

The Determinants of Modern U.S. Climate Policy

by

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A thesis submitted in partial fulfillment of the

Requirement for the degree of

Master of Arts in International Relations

Program of International Relations

New York University

May, 2021

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Acknowledgements

I am immeasurably grateful to my two readers, Professor Muserref Yetim and Professor Shinasi Rama, without whom this thesis would not have been possible. Their guidance, feedback, and encouragement were invaluable. I truly appreciate their unwavering commitment, exemplified by the many hours they devoted over the course of the writing process. I would also like to thank Professor Joseph Helman and Professor John Fousek, whose unwavering support over my time at NYU pushed me to challenge myself and taught me to be a better student. I am honored to have studied under such brilliant and devoted professors. Finally, I would like to thank my family and friends, who provided me with the same love and support during this process as they have for my whole life.

Abstract

This thesis investigates the motivating factors that have led to the United States' weak and inconsistent foreign policy vis a vis climate. Using a mixed method approach that incorporates case qualitative case studies and ordinary-least squares (OLS) regression, this study applies a political economy framework to understand the role of material interests and the U.S. political system on its foreign policy. First, this study analyzes a series of cases – the UNFCCC, the Kyoto Protocol, and the Paris Agreement – drawing data from public statements and private memoranda by political actors, public opinion polling, and interest group contributions. This study concludes that U.S. foreign policy vis a vis climate over the last three decades has been motivated by the material interests of key domestic actors – such as the president, the Senate, and industry groups – working within the U.S. political system. Secondly, this study conducts empirical analysis on the motivations for environmental protection clauses in preferential trade agreements – an increasingly common mechanism used to address climate issues. After controlling for a number of potential motivating factors, this study finds that states with higher levels of import competition include more of such clauses in PTAs. This suggests protectionism plays a role in motivating the inclusion of these clauses – further supporting the claim that industry interests play a central role in determining climate policy.

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I. Introduction

Climate change presents a present and growing threat to the security and well-being of the entire planet – including the United States. International action is required to address this threat. However, the U.S.'s has demonstrated a consistently weak response to international efforts that address climate action. For this thesis, I plan to investigate the following question: what have been the determinants of U.S. foreign policy vis a vis climate over the past three decades? My goal is to more broadly contribute to the literature explaining state action on climate change by identifying the motivations for state action – or inaction – in the international sphere. Identifying the motivations for U.S. climate policy can be integral to identify roadblocks and opportunities for policy makers seeking to address the critical issue of climate change in the future.

I argue that U.S. climate policies over the last thirty years have been determined by the material interests of central domestic actors working within the U.S. political system. This builds upon a political economy framework that highlights the role of public opinion, special interest groups, and the separation of powers in the U.S. political system. To reach this conclusion, I apply a mixed method approach. First, I analyze three case studies – the UNFCCC, the Kyoto Protocol, and the Paris Agreement – to demonstrate the role of material interests and the political system on U.S. foreign policy vis a vis climate. I then explore an alternative way of answering this question, conducting ordinary-least-squares (OLS) regression analysis to study the role of protectionism for motivating the inclusion of environmental protection clauses in preferential trade agreements. While the quantitative aspect is not limited to the United States, the results have major implications for U.S. policy, as the United States has increasingly included environmental protection clauses in its trade agreements.

In the following chapter, I review the literature on climate change and a series of theoretical motivations for U.S. action. In a third chapter, I further define and support the theoretical framework for my thesis. I then review the methodology for the qualitative analysis in my paper. In chapters V, VI, and VII, I present my case studies. In chapter VIII, I detail and present my regression analysis of the motivations for state adoption of environmental protection clauses in free trade agreements. I then conclude my thesis with a discussion of my findings and opportunities for future research.

II. Literature Review: Climate Change and the Determinants of U.S Foreign Policy Response

Climate change – the issue at the core of this paper – refers to the process by which human activities are driving a rise in global temperatures, largely as the result of burning fossil fuels, which release greenhouse gasses into the atmosphere (United Nations 2020). Despite claims by many that climate change is not happening, the overwhelming consensus of publishing climate scientists is that human actions are driving changes to the climate (Cook et al. 2016, 6). U.S. foreign policy with regard to climate change over the last thirty years has been inconsistent, with policy oscillations between presidential administrations. Even individual leaders have had conflicting stances on the issue; former President Trump labeled climate change “an expensive hoax” and “nonexistent” in some circumstances, but called it a “serious subject” in other settings (Cheung 2020).

Though climate change is an international problem, and efforts to stop or limit its effects will require action by the international community as a whole, this paper focuses on U.S. policies in response to this threat. The U.S. is both a top contributor to climate change and a global

superpower, giving it massive potential for impacting climate action at the international level (Union of Concerned Scientists 2020). I have chosen to focus on the past thirty years, a time period since the UN Framework Convention on Climate Change (UNFCCC), which brought climate change to the forefront of international policy discussions (Maizland 2021). Furthermore, this time period allows me to analyze U.S. foreign policy across five administrations: two Democrats and three Republicans, with varied congressional make-ups. I exclude analysis of decisions made by the Biden administration given its youth at the time of writing.

Though my thesis will center on a political economy approach, several other theoretical frameworks exist in the literature around foreign policy and climate policy in particular. Liberal approaches provide what is perhaps the most optimistic view of cooperation in the international arena – a fundamental need for addressing collective action issues such as climate change. International institutions, interdependence, and a focus on absolute gains allow for actors to engage in deals where the emphasis is on benefits seen by all involved, not only those who are seen to get the more than others. Liberal theorists argue that the economic interdependence in the modern world creates more room for cooperation, as detrimental effects – such as those created by climate change or inter- and intra-state conflict – are shared (Kant 1795).

Realist perspectives, such as that promoted by Thompson (2006, 8), stress that strong states in an anarchical international system will only adopt climate policies that they see as supporting their state interests. Neoliberal institutionalist perspectives maintain the importance of state power, but focus on absolute gains over relative gains, which they argue incentivize powerful states to cooperate via international organizations and agreements when the benefits outweigh the costs (Keohane 1982, 354). While compelling, these frameworks reduce states to unitary actors, and do not account for internal factors which could influence foreign policy. This

is of particular significance for U.S. climate policy, as such policies appear to have oscillated significantly from administration to administration over the past thirty years.

A number of authors, such as Peter Trubowitz (1997), use a political economy framework to argue convincingly that U.S. foreign policy as a whole is largely the result of conflict between domestic interests. Foreign policy decisions turn specific industries into winners and losers, driving the politicians who represent constituents that work in those industries to support or reject certain policies (Trubowitz 1997, xiii). Trubowitz (1997, xiv) argues that the regional spread and diversity of interests in the United States creates a strong incentive for regional interests in the Northeast, the South, and the West to advocate in Washington for their conception of the national interest. He uses analysis of major periods of foreign policy transformation – the 1890s, the 1930s, and the 1980s – to conclude that variations in the strength of these regional advocates helps to explain the shifts in the conception of the U.S. national interest and U.S. foreign policy as a whole (Trubowitz 1997, xiv).

My study builds upon Trubowitz' work by applying a political economy approach to analyze the impact of diffuse interests to U.S. climate policy specifically. I also plan to build on Trubowitz' book by expanding my analysis beyond regional interests into the interests of key political actors. This approach enables me to identify and understand the determinants of U.S. foreign policy as an interaction between changing domestic and international actors, interest groups, and institutions within the U.S. political system.

Other authors, such as Cipelet et. al (2015, 3) also use a political economy approach to understand why the contemporary international response to climate change has been both inefficient and inequitable. To answer this question, Cipelet, et. al (2015, 4) focus on shifting global power dynamics and how the interests of powerful state, market, and civil society actors

are able to shape the international agenda on climate change. In their book, they identified the supremacy of fossil fuel interests in influencing climate policy at the international level. The evidence they bring forth indicates that wealthy countries spend significantly more on fossil fuel subsidies than on adaptation measures for those most harmed by climate change (Ciplet et al. 2015, 3).

While providing significant insight to key issues of global climate politics, Ciplet et al.'s book focuses largely on the relationships between different national and transnational actors at the international level. Their analysis therefore excludes detailed discussion of the domestic factors which have influenced modern U.S. foreign policy vis a vis climate change, the central question of my paper. Building on their findings, I plan to include analysis of key interest groups, such as the fossil fuel industry and professionalized environmental NGOs, which they identified as having a significant role on climate politics at the international level (Ciplet et al. 2015, 21). Climate justice, a central aspect of Ciplet et al.'s book and an important part of the climate policy debate moving forward will not be addressed in this paper at length.

