

U.S. policy in the UN environmental arena: powerful laggard or constructive leader?

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Abstract As the world's one remaining superpower, the United States stands forth as a hegemon in international politics. Within the traditional realist perspective, this means that the U.S. is decisive for the ambition and scope of international cooperation. However, research has shown that there is limited empirical support for this assumption when it comes to environmental cooperation. After a brief look at the U.S. general attitude and perception of the UN, this paper will then review general trends in U.S. foreign environmental policy within the United Nations context, including several key domestic factors that have influenced the U.S. in this area. I will then look more specifically at three UN institutions that are responsible for different aspects of environmental governance: United Nations global conferences (Stockholm in 1972, Rio de Janeiro in 1992 and Johannesburg in 2002), the United Nations Environment Programme (UNEP) and the Commission on Sustainable Development (CSD). The main focus will be how U.S. policies and influence in these arenas, and their relationship to UN reform, have evolved over time. Finally, the paper will attempt to analyze the American policies and answer the question posed in the title: is the U.S. a powerful laggard or a constructive leader?

Keywords Environment · Sustainable development · United Nations · United States

Abbreviations

CSD	Commission on Sustainable Development
GEF	Global Environment Facility
G-77	Group of 77
JPOI	Johannesburg Plan of Implementation
MEA	Multilateral environmental agreement
NGO	Non-governmental organization
UNCED	United Nations Conference on Environment and Development

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UNCHE	United Nations Conference on the Human Environment
UNEP	United Nations Environment Programme
WSSD	World Summit on Sustainable Development

1 Introduction

It is a general policy perception that the U.S. is an ardent laggard when it comes to global environmental governance, but is this really the case? As the country often referred to as the world's one remaining superpower, the United States stands forth as a hegemon in international politics. Within the traditional realist perspective, this means that the position of the U.S. is decisive for the ambition and scope of international cooperation. However, research has shown that there is limited empirical support for this assumption when it comes to environmental cooperation.

This paper examines the role of the United States within the context of global environmental governance. After a brief look at the U.S. general attitude and perception of the UN, this paper will then review general trends in U.S. foreign environmental policy within the United Nations context, including several key domestic factors that have influenced the U.S. in this area. I will then look more specifically at three UN institutions that are responsible for different aspects of environmental governance: United Nations global conferences, the United Nations Environment Programme (UNEP) and the Commission on Sustainable Development (CSD). The main focus will be how U.S. policies and influence in these arenas, and their relationship to UN reform, have evolved over time. This paper will not, however, address U.S. policies in other environmental arenas in the UN system (see Harris 2001), such as the multilateral agreements adopted within the framework of specialized UN agencies (e.g., the UNESCO 1972 World Heritage Convention or the International Maritime Organization's marine pollution conventions), global financial institutions (e.g., the UNEP, UN Development Programme, World Bank Global Environment Facility) and regional commissions (e.g., the UN/Economic Commission for Europe 1979 Convention on Long-range Transboundary Air Pollution or the 1998 Aarhus Convention). Finally, the paper will attempt to analyze the American policies and answer the question posed in the title: is the U.S. a powerful laggard or a constructive leader?

2 The United States and the United Nations

States, in theory, always have a choice between resorting to multilateral action in defense or pursuit of their interests, and unilateral action, when it promises to be more effective and less cumbersome. As Hoffmann (2002, p. 342) explains, for a hegemonic power such as the United States, there is a perpetual tug of war between the desire to push its vision of world order through the intricate mechanisms of the United Nations and other international organizations, so as to have it shared by others and to be seen, and accepted, as the leader of the flock, and the itch to act unilaterally whenever these mechanisms are deemed to be hindrances or inefficient.

There is a natural desire in the United States to maximize freedom of action abroad. Multilateral cooperation is more attractive to weaker countries, since it is premised on equal treatment and self restraint. In contrast, the U.S., lacking a major adversary and able to secure many traditional objectives bilaterally or unilaterally, appears at first glance to have few obvious incentives to rely on global institutions and to run few risks in bypassing

them. Moreover, the scale of American dominance provides positive justifications for acting alone. As the world's most powerful country, this argument runs, the U.S. has unique responsibilities to preserve global order and to do this, it cannot be hamstrung by global rules and institutions (Patrick 2002). As a result, the prevalent view of U.S. behavior in the United Nations held by the multilateral diplomatic community is far from complimentary. Criticisms of the United States vary, but the harshest are voiced by those who perceive the United States to be leading the United Nations, but leading it in the wrong direction. The U.S. is often seen as using its power to control the UN in its own self-interest and to promote its own values on the rest of the world, particularly those concerning economic liberalism and democratization (Puchala 2005, p. 574).

Essentially, the U.S. tends to champion a policy of picking and choosing from the menu offered by international organizations only those items that enhance America's power and of rejecting those items that might constrain it. To use Hoffmann's (2002, p. 351) description, those who follow a more 'realist' tradition explain that world order is based on might, that the network of international law and organizations is 'frail scaffolding' that holds only as long as there is a structure of power behind it. They believe that the only thing that matters is what is good for the United States. The rest of the world is not important. They also argue that "under our Constitution, any Congress may, by law, amend an earlier act of Congress, including treaties, thus freeing the U.S. unilaterally of any obligation." The U.S. Constitution is seen as superior to international law and international bodies are politically unaccountable and therefore dangerous (Bolton 1999, p. 42). The counterargument, about the U.S. giving up its ability to shape international institutions by withdrawing from them (as in the case of the Kyoto Protocol, International Criminal Court and Convention on the Rights of the Child) does not impress the realists who are convinced that American absence would doom such institutions (Hoffmann 2002, p. 351).

Others, however, challenge the realist view and note that the United States does recognize the value of the United Nations and other multilateral institutions because the growing complexity and interdependence of international politics today involves economic and environmental issues, among others, that "involve large elements of mutual advantage that can be achieved only through cooperation" (Nye 1990, p. 158). The United States cannot 'go it alone' in foreign policy, despite its dominant power position. The United States, according to Nye (2002), has little choice but to collaborate with others in order to realize its foreign policy objectives. And multilateral organizations, like the United Nations, are part of the equation.

U.S. perspectives towards multilateral institutions are also grounded in cost-benefit analysis. Despite American strength, the UN and other multilateral institutions may be useful in attaining specific objectives at lower cost than unilateral approaches. For example, the existence of UN peacekeeping missions or the international financial institutions make it easier for the U.S. to avoid direct engagement on issues it wishes to avoid or decrease the costs of engagement. Overall, as Foot et al. (2003, p. 272) conclude in their study, U.S. decisions to cooperate in multilateral forums will be determined predominantly by the extent to which any specific organization is perceived by important U.S. domestic actors to be an effective vehicle for the promotion of American objectives.

3 The U.S. in the UN environmental arena

Unlike in peace and security-related issues, there is no simple and straightforward correlation between America's hegemonic position and the type of environmental diplomacy it

is likely to pursue. The fact of hegemony does not determine whether the U.S. will promote or oppose the creation of multilateral environmental agreements or bodies. Unlike trade and monetary policy, environmental policy has never been central to the U.S. effort to create international order. Leadership opportunities in the international environmental arena do not necessarily emerge from the size of the U.S. economy or from U.S. military and diplomatic prominence. As noted by Skodvin and Andresen (2006), even if parties have the required leadership capabilities, they may still choose not to take on a leadership role. That is, parties with leadership potential may lack leadership motivation. Skodvin and Andresen (2006, p. 15) note that parties with leadership potential, like the U.S., may take on a leadership role in three main situations: (a) When the nature of the leader's goals differs from the goals of other negotiating parties; (b) When the leader is better informed than other negotiating parties; and (c) When a party finds it in his power and interest to alter the incentives of the other parties by making the first move.¹

In the case of the U.S., its leadership in environmental diplomacy often comes from a combination of the three. At times, the U.S. government has used its economic strength and political influence to promote global environmental objectives when its goals may differ from other parties or when it is in a position to offer incentives (in many cases technology, capacity building, education and financing). At times, the U.S. is better informed in that its domestic environmental standards exceed international standards and it provides a convenient option to press for policy changes abroad that the United States has already undertaken at home. When the United States assumes a positive leadership role, the possibility becomes greater that environmental policies and institutions will be stronger. However, if the United States fails to take the lead, progress can be blocked (Paarlberg 2002, p. 324).

