive order.

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Key trends and puzzles in US foreign environmental policy

Table 20.1 provides a summary of the USA's involvement in the major international environmental treaties negotiated since the 1970s (excluding treaties on occupational health and safety and minor amendments to

protocols), showing the date of the USA's signature and subsequent ratification, accession, or acceptance where relevant. One striking trend emerging from this history is the drop in the number ratifications since the end of the Cold War. In the period 1970-1991, the USA ratified or acceded to twelve of the fifteen environmental treaties it signed out of a total of eighteen treaties concluded. However, in the period 1992-2016 the USA ratified only eight of the twelve treaties it has signed, out of a total of seventeen concluded (and three of these ratifications were protocols dealing with three different air pollutants under the same Convention on Long-Range Transboundary Air Pollution). The average ratification rate of signed treaties has therefore dropped from 80 per cent in the period 1970–1991 to 50 per cent of signed treaties in the period 1992–2010. If we compare ratifications to the total number of multilateral treaties concluded then the USA's became participation rate dropped from 66 to 47 percent. If the three Protocols on Air Pollution are bundled into one effective Protocol then the percentage of ratifications drops to 29 per cent of total treaties concluded in the post-Cold War period. All but three of the Senate ratifications since 1970 were under a Democrat controlled Congress. (The Obama administration did not present the Minamata Convention on Mercury 2013 or the Paris Agreement to the Senate for its advice and consent but instead relied on executive powers on the ground that new implementation legislation was not required.)

<Insert Table 20.1>

Table 20.1 History of USA's signature and ratification of major international environmental treaties: 1970–2016

Name of treaty	Date of signature	Date of ratification or acceptance
1. Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar) 1971	2 February 1971	18 December 1986
2. Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Sea-bed and Ocean Floor and in the Subsoil Thereof 1971	11 February 1971	18 May 1972
3. Convention on the International Trade in Endangered Species 1972	3 March 1973	14 January 1974

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4. London Convention on Ocean Dumping 1972	29 December 1972	30 August 1975
5. United Nations Convention on the Law of the Sea 1972	NA	NA
6. World Heritage Convention 1972	16 November 1972	7 December 1973
7. Convention on the Conservation of Migratory Species or Wild Animals 1979	NA	NA
8. Geneva Convention on Long-Range Transboundary Air Pollution 1979	13 November 1979	30 November 1981
9. Convention on the Conservation of Antarctic Marine Living Resources 1980	20 May 1980	2 February 1982
10. Protocol to the 1970 Convention on Long-Range Transboundary Air Pollution on Long-Term Financing of the Co-operative Programme for Monitoring and Evaluation of the Long-Range Transmission of Air Pollutants in Europe 1984	28 September 1984	29 October 1984
11. Vienna Convention for the Protection of the Ozone Layer 1985	22 March 1985	27 August 1986
12. Montreal Protocol on Substances that Deplete the Ozone Layer 1987	16 September 1987	21 April 1988
13. Protocol to the 1970 Convention on Long-Range Transboundary Air Pollution Concerning the Control of Emissions of Nitrogen Oxides or their Transboundary Fluxes 1988	1 November 1988	13 July 1989
14. Basel Convention on Control of the Transboundary Movement of Hazardous Waste and their Disposal 1989	22 March 1990	NA
15. Convention on Environmental Impact Assessment in a Transboundary Context 1991	26 February 1991	NA
16. Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context 1991	NA	NA
17. Madrid Protocol on Environmental Protection to the Antarctic Treaty 1991	17 October 1991	1 November 1996
18. Protocol to the 1970 Convention on Long-	19 November 1991	NA

Range Transboundary Air Pollution concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes 1991		
19. United Nations Framework Convention on Climate Change 1992	12 July 1992	15 October 1992
20. Convention on Biological Diversity 1992	4 June 1993	NA
21. United Nations Convention to Combat Desertification 1994	14 October 1994	17 November 2000
22. International Tropical Timber Agreement 1994 (replacing the 1983 Agreement)	27 December 1988	14 November 1996
23. Comprehensive Test Ban Treaty 1996	24 September 1996	NA
24. Protocol to the 1972 London Convention on Ocean Dumping 1996	31 March 1998	NA
25. Kyoto Protocol 1997	12 November 1998	NA
26. Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Heavy Metals 1998	24 June 1998	10 January 2001.
27. Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants 1998	24 June 1998	22 November 2004
28. Rotterdam Convention on Pesticides and Industrial Chemicals 1998	11 September 1998	NA
29. Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution to abate Acidification, Eutrophication and Ground-level Ozone 1999	1 December 1999	22 November 2004
30. Cartagena Protocol on Biosafety 2000	NA	NA
31. Stockholm Convention on Persistent Organic Pollutants 2001	23 May 2001	NA
32. Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, 2010	NA	NA
34. Doha Amendment to the Kyoto Protocol 2012	NA	NA
35. Minamata Convention on Mercury 2013	6 November 2013	6 November

