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Against the Grain: The United States and the Global Climate Change Regime

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Introduction

The uncompromising stance currently taken by the US in the international climate change regime is well known. While remaining a party to the United Nations Framework Convention on Climate Change (UNFCCC), and still taking the issue of climate change 'very seriously',[1] the administration of George W. Bush has decided not to ratify the 1997 Kyoto Protocol. Since announcing its repudiation of the Protocol in March 2001, the US has repeatedly reconfirmed and reinforced this position through policy actions on the international stage. In doing so, the US has isolated itself from almost all of the rest of the world; 129 countries have ratified the Kyoto Protocol and, with the recent ratification by the Russian Federation, the treaty will enter into force on 16 February 2005.[2] The stance of the Bush administration goes against the grain of most of its allies in the international community in two important ways: first, in denying that climate change is sufficiently serious to warrant meaningful action beyond long-term research and development; and, second, in challenging the view that multilateralism is the tool of choice for managing cross-border problems, a challenge also raised on many other issues. Although much more pronounced in the Bush administration than under previous presidents, going against the grain in this way on international climate change cooperation also reflects broader structural themes in US politics, associated both with deep-seated political, economic and cultural traits and with the hegemonic position of the US in the international arena. Such structural features, which predispose the US to adopt a rather recalcitrant position, help explain why, even under the much more engaged Clinton administration (1993–2000), the US was unable either to ratify the Kyoto Protocol or to take meaningful domestic action to address the problem.

The aim of this paper is to critically describe and analyse US participation in the global climate change regime.[3] It begins with a reminder of the national circumstances of the US with respect to the climate change issue, including structural features of US political culture that help explain the country's underlying reluctance to take strong mitigation action and engage in multilateral efforts to address the problem. It then explores US (dis)engagement with the global climate change regime, and how this has changed over

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1 See Statement by the United States of America, delivered at COP 6, part II, July 2001, in FCCC/CP/2001/MISC.4, 'Statements Made in Connection with the Approval of the Bonn Agreements on the Implementation of the Buenos Aires Plan of Action (Decision 5/CP.6)'. Unless otherwise stated, all official climate change documents (FCCC/...) may be found at ⟨http://www.unfccc.int⟩ (accessed 8 October 2004).

2 On issues relating to Russian ratification, see Jacqueline Karas, 'Russia and the Kyoto Protocol: Political Challenges', Briefing Paper, Royal Institute of International Affairs, (2004). See ⟨http://www.unfccc.int⟩ for up-to-date statistics on ratification of the Kyoto Protocol.

3 For a detailed review and analysis of the climate change regime, see Farhana Yamin and Joanna Depledge, *The International Climate Change Regime: A Guide to Rules, Institutions and Procedures* (Cambridge: Cambridge University Press, 2004).

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time, focusing on the negotiation and adoption of the Kyoto Protocol during the Clinton administration, and the rejection of the Kyoto Protocol by the Bush administration. The paper then briefly looks ahead, showing how the US stance has generated feedback effects both domestically and internationally, which are placing growing (albeit still emergent) pressure on the US to bring its international position more closely into line with that of the rest of the world.

The US and Climate Change

Although the statistics are generally familiar, it is worth recalling the absolutely central role of the US in the climate change issue. By any measure, the US is inescapably a major contributor to the problem. Total US emissions are higher than those of any other state in the world, more than the emissions of the second-, third- and fourth-highest emitters combined.[4] United States emissions per person are also among the highest in the world, more than double those of, for example, Japan and the Russian Federation, and nine times those of China.[5] The US economy is similarly relatively emissions-intensive among developed nations, with emissions per unit of GDP higher than those of almost all the 'old' EU nations and those of Japan. These statistics largely result from high levels of energy consumption and a large share of fossil fuels in the energy mix, reflecting fundamental features of the US economy and society, notably the abundance of cheap fossil fuel reserves including coal, vast distances enhancing the need for transport, and an expansive mode of development based on personal mobility through the motor vehicle.

Features of the US political system that are key to understanding the US stance on climate change include the separation of powers between the executive and legislative arms of government (the administration and the Congress). The executive, led by the president and comprising departments and agencies such as the State Department and the Environmental Protection Agency (EPA), forges the US position articulated in international negotiations. However, approval from the legislature—in the form of a two thirds majority vote of the Senate—is needed to ratify international treaties and put these into effect. This places a check on the extent to which the executive's international actions can be translated into domestic legislation, especially since Congress may not be controlled by the party of the president. Any significant domestic action on climate change at the federal level in turn requires extensive coordination and a complex approval process, involving the executive and its many agencies, the two houses of Congress and the 50 countries. In this way, according to Lee et al., 'the US government is structured to avoid the tyranny of big government, even at the expense of efficient government'.[6] The US is also characterized by the unusually strong influence of well-organized interest groups, of which stakeholders on climate change—notably energy industries and the agricultural sector—tend to have particularly great lobbying power.[7]

Deep-rooted cultural traits derived from the origins of the US as a pioneer state upholding individual freedom, along with the state's geographical isolation, sheer size and natural wealth, are other structural features that help explain the emissions-intensive development path of the US, and indeed its attitude to climate change mitigation. As Lee et al. note, US

4 China, the Russian Federation and Japan, respectively.

5 Total and per capita CO_2 emission estimates for 2000 from fossil fuel consumption and cement production. Carbon dioxide is the dominant, and most reliably estimated, greenhouse gas. Source: Gregg Marland, Tom Boden and Bob Andres, 'Global, Regional and National Fossil Fuel CO_2 Emissions', Carbon Dioxide Information Analysis Centre (CDIAC) (2002), ⟨http://cdiac.esd.ornl.gov/⟩ (accessed 8 October 2004).

6 Henry Lee, Vicky Arroyo Cochran and Manik Roy, 'US Domestic Climate Change Policy', *Climate Policy*, 1, 3 (2001), p. 382.

7 For a review of such structural political factors affecting US climate change policy, see Shardul Agrawala and Steinar Andresen, 'Indispensability and Indefensibility? The United States in the Climate Treaty Negotiations', *Global Governance*, 5, 4 (1999), pp. 457–482; and Lee et al., 'US Domestic Climate Change Policy'.

culture is generally averse to 'conspicuous government intervention'.[8] Potential policies to mitigate climate change, such as taxation on energy intensive goods and services, efficiency standards or regulations to promote low carbon energy, have often been interpreted as unacceptable restrictions on personal choice. This dislike of 'big government' carries through to a generalized suspicion of multilateral institutions and international organizations, and the fear that these may try to erode US sovereignty. The US has a long history of spurning international institutions and agreements, including those that it helped to create, once these appear to be developing a momentum of their own that might not entirely support US policies or that might impose restrictions on the freedom of action of the US. The US is a big, wealthy, powerful state, whose immense capacity for action, and conviction about its own rectitude, makes it reluctant to submit to the constraints of international law and norms put in place to serve as a check on unfettered power.[9] The tortuous history of the relationship between the US and the United Nations pays testimony to this.[10] The establishment of legally binding emission targets on the US through a multilateral institution such as the global climate change regime, despite the active participation of the US in deciding on those targets, is thus inherently a difficult pill for US political culture to swallow.