Given the absence of a global strategic imperative in U.S. environmental foreign policy, it is possible to suggest that the U.S. pursues global environmental issues largely in response to domestic or ideological imperatives. In fact, domestic factors play a stronger role in determining environmental diplomacy than in many other foreign policy arenas. A state's definition of its interests with regard to a particular global environmental issue or institution turns largely on domestic economic and political interests and domestic ideological currents. Whether a government opposes, supports, or leads on an issue depends first on the relative strength and influence of powerful economic and bureaucratic forces and of domestic environmental constituencies. Ideological factors related to broader domestic political themes also can play a prominent role in the definition of interests in some cases.

Hopgood (2003) argues that there are ideological disagreements about the appropriate role the U.S. should play in international environmental politics. For skeptics, environmental threats lack credibility. They view the science as unconvincing, and suspect that the proponents of greater environmental commitments are pursuing another political agenda entirely, one to do with redistribution and regulation. They promote free-market solutions to collective action problems, rather than state intervention. On the other end of the spectrum, Hopgood states that 'activists' take the environmental threat more seriously and see real dangers to the quality of life of Americans and other nations posed by domestic and international environmental problems. They believe that what is good for the international environment is good for individual states as well. Thus, international regulation is unavoidable, and the state must act, both in the domestic economy and internationally, to

¹ For additional approaches to the concept of leadership in multilateral negotiations in general or multilateral environmental negotiations in particular, see also Young 1991 and Underdal 1994.

solve environmental 'collective good' problems. These disagreements have thus contributed to the challenges the U.S. has had in defining its interests at the international level.

Another way of looking at U.S. foreign environmental policy is that it is an attempt to internationalize domestic environmental policy objectives or to protect domestic economic interests against international regulatory threats, depending on the prevailing balance of domestic interests (Falkner 2005, p. 586). There is also a fundamental suspicion of international law and norms. In the U.S., the Constitution asserts which issues are the responsibility of the federal government and which are the responsibility of local and state government. A number of environmental issues, including forest management and land use, fall under the purview of state and local governments. Therefore, some argue, if the United States doesn't give its national government control over certain issues, why would it even consider agreeing to United Nations or international controls?

The definition of domestic interests is further complicated by the decentralized decision-making process in the United States, between the federal and the state governments, along with the separation between the executive, legislative and the judiciary branches. Presidential leadership can easily be blocked through concerted efforts by Congress, where lobbyists are hard at work trying to influence policy. Congress's powerful position in U.S. foreign environmental policy is based on its constitutional role in the policymaking process in three particularly sensitive areas: its authority to ratify international treaties; its budgetary and fiscal powers that affect proposals for environmental taxation, international environmental aid, funding of international organizations, and other environmental spending programs; and its general legislative role in establishing and reviewing environmental regulations (Falkner 2005, p. 593). All three of these areas are critical to U.S. foreign environmental policy because they affect the ability of the U.S. to ratify multilateral environmental agreements, they determine the extent to which U.S. environmental leadership is backed up by financial resources, and they influence the ability of the U.S. to provide a model for policy innovation through effective domestic regulation.

Interest groups can also play a major role in defining U.S. support for international environmental institutions. The American political system provides a particularly fertile ground for interest group lobbying and poses more constraints on the autonomy of state actors in the pursuit of international environmental goals. The separation of powers between the legislative and executive branches of government elevates the potential roles of interest groups within the bureaucratic politics of foreign policymaking. This is even more so because foreign environmental policy involves a wide range of government departments (ministries). The relative influence of different interest groups varies across time and between issue areas, which is one of the important reasons for the fluctuations in the pursuit of U.S. environmental diplomacy (Falkner 2005, p. 594).

However, a strong environmental movement does not guarantee that the state actor will play a lead or supporting role on an issue. The U.S. environmental movement is among the largest and best organized in the world but it has been unable to sway U.S. policy regarding the Kyoto Protocol or ratification of the Biodiversity, Basel, Rotterdam or Stockholm Conventions. This is due in part to powerful interests that oppose U.S. participation in these treaties and because the environmental movement has not been able to influence the outcomes of congressional or presidential elections. For example, property rights advocates who are concerned that the Convention on Biological Diversity would impose too many restrictions on the way private and public land is used, have not only lobbied Congress and the White House heavily against its ratification, but have a history of electing pro-property rights officials.

A final domestic political factor that has occasionally shaped a country's definition of its interest in an environmental regime is the ideology or belief system of the policymaker. Despite the fact that the United States exported very little of its hazardous waste, the first Bush administration opposed a ban on hazardous waste exports to developing countries because of its strong hostility to the intervention of states in national and international markets. During the World Summit on Sustainable Development in 2002, the second Bush administration opposed targets to increase the percentage of renewable energy sources, regarding it as an unwarranted interference by the state in consumer preferences and preferring to let market mechanisms determine a country's energy use.

All of these factors come into play at different times when examining U.S. policies vis à vis three United Nations institutions that address environmental issues: UN global environmental conferences, the United Nations Environment Programme and the United Nations Commission on Sustainable Development.

4 The U.S. and global environmental conferences

While the United Nations Charter set out to improve conditions of living for all people, promoting peace, stability and economic development, this 1945 document was silent on environmental issues. As evidence of an environmental crisis became apparent in the 1960s, voices were raised for expanding UN activities into the environmental field as a crucial means for fulfilling the goals of the UN Charter. Beginning with the 1972 Stockholm Conference on the Human Environment (UNCHE), continuing through the 1992 United Nations Conference on Environment and Development (UNCED) and culminating most recently with the 2002 World Summit on Sustainable Development (WSSD), the United Nations has attempted to address the connections between environmental protection and social and economic development under UN auspices through global conferences.

4.1 1972 Stockholm Conference

The overall U.S. objective for the UNCHE was “to raise the level of national and international concern for environmental problems and to increase national, regional and global capabilities to recognize and solve those problems which have a serious adverse impact on the human environment” (U.S. State Department 1972). As with any conference, the U.S. identified actions that would be of the greatest interest and analyzed both proposals and cost estimates. Some of the priorities identified by the United States in an internal position paper (U.S. State Department 1972) included:

- The development of conventions, agreements and other mechanisms to conserve and improve the global environment consistent with other U.S. policy objectives. Areas of high priority included marine pollution, release of toxic substances into the environment, and the preservation and exchange of potentially useful plant and animal genetic stocks.
- Efforts to sample, analyze and disseminate information on the condition of the global environment.
- Development of coordinated national research programs concerned with environmental problems of regional and global significance.

- Effective strengthening of training, education and public information programs in the field of environment.
- Establishment of improved mechanisms for the exchange of national experience in solving specific environmental problems.
- Regional arrangements to deal with key regional problems, such as conservation and purification of water, management of soil, urbanization and forestry.
- Improved UN coordination of environmental programs and the establishment of a 'small Secretariat' as part of the UN and an intergovernmental committee to coordinate environmental programs and administer an Environmental Fund financed by voluntary contributions from governments.
- Establishment of a mechanism outside the UN to provide environmental scientific advice to the UN and nations.