		2013 (under the President's Executive power)
36. Paris Agreement 2015	22 April 2016	3 September 2016 (under the President's Executive power)

Sources: United Nations Environment Program (2005a) and the United Nations Treaty Collection, available at <http://treaties.un.org/pages/ParticipationStatus.aspx>.

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Fig. 20.1 International environmental treaties ratified by the USA, 1970–2010.

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KEY POINTS

- A Republican-controlled Congress is considerably more hostile to environmental laws and treaty obligations than a Democrat-controlled Congress.
- US international environmental leadership has generally waned in the post-Cold War period, with the exception of the Obama administration.
- Under the Obama administration, the US played a diplomatic leadership role in contributing to the success and speedy ratification of the Paris Agreement 2015.
- The Trump administration has return the USA to the status of an environmental laggard.

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Explaining US foreign environment policy

The foregoing history of US environmental foreign policy making since the 1970s raises an interesting puzzle: aside from the Obama administration, why has US leadership tended to wane as global and trans-boundary environmental problems have become more, rather than less, serious and threatening to the global economy and global security? We can begin by drawing together five key insights that have emerged from the history of US environmental foreign policy making since the 1970s.

First, the environmental sympathies or antipathies of successive US presidents are crucial, but not sufficient to explain shifts in US foreign environmental policy making. It is also necessary to examine the composition of other agencies in the executive branch (the EPA, the State Department) and other branches of government, most notably Congress. Despite the president's significant executive power and foreign policy prerogatives, it is Congress that passes laws, levies taxation, and controls spending. Given that the ratification of treaties rests with the Senate, a pale green president (even with a dark green vice-president) faced with a hostile Congress can do very little (e.g. the Clinton-Gore administration), while a dark green Congress together with a strong environmental movement and growing public environmental concern can motivate an indifferent president to support domestic and international environmental initiatives (e.g. The Nixon administration). The Obama administration's efforts to circumvent Congress by relying on Executive powers to regulate CO₂ emissions represents an exception. While it produced a significant diplomatic pay-off in climate diplomacy, at the domestic level it drew hostility from the Republican controlled congress, provoked a legal challenge to the Clean Power Plan and is can be easily rescinded by a new President. In contrast, laws passed by Congress are much harder to change (as critics of the Clean Air Act have found).

Second, different environmental problems (biodiversity loss, ozone depletion, marine mammal protection, climate change) vary considerably in their complexity, predictability, gravity, and lead time to materialise; their relationship to American cultural and political values; the range of causal factors that produce them; the scale and costs of measures to address them, and the distribution of costs in terms of different industries and regions. The two landmark treaties of the post-Cold War period, the CBD and above all the climate change regime, have proved to be much more confronting across all of these dimensions than any of the environmental treaties negotiated during the period under discussion.

Third, the history of USA engagement in environmental treaty making since the 1970s has shown that it is more likely to be an environmental laggard if the provisions of an international environmental treaty are incompatible with its domestic policy and legal setting, *and* those policies and laws regulations cannot easily be changed without a significant backlash from conservative political elites and key interest groups. Conversely, while the USA has tended not to be an importer of 'foreign environmental policy' it has sometimes played a leading role in exporting its own environmental regulations into environmental treaties (DeSombre

2000), such as the US ozone diplomacy. The Obama administration managed to bring federal climate policy and law into closer alignment with the international climate regime *only by circumventing Congress*.

Fourth, while US interest groups tend to have less direct influence on foreign policy than domestic policy, their influence on domestic environmental initiatives can have significant indirect effects on foreign policy. Moreover, business interest groups have had much more influence on domestic and foreign environmental policy than environmental NGOs (Falkner 2001) when the potential economic costs of international cooperation are high (e.g. CBD, Kyoto Protocol, Cartagena Protocol, Nagoya Protocol), while environmental NGOs have had relatively more influence when the costs are low (e.g. the whaling moratorium, Montreal Protocol).