The US population and its political establishment are often stereotyped in general terms by outsiders as having a rather restricted worldview, with comparatively modest knowledge and understanding of other countries and their conditions and motivations. Certainly, the sheer geographical size and isolation of the US mean that its citizens are less likely to feel the need to travel abroad or seek links overseas, while US cultural dominance means that media images are predominantly domestic ones. However, the US population and public opinion are anything but uniform, challenging the earlier generalization. Surveys, for example, have revealed much greater support among the US public for multilateralism in general, and also for strong action to tackle climate change, including ratification of the Kyoto Protocol, than is displayed either by the administration or by Congress.[11] Nevertheless, although such support is significant, it has so far remained more latent than active; that is, public opinion supporting international action on climate change is not held or expressed sufficiently strongly to counter the very strongly held and expressed views of sceptical interest groups.

United States participation in the climate change regime, and especially the expectations of other countries in this regard, is inevitably shaped by its position as the world's economic, political and military superpower. Although the extent of US dominance in certain non-military fields has been questioned, its superpower position is very clear on the issue of climate change; not only does the US dominate the list of major contributors to climate change, but its economic wealth, political clout and technological superiority, along with the fact that it does serve as an implicit (if not explicit) development model for much of the rest of the world, mean that the US has the greatest potential of any single state to make a meaningful difference to resolving the problem. The US desire to exercise leadership in international affairs, however, and the nature of that leadership have always been uncertain, with important fluctuations between administrations.[12] Climate change poses a particularly difficult dilemma for

8 Lee et al., 'US Domestic Climate Change Policy', p. 384.

9 For a discussion of the US attitude to international law, see Shirley V. Scott, 'American Realpolitik and international law', *Review of International Studies*, 30, 1 (2004), pp. 71–88; also Paul Sharp, 'Virtue Unrestrained: Herbert Butterfield and the Problem of American Power', *International Studies Perspectives*, 5, 3 (2004), pp. 300–315.

10 For an interesting discussion of the US/UN relationship focussed on the dispute over the payment of US dues to the organization, see Courtney Smith, 'The Politics of U.S.–U.N. Reengagement: Achieving Gains in a Hostile Environment', *International Studies Perspectives*, 5, 2 (2004), pp. 197–215.

11 See ⟨http://www.pipa.org⟩. The author is indebted to an anonymous reviewer for directing her to this site.

12 Sharp, in 'Virtue Unrestrained', for example, compares the essentially reactive but engaged foreign policy of President Clinton with the more aggressive policy stance of President George W. Bush, especially after the 9/11 attacks.

the US in this respect. The US has typically sought to exercise international leadership by promoting the export of its *own model* of economic and political development to other countries. In the case of climate change, however, it is precisely that model that is, in large part, driving dangerous climate change. Leadership would therefore first require *the US itself to change*, and indeed potentially to adopt policies and practices in place in other countries. A capacity for self-criticism, however, is not a common feature of superpowers.

The Convention Negotiations: A Reluctant and Obstinate Participant

Ever since the emergence of the climate change issue onto the global stage, the US has consistently advocated weaker mitigation action than its industrialized country partners. By the start of the negotiations on what became the UNFCCC in 1991, the US, under the Republican presidency of George Bush, Sr, was the only Organisation for Economic Cooperation and Development (OECD) member (with Turkey) not to have set itself a domestic emission target. The US only reluctantly agreed to launch negotiations on a climate change convention at all. It subsequently resisted all pressure during those negotiations to establish concrete targets and timetables within the treaty, preferring an exclusively process-oriented regime focused on encouraging national action plans, monitoring and verification, and developing a longer-term goal. Although other OECD states largely concurred with the importance of process and long-term planning, the US was almost entirely alone in declining to take the additional concrete step of establishing emission targets.[13]

In contrast to its laggard position on mitigation action, the US had long exercised strong leadership in the area of scientific research. The US government was the overwhelmingly dominant sponsor of early scientific research on climate change, dating back as far as the 1950s, including the monitoring of CO_2 emissions in Hawaii and the later development of general circulation models for modelling past climates and predicting future change. The US went on to play a pivotal leadership role in promulgating the establishment of the Intergovernmental Panel on Climate Change (IPCC) in 1988,[14] which has since proved absolutely central in providing the foundations for the political negotiations. There is no doubt that, without US scientific backing, 'climate change might not be the global policy concern that it is today'.[15] As the US itself rightly proclaimed to the climate change regime in 2002, 'since 1990, the United States has provided over US$18 billion for climate system research—more resources than any other country'.[16]

These themes—a laggard position on concrete targets, yet one of leadership in scientific research—have persisted in US international climate change policy over the past two decades.

The Kyoto Protocol Negotiations: A Laggard, but Engaged Participant

The negotiations on the Kyoto Protocol, and importantly on their mandate, were conducted under ostensibly very different political circumstances for the US than the convention negotiations, that is, under the Democratic Clinton presidency, and the vice-presidency of

13 On the UNFCCC negotiations, see Daniel Bodansky, 'The United Nations Framework Convention on Climate Change: A Commentary', *Yale Journal of International Law*, 18, 2 (1993), pp. 451–558. For a specific analysis of the US role in those negotiations, see William A. Nitze, 'A Failure of Presidential Leadership', in Irving M. Mintzer and J. Amber Leonard (eds), *Negotiating Climate Change: The Inside Story of the Rio Convention* (Cambridge: Cambridge University Press, 1994); and Agrawala and Andresen, 'Indispensability and Indefensibility?'

14 On early scientific research on climate change, the IPCC and the role of the US, see Shardul Agrawala, 'Context and Early Origins of the Intergovernmental Panel on Climate Change', *Climatic Change*, 39, 4 (1998), pp. 605–620.

15 Agrawala and Andresen, 'Indispensability and Indefensibility?' p. 457.

16 'US Climate Action Report, Third National Communication of the United States of America under the United Nations Framework Convention on Climate Change' (2002), chapter 1, ⟨http://www.unfccc.int⟩.

the avowed and longstanding environmentalist Al Gore. This led to a more engaged tone in US climate change diplomacy. Although many US proposals during the Kyoto Protocol negotiations pushed against the boundaries of the negotiating mandate, the US was fully involved in the talks, and not out on a limb as it had been during the Convention negotiations. The election of a Republican-dominated Congress in late 1994, however, had the effect of boosting the structural inclination of the US towards a recalcitrant stance on climate change. This generated tensions in the US negotiating position, which were papered over to a large extent in the international arena by the Clinton administration.