The U.S. position paper also noted that it must vote against or abstain on any resolution or document that urges acceptance of the concept of 'additionality,' in other words, any text related to supporting a financial resource transfer of a minimum net amount of 1% of gross national product to developing countries by 1972. This was a goal set forth in October 1970, as part of the UN's 25th anniversary, and the United Nations Second Development Decade. Furthermore, the U.S. noted that all support for the implementation of conference recommendations would be through a voluntary fund. If the fund proves inadequate to launch all appropriate programs simultaneously, priorities must be established.

The U.S. delegation was pleased with the outcome of the conference and gained practically all of its objectives. In a memorandum to President Richard M. Nixon, Russell E. Train, head of the U.S. delegation and Chairman of the Council on Environmental Quality, wrote that "The United States proposal for a \$100 million Environmental Fund (your personal initiative in your February 1972 Environmental Message) provided the single concrete proposal which helped pull the entire action program together" (Train 1972). The establishment of the United Nations Environment Programme, support for an ocean dumping convention, support for a 10-year whaling moratorium, approval of the recommendation for a World Heritage Trust, and a global environmental monitoring program were also cited as successes. Train also noted:

"We consistently opposed 'politicizing' of the Conference with war and similar issues, and had good success, given the makeup of the Conference. We also consistently opposed using the Conference as an excuse for new development 'add-ons'. However, it is evident that it is not possible to discuss environmental protection with the LDCs completely outside the context of development objectives" (Train 1972).

This final comment proved to be prescient, as this became the major issue in Rio de Janeiro in 1992.

4.2 1992 Earth Summit

Twenty years later, governments of the world convened at the UN Conference on Environment and Development (popularly known as the Earth Summit) in Rio de Janeiro, Brazil. Unlike in Stockholm, delegates were asked to act not only to protect the environment, but to look at the relationship between environment and development. President George H.W. Bush, at the time of his election in 1988, had intended to be the 'environmental president,' and his record before becoming Ronald Reagan's vice president

indicated that was where his instincts lay. But, as the Summit preparatory process unfolded, President Bush was preparing for a difficult reelection campaign. He was facing a challenge for his party's nomination from Patrick Buchanan, a right-wing ideologue, and, feeling politically vulnerable, felt he had to placate the right-wing of the Republican Party (Shabecoff 1996, p. 137). Thus, as preparations for the Earth Summit got underway, the Bush administration's positions reflected more influence from the conservative Heritage Foundation, than of the environmental movement who was calling on the Bush administration to take a leadership role in shaping a new world order based on sustainable development. Concessions at the Earth Summit, according to the Heritage Foundation, "could affect profoundly America's economic growth, productivity, and international competitiveness." It urged, among other things, that the U.S. oppose any proposals for spending more money on the environment, avoid specific targets for limiting greenhouse gases, and protect private intellectual property rights on technologies, sought by developing countries on concessional terms (Heritage Foundation 1991, pp. 1–2). U.S. negotiators faithfully observed these guidelines, however reluctantly, throughout the process at the instruction of the White House (Shabecoff 1996, p. 137).

The U.S. took a strong position when it came to the economic needs of developing nations and their demands on the industrialized countries, including reduction of consumption and the production of waste. For most of the preparatory process, the U.S. position was adamant: no concessions on new and additional resources, no transfer of technology on concessional terms, no concessions on consumption by the rich and no new economic order. The U.S. also took a hard line on other key issues. In the parallel climate change negotiations, it refused to agree to specific targets and timetables on the reduction of greenhouse gas emissions. It tried to keep the Preparatory Committee from considering environmental problems in Antarctica and block any reference to the impact of military activities on the environment. Wanting to keep open the option of disposing of its decommissioned nuclear submarines at sea, the U.S. delegation sought to bar any agreement that prohibited dumping of radioactive materials in the oceans (Shabecoff 1996, p. 136).

In March 1992, President Bush set forth several priorities for the Earth Summit in the Annual Report of the Council on Environmental Quality—Message from the President. In it, he listed the following priorities:

- Sign a satisfactory global framework convention on climate change;
- Agree on initial steps leading to a global framework convention on the conservation and management of all the world's forests;
- Improve UN environmental and development agencies as well as the Global Environment Facility (GEF);
- Launch an action program to conserve biodiversity and, if possible, sign a satisfactory global framework convention on biodiversity;
- Agree on a strategy and expand efforts to improve the condition of oceans and seas; and
- Adopt a strategy and initiatives to promote technology cooperation in a free market context. (Bush 1992, p. S4095).

Nevertheless, as the fourth Preparatory Committee came to a close in April 1992, followed by adoption of the climate change and biodiversity treaties, the Bush administration found itself under much criticism at home and abroad. Bush was denounced for insisting on a climate treaty with no numerical goals and for holding the treaty hostage to the president's decision on whether or not to go to Rio. He was further criticized when the White House announced a couple of days before the Summit that the U.S. would not sign the

biodiversity treaty because it “would weaken the patent rights of American biotechnology firms and would require an expansion of the Endangered Species Act, a law disliked by American conservatives who complained that infringed on private property rights” (Shabecoff 1996, p. 162).

President Bush did decide to go to Rio in the end, after a major media campaign by U.S. environmental groups. His speech, according to Shabecoff (1996, p. 166), was “largely a defensive justification of the U.S. nay-saying approach to biological diversity, global warming, and helping poor countries finance sustainable development.” The United States, he said, need apologize to no one because “its record of environmental protection was second to none.” Many participants commented that the U.S., the most powerful and influential nation on earth, had let a historic opportunity to build the foundations of a new, cooperative international regime slip away. Everyone had been looking to the U.S. for leadership, but the U.S. was boxed in by its elections into a short-term view and missed the opportunity (Shabecoff 1996, p. 167).

5 2002 Johannesburg Summit

Ten years later, the third major conference was held on environment and development issues. This time, the traveling road show moved to Johannesburg, South Africa, and the general acceptance of the concept of ‘sustainable development’ led UN member states to call it the World Summit on Sustainable Development. The Johannesburg Summit did not aim to renegotiate Agenda 21, but it did attempt to fill some key gaps that had impeded its implementation and the shift to sustainable development. The WSSD took place in a difficult international climate. The new and additional financial resources promised in Rio (over U.S. opposition) had failed to materialize. The U.S. government, under President George W. Bush, was preoccupied with the ‘war on terrorism’ and was generally ‘hostile’ to both environmental causes and multilateralism. Developing countries were wary of the industrialized countries and generally frustrated with them. The failure to implement the Rio agreements effectively had cast a long shadow and raised questions about the credibility and accountability of global conferences (Speth 2003; Chasek et al. 2006).

The Bush administration had essentially ‘checked out’ of the business of global environmental protection (Wapner 2003, p. 7). After largely leading the international community on environmental issues for a number of years, the United States appeared to be no longer interested in collective environmental well-being. In fact, some felt that the Bush administration was actively opposed to environmental protection. Not only did President Bush have no intention of going to Johannesburg, despite the presence of 104 other heads of state and government, he rarely spoke about the event, his administration had withdrawn the U.S. signature from the Kyoto Protocol, attempted to disavow agreements negotiated at the 1994 International Conference on Population and Development in Cairo, weakened many domestic environmental regulations and taken steps to deepen global investments in the fossil fuel economy rather than seeking alternative energy sources (Wapner 2003). Furthermore, there had been a reduction in U.S. official development assistance since Rio and, despite President Bush’s promise at the Conference on Financing for Development in Monterrey, Mexico earlier in 2002 to increase development aid, it was apparent during the preparations for the WSSD that there would be no ‘new and additional’ financial resources coming from the United States.