Fifth, US foreign environmental policy cannot be examined in isolation from broader developments in US foreign policy. As we have seen, the Nixon administration's leadership at the 1972 Stockholm Conference cannot be understood in isolation from the political fallout from the Vietnam War, while the second Bush administration's international response to climate change cannot be understood in isolation from his preoccupation with the war on terror and the pivotal role played by Vice President Cheney's national energy strategy in the USA's national security strategy. President Obama's initial response to climate change was shaped by its domestic and international response to the global financial crisis.

Sixth, the end of the Cold War served as a key turning point in the waning of US international environmental leadership by producing a new geopolitical context in which international environmental negotiations were to take place. The disintegration of the Soviet Union had removed a major incentive for US cooperation with its allies and others within its sphere of influence. As the sole superpower in the first decade of the post-Cold War world, the USA took advantage of its greater range of exit options than any other state to avoid entanglement in the increasingly demanding processes of multilateralism. The USA's increasing inclination to act unilaterally or in like-minded coalitions rather than multilaterally during the 1990s and early 2000s has affected environmental diplomacy, as it has many other policy domains.

The end of the Cold War also happened to coincide with the emergence of a new and more complex set of global environmental problems that have challenged what have traditionally been understood as 'core' US economic and security interests. The management of intellectual property over biodiversity, the regulation of

the trans-boundary movement of genetically modified organisms and, above all, the mitigation of climate change, have posed direct challenges to the USA's traditional economic, security and energy interests. In the case of the climate challenge, the energy-intensive and carboniferous structure of the US economy (which has created powerful oil majors and strong regional dependencies on fossil fuels, reflected in the US Senate), the US preference for economic neoliberalism, intensive political polarisation on climate policy and the fragmented character of the US political system have joined forces to prevent a deep and concerted decarbonisation of the US economy. The status quo is reinforced by key elements of US grand strategy, which has also constrained the ability of the USA to adopt a more proactive response to climate change.

US grand strategy and the environment

US grand strategy represents an overriding prioritization of US foreign policy objectives and goals, backed up with particular strategies, preferred modes of engagement, and preferred policy tools. Yet environmental issues have never played a central role in shaping US grand strategy and they have generally been accorded low priority in the pecking order of foreign policy objectives and goals. As Robert Falkner has noted, 'unlike trade and monetary policy, environmental policy has never been central to the US effort to create international order' (Falkner 2005: 586). Instead, US grand strategy has increasingly set significant limits on US foreign environmental policy after the Cold War.

Throughout both the Cold War and post-Cold War periods, US grand strategy has remained committed to securing the military and economic supremacy of the USA, promoting a stable world capitalist system, and promoting the spread of liberal democracy. While the last of these foreign policy goals is generally conducive to environmental social learning, the other elements stand in a more problematic relationship.

To the extent that the growth of an unreconstructed world capitalist system based on neo-liberal economic ideology remains a central pillar of US grand strategy, then we are unlikely to see the USA emerge as a leader in promoting the goals of sustainable development, initially endorsed at the 1992 Earth Summit and updated in the Sustainable Development Goals (SDGs), agreed in 2015 to replace the Millennium Development Goals. The SDGs require all decision makers, including foreign policy elites, to work towards ending poverty, protecting the global environment and ensuring prosperity for all. However, the appealing goal of policy integra-

tion papers over a set of deep-seated debates over whether a rapidly growing world economic and financial system of the kind promoted by the USA is capable of delivering the SDGs in general, or climate protection in particular. The neo-liberal economic order promoted by the USA since the 1980s, and especially since the end of the Cold War, is deeply resistant to the kind of ‘thick regulation’ demanded by proponents of ecological sustainability or ‘strong ecological modernization’ (Christoff 1996; Eckersley 2004). The recession of 2007-2008, triggered by the sub-prime mortgage crisis, is in part a product of international financial deregulation promoted by the USA, which made it politically difficult for the Obama administration to address climate change despite the green stimulus package. The high-energy and high-consumption lifestyles of Americans have also remained largely non-negotiable, despite the growth of the green consumer and producer movements. In contrast, the EU emerged in the 1990s as the green leader not only in environmental diplomacy but also in domestic efforts at policy integration through the adoption of sustainable development in the Treaty of the European Union (Article 6).