Unlike the negotiations on the Convention, therefore, the US delegation did concede, when agreeing to the so-called Berlin mandate for the negotiations at the first conference of the parties (COP1) in 1995, that the main result of the talks should be to establish 'quantified emission limitation and reduction objectives'.[17] Although the US delegation could not agree to the actual words 'targets and timetables' being used, the inference was clear. The main sticking point, in fact, was less the principle of adopting emission targets, and more the question of whom these targets should cover. The US wanted all countries—including developing countries, and principally the high emitters among these—included in the scope of any adopted targets, whereas the developing countries insisted that the industrialized countries listed in the Convention alone should be covered. Indeed, an influential minority of developing countries, mostly oil-exporting nations, opposed launching a new round of negotiations on any substantive commitments at all. In the end, the US, and other industrialized nations, had to respond to an overture by the so-called 'Green Group' of developing countries and concede that the targets would cover only industrialized countries, in return for agreement to launch a new round of negotiations.[18]

Even more so than the adoption of the Kyoto Protocol itself, the agreement on this Berlin Mandate was a pivotal moment in both climate change politics and US climate change diplomacy. The US delegation faced intense and bruising pressure from business and industry lobby groups not to agree to the exclusion of developing countries from this negotiating mandate. The decision of the US delegation to nevertheless fall in line with the consensus among its Western allies, and most of the rest of the world, represented a clear shift towards multilateral engagement on climate change. The positive engagement of the US was confirmed at COP 2 in July 1996, when the head of delegation announced support for *legally binding* emission targets, coupled with an emissions-trading system.[19]

The aversion to mitigation action, however, simmered under the surface, occasionally bubbling up to the fore. Having agreed to exempt developing countries from emission targets in this negotiating round, the US delegation found itself in the firing line of the Republican-dominated Congress, in addition to business and industry lobby groups, and to some extent tried to claw back its position from that agreed in the Berlin Mandate. The US therefore proposed in early 1997 that the Protocol should include a clause on 'evolution', whereby emission targets for all countries would be negotiated by 2005.[20] In doing so, the US argued that it was sticking to the letter of the Berlin Mandate—developing countries would not assume commitments in the Protocol itself—but looking ahead to secure a commitment whereby developing countries would be bound by targets in the foreseeable future. The subtleties of the US position,

17 See decision 1/CP.1, FCCC/CP/1995/7/Add.1, 'Report of the Conference of the Parties at Its First Session Held at Berlin from 28 March to 7 April 1995. Part II: Action Taken by the Conference of the Parties'.

18 For an analysis of the COP 1 negotiations and the Berlin Mandate, see Michael Grubb and Dean Anderson (eds), *The Emerging International Regime for Climate Change: Structures and Options after Berlin*, (London: Royal Institute of International Affairs, 1995).

19 See statement reproduced in Michael Grubb with Christiaan Vrolijk and Duncan Brack, *The Kyoto Protocol: A Guide and Assessment* (London: Earthscan, 1999).

20 See US proposal contained in FCCC/AGBM/1997.MISC.1, 'Implementation of the Berlin Mandate: Proposals from Parties', also position papers in FCCC/AGBM/1996/MISC.2/Add.2 and Add.4, 'Implementation of the Berlin Mandate: Comments from Parties'.

however, were lost on the developing countries, who vociferously opposed it. Although its position was undoubtedly the most extreme, it is worth noting that the US was not wholly against the grain of its Western allies on the issue of developing-country participation. Although it rejected the US proposal, the EU had in fact provoked the ire of developing countries a few months before by proposing that additional countries might join the list of industrialized nations with commitments under the Convention and the draft protocol. New Zealand then went even further than the US—although no doubt in close alliance with it—to table, at COP 3 in Kyoto, a formal proposal for a process leading to new commitments for developing countries.[21]

The question of developing-country participation grew in importance with the unanimous adoption of the so-called Byrd–Hagel Resolution in the US Senate in June 1997.[22] This bipartisan resolution, although not binding on the president, essentially called on the US delegation to reject a protocol that would not also include emission commitments for developing countries *within the same time frame* as those of the US, a demand unambiguously contrary to the Berlin Mandate that the US delegation had agreed to two years before. The reaction of the US delegation to the Byrd–Hagel Resolution in the negotiations was muted. The US never pushed its 'evolution' proposal very hard, with individual US negotiators recognizing its illegitimacy among other delegations. Instead, the US delegation worked towards more legitimate proposals to secure greater developing country participation, notably on voluntary commitments (eventually rejected) and what became the clean development mechanism (CDM). United States negotiators also took great pains to alert others to the domestic pressure they were under; at a small meeting of senior negotiators in August 1997, the US delegation circulated a newspaper advertisement taken out by a business lobby group vociferously criticizing the exemption of developing countries from emission targets as unfair.

The second demand of the Byrd–Hagel Resolution was that the US should not adopt emission targets that would harm the US economy. The controversy surrounding the adoption of any legally binding emission targets in the US was highlighted by the delay in tabling a proposed target until the penultimate negotiating session before Kyoto, in late October 1997. In a speech to the National Geographic Society, President Clinton announced that the US would advocate returning emissions of the six main greenhouse gases to their 1990 levels by 2008–2010, in effect delaying—or extending—by ten years the target already in the Convention, but this time making it legally binding. This proposed target was significantly weaker than most others proposed in the negotiations, including by industrialized countries such as the EU nations, Canada and Japan. Most delegations had been working from the assumption that the Kyoto Protocol would require *reductions* in emissions from the 1990 baseline for major industrialized country emitters. The US proposal was therefore seen by most negotiating partners as very disappointing. Revealingly, however, this proposal was in fact among the strongest of the options that were put before President Clinton, showing just how at odds with most of the rest of the world the US found itself with respect to global climate change, even with an environmentally engaged presidency.

Another important aspect of the US delegation's position was its support, also manifested during the Convention negotiations, for maximum flexibility. Its proposals for flexibility during the Kyoto Protocol negotiations were sophisticated, including not just the comprehensive coverage of gases, sources and sinks promulgated during the Convention negotiations, but also multi-year targets, banking, borrowing,[23] emissions trading and project-based

21 On proposals put forward during the Kyoto Protocol negotiations and the 'evolution' issue, see FCCC/TP/2000/2, 'Tracing the Origins of the Kyoto Protocol: An Article-by-Article Textual History'.

22 Senate Resolution 98 of the 105th Congress (12 June 1997).

23 Under 'banking', countries are allowed to carry over any unused emission allowances to the next commitment period. Under 'borrowing', countries would have been able, under certain conditions, to 'borrow' emission allowances from future periods to meet their commitments in the present.

joint implementation, including with developing countries. With the exception of borrowing, which garnered almost no support, all these flexibilities were initially met with suspicion but were eventually accepted into the Kyoto Protocol. The US also stood firm in insisting on a target date not before 2010, proving much more willing to compromise on the level of its emission target than on bringing the compliance date forwards; opposition to 'short-term' targets was a major theme of business and industry lobbying. The US delegation thus tried to reconcile its more progressive stance with the much more recalcitrant position of the US Congress and large sections of the business and industry community by playing within the rules of the negotiating mandate, rather than rejecting it altogether.

While the US did not take any explicitly isolationist stance during the Kyoto Protocol negotiations, many of its proposals were, at the time, regarded as against the grain by its negotiating partners, in the sense of being at best extremely innovative, and at worst suspicious in their intent. The full US protocol proposal put forward in early 1997 used many concepts, ideas and turns of phrase that were unprecedented at the time. They were also couched very much in the language of market economics, revealing the strong predilection of the US for a market-based, rather than government-led, approach to tackling climate change. Such concepts—including emissions trading, banking, borrowing and multi-year targets (termed 'budget periods' by the US)—met with initial resistance from the EU and, especially, developing countries, exacerbated by the market-based language and sheer lack of understanding. For example, the US proposal for 'budget periods' was not well received by developing countries, who interpreted it as a means for industrialized countries to somehow evade their commitments, and who found the financial connotations of the word 'budget' troubling. The concept of multi-year targets—which is now widely acknowledged as a sensible means of smoothing over annual fluctuations in emissions to gain a better picture of emission trends—was only accepted when its name was changed to 'commitment period'.