The United States cautiously prepared for Johannesburg, taking the approach that the framework for the pursuit of sustainable development was established in Rio and the Johannesburg Summit must “usher in a new chapter in which we focus on implementation and concrete results” (Dobriansky 2002b). The U.S. thus decided that to accomplish this its focus would be on ensuring that all countries have “robust institutions and sound policies” to implement sustainable development and forging partnerships with other governments, businesses and civil society that ensure successful on-the-ground implementation (Dobriansky 2002b).

With this in mind, first and foremost, the U.S. tried to assure other countries that it was totally committed to supporting sustainable development. The U.S. carried the message that sustainable development must begin at home, with sound policies and good governance. “Both official assistance and private capital are most effective when they go to governments that rule justly, invest in their people, and encourage economic freedom” (Powell 2002). However, aid is not enough, argued the administration. Officials argued that it is trade and private capital flows that will make the real difference.

Under Secretary of State for Global Affairs, Paula Dobriansky, elaborated a bit more on this ‘vision’ by setting forth the following goals:

- Reduce the number of people living without safe drinking water and provide integrated, watershed approaches to manage water and land resources;
- Enhance access to and adoption, where appropriate, of clean energy, including renewables, from village to metropolis;
- Stem the global pandemic of AIDS, and drastically reduce tuberculosis and malaria;
- Ensure universal access to basic education, and eliminate gender disparities;
- Reduce hunger and increase sustainable agricultural productivity in the developing world without further degradation of forests and fragile lands; and
- Manage and conserve our forests and the vital resources of our oceans (Dobriansky 2002a).

When it came to specifics, however, it appeared that the U.S. delegation spent more energy on ensuring that language antithetical to its goals did not appear in the document, rather than promoting specific programs or policies. The Bush administration and its social conservative base wanted to ensure that language promoting family planning was not in the Johannesburg Plan of Implementation (JPOI) and that women’s health was treated as a poverty issue, not a population issue.

The U.S. was also adamantly opposed to language on targets and timetables for reducing fossil fuel consumption. In the end, the U.S. was successful in thwarting European attempts to set a goal of having 15% of countries’ energy provided by renewable sources by 2015 (Speth 2003). The U.S. was also wary of expansion of scope of two principles contained in the Rio Declaration—the principle of common but differentiated responsibilities (Principle 7) and the precautionary ‘approach’ (Principle 15). The U.S. had been reluctant to include these principles in the Rio Declaration and worked hard to limit their scope. Since Rio, the U.S. has worked hard to contain the influence of these two principles and has constantly denied their status as customary international law (Brunnée 2004, p. 629). The long-standing U.S. resistance to the precautionary principle is rooted in the concern that it might serve as the pretext for other countries to restrict the import of U.S. goods. Reluctance to embrace the principle of common but differentiated responsibilities is derived from concern that this could imply that the U.S. bears the legal responsibility for global environmental problems, such as climate change, and that any

action taken by developing countries must be financially and technically supported by developed countries (Brunnée 2004, pp. 629–630).

Finally, the U.S. made concerted efforts to promote the Type II outcomes—voluntary public-private partnerships—in Johannesburg. Rather than relying on negotiated agreements, the U.S. argued forcefully that private sector engagement was the best way to promote implementation of sustainable development agreements. Critics of this approach, including Norway and members of the G-77 (see Rosendal and Najam, this volume), felt that the partnerships initiative was a way of masking the failure of governments to agree on meaningful action and enable governments to abdicate responsibility to sustainable development. Others argued that the lack of any international review process for the Type II outcomes (this was resisted by the U.S.), meant that there was no accountability and that these partnerships may result in all talk and no action. The U.S., on the other hand, felt that these partnerships could harness the billions of private dollars that circulate the globe and far outweigh public development assistance (Brunnée 2004, p. 635).

NGOs, governments and Democratic members of the U.S. Congress were all disappointed with the U.S. performance in Johannesburg. Congressman Earl Blumenauer, a Democrat from Oregon, put it this way:

“Now, make no mistake about it, I fear the United States was the big loser at that summit. I mention that there were 104 heads of state, not the President of the United States, who was staying on his ranch in Crawford, Texas, and ... allowing the United States to be portrayed as an obstructionist or uninterested in a conference to which most other countries sent their leaders.... For instance, during the negotiations on the plan of implementation... the United States negotiators opposed most of the specific targets in the plan dealing with climate change and energy.... It is kind of hard to believe that the United States, with all of its resources and technology, its leadership, with a public that understands the need for energy independence and not being further reliant on unstable energy sources in the Middle East, hard to believe that our administration thinks it is not possible that the United States could meet the challenge of increasing our use of renewables in the next decade by just 2%.” (Blumenauer 2002).

Despite the passage of 30 years between Stockholm and Johannesburg, U.S. positions at these three global conferences remained fairly consistent. What is interesting to observe, however, is that while the U.S. was seen as an environmental leader in 1972, by 1992 and definitely by 2002, the U.S. was seen as an environmental laggard and a stumbling block to progress. This demonstrates that while the U.S. position has not changed dramatically—it is still wary of making commitments that it cannot fulfill, committing financial resources on any terms but its own, hindering economic growth and having states intervene in international and national markets—the nature of the issues has changed. Whereas in 1972 the Stockholm Conference was more of an environmental conference, by 1992 there was more of a balance between environment and development issues in Rio, but by 2002 the focus was largely on the sustainable development issues of economic and social development and less so on environmental issues for which there is a great deal of international law already on the books. By 1992 the rest of the world had moved on to the Brundtland vision rooted primarily in economic development and its linkages to the environment, but the U.S. was pushing the same message as it had in 1972: governments need to build strong domestic institutions for environmental protection. As the international climate changed over the 30 years between Stockholm and Johannesburg from environmental protection to sustainable development, the issues

became more challenging for the United States. Instead of being able to promote policies abroad that it had already adopted at home, it was faced with battles on principles (e.g., common but differentiated responsibilities and precautionary), population growth, financial aid to developing countries, energy use and, in general, the American resource consuming way of life.

6 The U.S. and UNEP

The United States has had an up and down relationship with UNEP since its conception during the 1972 Stockholm Conference. Perhaps the most important U.S. proposals made during the preparations for the Stockholm conference concerned the funding of international environmental initiatives and the type of institutional mechanism to be established in the United Nations. The U.S. proposed the establishment of a United Nations Fund on the Environment, which would be voluntary, coordinated by an administrator and become the source for financing programs and projects of a global or regional significance.² As far as the new institutional set-up was concerned, the U.S. proposed that a high-level official with a small permanent staff in the office of the Secretary-General was appropriate to administer the fund. The U.S. also proposed an interagency group to coordinate the activities of the various UN bodies concerned with environmental problems (Hopgood 1998, p. 85). The result of this proposal, after much negotiation in Stockholm, was the United Nations Environment Programme. UNEP was established by the UN General Assembly the following fall and it was decided to put the headquarters in Nairobi, Kenya and to elect Canadian Maurice Strong as its first executive director. From the beginning, the U.S. also exercised its political influence over key staff appointments. As an unwritten 'iron rule,' UNEP's deputy executive director from 1973–1998 always was an American³; so was the secretary of the UNEP Governing Council and the chief of personnel.