Stephen Krasner, in his *Defending the National Interest*, combines realist politics and political economy analysis – defending statist analysis of foreign policy, but stressing the role of domestic actors. Krasner (1978, 12-13) argues that the state autonomously formulates goals, which it then attempts to implement against resistance from domestic and international actors. These goals represent the national interest, which he defines as “the preferences of American central decision-makers” that are prioritized, related to societal goals, and persist over time (Krasner 1978, 13). In his book, he analyzes fifteen case studies concerning international raw material investments, focusing his analysis to the actions of large private corporations, American central decision makers, and foreign governments (Krasner 1978, 8). While my analysis more

directly builds off of Trubowitz and Cipler et al. by focusing on the interests of subnational actors in the U.S. system, Krasner's argument presents another compelling corollary and further demonstrates the value of understanding the interaction between domestic and international politics.

Understanding the factors which drive climate action have significant policy implications. Climate change presents a current and growing threat to millions around the globe (Worldwide Threat Assessment 2019). The United Nations' Intergovernmental Panel on Climate Change's (IPCC) Special Report on Climate Change and Land, states that "Warming has resulted in an increased frequency, intensity and duration of heat-related events, including heatwaves in most land regions...Frequency and intensity of droughts has increased in some regions... and there has been an increase in the intensity of heavy precipitation events at a global scale..." (IPCC 2019). Global sea levels, which have risen eight inches since 1880, are expected to rise between one and eight feet by 2100 (Sweet et al. 2017, 333). Events like flooding, drought, and rising temperatures are currently affecting land use and contributing to food and water scarcity (IPCC 2019), and have already been linked with both increased inter- and intra- state conflict (Burke, Hsain, and Miguel 2015). These issues are expected to drive an increase in conflict through resource scarcity as populations migrate from areas made uninhabitable by climate change (Newland 2011, 9).

While research into the present and anticipated effects of climate change suggests developing countries in the global South are currently and will continue to experience the most severe effects of climate change (DARA 2012, 25), developed countries like the United States are not exempt from the consequences. Immigration to the U.S., a divisive policy issue (Gallup 2021), has swelled as a result of natural disasters like hurricanes in Central America (Yang and

Mahajan 2017, 2). Furthermore, as sea levels rise, coastal flooding is likely to become more frequent and intense (Sweet et al. 2017, 333). This could push thousands if not millions out of their homes as parts of coastal cities like New York or Miami become submerged.

III. Theoretical Framework: The Theoretical Underpinnings of U.S. Climate Policy

In this thesis, I argue that U.S. climate policies over the last thirty years have been determined by the material interests of central domestic actors working within the U.S. political system. While a pro-climate ideology and public opinion can play a role in motivating decision makers to take action on climate change, these actions are constrained by powerful interest groups who exert particularly strong influence over the Senate. I use a political economy framework to analyze the motivating factors in U.S. climate policy. At the root of this framework is the interaction between domestic factors for determining foreign policy and a rational choice argument that individual actors will make policy decisions based on their perceived interests. These interests take the form of re-election concerns and the preferences of powerful domestic interest groups. As noted by Trubowitz (1997, xiii), foreign policy decisions create winners and losers, creating strong interests within affected industries to support or oppose relevant policies. Industries can then express their interests as both campaign donors and voters.

The unique and powerful role of modern campaign finance and lobbying in the United States can largely be explained by the freedom of speech guaranteed by the First Amendment of the Constitution. While direct contributions to federal candidates are limited by the 1974 amendments to the Federal Election Campaign Act of 1971, limits on independent expenditures on behalf of a candidate were ruled a violation of the First Amendment in *Buckley v. Valeo* (Ballotpedia 2021). The power of interest group finance became even stronger in 2010 with the

Supreme Court decisions in *Citizens United v. FEC* and *Speechnow.org v. FEC*. In *Citizens United*, the Court ruled that the First Amendment also protected unlimited independent spending by corporations and other groups (Brennan Center 2021). *Speechnow.org* expanded the power of interest groups by ruling that contribution limits only applied to direct contributions to candidates, and that individuals and corporations could donate unlimited amounts to outside groups independently spending on elections (Lau 2019). The U.S. campaign finance system therefore creates strong financial incentives for politicians to protect industry interests with climate policies.

U.S. political leaders may also be motivated to adopt or reject policies based on public opinion. Selectorate theory shows how the preferences of citizens have a bigger impact in democratic states – whose governments are accountable to larger groups to maintain power – than in autocratic ones (Siverson and Bueno de Mesquita 2017). The United States is a democratic republic; the president is elected via an electoral college based on the votes of people within each state and Senators are elected based by popular vote within each state (U.S. Constitution 1788). Leaders thus rely on the votes of constituents to gain and stay in power.

However, U.S. leaders do not rely on the votes of all Americans. Siverson and Bueno de Mesquita (2017) argue that leaders focus on the interests of a winning coalition – the group which keeps the leader in power. Congressional elections between parties are becoming less competitive over time, with the major focus on party primaries (Collins 2016). For the 2022 Senate elections, the Cook Political Report (2021) holds only six of thirty-four to be competitive races, and only two to be toss-ups. Leaders will therefore prioritize the interests of direct supporters via party members over policies which benefit the population as a whole to gain and maintain power. This paper does not claim that presidents are mirrors of public opinion who

enter office without personal priorities and values regarding climate change. I instead suggest that public opinion, via the mechanisms described above, incentivizes how presidents implement their climate agendas.

Some might argue that this logic suffers from reverse causality, as politicians themselves influence public opinion on climate change. Egan and Mullin (2017) suggest that the polarization of public opinion on climate change has been elite-driven, given the abstract, scientific nature of the subject. However, while politicians themselves (in-part seeking to protect special interests) may have pushed the initial shift toward polarization, this push has in turn created a feedback loop which pressures future politicians not to support policies that are unpopular with their bases.

The complex dynamic between the president and the Senate – two key actors with regard to foreign policy – also has potential to influence U.S. climate policy. While the president has power to sign treaties like international climate agreements, only the Senate has the power to ratify them by two-thirds majority (U.S. Constitution 1788). Presidents have sought to go around this limitation through executive agreements. Further complicating this dynamic, the president has a national constituency while Senators represent individual states, leading individual Senators to focus on a smaller group of concentrated interests who therefore have a stronger influence on policies that require Senate approval.

IV. Methodology – Case Studies

My independent variables for this thesis are domestic political pressures, such as public opinion, industry preferences, and interest group money. Data for public opinion draws from a variety of sources, including research by Patrick Egan and data from Cornell University's Roper Public Opinion Archives, which includes survey data on climate change from 1988 through the

present regarding various aspects of the climate issue. This includes information about Americans' belief that climate change is occurring, their perceptions about the threat it poses, and their opinions about U.S. government action in general as well as specific policies (Roper Center 2021).

Analysis of the policies themselves are used to identify potential winners and losers of individual climate actions, which help to identify the most relevant industries and the interest groups that represent them. I plan to identify motivations of government actors by analyzing public statements from congressional leadership and administration officials, as well as by analyzing declassified internal documents aggregated in George Washington University's National Security Archives. These internal documents are of particular interest, as their classified nature makes them more likely to be candid, without spin meant to appeal to the public.

Data for the money these industries or relevant interest groups spend draws from the Center for Responsive Politics' Open Secrets Database. This source, founded in 1990 with analysis of the 1988 election, aggregates data on presidential and Congressional campaign finance from the Federal Election Commission, as well as information on spending by super PACs and political nonprofit organizations (Center for Responsive Politics 2021). This data becomes more robust as time progresses, so it provides limited insight into the first case study. Information on the influence of interest groups on U.S. decision-makers for the UNFCCC come primarily from analysis of stated U.S. priorities during the negotiation process. While these sources are obviously not all-encompassing of every domestic pressure which could motivate U.S. climate policy, the sources combined provide a strong base to understanding the possible role of private interests for motivating climate action or inaction.

My dependent variables are a series of cases – major international climate change agreements that the U.S. has or has not joined. For this paper, I will concentrate on three such agreements since 1992 – the U.S. decision to ratify the UNFCCC, the 1997 Kyoto Protocol, and the 2015 Paris Agreement. Information on the substance of these agreements, particularly individual provisions that U.S. officials advocated in favor of or against, come from the agreements themselves, primary sources like presidential speeches and White House press releases, and secondary sources compiling the U.S. negotiating positions. I also plan to include secondary analysis on the implementation of adopted policies in the U.S. – an important factor, given the non-binding, unenforceable nature of some of the agreements (Legget 2020, 6).

These cases do not represent an exhaustive list of U.S. climate change policies and have been selected more for their major international significance rather than through a process of random selection. Analysis of these cases, however, provides insight into climate decisions made by a variety of actors operating in distinct political environments over the last three decades. The 1992 decision to ratify the UNFCCC was conducted by a Republican president and a Democratic majority in Congress (Legget 2013, 16), while the decisions around the signing and ratification of the Kyoto Protocol five years later were made by presidents of both parties and two Republican majority Congresses (Legget 2013, 17). The decisions surrounding the Paris Agreement, made by presidents of both parties, did not involve Congress, as the agreement wasn't considered a treaty for ratification (Leggett 2020, 5). While not comprehensive, these cases provide insight into how U.S. climate policy decisions have been made in a series of distinct situations.