Both the US economy and US hegemony developed on the back of a cheap and abundant supply of fossil fuels and therefore a highly carboniferous regime of capital accumulation (Paterson 2009: 148). The US has the world’s largest coal reserves (around 22 per cent) and fifty-two Senators come from states in which coal has traditionally contributed to the state economy and employment (Fisher 2006: 480). Although coal is now in decline, fracking (for gas and oil) has spread across 26 states and is expected to further expand into other states. Likewise, cheap and abundant oil has been central ‘to the vigor and growth of the American economy and to the preservation of a distinctly *American* way of life’ (Klare 2004: pp. xiii–xiv). Oil has also fuelled the USA’s vast military apparatus, and has been used as a strategic resource by the USA during the Cold War in pursuing its strategy of containment and in the overall management of its Western leadership (Bromley 1991, 2005). As Keohane has put it, ‘In a material sense, oil was at the centre of the redistributive system of the American hegemony’ (Keohane 1984: 140). The US oil majors and allied industries have been key players in obstructing domestic efforts to reduce US dependence on oil (Newell and Paterson 1998), and most of the US oil majors have been slow to invest in non-carbon forms of energy compared to their European counterparts (Kolk and Levy 2001; Goel 2004: 476).

While the DoD has demonstrated a considerable shift in its strategic thinking by linking climate change

and energy security this has put it at odds with Congress, which has supported continued investment in fossil fuels and falling prices to maintain economic competitiveness, despite the rapid growth in renewable energy. If it were not for the shale gas revolution, political elites might have been more motivated to focus on domestic innovation in alternative energy sources, efficiency and demand management (see Controversies 20.1 on Hydrocarbon energy security versus climate security).

Explaining environmental foreign policy

Only a multilevelled analysis that incorporates the international system and domestic politics (including the state, society/economy, key political forces and foreign policy elites) can piece together an explanation of US foreign environmental policy (Barkdull and Harris 2002). This rules out structural realist and Marxist accounts that attribute minimal autonomy to the state on the assumption that its decisions are essentially a reflection of systemic imperatives that derive from the anarchic structure of the state system or from particular configurations of economic power. Yet to acknowledge the need for a multi-level analysis begs the question of which level (if any) is more important and whether priority should be accorded to power, interests, ideas/norms and identities/roles in explaining the general pattern of waning US leadership in foreign environmental policy.

In US foreign environmental policy-making, domestic politics tends to play a much more significant role in explaining policy choices than international politics (Hopgood 1998; DeSombre 2000, 2005; Falkner 2005), which is not to argue that international influences are easily separable or unimportant. The foregoing history of US foreign environment policy has shown that US traditional energy interests, and consideration of relative economic gains vis-à-vis rising powers such as China, must be factored in. Yet the meaning of energy security, and what counts as relative gains and losses, are not objective and self-evident but rather are socially selected and constructed through the discourses and policies of foreign policy elites.

This importance of domestic institutions is acknowledged in Putnam's (1988) two-level game approach, which highlights how the Executive's international 'win-set' is determined by the Senate ratification process, along with domestic preferences and coalition interests, and it has been usefully applied to explain the second Bush administration's repudiation of the Kyoto Protocol (Lisowski 2002). While this approach provides a

convincing account of US environmental laggardship in foreign policy, it struggles to explain leadership other than through the absence of domestic interests blocking leadership.

Although Putnam's theory acknowledges the creative agency of the executive, its rationalist premises underplay the international normative commitments of the executive and foreign policy elites or to the ways in which interests, costs and benefits are actively constructed through discourses and policies. Foreign policy is as much a two-level discursive game of constructing interests and international roles (e.g. Cantir and Kaarbo 2012) as it is a two-level game of balancing competing interests and roles. For example, the Obama administration emerged as an international climate leader because climate change was a legacy issue for the President, and especially his Secretary of State John Kerry. This provided the motivation to improvise around domestic veto players in Congress, avoid Senate ratification and redefine US interests to bring them into closer alignment with the demands of the international climate regime by highlighting the national benefits of early action and the costs of failing to act. More generally, interest-based approaches cannot explain why the USA would bother to play a leadership role in relation to other environmental issues that do not impinge upon security or economic interests. Why, for example, would the USA go to such great lengths (employing persuasion, economic sanctions, and even bribery) to support an international moratorium on whaling if not for a strong domestic normative commitment to the preservation of whales within American society?