During the Nixon, Ford and Carter administrations in the 1970s, the U.S. was largely supportive of UNEP and quickly became the largest source of financing for the voluntary Environment Fund. When Ronald Reagan entered the White House in 1981, he undertook a number of actions that reversed the trends in U.S. international environmental policy, including rejecting the Law of the Sea Treaty, refusing to acknowledge that acid rain was a problem, fighting all attempts to restrict exports of pesticides and other hazardous chemicals, and trying to eliminate all U.S. funding for UNEP (Bramble and Porter 1992, p. 323). The Reagan administration was also determinedly anti-multilateralist and did not consider the United Nations as a useful forum for negotiations. The U.S. fell behind in its dues, cut its voluntary contributions (hitting UNEP particularly hard), and threatened to withdraw from UN agencies with strong influence from developing countries. It was during this period that U.S. environmental NGOs turned to Congress to get things done. This made

² To gain domestic acceptance for this proposal, a memo from Secretary of State William Rogers to President Richard Nixon argued that "Providing a large share of U.S. support in equipment and services would assist in employing greater numbers of U.S. scientists and technicians and providing increased opportunities for U.S. manufacturers to capture markets for monitoring, research, and eventually control equipment." (Rogers 1972).

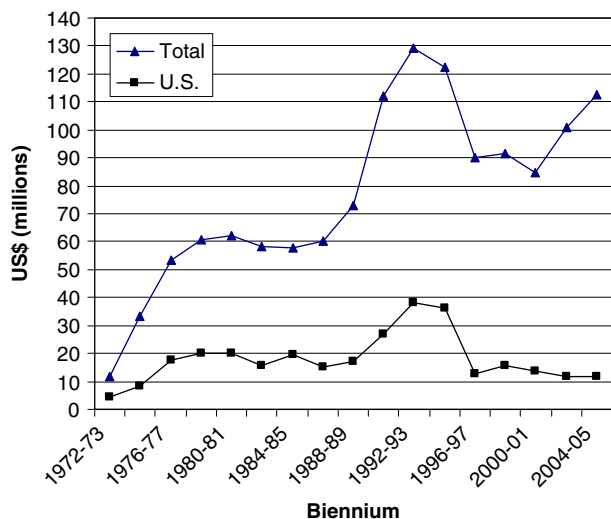
³ For a unique historical record, see the papers of the second U.S. deputy, on file at the Harvard University Library's Environmental Science and Public Policy Archives, *Environmental Collection of Peter S. Thacher, 1960–1999*.

possible a new role for Congress, which on occasion could mount an effective opposition to rescue a program or agency targeted for oblivion by the administration, or to promote a new initiative (Bramble and Porter 1992, p. 324).

Meanwhile, during the 1980s, UNEP increased its role in the funding and on-site management of conservation, research and 'green industry' projects at the national and local levels. Even though some of these projects were worthwhile and successful, many believed that UNEP had neither the institutional expertise nor the resources to make such fieldwork a part of its agenda. On many occasions then Executive Director Mostafa Tolba 'won' new responsibilities for UNEP in political turf battles with other UN bodies. These victories enhanced UNEP's prestige and clout among developing countries, but taxed UNEP's relationship with donors and put more stress on the Programme's already thin resource base. With the growth of UNEP's responsibilities, meanwhile, came a corresponding expansion of its bureaucracy that made the staff increasingly top-heavy. Thus by the Earth Summit in Rio de Janeiro in 1992, UNEP's responsibilities had taken on a patchwork quality, unshaped by a coherent strategy or concerns for manageability. The discussion of post-Rio institutional arrangements, meanwhile, ironically exposed UNEP's workings to greater scrutiny from donor nations, including the United States, whose leaders quickly came to suspect that UNEP was not equipped to carry out the post-Earth Summit agenda on a global level (Heimer 1998, p. 130–132).

Elizabeth Dowdeswell, a Canadian environment official, took over as Executive Director following the Earth Summit in 1992 with a mandate to reform and streamline UNEP. She was unable to overcome the institution's inertia, however, and when the agency failed to establish a major role for itself in preparation for the 1997 Conference of the Parties to the Framework Convention on Climate Change, where the Kyoto Protocol was adopted, many, including the United States, reached a consensus that UNEP was adrift. The U.S. and other donor countries began to show their disapproval by shutting their wallets (See Fig. 1). The United States' dramatic withdrawal of support for UNEP in the mid-1990s after a peak in U.S. contributions around the Earth Summit was a criticism of UNEP's leadership and effectiveness (Ivanova 2005). Dowdeswell's mismanagement of

Fig. 1 U.S. and Overall Contributions to the UNEP Environment Fund 1973–2005.
Source: United Nations Environment Programme Resource Mobilization Unit. (2006). Environment Fund. Retrieved March 11, 2007, from <http://www.unep.org/rmu/en/Financing%5Fof%5FUNEP/Environment%5Ffund/>



UNEP served to discredit the organization and fueled American criticism of waste and corruption at the UN.

UNEP's twenty-fifth anniversary did not get off to an auspicious start in the spring of 1997 when the U.S., the United Kingdom and Spain threatened to withhold funds from the organization until reforms were made to strengthen the role of environment ministers in determining UNEP's policies, rather than the existing system of relying on the Committee of Permanent Representatives in Nairobi. As a consequence of this action, environment ministers at the meeting of the UNEP Governing Council agreed to sign the Nairobi Declaration outlining proposals for UNEP's restructuring (Hierlmeier 2002; Pearce 1997).

When Klaus Töpfer became Executive Director in 1998, he expressed hope that UNEP's reputation could be restored, its funding assured, and reforms enacted. With the creation of the Global Ministerial Environment Forum (GMEF)—a forum of environment ministers that meets annually—and the adoption of the Malmö Ministerial Declaration at the first meeting of the GMEF in 2001, the United States and other donors began to feel that some of its requirements were being met. They restored some of their funding to UNEP as a gesture of good faith to support Töpfer's reforms. During this period, however, the United States also began to view UNEP from a different perspective, which has translated into high levels of moral support for the organization, if not always greater levels of funding.

During the post-Rio period, the United States dealt with UNEP through the Governing Council and was consistently frustrated by the political machinations between the member states. The U.S. relied on an officer posted in Nairobi, a desk officer in Washington and whoever went to Governing Council meetings. As a result, there was no real perspective on the organization. According to one State Department official, despite the fact that the U.S. has given more than \$10 million to the Environment Fund each year, Washington wasn't really working with UNEP as an institution that could implement programs and projects. There was no ongoing relationship with any of UNEP's activities. The perspective on UNEP has improved greatly over the past 3–4 years as Washington has tried to delink what takes place in Governing Council/Global Ministerial Environment Forum meetings with what UNEP can actually do in terms of projects and programs. Former Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs (OES) John Turner developed a good working relationship with Töpfer and his successor, Assistant Secretary Claudia McMurray, continued that relationship. The relationship between Washington and Nairobi improved when the U.S. changed its approach from one of criticism and threats of withholding funds to one of positive reinforcement. The U.S. now has a working relationship with all of UNEP's division directors and knows how the programs work. While the U.S. still has a lot to say about UNEP's management and still believes that UNEP can be more effective and efficient, the approach has resulted in more U.S. guidance towards UNEP and, as a result, the U.S. has become one of UNEP's staunchest supporters.

One State Department official said that the U.S. is currently quite pleased with a number of UNEP's activities including: post-tsunami disaster assessments; waste management and disaster clean-up; publication of a booklet on the role of mangroves and coral reefs in coastal zone management; the adoption of the Bali Strategic Plan for Technology Support and Capacity Building; helping to establish an environment ministry in Afghanistan; and work in Liberia to improve the environmental capacity there. The U.S. has also been supportive of the Regional Seas Programmes, the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA) and the work in chemicals.