V. Case Study: UNFCCC

Introduction

In this section, I evaluate the role of the material interests of central domestic actors and the U.S. political system on the decision to adopt the United Nations Framework Convention on Climate Change (UNFCCC). The UNFCCC represents the only example of widespread bipartisan support for a climate change agreement in both the White House and the Senate. Previous multilateral environmental agreements, such as the successful Montreal Protocol of 1987, were not intended to tackle climate change (Maizland 2021). Furthermore, the international negotiations leading to the UNFCCC represent the beginning of a multi-decade process to address climate change that continues to this day (Leggett 2013, 1). These talks touched on key issues that have played a central role in the debate surrounding international climate negotiations since: the scale and timeline of greenhouse gas reductions, how to share the responsibilities among states, the mechanisms best suited for greenhouse gas reductions while supporting development, and how to adapt agreements over time (Leggett 2013, 2).

The George H. W. Bush (Bush 41) administration had more leeway to pursue an international agreement on climate than his Republican successors in office as he was not faced with a polarized voter base that opposed climate action. However, President Bush 41's approach to climate change negotiations demonstrated a priority of U.S. industry interests over environmental protection. This focus on the effects of U.S. industries was exacerbated when Bush 41 became tied up in a close presidential election against Bill Clinton, who successfully ran an economy-focused campaign. The U.S. priorities for the UNFCCC led to the treaty being unenforceable, which gave Congress little reason to oppose ratification. Even the voluntary aims of the treaty were implemented weakly under both the Bush and Clinton administrations in favor

of U.S. industry interests. Clinton, who was president during the UNFCCC's first Conference of the Parties in Berlin, again avoided mandated commitments for fear of political repercussions and a hostile Congress.

Background

International negotiations for cooperative action on climate change began in 1990 (Leggett 2013, 3). These negotiations resulted in the 1992 United Nations Framework Convention on Climate Change, with the goal of the “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system” in a time frame which allows ecosystems to adapt naturally, does not threaten food production, and enables sustainable development (UNFCCC 1992, 4). To pursue this goal, parties to the convention recognized the need to pursue net zero emissions – offsetting continued greenhouse gas emissions with sinks or other emissions reducing practices.

The convention put more pressure for future action on developed countries, referred to as Annex I Parties. At the time of the convention, the US was one of thirty-five such countries. Furthermore, the convention included a second distinction – Annex II Parties. These nations were Annex I Parties who took further responsibilities, including “provid[ing] new and additional financial resources to meet the agreed full costs incurred by developing country Parties in complying with their obligations.” (UNFCCC 1992, 8).

As a framework convention, the UNFCCC served as a foundation for future climate action via a Conference of the Parties. These gatherings were periodic (yearly, unless otherwise specified) meetings of Party states, where implementation of the Convention was discussed. Under the UNFCCC, Party states had a number of qualitative obligations, including reporting on

a national inventory of emissions and removals as well as taking steps to mitigate human-related GHG emissions. Despite these qualitative obligations, the UNFCCC had no quantitative or enforceable objectives or commitments for any of its Parties (Leggett 2020, 2).

Negotiations and Adoption under Bush 41

The United States' policies regarding the UNFCCC can be explained by the material interests of key domestic actors within the U.S. political system. The role of domestic pressures – such as public opinion and industry interests – were apparent in each stage of the policy process: negotiation, adoption, and implementation.

The Bush 41 administration was able to pursue its desire to address climate change through international negotiations on the UNFCCC because of the relatively low salience of climate change politics and lack of polarization on the issue in the early 1990s. Before negotiations began, the Bush 41 administration was clearly determined to address climate change. During his presidential campaign, then Vice-President Bush promised to take the lead in international climate change agreements. He stated, “Unilateral action by the United States [is] not going to solve [global warming]” and emphasizing the previous success of the Montreal Protocol (Bush 1988). His victory in that election over Michael Dukakis indicated that Bush 41 had a public mandate to make good on that promise. After the election, memoranda from State Department officials continued to emphasize the president's desire to convene an international conference on climate change and the urgency with which the administration saw the issue, writing, “We simply cannot wait – the costs of inaction will be too high” (Bernthal 1989, 4).

Bush 41 was better able to pursue this agenda than his Republican successors because he was not yet faced with a voter base who rejected the existence of climate change (Egan and Mullin 2017). Empirical analysis of opinion polling by Patrick Egan (2013, 67, 70) suggests that

Democrats in the 80s and early 90s were already demonstrating statistically significant “issue ownership” of environmental policy in general – meaning Americans consistently rated Democrats as better able to handle environmental issues. However, with regard to climate change specifically, public opinion polling shows that when the UNFCCC negotiations began in 1990, Americans didn’t know much about the issue – a bare majority had knowledge about climate change – and it wasn’t particularly divisive (Egan and Mullin 2017). From 1989 to 1991, Democrats, Republicans, and Independents all reported that they worried about climate change “a great deal” or a “fair amount” at similar levels – around sixty-two percent each in 1991 (Saad and Jones 2016).

However, Bush’s 1988 presidential campaign also foreshadowed the role that U.S. industry interests, particularly those of the fossil fuel industry, would have on U.S. negotiating priorities during the UNFCCC. Discussing coal, he emphasized that “our most abundant fossil fuel must retain a key place in our economy” (Bush 1988). As a co-founder of Zapata Petroleum Corporation, Bush was particularly tuned-in to fossil fuel interests (Myerson 1995). The importance of these interests became more relevant as Bush 41 was drawn into a tight presidential race against Arkansas Governor Bill Clinton.

President Bush had an eighty-nine percent approval rating in 1991 (the highest since Truman in 1945) and was predicted to be the surefire winner of the 1992 election (Bennet 2013, 123). However, then-Governor Clinton, began to make serious progress by concentrating his campaign on the national recession and economic problems. An internal note written by Clinton’s campaign advisor, “It’s the economy, stupid,” became the campaign’s de facto slogan (124). The growing success of Clinton’s economy-focused campaign pressured the Bush 41

administration to focus more closely on the interests of American industry than the health of the world climate in negotiations for the UNFCCC.

This focus on the economic aspects of climate change represents a fundamental recurring theme for the role of public opinion and industry interests in U.S. climate politics. For the U.S. public, climate change policy is consistently rated as one of the lowest priorities (Egan and Mullin 2017). Even for Democrats, who were seen to have policy ownership over environmental issues and express major concern about it, see the issue as secondary to other interests. No president has been elected for their climate stance alone, and surveys suggest it is consistently ranked as one of the lowest priority issues for voters (Egan and Mullin 2017). This means that presidents who favor climate action are constrained by their ability to do so with how it affects issues that are more important to voters, like trade or jobs. During the 1992 election, Clinton and his running mate Al Gore had made promises to take action on climate change. However, these promises represented an extension of their economic focus, pairing the need for action to address climate policies with a pro-growth agenda focusing on renewable energy and greenhouse gas-reducing technologies (Nitze 2011, 189).

To protect U.S. industry interests, U.S. negotiators for the UNFCCC were instructed not to accept policies which accepted specific binding targets or timetables for greenhouse gas reductions (200). The President's former Chief of Staff, John Sununu worked heavily with the head U.S. negotiator to ensure that the Americans rejected any language which would require the U.S. to reduce its emissions further than it had already committed to for other reasons (192). Sununu was convinced that such climate change policies would be harmful for U.S. economic growth (189).

Other U.S. negotiating priorities at the convention included focusing on a “comprehensive approach” that targeted greenhouse gasses as a whole rather than CO₂ emissions specifically, and a push for the agreement to be an ongoing process, focused on long-term objectives while leaving room for short-term flexibility (188). These priorities were seen as benefiting U.S. industry interests, which could help the President politically (189). The U.S. was successful in achieving these priorities, as the OECD and major developing countries at the conference refused to sign an agreement without U.S. participation (188). In the end, the convention only included a voluntary “aim” for states to reduce emissions to 1990 levels by 2000 (UNFCCC 1992, 6). Despite being an Annex II country with increased qualitative responsibilities under the convention, the United States was not bound to adopt any specific measures for emission reduction.

The final, unenforceable document was signed by President Bush 41 in Rio de Janeiro on June 12, 1992. The political system of the U.S. also played a role in the adoption of the UNFCCC, as the agreement was a treaty requiring Senate approval. The non-polarized nature of U.S. public opinion made it easier for bipartisan agreement on the bill (Egan and Mullin 2017). Furthermore, President Bush 41’s prioritization of U.S. industry interests during the negotiation process gave Senators little to protest. Both Democrats and Republicans voted overwhelmingly for the resolution when the Senate officially ratified the treaty by division vote on October 7, 1992 (Treaty Document 102-38 1992).