However, such political unity over environmental policy is now rare. US environmental policy making has been increasingly plagued by domestic political polarisation in Congress, as well internal divisions within federal agencies, which tends to produce more dramatic swings in foreign environmental policy than in corporatist political systems which are dominant in the EU. Climate change is a source of catastrophic risk, but US political elites have not incorporated it into security policy in the same way as terrorist risks even though the longer-term risks of climate change are more pervasive, serious, and certain than the risks of terrorism. Likewise, the Bush-Cheney and Trump administrations understood US energy security in isolation from the risks posed by climate change, which produced a clear conflict between energy and climate concerns. In contrast, the EU has traditionally taken a precautionary approach to climate change and has increasingly sought to frame energy security and climate policy as two sides of the same coin.

To understand the waxing and waning of US environmental foreign policy commitment, it is necessary to

develop a more fine-grained multi-level analysis that is attentive to the ways in which costs, benefits, interests and relative gains and losses are actively constructed through the ideologies, discourses and policies of foreign policy elites. Constructivist foreign policy analysis, including the new turn to role theory (e.g. Cantir and Kaarbo 2012; Wehner Thies 2014), has the resources to provide such a nuanced analysis. Neoclassical realism also has potential if it moves beyond treating domestic ideas merely as ‘intervening variables’ (e.g. Purdon 2013). Both approaches understand foreign policy making as a purposive activity that involves the formulation and pursuit of objectives, goals, and strategies by foreign policy elites, and both situate decision makers in their historical and institutional context and seek to understand their traditions and cultures, causal ideas, and principled beliefs and how they have interpreted their environment by selecting and endowing some phenomenon with significance while screening out others.

In the case of the USA, there has been plenty of ‘screening out’ in the case of the science of global warming. In contrast, scepticism towards climate change is largely absent in the global South and much less pronounced among political leaders, the media, and the public in western Europe (McCright and Dunlap 2003; Boykoff and Boykoff 2004). In the US, political polarisation extends to the causes, consequences and policy response to climate change, irrespective of general scientific literacy and trust in science (Funk and Kennedy 2016). However, conservative scepticism towards climate science is more often a mask for concerns about the short-term economic and political consequences of climate change legislation (Fisher, Waggle and Leifeld 2013) or a more general aversion to more government regulation.

More generally, the social construction of new security risks and new ecological risks by political elites in the USA since the end of the Cold War has remained rooted in the traditional ‘high’ versus ‘low’ politics distinction, which rests on certain understandings of the ‘core’ and ‘peripheral’ business of the US state. In contrast, the EU has displayed a more risk-averse posture in the post-Cold War period, particularly in response to the potential risks of not only climate change but also genetically modified organisms (GMOs) (Falkner 2007). In the case of GMOs, whereas the USA has pushed for regulatory harmonization to promote trade liberalization in what it regards as a benign technology, in the EU NGOs have played a major role in framing the problem as a matter of both sovereign and consumer choice; the right to know and to choose safe food based on the precautionary principle, and resistance to corporate control over the agri-food chain (Levidow

2007: 133).

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KEY POINTS

- Foreign policy making as a purposive activity that involves the formulation and pursuit of international objectives, goals, and strategies by foreign policy elites, who interpret their environment and select and construct policy in accordance with their ideas, beliefs and institutional contexts.
- Domestic environmental politics tends to exert more influence on US foreign environmental policy than international politics, but it cannot be examined in isolation from shifts in international politics and broader developments in US foreign policy.
- The USA has rarely been an importer of ‘foreign environmental policy’ ideas from abroad but it has often sought to ‘export’ its domestic environmental regulations.
- The key international environmental problems of the post-Cold War period have increasingly challenged US grand strategy, while US grand strategy has tended to constrain the ability of the USA to adopt a proactive response to these problems, especially climate change.

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Yet the economic, energy, and security interests of the USA are not pre-given but rather always open to re-definition by social agents, including foreign policy elites. The key problem is that there is too much political divergence among US political elites to enable the creation of greater synergies in the construction of these interests in the post-Cold War period.