Although US proposals suffered from unwise terminology and insensitive presentation, reflecting rather limited understanding of other countries' concerns, there is no doubt that the delegation devoted considerable human and financial resources to devising and analysing provisions for the Kyoto Protocol, and in doing so supplied important intellectual skill and energy to the negotiation process. The sophistication and ingenuity of the US proposals certainly made them very important inputs for the negotiations, and ultimately helped ensure that US language permeated every aspect of the Kyoto Protocol, much more so than the proposals of all other parties put together.[24]

The intellectual skill and energy injected into the Kyoto Protocol negotiations by the US were similarly matched by continued scientific leadership, as well as proactive financial support for the regime. The US was a major contributor to the financing of the IPCC's Second Assessment Report, whose findings injected new momentum into the Kyoto Protocol negotiations, while federal funding helped maintain the dominant position of the US in terms of national and internationally collaborative climate change research. This leadership also took on a different angle, with the high-level statement by the US delegation at COP 2 denouncing 'naysayers and special interests bent on belittling, attacking and obfuscating climate change science'.[25] This was very important in signalling that the US administration was taking the advice of its own scientists—in effect, putting its mouth where its money was—and publicly rejecting the handful of sceptical scientists denying the reality and severity of human-induced climate change.

24 On the Kyoto Protocol negotiations, see FCCC/TP/2000/2; Grubb et al., *The Kyoto Protocol*; and Sebastian Oberthür and Hermann Ott, *The Kyoto Protocol: International Climate Policy for the 21st Century* (Berlin: Springer Verlag, 1999).

25 Cited in Grubb et al., *The Kyoto Protocol*, p. 54.

In terms of financial contributions to the climate change regime, the US was the major backer of the Kyoto Protocol negotiation process. The climate change regime is funded by contributions from all parties, with their shares based on the UN scale of assessed contributions. On this basis, the US, as the world's largest economy, is asked to contribute the largest share of the regime's budget, around 21 per cent, and has always paid its contribution in full, more or less on time, and sometimes even in advance. The sums are, admittedly, rather small. The entire budget for the core fund of the secretariat in 1997 amounted to around US$9 million, rising to around US$17 million for 2004. In addition, however, the US was generous during and immediately after the Kyoto Protocol negotiations with its additional contributions to the regime's voluntary funds to help finance extra activities and cover the costs of participation by eligible delegates from developing countries.[26] The US contributed over US$1.3 million to these funds in 1996/1997, and over US$3.3 million in 1998/1999.[27]

There is strong anecdotal evidence that the US delegation adopted the Kyoto Protocol in full anticipation that it could never be ratified in its present form. The underlying demands of the US Congress, and powerful interest groups, were simply too far against the grain of almost all the rest of the world to be acceptable. The choice facing the US delegation was thus either to block the negotiations—thereby going against the administration's own beliefs and facing massive international opprobrium—or to go along with the rest of the international community, and put off the day of reckoning. The Chair of the Kyoto Protocol negotiations was prescient enough to insist that the rules for entry into force would allow the Protocol to come into effect without the US. The day after the adoption of the Kyoto Protocol, influential senators rejected it as unacceptable.

The rather incongruous situation whereby the US delegation supported the Protocol and went ahead with the follow-up process, while opposition to the treaty in the legislature deepened, continued to the end of the Clinton presidency. In late 1998, the US administration even signed the Protocol, claiming (tenuous, and ultimately fruitless) progress in securing developing-country participation. The US delegation was aided, to some extent, in sustaining such a contradictory position by the fact that ratification by industrialized countries was in effect delayed by the need to negotiate the implementation details of the Kyoto Protocol, with a deadline of COP 6 in late 2000. The US participated constructively in those negotiations, just as it had done in the negotiations on the Kyoto Protocol. It continued with the similar approach of seeking maximum flexibility and, as with the Kyoto Protocol negotiations, sometimes veered into putting forward proposals pushing against the boundaries of the legitimate in the eyes of its negotiating partners.[28]

Negotiations at COP 6 were conducted largely during a period of limbo for the US, with the result of the November 2000 presidential election still in dispute. The US head of delegation to COP 6 claimed that the uncertainty over whether Gore or Bush would become the next US president did not affect the US negotiating stance. This rather doubtful claim—given the vastly differing environmental agendas of the two candidates—was perhaps more than the diplomatic gloss assumed at the time, revealing that the underlying current of opinion among the US political establishment meant that the US would not ratify the Kyoto Protocol whosoever occupied the White House. Nonetheless, few

26 These sums are in addition to US financial support to developing countries for climate change action channelled through the GEF, other multilateral institutions, or bilaterally. See 'US Climate Action Report'.

27 See documents FCCC/CP/1998/9 and FCCC/SBI/2000/9, 'Reports of the United Nations Board of Auditors: Audited Financial Statements for the Bienniums 1996 and 1997, and 1998/1999', respectively.

28 On the US proposal for the land use, land-use change and forestry sector, which would have 'almost eliminate[d] at a stroke most of the US requirement to reduce emissions', see Michael Grubb and Farhana Yamin, 'Climatic Collapse at The Hague: What Happened, Why and Where Do We Go from Here?', *International Affairs*, 77, 2, (2001), pp. 261–276.

commentators lay responsibility for the collapse of negotiations at COP 6 at the door of the US, with the finger of blame pointing more at the inflexible stance of the EU.[29]

The Post-Kyoto Negotiations: An Outsider

The Republican Bush presidency soon exposed to full view the contradictions of the US international position. Under the Clinton administration, the US delegation in the international arena had sought to counter the fundamental reluctance of the US political establishment to take strong, internationally coordinated action on climate change. Under the Bush administration, however, this fundamental reluctance came back to the fore and was magnified by the specific character and leanings of the presidency. The first signs came in mid-March 2001, when, in a letter to Republican senators, President Bush announced that his campaign promise to control CO_2 emissions had been a 'mistake' and that he did not support the Kyoto Protocol targets.[30] A couple of weeks later, the US administration confirmed that it had 'no interest in implementing' the Kyoto Protocol and that it was, therefore, 'dead'.[31] Two main reasons were given for this: the absence of commitments for developing countries, and excessively strong targets, mirroring the Byrd–Hagel Resolution. The administration's repudiation of the Kyoto Protocol became headline news around the world, and shocked other governments, who had recently been assured by Christine Whitman, the EPA Administrator, at a G-8 meeting that the US would continue with the Kyoto Protocol process.[32]

The fact that President Bush had strong links to the oil industry and an undistinguished record on environmental issues helps explain why his political instincts propelled him towards a much more recalcitrant position relative to the global climate change regime than that of the Clinton administration. What is interesting about President Bush's reversal of his CO_2 election pledge and his rejection of the Kyoto Protocol is precisely that these actions appeared to be based more on instinct and ideology than well-considered policy. The rapidity and clumsiness with which the administration made its announcements are more suggestive of an improvised reaction to skilful questioning by Congresspeople than informed decision making. There was no sense, for example, that President Bush had been briefed on the cataclysmic impact his outright rejection of the Kyoto Protocol would have on the rest of the world, including close US allies such as the EU and Japan, and therefore the need for considered diplomacy in announcing it. Even more revealingly, it was only *subsequent to* his repudiation of the Kyoto Protocol that President Bush ordered a review of US climate change policy. Such instinctive policymaking is a trend that has characterized US foreign policy under President Bush, most obviously exemplified by the war in Iraq.[33]

The US announcement also reflected a particularly weak understanding of, or concern for, the positions of other countries. The administration was perhaps as shocked by the strongly negative reaction of much of the rest of the world to its announcement, than the rest of the world had been shocked by the announcement itself. Of course, this mutual shock not only reflects lack of understanding on the part of the US, but also on the part of many of its allies, who should have been prepared for the repudiation action by the underlying resistance of the US to internationally coordinated mitigation action since the negotiation of the Convention.