Implementation – Clinton and the Berlin Mandate

After Bush 41 signed the UNFCCC, he continued to focus on short-term jobs goals by cutting environmental regulations rather than working to set specific emission reduction targets as promised in the UNFCCC (Schneider 1992). Despite the urgency the administration had

espoused shortly after rising to power, Bush 41 was not acting as if “the costs of inaction [were] be too high.” (Bernthal 1989, 4). Although not enough to win him a second term in the White House, Bush 41’s concern for fossil fuel interests was reciprocated during the election. The states he won were more reliant on fossil fuel production than the states Clinton carried (Nitze 2011, 190). Bush 41 could have done more to proactively set standards in the six months between signing the UNFCCC and Clinton’s inauguration, but the treaty itself did not go into effect until 1994. U.S. implementation of the UNFCCC would have to fall to his successor.

Clinton, who was president when the UNFCCC took effect, also guarded U.S. interests with his implementation of the UNFCCC. This is demonstrated by the first Conference of the Parties in 1995. While President Bush 41 demonstrated a clear desire to engage in climate negotiations, climate action was an even greater priority of the Clinton-Gore administration. However, fear of unpopular political action and conflicts with a Republican Congress pushed the administration to implement the UNFCCC weakly, in favor of U.S. industry interests.

The first Conference of the Parties of the UNFCCC was held in Berlin in 1995. At the conference, the Parties failed to negotiate any specific emissions reduction standards for developing countries (Berlin Mandate 1995). U.S. concern for the material interests of U.S. industry played a major role in this failure. Former Deputy Assistant Secretary of State for the Environment, Rafe Pomerance would later tell an interviewer that “the U.S.’s main objective in Berlin was to ‘keep the EU from pinning us [the U.S.] down on a target and to save JI [joint implementation].’” (Royden 2002, 425). Such a decision was likely to be domestically unpopular, as it would create trade issues that disadvantaged U.S. companies relative to developing nations like China and India.

However, U.S. negotiators also believed the process of international climate mitigation – an important issue for the Clinton-Gore administration – would stall unless the U.S. made a commitment for developed countries to go first (425). Instead of pushing for a specific commitment from developing states, the Clinton administration agreed to the Berlin Mandate, which promised to push the debate further in the future through negotiations on a more robust protocol focusing on specific, time-based reductions for developed countries – a promise which would be tested in Kyoto two years later. This pushed any decision until after the 1996 election, after which Clinton would no-longer have to worry about campaigning for office.

Furthermore, Clinton’s interest-centric implementation of the UNFCCC at Berlin reflected Congress’ role in shaping U.S. climate policy. Clinton had a poor relationship with a Republican controlled Senate that had hampered many aspects of his legislative agenda. U.S. negotiators in Berlin knew that the Senate would strongly oppose binding emissions reductions, but that Congress was not focusing on the negotiations or U.S. positions (Royden 2002, 426). Agreeing to the Berlin Mandate was, according to Pomerance, a “tactical step to keep the process moving” (426). The U.S. was nowhere close to achieving the UNFCCC’s voluntary aim at reducing emissions back to 1990 levels, and greenhouse gas emissions continued to steadily rise (Center for Climate and Energy Solutions 2019).

The decisions of the Bush 41 and Clinton administrations to adopt and implement the UNFCCC were driven by domestic political pressures, such as public opinion and industry interests, and the need to work with Congress. President Bush 41 was able to pursue his pro-climate action agenda internationally because he was not yet faced with a polarized Republican base on the issue. However, during negotiations, the role of U.S. industry interests triumphed over environmental concerns, leading the agreement to omit and specific, binding emissions

targets for developed countries. At the first Conference of the Parties, President Clinton's decision to fight against specific reduction targets continued to reflect concern about U.S. industry interests, the political popularity of climate decisions, and the ability to pass such limits through a hostile Congress.

VI. Case Study: Kyoto Protocol

Introduction

In this section, I analyze the role of central domestic actors' material interests and the U.S. political system on the U.S. decisions surrounding the Kyoto Protocol. These interests play out in the form of increasingly polarized public opinion and donations by interest groups to federal campaigns. While the Clinton-Gore administration's efforts to join the agreement were ultimately unsuccessful, the signing of the 1997 protocol exemplifies the closest the U.S. has ever been to joining a binding treaty on climate change that set clear targets for emissions reductions. While the administration's priorities for negotiation represented a compromise between environmental health and the economy, the U.S. plan for Kyoto still reflected the high priority of U.S. industry interests. This case also demonstrates the critical role that Congress can play in U.S. climate policy when it comes in conflict with the President's goals. Additionally, the bipartisan nature of the Byrd-Hagel Resolution and the George W. Bush (Bush 43) administration's opposition to the agreement in the face of popular support for the agreement exemplify the supremacy of industry interests over public opinion.

Background

The 1997 Kyoto Protocol was the first subsidiary agreement to the UNFCCC, representing a culmination of the negotiations for the UNFCCC and the first two Conferences of

the Parties in Berlin and Geneva. These agreements had each emphasized the need for developed, Annex I nations to take the lead on international climate action (UNFCCC 1992; Royden 2002, 425-427). The previous agreements had also laid the framework for the Kyoto Protocol to include the first binding, quantitative targets and timetables for these Annex I countries.

The Kyoto Protocol (1997, 3) provided that developed countries were to jointly or independently reduce their greenhouse gas emissions to five percent below 1990 levels during the emission reduction period of 2008-2012. Each Annex I country was expected to have demonstrated progress to achieving these commitments by 2005 (3). The Kyoto Protocol does not designate the methods by which countries achieve these goals, rather calling on each Annex I country to “Implement and/or further elaborate policies and measures in accordance with its national circumstances” (2). The protocol was designed to provide specific, binding targets for Annex I countries “without introducing any new commitments for Parties not included in Annex I” (9). While all Parties were also asked to “Formulate, where relevant and to the extent possible, cost-effective national and, where appropriate, regional programmes to improve the quality of local emission factors,” this feature reflected the non-binding, nonspecific requirements of past agreements (9).

In addition to setting binding targets and timetables, the Kyoto Protocol created a market-style system for trading emissions. Annex I countries were to create national systems to estimate their level of anthropogenic emissions and sinks of greenhouse gasses. Based on these measures, countries could buy emissions allowances from countries whose balance of emissions and sinks was below the goal threshold (6). This allowed for national flexibility with the emission targets, as countries with highly-polluting industries could choose to purchase emissions from other

Parties rather than imposing strongly damaging restrictions on those industries. Furthermore, developed countries were also able to obtain emissions reductions credits by assisting non-Annex I Parties with sustainable development projects that resulted in certified emissions reductions (11).

Negotiations – Balancing Protections for Companies and the Planet

U.S. policy surrounding the Kyoto Protocol can be explained by the material interests of key decisions makers working within the U.S. political system. This can be seen via the substance of the agreement, Congressional opposition to its ratification, and its continued rejection under the Bush 43 administration.

Declassified memoranda indicate that the Clinton-Gore administration was committed to climate action, and privately desired a specific, binding agreement to restrict U.S. emissions from early in the administration (State Department n.d., 2-3). However, the administrations' ability to do so was delayed by fear of adverse political reactions. As mentioned in the discussion on the UNFCCC, fear of both negative political consequences and of attracting the attention of an adversarial Congress pushed the Clinton administration to delay substantive negotiations until the third Conference of the Parties in 1997 (Royden 2002, 426). After the 1996 election however, the Clinton administration pursued its climate agenda in spite of adverse public opinion and an oppositional Senate.

In 1997, the domestic political situation was no better for Clinton's climate agenda than previous years. That year, more Americans reported that they knew about and understood the issue of climate change, but fewer expressed concern (Egan and Mullin 2017). The number of Americans as a whole who said they were worried about climate change had dropped from sixty-two percent in 1991 to fifty percent (Saad and Jones 2016). This was accompanied by significant

polarization on the issue. Democrats and Republicans had been relatively united on the issue under the Bush 41 administration, but were separated by a forty-point spread in 1997 (Egan and Mullin 2017). Furthermore, the Republicans had managed to hold onto their majority in the Senate. While the political environment was no better in that year than years previous, Clinton had committed the U.S. to negotiating a binding agreement at Kyoto.

The Clinton administration's negotiating positions for the Kyoto conference called for significantly more action than Bush 41 had for the UNFCCC, reflecting the high priority administration officials gave the issue. However, the agreement still reflected a compromise between environmental protection and U.S. industry interests, as the administration wanted to ensure such an agreement "will also provide a level playing field for American business" (Eizenstat 1997). On the climate protection side, the U.S. position called for a binding document that set specific targets and timetables for emissions reductions. This surprised and upset industry leaders, who claimed that such policies would have adverse effects on the economy (Royden 2002, 431). The costs of meeting Kyoto's U.S. emissions limitations by 2010 were estimated to be as much as \$250 per ton for over 500 million tons – or \$125 billion (MacCracken, Edmonds, Kim, and Sands 1999, 25). Additionally, the Clinton administration called for future action to involve stronger commitments from developing countries, though recognizing that the Berlin Mandate ensured that the agreement at Kyoto would focus on developed countries.