Despite the overall change in U.S. attitude, Washington still has problems with the organization. One of these problems, according to one State Department official, is that there has been a disincentive for success. Those programs with a clear comparative advantage, such as the GPA secretariat that does good work, get virtually no support from the Environment Fund. Both UNEP Chemicals and the GPA are funded out of earmarked contributions, rather than the Environment Fund.

Another challenge for the Americans is chemicals management. While the U.S. recognizes the need for chemicals management, Washington doesn't believe that UNEP should start negotiations on a mercury convention. While there are a few areas where international chemicals management is important (international waters and atmospheric transport), for the most part sound management of chemicals is a domestic issue. The U.S. would prefer to address these issues through partnerships and bilateral agreements and capacity building, rather than spending the time and effort in negotiating an international convention.

The U.S. also doesn't support UNEP's efforts to become a UN agency with an assessed budget (rather than the voluntary Environment Fund) and greater programmatic capabilities. Nor does the U.S. support the creation of a Global or United Nations Environmental Organization. Instead, the U.S. clearly prefers the status quo and much of its support for UNEP is really support for the status quo. In a speech before the 60th session of the UN General Assembly, Ambassador Sichan Siv (2005) stated:

"The United States supports incorporating environmental concerns into development work. We need to continue to focus on strengthening the United Nations Environment Programme, using as the foundation the package of measures we agreed to in UNEP.... The existing system of multilateral environmental agreements (MEAs) reflects a good balance of coordination and decentralization. We do not need any additional supranational authorities."

In another U.S. speech before the General Assembly in 2005, Samuel Kotis (2005) stated, "The principal responsibility for improving coordination on environmental issues should remain with national governments, and not with a supranational authority. Thus, the United States prefers to focus on improving UNEP, not changing its status." So, in a sense, U.S. support for UNEP could actually be an attempt to preserve its own self-interest and to uphold the long-held U.S. belief that it is the responsibility of local government to manage natural resources and the environment. If this means limiting any expansion of global environmental governance and maintaining the status quo at UNEP, then this may be guiding the U.S. position.

7 The U.S. and the CSD

UNCED agreement about the creation of the CSD was achieved in spite of considerable opposition from many Northern governments, including the United States, who opposed in principle the creation of any new body in the UN system. This position was eventually overridden, in large part as a result of the persistence of a number of Southern and other Northern governments and a coalition of non-governmental organizations (Bigg and Dodds 1997). The CSD got off to a rocky start at its first meeting in 1993 when there was an "overwhelming sense of disquiet that the momentum of Rio had been lost and ... much more needs to be done to translate the Rio commitments into concrete actions" (IISD-RS

1993). Yet during the High-level Segment, ministers underlined the dynamic role of the Commission as a central political forum for monitoring and review of Agenda 21 and other outcomes of UNCED and stressed the need to provide further political impetus and profile of the activities of the Commission. Initiatives and programs were announced to show how Agenda 21 was alive, not a document collecting dust on a shelf. The U.S. demonstrated that a new spirit of North–South cooperation and partnership had emerged out of the UNCED/CSD process when then Assistant Secretary of State for Global Affairs Timothy Wirth announced that the U.S. and Colombia will work together to contribute to preparations for the intersessional working group on technology transfer, cooperation and capacity building. Thus, with the endorsement of the ministers who took the time to come to New York, the first substantive session of the CSD ended on a positive note. Many believed that the Spirit of Rio had returned and it appeared as though the CSD was on the right track.

Yet, five years later, disillusion had already set in. The CSD had developed the reputation of being a ‘turgid talk-shop’, which resulted in nothing of substance and devoted its attentions to the “painful word smithing of negotiated texts” (Upton 2000, p. 5). In 1995, U.S. Ambassador to the United Nations Madeleine K. Albright called for UN reform, including rationalizing the subsidiary bodies of ECOSOC and the CSD. She said,

“Today’s ECOSOC organizational chart looks like it was designed by a crazed kitten in a string factory. A first step towards untangling it would be to highlight the role of the Commission on Sustainable Development, transfer it to Geneva, and fold into it the Commission on Science and Technology for Development, the Commission on Social Development and the Committee on Natural Resources” (Albright 1995).

The U.S. supported moving the CSD to Geneva to facilitate interaction with the specialized agencies that are responsible for the implementation of most of Agenda 21. Some construed this to mean that the U.S. wanted to give the CSD less of a political focus that had characterized the Commission’s work up until that point, towards a more prosaic role that attempted only to coordinate program activities within the UN system (Bigg and Dodds 1997, p. 32). This position can also be explained by the fact that at that point in time, the U.S. was disillusioned with UNEP and didn’t believe that UNEP was providing its coordination function and perhaps believed that the CSD could do a better job.

The U.S. perceptions of the CSD didn’t change much between the Clinton and Bush administrations. Generally, the United States has treated CSD decisions more legalistically than others who may take advantage of the CSD’s low-level standing in the UN system to explore issues; it has never believed all issues on the CSD agenda should be discussed in that forum; and it has not looked to international organizations like the CSD as primary arenas to promote its interests (Wagner 2005). Up until the World Summit on Sustainable Development in 2002, the U.S. consistently stressed that the CSD should serve “as the forum for international debate on the linkage between economic development, social development and environmental protection” and, supported the development of innovative working methods, especially interactive dialogues with civil society and the business sector (Winnick 1998). The U.S. has also supported voluntary partnerships and initiatives with industry and civil society, arguing that they promote best practices and greater awareness and diffusion of innovative corporate management tools and approaches (Kimble 1998).

A third area that has continually been emphasized by the United States, is the desire that the CSD process not duplicate or otherwise unduly influence issues and negotiations on matters that should be discussed in more appropriate forums. The U.S. has not wanted climate change, biodiversity and other issues that are the subject of multilateral

environmental agreements discussed by the CSD. According to a State Department official, issues like climate should be left alone and the CSD should deal with areas where there isn't as robust an alternative process. The same issue should not be discussed in many different forums since all this accomplishes is an opportunity for forum shopping for someone who wants to advance a cause.

Nevertheless, by 2002, according to a former State Department official, the U.S. decided it was time to change the focus of the CSD and took the opportunity to propose a shift in the CSD's focus from a "contentious negotiating talk shop where we went over *ad nauseum* the same issues year after year and turn it into a more technical discussion that focused on real benefits delivered to real people." The U.S. took the lead in getting language into the Johannesburg Plan of Implementation (JPOI) that called for specific reforms to the CSD, including:

- "Limiting negotiations in the sessions of the Commission to every two years." (paragraph 147d)
- "Limit[ing] the number of themes addressed at each session." (147e)
- "Serv[ing] as a focal point for the discussion of partnerships that promote sustainable development, including sharing lessons learned, progress made and best practices." (148b).

The U.S. continued to push for these reforms and in January 2003, former Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs John Turner and Jonathan Margolis, State Department Special Representative for Sustainable Development, put forth a series of discussion papers on the future of the CSD.⁴ They hoped that these papers would enable the CSD to evolve to realize the changes called for at the WSSD and remain relevant and responsive to the international community as it implements the sustainable development objectives of Agenda 21, the JPOI and the internationally agreed development goals, including those in the 2000 Millennium Declaration. The idea was to have a forum of implementation that would not be dominated by diplomats producing negotiated outcomes, but by people who were performing a role in projects (financing, implementation, capacity building, etc.), so that there would be concrete movement towards the implementation of goals.