The US announcement did two things. First, it at last blew away the cover of the Clinton administration, and honestly admitted that the Kyoto Protocol did not enjoy support in the US

29 See commentaries in International Affairs, *The Climate Change Debate* (2001), 77, 2.
30 'US U-turn on Emissions Fuels Anger', *The Guardian* (15 March 2001).
31 'Bush Kills Global Warming Treaty', *The Guardian* (29 March 2001).
32 For an analysis of the US repudiation, see Michael Lisowski, 'Playing the Two-Level Game: US President Bush's Decision to Repudiate the Kyoto Protocol', *Environmental Politics*, 11, 4 (2002), pp. 101–119.
33 See Linda B. Miller, 'America and the World', *Review of International Studies*, 30, 3 (2004), pp. 443–450.

among those who would have to ratify it. Second, it set the US, under the Bush presidency, more firmly against the grain of the rest of the world on international climate change policy than it had ever been. Instead of burying the Kyoto Protocol, the US announcement had the opposite effect, galvanizing the rest of the world into a much more positive and conciliatory negotiating attitude. The newly found resolve of the international community, minus the US, was pivotal to enabling adoption of the Bonn Agreements at the resumed session of COP 6 in July 2001, and subsequently the Marrakesh Accords at COP 7 in November later that same year.[34] At the time of writing, 126 countries had ratified the Kyoto Protocol, including almost all of the 39 UNFCCC parties with targets, along with China, India, Brazil and many other major emitters, highlighting starkly the extent of the isolation of the US. Only Australia joined the US in explicitly rejecting the Kyoto Protocol; unease over legally binding targets was a consistent theme of the Australian position in the Kyoto Protocol negotiations, and Australia has since stated that it will try to achieve its Kyoto target domestically, even in the absence of ratification; a very different approach to that of the US.[35]

The extent to which the US administration misjudged the global mood over the Kyoto Protocol and placed itself in such isolation is very revealing of its overall attitude to international affairs. The US administration had truly assumed that, once the US withdrew, the Kyoto Protocol process would collapse, either because action on climate change without US participation was unthinkable, or because countries that had been publicly supporting the Kyoto Protocol were doing so disingenuously, and would be gratefully relieved at the opportunity to reveal their true opposition to the treaty and follow the US lead in rejecting it. As Sharp suggests in a broader context, such an attitude is to be expected of a superpower that perceives itself as a 'virtuous hegemon'.[36]

These assumptions reflect not only a lack of understanding of the strength of concern over the problem of climate change in most of the world outside the US, but also a very different attitude to multilateralism. The Bush administration clearly viewed the global agreement reached at Kyoto as expendable, and felt no compunction in unilaterally withdrawing from it. The rest of the world, however, felt very uncomfortable with the concept of summarily rejecting a painstakingly negotiated multilateral treaty in this way. The EU Environment Commissioner revealingly commented that 'the EU is willing to discuss details and problems, but not to scrap the whole protocol'.[37] This partly reflects the separation of powers in the US political structure discussed above, so that adoption of the Kyoto Protocol was seen more as an act by the rival Clinton administration which the Bush administration could thus repeal without scruple, than as an international instrument agreed with the rest of the world. Although other countries had been much less successful than the US in getting their preferred concepts and proposals included in the final Kyoto Protocol, once it had been adopted other countries assumed that it would eventually be ratified and enter into the panoply of international law. Other countries that were less than happy with their commitments under the Kyoto Protocol, including the US under the Clinton administration, played *within the boundaries of the process*, seeking to make gains in the follow-up negotiations on the implementation rules of the Kyoto Protocol. Australia, Canada, Japan and the Russian Federation all achieved major concessions in this way, significantly alleviating the effort required to meet their emission targets, and indeed reaping opprobrium from

34 These decisions established the implementation details of the Kyoto Protocol, enabling countries to ratify it. See FCCC/CP/2001/5, 'Report of the Conference of the Parties on the Second Part of Its Sixth Session, Held at Bonn from 16 to 27 July 2001', and FCCC/CP/2001/13/Add.1-4, 'Report of the Conference of the Parties on Its Seventh Session, Held at Marrakesh from 29 October to 10 November 2001'.

35 See 'Australia's Third National Communication on Climate Change: A Report under the United Nations Framework Convention on Climate Change' (2002), ⟨http://www.unfccc.int⟩.

36 Sharp, 'Virtue Unrestrained'.

37 'EU Dismay as Bush Reneges on Kyoto', *The Guardian* (30 March 2001).

environmental groups. The US, however, did not seek concessions within the established process, but instead rejected the *entire treaty*, including provisions on emissions trading, the CDM, joint implementation, reporting, registration of emissions and monitoring which would quite likely have been acceptable to it. The desire of the international community not to let one state's view destroy a multilateral process played a major role in securing the Marrakesh Accords and, especially, the Bonn Agreements. The developing country Group of 77 and China, for example, declared that the success at the resumed session of COP 6 had represented 'the triumph of multilateralism and cooperation over unilateralism'.[38]

This rejection of multilateralism has been a feature of the Bush administration, strongly amplifying longstanding US ambivalence to intergovernmental institutions. The administration, for example, has abandoned efforts to ratify the 1997 Ottawa Landmines Treaty, recently stating it did not wish to be 'hemmed in' by it.[39] Similarly, despite close involvement in drafting its Statute in 1998, the US, under the Bush presidency, has now opposed the International Criminal Court, seeking exemption of US nationals from its proceedings. In conceptual terms, the underlying approach of the Bush administration is plainly a realist one, whereby relations between countries are assumed to be shaped predominantly by power differentials. As the most powerful country, the US is seen as free to pursue its objectives in the international arena, and indeed, if the US is assumed to be a 'virtuous' hegemon,[40] this is seen as a positive state of affairs for the world. Within this realist perspective lies an inherent adherence to the theory of 'hegemonic stability', whereby it is assumed that regimes require a strong hegemon to keep them together. According to this theory, the withdrawal of the world's economic, political and greenhouse gas (GHG) emitting hegemon from the Kyoto Protocol should have led to its collapse, as indeed many (not just in the US) had predicted. Instead, a critical mass of supportive countries was able to sustain, and indeed advance, the process. This would lend credence to the more liberal institutionalist interpretation of international cooperation, whereby the climate change regime had developed a momentum of its own, which was able to withstand the loss of its most powerful member so long as it still maintained the support of a critical mass of (individually less powerful) others. The persistence of other regimes (such as those mentioned above) in the face of rejection by the US pays testament to the suggestion that a *critical mass* is more important to the upholding of a regime than a single hegemon, however powerful.