However, the Clinton administration's plan was also criticized by environmentalists as not doing enough to stop emissions in an attempt to protect economic interests (448). There was no compliance mechanism which would punish states for failing to meet reduction goals (Kyoto Protocol 1997). Furthermore, the Kyoto Protocol's focus on a market-based emissions trading system was a central goal of the Clinton administration. This system would ensure the U.S. had a

flexible response that could avoid damage to U.S. companies (Royden 2002, 438). Finally, Clinton's plan called for multiple stages of economic review prior to the implementation of reductions in 2008 to allow Congress and the President to evaluate how the economy had responded to a decade of climate action (Clinton 1997).

Congressional Opposition

The midterm elections in 1994 had brought a Republican majority to Congress for the first time since 1950, creating gridlock on almost all of Clinton's legislative agenda, including climate (423). After 1992, members of the Republican party had begun to support significantly less spending on environmental issues, and this trend was reflected in the Senate (Egan and Mullin 2017). In 1996, Democrats maintained control of the White House and reclaimed a few seats, but the Senate remained in Republican hands.

However, the main Congressional opposition to Clinton's efforts with the Kyoto Protocol was not partisan – in fact, it was unanimous. Even Democrats, a majority of whose party was in favor of government action on climate change (Egan and Mullin 2017), blocked the agreement. In June of 1997, before the conference in Kyoto even took place, the Senate preempted Clinton's negotiations with the Byrd-Hagel Resolution, demanding developing countries be party of the deal in order to protect the interests of U.S. industries. The resolution, which passed 95-0, declared that “the proposals under negotiation, because of the disparity of treatment between Annex I Parties and Developing Countries and the level of required emission reductions, could result in serious harm to the United States economy, including significant job loss, trade disadvantages, increased energy and consumer costs, or any combination thereof...” (Byrd-Hagel Resolution 1997).

This effectively guaranteed that Kyoto would fail, as the Parties had agreed in the Berlin Mandate that the negotiations in Kyoto would focus first on developed countries, who had historically done the most to contribute to climate change (Report of the Conference of the Parties on its First Session 1995, 5). The resolution also significantly hampered the ability of the U.S. to engage in climate negotiations in the future, requiring that any future climate agreements put forward for ratification in the Senate “should also be accompanied by an analysis of the detailed financial costs and other impacts on the economy of the United States which would be incurred by the implementation of the protocol or other agreement” (Byrd-Hagel Resolution 1997).

The resolution was named for its two sponsors, Senator Chuck Hagel (R-NE) and Senator Robert Byrd (D-WV). It is not a coincidence that the lead Democrat’s home state is the second largest coal producer in the country (Hong 1997, 4). Industry groups have a significant role in influencing Congressional action, as they provide Congresspeople with financial incentives to support their stances on policy. Analysis of Senate campaign donations during the 1996 and 1998 elections reveals that many key industries opposed to the imposition of a plan with binding emissions targets for developed countries increased their donations, particularly to Democrats, in the lead up to the Byrd-Hagel Resolution. Such key industry groups included oil, coal, electric utility, and car companies (Royden 2002, 447).

For the 1996 election, the oil and gas industry was the seventh largest contributor to Congressional races, donating \$13,915,446 (Center for Responsive Politics 2021). \$4,187,276 of this money went specifically to members of the Senate. These funds were distributed amongst ninety-five senators, a majority of whom were not even up for re-election that year. Democratic Senators received over half a million dollars from this industry, with an average contribution of

\$13,666. (Center for Responsive Politics 2021). Many Senators who were elected in 1996, the year before the resolution, therefore had been influenced by oil and gas interests. Furthermore, during the 1997-1998 electoral cycle, which was ongoing during the time of the Kyoto negotiations, Senators received similar levels of funding from the oil and gas industry: \$3,910,966. However, funding to Democrats doubled to reach almost a million dollars, with the average contribution totaling \$26,314 (Center for Responsive Politics 2021).

Donations to Senators from the coal industry was \$219,837 in 1996, slightly favoring Republicans, who had demonstrated an opposition to spending on the environment (Center for Responsive Politics 2021; Egan and Mullin 2017). In 1998, this total rose to \$332,154, with the average donations to both Republican and Democratic Senators increasing. Total Senate donations, as well as average and total donations Democrats from the rose between 1996 and 1998 in the electric utility and automotive industries (Center for Responsive Politics 2021). The combined totals of interest group money from sectors opposing the Clinton administration's plans for Kyoto dwarfed donations by pro-environment groups, totaling \$244,735 in 1996 and \$265,490 in 1998, with the overwhelming majority going to Democratic Senators (Center for Responsive Politics 2021).

The Byrd-Hagel Resolution put significant pressure on the Clinton-Gore administration to include developing countries in the Kyoto Protocol. The administration had consistently supported the inclusion of developing countries in agreements, having publicly stated after the second Conference of the Parties that future agreements would have to include substantial targets for all countries. However, as mentioned above, the Berlin Mandate would pose a difficult obstacle. Pushed by the Byrd-Hagel Resolution, the Clinton administration included a caveat in its plan for Kyoto, stating that "the United States will not assume binding obligations unless key

developing nations meaningfully participate in this effort” (Clinton 1997). Despite the successful inclusion of the plans’ other initiatives, however, the U.S. negotiators were unable to successfully push for such “meaningful” participation from developing countries.

Ironically, fear of adverse political consequences domestically hindered the administration’s ability to fight internationally for terms that protected domestic interests. Clinton and Gore felt they were unable to pressure for inclusion on developing countries in Kyoto by threatening to walk away because of public promises for success (Wampler 2015). To threaten withdrawal would be embarrassing and politically costly domestically. This again exemplifies the limiting role of public opinion on climate policies – politicians are compelled to avoid actions they expect will receive political backlash.

Despite the failure to add more a substantive role for developing countries, which practically guaranteed that Congress would not ratify the agreement, President Clinton signed the Protocol on November 12, 1998. Interviews with U.S. negotiators suggest that Clinton and Gore signed the agreement anyway to give themselves a “friendly face” on climate in the public eye (Hovi, Sprinz, and Bang 2010). Clinton never submitted the agreement to Congress for ratification.

After Failure – George W. Bush

After the failure to obtain a meaningful role for developing nations in the Kyoto Protocol and thus failing to obtain Senate ratification, President Clinton did not use his executive powers to put forward a domestic plan that would keep the U.S. on track to meet Kyoto obligations as if it were party to the agreement (Royden 2002, 449). While it is impossible to know whether he would have done so if news of his affair with Monica Lewinski had not broken, it is a notable point. Though Vice-President Gore, who played a central role in the Kyoto negotiations, would

likely have pushed the issue further had he won the 2000 election, the future of U.S. climate policy would fall on the victor, George W. Bush (Bush 43).

President Bush 43's stance on the Kyoto Protocol indicates the supremacy of interest group politics over public opinion. Bush 43 had campaigned against the Kyoto Protocol, amplifying skepticism about the role of human activity on the changes while emphasizing the potential adverse effects on the economy. During the campaign, he had stated, "'The Kyoto Treaty would affect our economy in a negative way...We do not know how much our climate could or will change in the future. We do not know how fast change will occur, or even how some of our actions could impact it'" (Beggin 2017).

During the negotiations for the protocol, the American public itself hadn't weighed in in a significant way. Despite professing to know more about climate change, American's were largely unaware of international efforts to address it. Gallup polling showed that ninety-two percent of Americans reported not knowing very much or anything at all about the Kyoto conference, which was set to be negotiated in December (Nisbet and Myers 2007, 448). However, by 2000, public concern about the environment had skyrocketed to its peak (Saad and Jones 2016). While Republicans still reported concern at levels below Democrats and Independents, the gap had closed (Egan and Mullin 2017). In 2001, sixty-one percent of Americans polled said they supported the Kyoto Protocol (Sussman 2001). President Bush 43 – who had won the election but lost the popular vote – however, announced that the U.S. would not be entering into the agreement.

This demonstrates the supremacy of interest groups over public opinion, especially when the decision maker is relatively removed from their next election. Fossil fuel interests had considerable influence on the Bush 43 administration. Dick Cheney, Bush's Vice President, had

served as the CEO of Haliburton – a prominent oil company – from 1995 to 2000 (Rosenbaum 2004). President Bush himself was also involved in the industry, having started his own oil company, Arbusto Energy Inc. in 1977 (Lardner and Romano 1999). Furthermore, the oil and gas industry had donated massive amounts of money to Bush 43 at all points in his political career (Broder 2000). This did not change in 2000, when they provided him with fifteen times the funding compared to Vice President Gore. Twenty-five of Bush's top donors were connected to the oil industry (Broder 2000). When justifying his opposition to the Kyoto Protocol, Bush 43 was especially concerned about energy price increases as fossil fuel companies were adversely affected (Beggin 2017). Despite a small decline in 2001, U.S. annual emissions continued to climb throughout the Bush 43 presidency (Center for Climate and Energy Solutions 2019).