The Commission began to discuss its future work program at CSD-11 in 2003. Delegates agreed in principle that its multi-year program of work would be organized on the basis of seven 2-year cycles, with each year focused on selected thematic clusters of issues. During the discussions, the U.S. proposed that over the course of each two-year cycle, the CSD might promote implementation through a number of specific outcomes, including:

1. Increased capacity for implementation
2. Increased stakeholder participation
3. Mobilizing resources for sustainable development
4. Enhanced donor coordination and complementarity
5. A rich source of information on implementation
6. Policy guidance
7. Enhanced and additional partnerships and initiatives (U.S.UN 2003)

The U.S. expressed hope that the outcomes would lead to increased capacity for implementation; enhanced and additional partnerships and initiatives; increased

⁴ These papers, "Discussion papers on the future of the United Nations Commission on Sustainable Development," can be found online at <http://www.state.gov/g/oes/sus/csd/2003/>

stakeholder participation/integration; mobilizing resources for sustainable development; enhanced donor coordination and complementarity; policy guidance; and a rich source of information on implementation (U.S.UN 2003).

The first two-year cycle began in 2004 by discussing the thematic cluster of water, sanitation and human settlements. The first year was supposed to be a review session and the second year a policy session. According to an official with the U.S. Agency for International Development (USAID), the U.S. hoped that people who attended the CSD would talk concretely about water projects, lessons learned, successes and problems. They wanted this to be a forum devoted to people who could solve problems, and not focus on diplomats who know nothing about water on the ground to agree on a set of negotiated outcomes. The U.S. took the view that the new format was more valuable because of the increased participation of practitioners. Needless to say, many of the New York-based diplomats were not happy with the session. UN diplomats like to be able to horse trade, but the more people who come from outside of New York, the less horse trading goes on. The U.S. agrees that the new format is useful to capitals (and implementation) not to New York-based diplomats, but that is how it should be. As Jonathan Margolis stated at CSD-13 in 2005,

“The best message that this CSD can deliver is to show how a reformed UN process that integrates the actions of governments, international organizations, and a range of non-governmental players can deliver concrete results. I am hopeful that this session and future CSD cycles will inspire actors across the board—whether here, in other UN fora, or in local communities far flung around the world—to take part in this implementation era” (Margolis 2005).

On the surface, the U.S. strong support for the CSD may seem an anomaly, particularly since so many remain disappointed with the Commission. However, the U.S. believes that the current work program of the CSD is far better than a body that tries to renegotiate portions of Agenda 21 and the JPOI each year and attempts to get a new consensus in a forum that cannot produce any binding agreements. This, according to one official, is a complete waste of time.

8 Powerful laggard or constructive leader?

Whether one agrees or disagrees with the U.S. position on environmental issues, there is no doubt that the U.S. takes environmental issues in the United Nations system quite seriously. So what does shape U.S. policy in the global conferences, UNEP and the CSD?

When examining the factors that influence U.S. positions on the United Nations as a whole—hubris, disillusionment with political internationalism, the constitutional separation of powers and a backlash against the United Nations—it is clear that they are factors in determining how the U.S. acts with regard to the global conferences, UNEP and the CSD. In these forums, the U.S. has led institutional reforms guided by a strong belief that its reforms will improve the system and should be accepted by the other member states. This hubris, along with threatened withholding of funds, has led to changes in UNEP and has guided the new work program in the CSD. In the environmental sector, concern about the UN and political internationalism deals much more with the potential economic effects of international regulation and concern about property rights violation than anything else. There is a strong sentiment among members of Congress, the White House and a

significant percentage of the American public that supports private property rights and wants to protect domestic economic interests and the American way of life. This sentiment demands that the U.S. keep international environmental organizations from interfering in domestic concerns, withdraw support for certain MEAs that could have a negative impact on the economy, and prevent the creation of new institutions (especially a world environment organization) that would lead to an increase of U.S. UN-related contributions and potentially interfere in domestic concerns.

The constitutional separation of powers plays less of a role in environmental policy development than it does on securing funding for international organizations. However, other domestic factors have had an influence on U.S. positions on UNEP and the CSD. The White House and Congress are not always involved in developing U.S. positions, which is largely an inter-agency process. But the State Department, who takes the lead, usually engages in wide-ranging consultations in preparation for any meeting of UNEP and the CSD, not to mention the global conferences. Since the agendas for the conferences, UNEP and the CSD include a wide variety of issues, the State Department has to go outside to other government agencies for scientific policy advice. For example, the State Department may seek input from such agencies as the National Aeronautic and Space Administration, the National Oceanic and Atmospheric Administration, the U.S. Department of Agriculture, the U.S. Food and Drug Administration, or the Environmental Protection Agency. Often, they consult with U.S. embassies abroad to seek views of other governments as they develop positions on an issue (Benedick 1987).

This complex process also shapes the composition of delegations at the global conferences, UNEP and the CSD. For example, at CSD-12 in 2004, which was the review session for the thematic cluster of water, sanitation and human settlements, the following agencies were represented on the U.S. delegation: State Department (including the following Bureaus: Oceans and International Environmental and Scientific Affairs; Democracy, Human Rights and Labor; International Organizations Affairs; Office of the Under-Secretary for Global Affairs; the Legal Office and the U.S. Mission to the UN), the Environmental Protection Agency, the U.S. Department of Agriculture, the Department of Energy, the Department of Housing and Urban Development, the U.S. Agency for International Development, the Department of the Treasury, and the National Oceanic and Atmospheric Administration. At the 23rd session of the UNEP Governing Council/Global Ministerial Environment Forum, the U.S. delegation included representatives from the State Department (including the following Bureaus: Oceans and International Environmental and Scientific Affairs; International Organizations Affairs; and the U.S. Mission to UNEP in Nairobi), the U.S. Geological Survey, the Environmental Protection Agency and the National Oceanic and Atmospheric Administration.

Congress has occasionally weighed in on issues relating to the MEAs (passing a resolution saying that they would not ratify the Kyoto Protocol if submitted for ratification, or trying to amend the Clean Air Act to reject methyl bromide controls under the Montreal Protocol), but it doesn't have much interest in UNEP or the CSD. Interest groups are often consulted by the State Department in preparation of positions, but it depends on the issue that is up for discussion in any given year. While the global conferences, the negotiation of treaties and the meetings of the Conferences of the Parties for environmental treaties tend to galvanize more action (both in the public and the private sector), U.S. actions within UNEP and the CSD tend to be lower key and often escape the scrutiny of the media, Capitol Hill, industry and NGOs. Environmental groups tend to follow these bodies more closely than development NGOs or industry, according to a State Department official.

Beyond domestic factors, the evolving sustainable development agenda has also had an impact on the role of the U.S. In the 1970s when the agenda was largely focused on environmental regulation and improving environmental quality, the U.S. was able to play a leadership role since it could lead by example in many cases. In the 1980s and 1990s, as the agenda shifted away from environmental quality issues and towards sustainable development issues, which included questions of economic and social development, consumption patterns of developed countries and dramatically increasing financial flows and transfer of technology, the U.S. started to construct barriers to the discussion of particular sustainable development policy problems as well as to the establishment of targets and timetables for addressing these problems. It was no longer perceived as a leader in the environmental arena, but a laggard in the sustainable development arena. However, following the turn of the century and the World Summit on Sustainable Development, while much of the world continues to perceive the U.S. as a laggard, it has taken control of certain aspects of the UNEP and CSD agendas and guided them in ways that it is able to impose its preferences on the bodies, such as in the discussions on the role of national governments rather than supranational authorities, managing funding levels, partnerships, and new treaties. All of these issues have proven to be ‘hot button’ issues for the U.S.’s critics.