In the fallout from its rejection of the Kyoto Protocol, the US administration assured other parties to the UNFCCC that it would not stop them going ahead with the Protocol. The US could, as a party to the UNFCCC, theoretically have blocked the adoption of the Bonn Agreements and the Marrakesh Accords, but it did not do so. The US, in effect, went 'cold turkey' on the Kyoto Protocol, not participating in follow-up negotiations on Protocol matters, except on a handful of issues with broader implications for US foreign policy. The delegation has, however, made it clear that certain decisions would have been unacceptable to the US. On adoption of the Marrakesh Accords, the US head of delegation stated, 'Other countries should be aware that there are many areas in which the Kyoto Protocol and the rules elaborating it contain elements that would not be acceptable to the United States if proposed in another negotiating context in which we participate.'[41] While the US has not sought to prevent other parties from going ahead with the Kyoto Protocol in the official arena of the climate change regime, there is anecdotal evidence that it was not entirely inactive in

38 See statement reproduced in FCCC/CP/2001/MISC.4.

39 'US Sidesteps Full Landmines Ban', *The Guardian* (27 February 2004). Although President Clinton had also declined to sign the treaty at the time of its adoption, he had intended to review the situation in the future with a view to eventual ratification.

40 See Sharp, 'Virtue Unrestrained'.

41 See FCCC/CP/2001/MISC.9, 'Closure of the Session: View from a Party'.

seeking to influence (apparently unsuccessfully) the decision of the Russian Federation on its ratification of the Protocol. The US was also accused of disingenuity in arguing *against* the negotiation of developing-country emission targets at COP 8 in 2002, in contrast to its long-standing position of pushing developing countries, at least the major emitters, to take on concrete commitments.

The US rejection of the Kyoto Protocol has been absolute, the US declining to participate in any initiatives bearing the Protocol's name. Indeed, the US has been very active in ensuring the separation of the budgets of the UN Climate Change Secretariat for the Convention and the Kyoto Protocol, once the latter enters into force.[42] Pending entry into force, the US is also withholding the portion of its contribution to the Secretariat that would have covered preparatory work, including for the prompt start of the CDM. Again, this is despite the fact that the CDM was explicitly agreed to try to advance US concerns to bring developing countries onboard with climate change mitigation efforts. United States voluntary contributions to the Trust Fund for Supplementary Activities have dropped off considerably, from a high of over US$3,750,000 for 2000/2001(agreed during the Clinton administration) to just US$300,000 for 2002/2003.[43] The US, however, has continued to pay its contribution to the UNFCCC core budget on time and in full, and has also continued to provide voluntary funding for participation by developing countries in the negotiations.

Although the Kyoto Protocol has been sustained by a critical mass of countries, the climate change regime has still suffered from the absence of the US. As well as the substantive impact of the absence of the world's largest emitter, the regime has been deprived of US intellectual and political skill and energy, especially on the Kyoto Protocol flexibility mechanisms and land use, land-use change, and forestry (LULUCF) provisions, which the US played such a pivotal role in creating in the first place. The absence of the US has also greatly impacted on the negotiating leverage and strength of its former allies in the 'Umbrella Group', such as Canada and Japan. Without US support, these countries have found it more difficult to uphold their positions against the EU. While the regime misses the US, the US delegation is also feeling the strain of its rejection of the Kyoto Protocol. The US has complained, for example, about what it sees as insufficient provision for it to observe meetings of the CDM Executive Board.[44] As a non-party to the Protocol, the US cannot run for office as one of the Board's members, and therefore cannot influence the landmark decisions of this vitally significant mechanism that it helped create.

The period since March 2001 has shown how the US has abandoned not only the Kyoto Protocol, but also any attempt to forge a multilateral climate change regime beyond the UNFCCC. In June 2001, as part of its review of US climate change strategy, the Bush administration promised to devise a proposal as an alternative to the Kyoto Protocol system. This was eagerly awaited, and indeed feared by some, who were concerned it could interfere with, or even jeopardize, the negotiations at COP 7 later that year. In the end, the proposal was presented in February 2002 after the conclusion of the Marrakesh Accords, and did not put forward a new framework for a multilateral process. Instead, the administration proposed a domestic target *for the US alone* (although the US Climate Action Report did state that it could 'provide a model for developing countries'). This target provides for a reduction in the *GHG intensity* of the US economy of 18 per cent by 2012.[45] Commentators have

42 See decision 16/CP.9, in FCCC/CP/2003/6/Add.1, 'Report of the Conference of the Parties on Its Ninth Session, Held at Milan from 1 to 12 December 2003. Part Two: Action Taken by the Conference of the Parties at Its Ninth Session'.

43 See documents FCCC/SBI/2002/10/Add.1 and FCCC/SBI/2004/12/Add.2, 'Reports of the United Nations Board of Auditors: Audited Financial Statements for the Bienniums 2000/2001 and 2002/2003', respectively.

44 See Views of the United States of America on 'Effective Participation in the Convention Process' in FCCC/SBI/2002/MISC.8, 'Effective Participation in the Convention Process. Submissions from Parties'.

45 See 'US Climate Action Report'.

pointed out how this target represents only a very modest departure, if at all, from business as usual, given that GHG emissions intensity has been declining anyway in the US, reflecting a more generalized shift in industrialized economies towards the service sector and also long-term trends in efficiency improvements.[46] By its own admission, US GHG intensity is projected to fall by 14 per cent over this period anyway, in the absence of any policy measures.[47] Moreover, the target is to be met entirely through *voluntary* initiatives and technology development, including *voluntary* reporting and registration of emissions. While the administration proposed that emissions trading among companies could be introduced to support achievement of the target, there was no suggestion that this emissions trading, or indeed reporting of emissions, could link up in any way with the international Kyoto system. The US proposal was greeted with a mixture of disappointment and relief by the EU and other negotiating partners. On the one hand, it confirmed to these countries that the US had no interest in taking on meaningful targets to address climate change. On the other hand, the proposal at least put up no challenge to the Kyoto Protocol system that might entice away possible waverers. After the initial fanfare that accompanied its announcement, the profile of this target in US rhetoric on climate change has been rather low.

Much more emphasis has been given to the three 'pillars' of initiatives accompanying the target: the National Climate Change Technology Initiative, the Climate Change Research Initiative, and associated international cooperation.[48] The US administration has particularly drawn attention to programmes to promote technology development. The emphasis on technology reflects 'a belief inherent in the US that it can design and develop technologies to overcome any problem',[49] a belief that is perhaps linked to the origins of the US as a pioneer nation, overcoming the rigours of nature and the wilderness to advance the frontiers of human civilization. Technology development is also a useful policy tool given its inherent popularity and relatively uncontroversial nature, involving the disbursement of government funds to economic sectors, rather than the imposition of any regulation on them. This is especially the case with US technology initiatives, which include funding for clean coal and sequestration technologies, thereby helping to bring on board fossil fuel interest groups. Although US technology initiatives are both laudable and important in addressing long-term climate change, their impact has been tarnished by their presentation as dramatically different to the Kyoto Protocol system, and somehow equivalent to it. There is nothing in the Kyoto Protocol that precludes its parties from adopting aggressive technology initiatives. Instead, part of the reasoning behind the Kyoto Protocol's emission targets is precisely to provide a strong signal to industries to develop new and innovative technologies and introduce these to the market. For most of the Kyoto Protocol parties, long-term technology initiatives should go together with emission reduction actions, not replace them.