The Clinton administration's plan for the Kyoto Protocol represented a compromise between environmental protection and the interests of U.S. industries. The plan's inclusion of binding targets and timetables for emissions reductions was opposed by industry groups, but was seen by the administration as necessary to address the growing threat of climate change. However, the administration's focus on a market-based emissions trading system was meant to give U.S. industries flexibility and leeway, which was criticized by environmental groups. This compromise was never implemented by the U.S., as the Byrd-Hagel resolution preempted its ratification. The Senate's bipartisan opposition to any deal which did not include developing countries represented concern for key U.S. industries, all of whom increased campaign donations to Senators during the period leading up to the resolution. Finally, the Bush 43 administration's opposition to implementing the Kyoto Protocol despite a majority of Americans supporting it points to the supremacy of interest groups over public opinion for U.S. climate policy.

VII. Case Study: Paris Agreement

Introduction

In this section I analyze the role of the material interests of central domestic actors and the U.S. political system on the U.S. decision to adopt the Paris Climate Agreement in 2015. This agreement represents the first international climate agreement under the UNFCCC to be adopted by the United States without the advice and consent of the Senate. Furthermore, this policy is also current, with the Biden administration announcing hours after his inauguration that the U.S. would be re-joining the agreement – which his predecessor had left (Biden 2021). While analysis of the Biden administration's actions is excluded from this section due to its recency, this demonstrates the relevance and importance for understanding the determinants of the U.S. stance surrounding the agreement.

As with the UNFCCC and Kyoto Protocol, the United States' priorities in Paris demonstrate the importance of polarized public opinion and domestic interest groups for constraining U.S. climate policy. President Obama's desire for binding climate action was tempered after taking office by the interests of the domestic energy industry, who had a strong influence on Republicans in the Senate. The Obama administration's decision to avoid Senate ratification exemplifies a way that the impact of these interests can be avoided to some extent, though not without consequence. Obama was better able to achieve his climate goals, which still protected U.S. industry interests, by going around Congress, which is more susceptible to interest group politics. Obama's decision to circumvent Congress demonstrates a continuation of a trend in the U.S. system for foreign policy authority to be centralized in the executive. Future action on climate may therefore see a significantly reduced role for Congress. However, by avoiding

Senate ratification, the Obama administration made it easier for future presidents to pull out of the agreement – a scenario which came to pass in 2017.

Background

The 2015 Paris Agreement was the second major subsidiary agreement adopted under the UNFCCC (Leggett 2020, 5). The agreement set the collective goal of preventing greenhouse gas driven temperature rises to below 1.5 degrees Celsius above pre-industrial levels. To achieve this, Parties were required to submit nonbinding pledges, in the form of nationally determined contributions, to the UNFCCC (6). In place of punitive compliance mechanisms, the agreement relied on transparency in the process to foster a collective pressure on states to uphold their commitments. The agreement established a five-year review mechanism for states to update and achieve mitigation pledges in order to ensure the Parties can collectively reach the global temperature rise goal (Paris Agreement 2015, 5).

For the first time under the UNFCCC framework, the Paris Agreement required commitments of all Parties, developed and developing (3). This, alongside the non-binding and voluntary nature of commitments, demonstrated a turn away from the Kyoto Protocol. Additionally, Parties are to communicate their plans to adapt to climate change, in addition to mitigation commitments (9). This communication was not binding though, as states can choose to report adaptation strategies “as appropriate.” The only binding provisions in the treaty center around reporting and review - though these features are a restatement of requirements that had been part of the original UNFCCC agreement (Leggett 2020, 6). Similarly, Annex I Parties reasserted its commitment to providing financial assistance to developing countries, agreeing to set a new plan for providing financial assistance to non-Annex I Parties for climate change

mitigation and adaptation before the reconvening in 2025. This funding was not to be less than \$100 billion annually (Leggett 2020, 6).

Setting the Stage: The Campaign and Copenhagen

Then-Senator Obama demonstrated his commitment to international action for climate change during his 2008 campaign for president. In an article published in *Foreign Affairs*, Obama wrote that “We need a global response to climate change that includes binding and enforceable commitments to reducing emissions, especially for those that pollute the most: the United States, China, India, the European Union, and Russia” (Obama 2007). Amplifying any ideological motivations for action to combat climate change, Obama also faced strong public support from the Democratic party voter base to pursue such action. In 2008, nearly two thirds of Americans reported to worry about climate change a great deal or a fair amount (Saad and Jones 2016). The percentage for Democrats was over eighty percent, but low Republican numbers dragged the percentage down (Egan and Mullin 2017). This public support for Obama’s climate agenda continued over the course of his presidency. Prior to Paris, two-thirds of Americans polled supported joining an international agreement on climate change (Russonello 2015).

Once in office, however, President Obama’s call for binding, enforceable international commitments would quickly be tempered by the related concerns of industry interests and getting support through the Senate. This can be seen in the Obama administration’s priorities for the failed talks at the fifteenth Conference of the Parties in Copenhagen in 2009. While demonstrating a clear desire to reclaim a leadership role in international climate negotiations, the Obama administration’s goals also reflected the domestic circumstances that had led to the U.S. failure to adopt the Kyoto Protocol a decade prior. In Copenhagen, the Obama administration proposal called for non-binding, nationally set emissions targets and a focus on compliance

through transparency. Eager to avoid another conflict with the Byrd-Hagel Resolution, Obama called from the start for developing countries to be involved as a precondition for U.S. involvement in order to assuage concerns in the Senate about the impact on American industries (U.S. COP Proposal 2009, 106-108; Cowan and Gardner 2010). Ironically, this would again be the reason countries failed to reach an agreement, as developing countries – including Bolivia, Venezuela, Cuba, and Peru – opposed the text (Leggett 2020, 3).

The U.S. position in Copenhagen demonstrated that the Obama administration was turning away from more robust and defined standards set in Kyoto back to the voluntary nature of the UNFCCC of 1992. Copenhagen ended in failure, preventing a test of the Senate. While the large Democratic majority in the Senate in 2009 suggests that passing the agreement could have had a chance, Senators John Kerry and Lindsey Graham reported that after the conference, Senator’s “huddled with representatives of energy-intensive industries that would be most affected by government mandating less use of dirty-burning coal and oil” (Cowan and Gardner 2010). The Copenhagen negotiations set the stage for the U.S. stance at Paris in 2015.

In Paris, Obama pushed for a similar agenda to what he had pursued in Copenhagen, again focusing on voluntary, nationally determined pledges, transparency as a mechanism for compliance, and participation of both developed and developing countries (Parker and Karlsson 2018). Again, these priorities reflected a desire to address the historic causes of failure for U.S. involvement in international climate negotiations – U.S. industry concerns and Senate opposition. However, despite the successful inclusion of these priorities (Paris Agreement 2015), Republicans, who had taken control of the Senate after the 2014 election, planned to block the President’s climate agenda (Cama and Henry 2015).

Congressional Opposition and Adoption

The Senate Republican's rejection of the Paris Agreement represented the combined consequence of polarization on the issue and the influence of industry groups, particularly the fossil fuel industry, which would see losses under the plan. Despite widespread public support for an international climate agreement, just over half of registered Republicans opposed such action (Russonello 2015). This polarization was even more extreme in the Senate, where over seventy percent of Senate Republicans in 2015 had gone on record questioning or denying the science behind climate change (Germain and Ellingboe 2015). This denial was used to justify opposition to international climate action which would hurt key industry groups – most importantly the fossil fuel industry, who had massively increased donations to Republicans after the *Citizens United* and *Speechnow.org* rulings in 2010.

According to the Center for Responsible Politics, total campaign contributions from the energy industry almost doubled after 2010 to \$158,820,595 in 2012. This increase almost entirely reflected increases to Republicans, as contributions to Democrats during this period actually dropped by over three million dollars (Center for Responsive Politics 2021). In 2014, this partisan trend continued, with seventy-nine percent of energy sector contributions going to Republicans. Direct contributions from the energy industry to the Senate totaled \$15,878,081, with Republican Senators receiving \$9,675,507 (Center for Responsive Politics 2021). Outside of campaign donations, lobbying expenditures from these groups totaled \$326.7 million in 2015 (Center for Responsive Politics 2021).

On the other side of the isle, contributions by pro-environment groups also skyrocketed after 2010. While most of this funding was “soft money” – not directly contributed to any particular candidate – funding in 2014 jumped to \$86,499,142. Money contributed to the Senate

specifically was considerably less dramatic – \$2,638,356 – but ninety-four percent of it went to Democrats (Center for Responsive Politics 2021). Furthermore, the lobbying expenditures of environmental groups was significantly less than the energy industry, totaling \$15.11 million in 2015 (Center for Responsive Politics 2021).