8.1 The role of national governments

The U.S. tends to believe that the principal responsibility for improving coordination on environmental issues should remain with national governments and not with a supranational authority. Thus, the United States is opposed to the establishment of a United Nations Environment Organization, making UNEP an agency, or raising the importance of the CSD so that it is not merely an ECOSOC commission. The U.S. has always been against the creation of new institutions. Instead, the U.S. prefers to improve the existing organizations (Kotis 2005).

There is no shortage of criticism for this U.S. position. The European Union supports the creation of a United Nations Environmental Organization, which was adopted as a priority of the European Council in 2005 (Vogler and Stephan, this volume). Norway believes that UNEP must be strengthened, especially in the scientific sector (Rosendal, this volume). The Group of 77 is skeptical of all sides—they see the European Union as trying to push the environmental pillar of sustainable development over the economic and social development pillars. They see the U.S. as too powerful, because of its control over the budget, and the bottom line, according to one South African official, is that UNEP’s donors feel they have ownership and only the voices of donors are heard when it comes to governance issues.

8.2 Managing funding levels

The U.S. prefers to better utilize existing funding levels rather than continually increase contributions to international organizations and treaty bodies. The CSD does not have to battle over budgets, unlike UNEP. However, within UNEP, the U.S. wants to ensure that its funding burden doesn’t increase and no other countries force additional financial obligations on it. However, other countries do not necessarily agree with the U.S. approach. Developing countries note that the U.S. has a technical veto on all processes because of the size of its financial contribution to UNEP and the UN as a whole. Since the U.S. as the

largest donor doesn't want to see growth in budgets or institutions—and because other countries don't want to alienate the U.S. on other issues—the developing countries often feel forced to go along with the United States. One developing country delegate to the WSSD, UNEP and the CSD commented that if developing countries were able to increase their financial support to the relevant institutions, their voices would be heard and, thus, the overwhelming influence of the United States would be diminished.

8.3 Partnerships

The U.S. believes that the UN system should make greater use of partnerships, in particular public-private partnerships, in carrying out its activities, especially in the environment and sustainable development sectors. Because of the wealth of expertise and resources that the private sector, civil society and non-governmental organizations can bring to the table, the United States believes that enhancing cooperation between the United Nations and these organizations will greatly increase the efficiency and effectiveness of the work of the UN funds, programs and specialized agencies (Mally 2005).

Representatives of both developed and developing countries alike have criticized the United States for its emphasis on partnerships and its avoidance of negotiated outcomes. Some see this as a narrow point of view, largely because it is so easy for the donor to control the partnerships. Cynics say that this plays into the U.S. hands in avoiding time-tables, targets and monitoring individual partnerships and projects. They argue that the U.S. is one of the few that has confidence in the CSD and is perfectly happy with a apparent lack of leadership from the Secretariat and the Bureau. As a result, a weak Secretariat cannot do the necessary monitoring, and, therefore, there is no pressure to implement Type II Partnerships.

The European Union has been supportive of U.S. attempts to re-orient the CSD towards a more pragmatic, goal-oriented purpose (Vogler and Stephan, this volume). But not everyone agrees. As one Norwegian official commented, “The CSD is not a place to get things done. Its purpose is to establish norms. The United Nations should deal with issues where governments have to cooperate, not evaluate national-level implementation.” Along these lines, the G-77 and China also expressed frustration about the direction in which the Commission was heading, commenting that the Commission (in 2005)

“failed to achieve any of the proposals or aspirations of the developing countries; revealed to us that our partners are refusing to reaffirm previously agreed commitments, particularly as they relate to financial resources; and witnessed attempts to turn the CSD into an environmental commission, with the reinterpretation and renegotiation of previously agreed language” (Sherman et al. 2006, p. 14).

Thus, the U.S. focus on partnerships and ground-level implementation does not have universal support.

8.4 New treaties

In recent years the U.S. has been reticent to support the negotiation of new environmental treaties, believing instead that implementation of existing treaties, partnerships and other programs would be a better use of resources. A case in point is the discussion of a legally binding treaty on mercury. In 2003, the UNEP Governing Council adopted a U.S. proposal

to establish the UNEP Mercury Program, which assists developing countries in taking action to deal with mercury. The U.S. has provided over 80% of the budget for that program, nearly US\$2 million since its inception. The U.S. is calling for expanding establishing partnerships and collaborative activities with key nations to address mercury pollution at the international level. The proposal complements the work of the UNEP Mercury Program while expanding its scope and accelerating its results. The U.S. strongly believes that this type of strategy is a faster way to achieve real results than trying to negotiate an internationally binding agreement on mercury, which is supported by Norway and the EU (see Rosendal, this volume). As State Department Spokesman Richard Boucher put it, "We believe negotiations of an international treaty would divert resources from implementing immediate activities to reduce mercury use and emissions" (U.S. State Department 2005)

So is the U.S. a powerful laggard or a constructive leader? I think the qualified answer must be that today the U.S. views itself as a constructive leader in UNEP and the CSD as well as a committed participant at the global conferences. The U.S. takes these institutions quite seriously and believes that it is doing what it can to promote reforms and effectiveness. That said, it is important to remember that these institutions do not impose strong regulatory requirements or restrictions on member states. When it comes to those bodies that are associated with legally-binding instruments, the U.S. position may vary greatly depending on that body's potential impact on domestic economic interests and concerns about property rights. And in many cases, including on methyl bromide, climate change, biosafety, the hazardous waste trade and some chemicals-related issues, the U.S. can be characterized as a powerful laggard and even a threat to regime effectiveness. The bottom line is that the U.S. doesn't like foreigners telling Americans what they can or cannot do. This is part of the American psyche and has been since 1776. So, since the global conferences, UNEP and the CSD do not put legally-binding restraints on the U.S., the U.S., in turn, has no problem seeing itself as a constructive leader and isn't concerned if other members of the international community see it as a powerful laggard.

But what effect does this have on U.S. influence in these bodies? Does U.S. exceptionalism (a belief that its national values and practices are universally valid and its policy positions are moral and proper) diminish its potential impact on UNEP, the CSD and the global conferences discussed here? The U.S. still is the largest contributor to the UN budget and the UNEP budget and with money comes influence. If a smaller country objects to the establishment of a UN Environment Organization to replace UNEP, the consequences will be minimal. But U.S. objection has the potential to derail the entire process. The U.S. push for partnerships over the past five years has also resulted in the establishment of hundreds of public-private partnerships around the world. While there is still no mechanism to monitor the effectiveness of these partnerships, the U.S. continues to effectively push this idea forward in both UNEP and the CSD.

Within the context of the CSD, budgetary issues and economic power are not as important as they may be in other bodies. Nevertheless, the U.S. has considerable influence with the Secretariat and its consistent representation and proactive approach to the annual meetings has served to enhance its influence over the Commission as a whole. The U.S. emphasizes that the CSD should be about implementation and this means focusing on sharing experiences and replicating/scaling up examples of successful projects, partnerships and initiatives. It believes that with so many existing agreements, delegates should be focusing on implementing these and adding value rather than negotiating new ones. Furthermore, the U.S. refusal to discuss in the CSD climate change, biotechnology and other

issues for which treaties already exist is reflected in the decisions that the CSD has adopted throughout its 15-year history.

So whether the U.S. is a leader, a laggard or something in between, it still manages to have great influence on the UN environmental arena. How much of this is the positive or negative role that the U.S. plays or the fact that decisions in these bodies are adopted by consensus is not so easily determined. Nevertheless, whatever position the U.S. takes in the UN environmental arena, the rest of the world takes note.

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