The US science initiative is similarly inherently a 'good thing', reflecting decade-long US leadership in climate change science research. Again, the problem lies in the presentation of scientific research as an alternative to the Kyoto Protocol system, whereas, for most of the rest of the world, it is now an accompaniment to mitigation action. In promulgating its enhanced scientific programmes, the US administration has sent out the message that it believes there is insufficient scientific certainty to warrant embarking on meaningful emission cuts. Of course, uncertainties exist on the extent, timing and regional impacts of climate change but, with the exception of the Organization of the Petroleum Exporting Countries (OPEC), the US administration is alone in questioning the scientific evidence that justifies the need for strong

46 See Atle Christer Christiansen, 'Convergence or Divergence? Status and Prospects for US Climate Strategy', *Climate Policy*, 3, 4 (2003), pp. 343–358.
47 See 'US Climate Action Report'.
48 On US climate change policy, see ibid.
49 Lee et al., 'US Domestic Climate Change Policy', p. 383.

mitigation action. This makes for a rather unstable position for the US, given that the majority of its scientists now work on the basis that climate change is a reality. The Bush administration, for example, agreed in January 2001 to language in the IPCC's Third Assessment Report confirming the threat of climate change and the human contribution to it. When the Bush administration requested the US National Academy of Sciences to review the IPCC's findings, the Academy endorsed them. The fact that the Bush administration felt compelled to seek the opinion of a *national* scientific organization (many of whose members had participated in the IPCC) is highly instructive of the administration's attitude to multilateral endeavours. In another example of the contradictions in the US position on climate change science, in June 2002 the administration all but disowned its regular national communication submitted as a party to the UNFCCC,[50] in which it acknowledged the reality of climate change and its potential impacts on the US, claiming it had been written by 'bureaucrats'. More recently, the US administration was accused of suppressing a report on the possible security repercussions of global climate change.[51] Some scientists have also pointed to growing hostility towards environmental science, whereby funding is actually being withheld from climate change research that does not fit in with the administration worldview, and journal editors are subject to intense lobbying from interest groups over the climate change papers that they publish.[52] As one commentator put it, the Bush Administration 'continue[s] to tread very carefully in climate change, under pressure from aggressive climate [science] skeptics within industry and in conservative constituencies'.[53] In the international arena, where most US allies accepted the reality of climate change almost a decade ago, questioning the science greatly diminishes the credibility of the US position and US proposals.

Although the US is at pains to underscore the international cooperation pillar of its climate change policy, such *international* cooperation is very different in conception to the *multilateral* effort at work in the climate change regime. Whereas, in the climate change regime, parties cooperate in the development of global climate change policy over the long term and seek to resolve their differences in a global framework, the US conception of international cooperation is one of bottom-up ad hoc 'coalitions of the willing' on specific issues. A senior US negotiator described the strategy thus: 'to create a truly global approach that stitches together actions by all countries into a tapestry of national action and international cooperation'.[54] The US has entered into numerous bilateral agreements and cooperation initiatives with individual, or groups of, industrialized and developing countries, mostly focused on its chosen areas of technology and science. It has not, however, put forward any proposal for the global climate change process.

Issue-specific 'coalitions of the willing' have been used by the US in other international arenas, notably Iraq. They are an attractive concept for the US, since, unlike a multilateral institution, they can be easily disbanded, providing a relatively simple exit route if any of the 'willing' subsequently become less so. This again reflects a strongly realist perspective on international affairs; if others wish to follow the US, then all to the good, but if they do not, this will not impose constraints on the US. The essence of meaningful multilateralism, however, is precisely to forgo a limited degree of autonomy in the interests of achieving an internationally cooperative consensus on issues where international action is needed. To be meaningful, multilateral institutions must become more than the sum of their parts, and certainly more than just a reflection of the position of their dominant member.

50 See 'US Climate Action Report'.
51 'Now the Pentagon Tells Bush: Climate Change Will Destroy Us', *The Observer* (22 February 2004).
52 'Careful with That planet, Mr President', *The Guardian* (19 February 2004).
53 Tom Jacob, 'Reflections on the Current State of Global Climate Response', *Climate Policy*, 4, 1 (2004, pp. 91–98).
54 Statement by Harlan L. Watson to COP 9 (4 December 2003), ⟨http://www.state.gov⟩ (accessed 8 October 2004).

Looking Ahead: The Backlash

United States rejection of the Kyoto Protocol has led to a backlash at several levels. As we have seen, on the international stage other countries have gone ahead, not just in taking follow-up decisions to make the Kyoto Protocol operational internationally, but also in implementing it domestically. Most famously, the EU is now putting in place a Union-wide emissions-trading system, having been deeply sceptical of emissions trading during the Kyoto Protocol negotiations themselves. This about-face by the EU highlights the value of multilateral institutions, in terms of encouraging learning and the exchange of ideas among their members. Although there has been no overture on the part of the US to rejoin the Kyoto (or a modified Kyoto, or even a replacement Kyoto) system, it is interesting to see how the US has ratcheted up its engagement in the climate change Convention. At 95 persons, the size of the US delegation to COP 9 in December 2003 rose to levels unprecedented since COP 3, despite the rather technical and routine nature of the meeting. About half the delegation consisted of Congressional staff, reflecting widespread interest in proceedings among Congresspeople. It is also interesting to see how the US has embarked on a charm offensive to publicize its own initiatives on technology and science. At COP 9, for example, the US hosted a two-week-long major exhibit on its science and technology initiatives, along with two informal events on the side of the official negotiations to further explain and showcase these initiatives.[55] Although the US has decided to go its own way on climate change, it does want its claim that it takes climate change 'very seriously' to be believed.

It is at the national level that the most promising backlash has begun to play out. Just as the Clinton administration faced opposition in Congress to its international stance, the Bush administration's isolationist position is similarly attracting growing discontent. For example, the number of proposed climate change related initiatives introduced by members of Congress has risen from seven in 1997/1998 to over 80 in 2001/2002 and 45 so far in 2003/2004.[56] The most high-profile of these was the bipartisan Lieberman/McCain 'Climate Stewardship Act' introduced in 2003,[57] which, among other provisions, would have set a national cap on emissions and introduced an emissions-trading system. While the bill was eventually defeated in the Senate, it mustered 43 votes (with 55 against), a surprisingly high degree of support. A 'mirror' bill was introduced in the House of Representatives in March 2004, with the same provisions.[58] At the time of writing, it was still being considered. Of particular significance is the growing concern over US isolation from the global climate change regime, and indeed from other multilateral institutions. Anti-American sentiment across the world is starting to bite, as is the sense of embarrassment among prominent Senators and Congresspeople that the US is taking such a laggard position on such a key global challenge.[59] Revealingly, commenting on the Bush administration's rejection of the Kyoto Protocol, Senator Byrd (to recall, a co-sponsor of the Byrd-Hagel Resolution) warned 'the baby is being thrown out with the bath water through a complete abandonment of the negotiating process. Such an abandonment would be very costly to US leadership and credibility.'[60] Of even greater potential consequence, in 2003 the Senate Foreign Relations Committee passed a provision endorsing the major findings of the IPCC and calling on the