This focusing interest groups along party lines demonstrates likely reflects the increasing polarization on the issue of climate change, as the Democrats had been increasingly associated with issue ownership for environmental issues (Egan 2013, 67). However, while Democrats received far less money from fossil fuel interests as a whole, the fossil fuel industry did still exert a strong influence on Democratic Senators from states with high reliance on those industries. For example, Senator Mary Landrieu received \$738,583 from fossil fuel interests in 2014, the fourth most of any Senator (Center for Responsive Politics 2021). Furthermore, Obama himself was not immune to the influence of such groups. From 2011 to 2012, he received \$710,277 from fossil fuel interests, though his Republican competitor, Governor Mitt Romney, received \$4,763,934 during the same period (Collomb 2014, 22). Furthermore, many members of Congress were personally invested in the fossil fuel industry, holding assets valued between \$44 and \$134 million in 2014 (Tucker 2015).

Republicans in Congress began sending messages that they would oppose the Paris Agreement before negotiations began. In August 2015, Obama announced his Clean Power Plan, which called for regulatory changes to power plants under the authority of the Clean Air Act and other relevant legislation in order to significantly reduce U.S. emissions (Davenport et al. 2017). This was to signal proof that the U.S. was serious about its commitment to its voluntary emissions reductions of twenty-six to twenty-eight percent below 2005 levels by 2025 (Davenport et al. 2017). The Clean Power Plan was largely opposed by the energy industry,

which expected to see losses of up to \$8.4 billion by 2030 under the plan (Kaspar 2015; Grab and Lienke 2017, 4). Republicans in Congress symbolically voted against the plan, but their resolution was vetoed by President Obama (Cama and Henry 2015).

Knowing that the Paris Agreement would not be successfully ratified in the Senate, the Obama administration implemented a work around. In December 2015, a State Department briefing detailing the Paris Agreement stated that “In terms of congressional approval, this agreement does not require submission to the Senate because of the way it is structured. The targets are not binding; the elements that are binding are consistent with already approved previous agreements [the UNFCCC]” (State Department 2015). Instead of moving the agreement through the Senate as a treaty, Obama signed an executive order announcing its adoption (Somander 2016).

This move represents the continued trend in U.S. foreign policy in general that the executive gains power over time. Such a trend was predicted in the 1830s by French diplomat Alexis de Tocqueville, who argued that “If the Union’s...great interests were continually interwoven with those of other powerful nations, one would see the prestige of the executive growing...” (Tocqueville 1830, 126). Historically, Congress has often ceded these powers to the executive via broad authorizations to use force rather than declaring war or passing lump trade authorities (Authorization for Use of Military Force 2001; Reciprocal Trade Agreements Act of 1934; Trade Expansion Act of 1962). In this instance, however, President Obama took action in opposition to Congress, and was not successfully challenged. While this indicates future international debates on climate change could see a reduced role for the Senate, Obama’s ability to go around Congress was notably justified on the fact that it did not rely on binding targets. In order to implement binding, more robust targets, the Senate would likely have to be consulted.

Furthermore, while enabling himself to enact his international climate agenda without hindrance from Congress, President Obama also enabled his successors to more easily withdraw from the agreement. While the Supreme Court has never ruled on whether Presidents can unilaterally withdraw from treaties that have been ratified by the Senate, this has been seldomly tested, as Presidents tend to adhere to treaties more often than executive agreements (Koh 2018).

Implementation

Implementation of the Paris Agreement was affected by the unique situation in which it was adopted. The Clean Power Plan, the capstone of Obama's climate agenda and an essential part of his plan to reach the voluntary emissions reductions set in Paris, was stayed by the Supreme Court on February 6, 2016 – a little over three months after it was announced (EELP Staff 2017). This demonstrates the power of the third branch of government over U.S. foreign policy vis a vis climate change. Even having found a way around the Senate for adopting the agreement itself, the policies required to implement it relied on domestic institutions. The stay on the plan lasted for the remainder of Obama's presidency, until the case was declared moot when the Trump administration announced its intention to repeal the plan (EELP Staff 2017).

Obama was set to term-limit out of office in January of 2017, a few months after the Paris Agreement was officially to take effect (UN 2021). As had occurred with both the UNFCCC and the Kyoto Protocol, key decisions about the future of the agreement would be left to Obama's successor in office. As the U.S. emissions reduction commitment was not binding domestically or internationally, the effect of the 2016 election would have major implications for the implementation of the agreement.

The unexpected election of Donald Trump in 2016 had significant implications for the Paris Agreement. During the campaign, Trump was unambiguous about his opposition to the

agreement and the causes. During a May 2016 trip to North Dakota – the second largest crude oil producer in the nation (EPA 2021) – Trump announced that he would “cancel the Paris Agreement” because it was bad for the U.S. energy industry (Parker and Davenport 2016). In addition to the directly stated motivation of protecting industry interests, Trump’s decision could have also been motivated by public opinion. As mentioned before, U.S. voters do not prioritize climate issues – even in 2016, polling found climate worries ranked sixteenth out of eighteen issues for prioritization by the American public (Egan and Mullin 2017). Voters are more concerned with how climate policies impact other aspects of their life. As companies can pass some of the costs of regulation onto consumers by raising prices, the American public is likely to oppose policies which affect them negatively, such as increased gas prices for a car dependent population (Chambers and Collins 2016; Buehler 2014). Trump followed through with his promise to cancel the Paris Agreement shortly after his inauguration, officially declaring U.S. intent to withdraw at the first opportunity allowed under the agreement, November 4, 2020 (McGrath 2020). As the U.S. commitments were voluntary and non-binding, Trump did not have any incentives to keep up U.S. reductions until the withdrawal went through.

The United States decisions surrounding the Paris Agreement demonstrate the role of material interests of key decision makers and the U.S. political system on its foreign policy vis a vis climate. President Obama demonstrated a clear desire for the U.S. to reclaim a leadership role in international climate negotiations. However, after being elected, he immediately dropped his desire for binding, enforceable commitments in favor of non-binding, voluntary commitments which were more in line with the interests of U.S. industries. After talks in Copenhagen failed, the Obama administration carried its agenda to Paris in 2015. However, the Republican Senate, driven by polarization in the Republican base and targeted fossil fuel interest money, signaled

rejection of the agreement even before negotiations began. Obama worked around the Republican opposition by entering into the agreement through executive order rather than sending it as a treaty for ratification, though at the cost of stability for the issue. Implementation of the Paris agreement was weak. Key pieces of Obama's domestic climate agenda – central to fulfilling the U.S.'s international commitments, were blocked by the Supreme Court months after they were introduced. Shortly after, Donald Trump won the 2016 election and announced withdrawal from Paris.

The preceding case studies each demonstrated the powerful influence that industry interests have in motivating U.S. climate policies. U.S. presidents of both political parties have demonstrated a desire to shape international agreements on climate change to favor U.S. domestic industries for fear of negative political repercussions. Furthermore, Senators, who have the power to ratify treaties and are more susceptible to lobbying from these groups, have consistently opposed action that disadvantages U.S. industries in the international sphere. In the following section, I will further explore this role of industry interests on a different form of climate policy by conducting empirical research into the motivations for state inclusion of environmental protection provisions in preferential trade agreements.

VIII. Empirical Analysis: Preferential Trade Agreements – The Future of Industry Interests on Climate Policy?

International climate agreements like those described in the cases above are not the only examples of U.S. foreign policy vis a vis climate. The future of international cooperation on climate may lie at the confluence of environmental policy and international trade through the inclusion of environmental protection clauses in preferential trade agreements (PTAs). Use of

environmental protection clauses in PTAs has increased dramatically since the 1990s (Colyer 2004, 1), suggesting these clauses play a large and growing role in environmental protection.

In this section, I empirically analyze the motivations for countries to adopt environmental clauses in PTAs – such as disguised protectionism to protect industry interests, or accountability to pro-environmental protection populations. Though analysis in this section is not limited to the U.S. to increase the number of observations studied, understanding why these agreements are adopted provides key insight into U.S. environmental policy decisions as the United States has been a leader in promoting the rise in popularity of these clauses in PTAs across administrations of both political parties (1). Building on my findings above, alongside preliminary research by Morin, Dür, and Lechner (2018), I propose that these clauses are a positive byproduct of protectionism, with states seeking to protect the material interests of industry groups including more environmental protection clauses in PTAs when such trade agreements involve industries with greater competition. To test this hypothesis, I use ordinary-least-squares (OLS) regression with relevant controls.

In the following subsection, I review the relevant literature on this topic. I then justify my hypothesis with a causal model that draws further from the literature. In the subsequent section, I elaborate on my research design – explaining my empirical model, describing my sources, and providing summary statistics for the key variables. I then present my results and follow with a short discussion.