Conclusion

If there is one major lesson to be learned from the foregoing history of US foreign environmental policy making it is that sustained US leadership in foreign environmental policy requires a considerable alignment of domestic political forces. Ideally, this would require widespread acceptance of the need for an integrated energy, economic, and environmental strategy for sustainable development (including climate

protection) that guides both domestic and foreign policy making. It would require a green president surrounded by a forceful and environmentally sympathetic cabinet, an environmentally sympathetic Congress, a well-funded scientific community, a vigorous environmental movement, and an environmentally proactive business community that cooperates with the environment movement because it sees market advantage in being an environmental pace setter. However, the US political system and political culture have thus far failed to produce anything closely approximating such an alignment of political forces, and the election of the Trump administration and 114th Congress has pushed back this more modest possibility for at least another four years.

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Questions

1. How relevant are the environmental sympathies of the President in accounting for US international environmental leadership?
2. What role has Congress played in US foreign environmental policy making?
3. Why was the USA an international environmental leader in the 1970s?
4. Why did the USA play a leadership role in the Montreal Protocol given the anti-environmental sympathies of the Reagan administration?
5. Why was the end of the Cold War a turning point in US foreign environmental policy making?
6. What was the relationship between US grand strategy and foreign environmental policy before and in the decade after the end of the Cold War? In what ways, if any, do environmental problems pose challenges to US grand strategy?
7. Why did President George Bush Jr. repudiate the Kyoto Protocol in 2001?
8. What is the relationship between energy security and environmental security?
9. What theories of foreign policy can best explain the shifts in US foreign environmental policy making from the 1970s?
10. How did the Obama administration play a leadership role in climate diplomacy in the face of a

hostile US Congress?

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Further Reading

Bukovansky, M., Clark, I., Eckersley, R., Price, R., Reus-Smit, C., and Wheeler, N.J. *Special Responsibilities: Global Problems and American Power* (Cambridge: Cambridge University Press, 2012), Chapter 4 (Climate Change).

This chapter provides a detailed account of the international attribution of ‘special responsibilities’ on the US to act as a climate change leader, and the US response.

Harris, P. G. (ed.) (2001), *The Environment, International Relations, and US Foreign Policy* (Washington, DC: Georgetown University Press).

This edited collection covers a range of case studies of US environmental foreign policy making.

Hopgood, S. (1998), *American Environmental Foreign Policy and the Power of the State* (New York: Oxford University Press).

A detailed examination of US foreign environmental policy from the Stockholm Summit to the Rio Summit that rejects realist, pluralist, and Marxist accounts, and highlights the core role played by senior members of the US executive in shaping foreign policy.

Klare, M. (2004), *Blood and Oil* (New York: Metropolitan Books).

This book provides a detailed analysis of America’s growing petroleum dependence and the ways this has shaped national energy and security strategies and led to the increasing use of the US military to secure supply.

Paterson, M. (2009), Post-hegemonic climate change? *British Journal of Politics and International Relations* 11(1), 140–58.

This article explains the differences between US and EU climate policy and diplomacy in terms of different strategies of accumulation, characterized as ‘carboniferous capitalism’ versus ‘ecological

modernisation’.

Scott, J. (Director) (2016), *The Age of Consequences*, <http://theageofconsequences.com/>

This documentary film provides important insights into how the US military has responded to the threat of climate change.

Soden, D. (ed.) (1999), *The Environmental Presidency* (Albany, NY: State University of New York Press).

This edited collection provides a detailed examination of the role of the US president in environmental and natural resource policy, focusing on the different facets of the president’s constitutional and leadership powers.

Vig, N. and Kraft, M. (eds) (2006), *Environmental Policy: New Directions for the Twenty-First Century* (Washington, DC: Congressional Quarterly).

A comprehensive edited collection on all facets of US environmental policy making in the domestic and international context.

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Endnotes

1. These include the Brundtland Report (WCED 1987), the United Nations Environment Program’s *Millennium Ecosystem Assessment* (UNEP 2005b), the UK Stern Report (Stern 2007), and the reports of the Intergovernmental Panel on Climate Change (e.g. IPCC 2014).
2. According to Michael Lisowski (2002: 114), an ABC News poll released on 17 April 2001 revealed that 61 per cent of Americans supported ratification of the Kyoto Protocol.

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