55 See brief reports at ⟨http://www.iisd.ca/climate/cop9/enbots/pdf/enbots1307e.pdf⟩ and ⟨http://www.iisd.ca/climate/cop9/enbots/pdf/enbots1304e.pdf⟩ (accessed 8 October 2004).
56 Data from the Pew Center, ⟨http://www.pewclimate.org⟩ (accessed 8 October 2004).
57 S.139 Climate Stewardship Act 2003, ⟨http://www.senate.gov⟩ (accessed 8 October 2004).
58 H.R. 4067, Climate Stewardship Act 2004, ⟨http://www.senate.gov⟩.
59 See Samuel R. Berger, 'A Democratic Foreign Policy', *Foreign Affairs*, (May/June 2004), pp. 47–63; also transcript of speakers at the conference 'U.S. Climate Policy: Towards a Sensible Center', Pew Center and the Brookings Institution (June 2004), ⟨http://www.pewclimate.org⟩.
60 Cited in Lee et al., 'US Domestic Climate Change Policy', p. 388.

US to take part in international negotiations on climate change in order to secure US participation in a binding treaty.[61]

The fact that the EU, Japan, Canada and other major economies are drawing up plans to implement the Kyoto Protocol, including through participation in its market mechanisms such as emissions trading and joint implementation, is also starting to resonate with the business and industry community. There has been a noticeable shift in attitude in large sections of business and industry, with more now seeking positive engagement in mitigation efforts, and a chance to take advantage of the economic opportunities presented by the Protocol's market mechanisms.[62] Some large companies have set themselves climate-related targets on a voluntary basis, either to control GHG emissions or to achieve associated goals, such as efficiency standards.[63] This reflects a growing assumption in the corporate sector that climate change is indeed a reality, and that meaningful legislation to address the problem will have to come, sooner or later.

A particularly important phenomenon in the US has been initiatives taken at the level of countries and municipalities, which have multiplied in the post-Kyoto era, and especially since the repudiation of the Kyoto Protocol by the federal government. These initiatives include voluntary or mandatory GHG emissions reporting, renewable energy regulations, transport standards, sequestration programmes and even 'cap and trade' schemes. At the time of writing, a database maintained by the Pew Center recorded 44 such initiatives in 28 countries, including regional programmes involving several countries and even cooperation with Canadian provinces.[64] Some have been implemented specifically to address climate change, while others are motivated by other policy goals but reduce GHG emissions as a by-product. Interestingly, action has been largely bipartisan, involving Democrats, Republicans and independents, reflecting the bipartisan nature of action in Congress discussed above.[65] Although their activities do not enjoy such a high profile, many individual cities and municipalities have also adopted climate protection measures, including the assumption of emission targets.[66]

Such local-level initiatives are proving very important in two fundamental ways: first, in demonstrating that reducing GHG emissions can be compatible with, and indeed promote, economic growth and development; and, second, in building partnerships among diverse groups that may initially have been suspicious of climate change policies. There are limitations, however, to relying on local, individual programmes to effectively tackle climate change. Many countries have not sought to take any action, either explicitly or implicitly, on GHG emissions, while some have even placed legislative obstacles to the implementation of any such measures. Moreover, the very nature of climate change—as a global, long-term problem involving multiple actors—means that a common national, indeed international, *policy framework* (but not necessarily common policies) is needed to achieve the most efficient and effective response. Certainly, some corporations have expressed concern at the prospect of having to deal with a patchwork of different policy environments. On the positive side, one of the features of the US political system is the way in which innovation at state

61 See SEC.183 Sense of Congress on Climate Change, in S.925, Foreign Relations Authorization Act, Fiscal Year 2004 (at the time of writing, not yet passed by the full Senate), ⟨http://www.senate.gov⟩.

62 See Chad Carpenter, 'Businesses, Green Groups and the Media: The Role of Non-governmental Organizations in the Climate Change Debate', *International Affairs*, 77, 2 (2001), pp. 313–328.

63 For examples of business activities, including a list of companies with targets, see ⟨http://www.pewclimate.org⟩.

64 See ⟨http://www.pewclimate.org⟩ for an up-to-date overview of activities at the state level.

65 For an analysis of state-level climate change initiatives, see Barry G. Rabe, 'Statehouse and Greenhouse: The Evolving State Government Role in Climate Change', prepared for the Pew Center on Global Climate Change (2002).

66 The US branch of the Cities for Climate Protection campaign lists nearly 150 members, all with an emission reduction target. See ⟨http://www.iclei.org/us/ccp/⟩.

level has tended to feed its way through to the national level. As Rabe puts it, countries could thus 'serve as laboratories for subsequent federal policy'.[67]

Conclusion

In conclusion, the US has always run against the grain of much of the rest of the world on international climate change policy, displaying greater scepticism both over the reality and severity of the problem and over the merits of an internationally coordinated, legally binding response. The extent of US dissonance with its fellow industrialized nations, however, has varied over time, depending on the incumbent administration and also the make-up of Congress. United States international climate change policy is thus a product of the interplay between, on the one hand, *structural* features in the country's economy, culture, politics and international position which predispose it towards a rather recalcitrant attitude to addressing global climate change and, on the other, *contingent* characteristics more specific to the ideologies and approaches of individual administrations and Congresses. In this regard, the Bush presidency has been particularly robust in reinforcing the tendency of the US to go against the grain, in terms both of denial of climate change, and of aversion to multilateral action not wholly controlled by the US, including on a variety of other issues in the international arena. This reflects a more unilateralist foreign policy style, including distrust of multilateral institutions, along with the strong influence of special interest groups and sceptical climate change scientists in the administration. At a deeper level, the approach of the Bush administration is underpinned by a realist view of the world, whereby the US, as unchallenged superpower, feels little need to involve itself in long-term multilateral ventures that might constrain its activities, and conversely feels it can pursue its foreign policy objectives with or without the support of others. The flaws of this approach, however, have become apparent, including with respect to the climate change regime; the Kyoto Protocol will now enter into force without the US, leaving the US and US businesses on the sidelines of important economic and political developments.

A more positive attitude towards climate change mitigation, however, is emerging in the US, in both Congress and many countries and municipalities, as well as in sections of the business community. This sub-federal activity can be understood, at least in part, as a backlash against the stance of the federal government, in terms of not only a genuine concern about climate change but also unease with the administration's detachment from the ties of multilateralism, and resulting loss of credibility among US allies. United States re-entry as a full partner in the global climate change negotiations, however, cannot be expected any time soon. The words 'Kyoto Protocol' have acquired deep negative symbolism among many sections of the US political establishment, and re-engagement by the US will require a willingness to compromise on all sides, including Protocol parties. The domestic changes gradually unfolding in the US, however, are positive signs. Given its strong tradition of democracy, influence of interest groups, and pluralistic government structure, change in the US only comes slowly. However, when it comes, it is much more likely to be durable and sustainable if comes from the bottom up.

67 Rabe, 'Statehouse and Greenhouse', p. iv.