Environmental Clauses in PTAs

The effects of trade liberalization on the environment have long been in dispute, with substantial bodies of mixed research contributing to competing theories. There are two main theoretical arguments for how trade liberalization affects the environment. Advocates for free

trade argue that increased incomes and increased exposure to green technologies makes liberalization beneficial for the environment (Frankel 2009, 10). Those against liberalization argue that it encourages industries to move to states with fewer, looser regulations, providing incentives for states to reduce environmental protections in a ‘race to the bottom’ (10).

Nemanti, Hu, and Reed (2019) recently conducted a study demonstrating the mixed impacts of trade liberalization on the environment via regression analysis of free trade agreements (FTAs) and greenhouse gas emissions (GHGs) – a driving contributor to climate change. Their paper differed from past studies by differentiating between agreements based on involved countries’ development levels. They find that FTAs between only developed or developing countries do not increase GHGs, and can even improve the environment (16). However, agreements between developing and developed countries increase GHGs in developing states (16). While providing important background about the mixed impact of FTAs on the environment, Nemanti, Hu, and Reed (2019)’s article did not factor in environmental provisions, or explain why states adopt them – the central purpose of this section.

Though environmental protection clauses in PTAs have not replaced multilateral environmental agreements (MEAs) as the principal means by which environmental issues are addressed, their usage has increased exponentially since the environmental inclusions in the North American Free Trade Agreement (NAFTA) by the Clinton administration (Colyer 2004, 4). This suggests their growing importance for the linkage of trade and environmental policy over time. Empirical research on the environmental provisions in PTAs is a relatively new field, made more possible by the creation of the German Development Institute’s Trade & Environment Database (TREND). This research was recently summarized in a briefing paper by Berger, Brandi, and Bruhn (2017), which includes explanations for levels of environmental

innovation in PTAs, why certain provisions diffuse more frequently, when such provisions are multilateralized, and notably the effects of these agreements on the environment. Brandi, Bruhn, & Morin (mimeo) found that environmental provisions in PTAs may benefit the environment through increases in domestic legislation. While Brandi, Bruhn, & Morin (mimeo)'s results have not yet been published independently, their findings are noted in Berger, Brandi, and Bruhn (2017, 4)'s briefing paper. This apparent impact of environmental provisions in PTAs emphasizes the importance of understanding why states choose to include them.

George (2014) sought to explain why states adopt agreements including these provisions using survey data from delegates to the Organization for Economic Cooperation and Development's Joint Working Party on Trade and Environment. He found that delegates cited preventing a 'race to the bottom' as the biggest reason for adopting these provisions (George 2014, 11). However, George's study suffers from a low number of respondents and potential response bias from delegations.

Empirical research by Morin, Dür, and Lechner (2018) using the TREND database provides one of the most recent attempts to explain countries' motivations for adopting environmental clauses. They identify three main methods which are thought to drive states to include environmental provisions in PTAs: hollow statements, hiding protectionism, or popular demand for promoting environmental protection (130-133). OLS regression suggests that countries with more environmental protections – determined by sulfur dioxide pollution levels and the Environmental Protection Index – are more likely to include these clauses in their agreements, suggesting that those with more to lose will oppose them (133). These results, alongside the findings of Brandi, Bruhn, & Morin (mimeo) that such provisions can increase

domestic environmental legislation, suggest that the relationship is not driven through the hollow statements mechanism.

Public accountability, however, may play a central role in motivating states to adopt environmental provisions in PTAs. Large populations in democratic countries – including both developing and developed states – are likely to believe the benefits of environmental protection outweigh the costs (Bättig and Bernauer 2009, 286; Bernauer and Nguyen 2015, 105). Furthermore, the preferences of citizens have a bigger impact in democratic states – whose governments are accountable to larger groups to maintain power – than in autocratic ones (Siverson and Bueno de Mesquita 2017). Therefore, democratic governments have a larger incentive than authoritarian ones to adopt some environmental policies in order to appeal to the public. Bivariate analysis of polity scores on the number of environmental clauses in PTAs supports this, showing that democracies are more likely to include such clauses than autocracies (Morin, Dür, and Lechner 2018, 130).

Differences within democracies could affect the degree of accountability of governments to the citizenry, therefore affecting the mechanism that drives the relationship between democracies and adopting PTAs with environmental provisions. Majoritarian electoral systems are generally found to be more accountable to their constituencies than PR systems – at the expense of representation of minority parties – because the frequent emergence of single party-majority governments, which allows voters to better identify and punish transgressions from their desired policy preferences (Norris 1997, 305; Powell 2000, 50). PR electoral systems are generally more representative, with government opinion better incorporating the views of the population as a whole (Norris 1997, 305). However, this increased representation often leads to coalition governments and confusion about who to hold accountable for undesirable policies

(305). Mixed systems often seek to adopt a balance between representation and accountability, though at some expense to the extremes of fully majoritarian or PR systems (304). For this reason, in my analysis of the role of competition amongst democracies, I include breakdowns of these different electoral systems to control for any differences that result from these systems.

Morin, Dür, and Lechner (2018) also conducted a bivariate regression to test the potential role of protectionism on the inclusion of environmental protection provisions. They found that higher levels of competition among member states – determined by the Grubel-Llyod Index – increases the number of environmental protection clauses in PTAs (Morin, Dür, and Lechner 2018, 131-132). While suggesting that protecting industry interests plays a role in pushing states to adopt environmental clauses, these results likely do not account for a number of exogenous factors, as they are conducted as bivariate analysis. Morin, Dür, and Lechner (2018)’s results pertaining to protectionism form the basis of my study, and I plan to expand the analysis by controlling for other mechanisms – including the two they addressed in their paper.

Data and Methods: Hypothesis and Causal Model

My hypothesis for this section is that states experiencing higher levels of import competition will include more environmental clauses in PTAs. Morin, Dür, and Lechner (2018) develop a compelling mechanism by which states may include an increased number of environmental provisions in PTAs to placate protectionist domestic industries. Prior qualitative research has found that guaranteeing higher environmental standards in other countries can reduce competition for domestic firms – particularly when such agreements are between developed and developing nations (Bhagwati 1995, 745). The inclusion of environmental protections ensures that industries are operating under the same standards, preventing the benefits that come from lax regulations (Frankel 2009, 10). Despite signing a PTA, states are

able to deny import access to states that do not comply with the regulations (Runge 1990, 47). These clauses are also a convenient tool when compared to other protectionist policies like tariffs, as they provide a means to conceal the protectionist motivation (Kono 2006, 369).

My model does not address potential issues such as campaign finance laws or other state specific factors that might motivate governments to engage in protectionism. This demonstrates the potential for future research. However, my model nonetheless provides a more robust test for Morin, Dür, and Lechner (2018)'s argument that states may adopt environmental protection clauses in PTAs as a means of disguising protectionism.

Variables

My independent variable for this section is the level of import competition via a measure of inter-industry trade. Morin, Dür, and Lechner (2018) derived this value by subtracting the Grubel-Lloyd index – a common measure of intra-industry trade – and subtracted it from one. My dependent variable is the number of environmental provisions in adopted PTAs.

In order to reduce endogeneity and to limit the effects of confounding variables, I have included a number of controls identified by Morin, Dür, and Lechner (2018) as potentially contributing to the number of environmental provisions in PTAs. These include level of development (represented by GDP per capita), level of democracy (measured through Polity2 scores), and level of environmental protection before the agreement (measured by the Environmental Performance Index and sulfur dioxide pollution levels per capita). I have also included controls by electoral system within democracies, which might impact the level of government accountability. I have included a post-2008 temporal control to account for the 'green' emphasis many countries put on recovery from the Great Recession (Barbier 2020, 10). I also included year fixed effects to hopefully weed out any extraneous temporal effects.

Data and Summary Statistics

For this thesis, I obtained data from several sources: the German Development Institute's Trade and Environment Database (TREND), the International Institute for Democracy and Electoral Assistance (IDEA)'s Electoral System Design Database, the Polity IV Project, Yale University's Environmental Performance Index, the University of Groningen's Maddison Project Database, and Clio Infra. The TREND data is published online and includes agreement level information on 630 PTAs from 1947 to 2016. I reorganized this data to represent the country/year level, which increased the observations to 3,262. The variables in this data set include the number of environmental provisions in PTAs, the states which participated in the agreements, and the year of such agreements.

Data for competition came from replication data from Morin, Dür, and Lechner (2018)'s study on why states adopt environmental protection clauses in PTAs, which included measures of import competition for 466 agreements. This data was reorganized to represent the country/year level. Grubel-Llyod Index values, ranging from 0 to 1, were subtracted from 1 to provide a measure of import competition among member states within agreements.

In order to control for the effects of democracy, I obtained Polity2 scores from the Polity5 Project, including 17,544 country/year observations from 1800 to 2018. The Polity2 variable ranges from -10 to 10, with democracies scoring between 6 and 10. Data on electoral systems is published by the International IDEA in their Electoral System Design Database. This data includes 1,353 country/year level observations from the years 1965 to 2020. For the agreements prior to 1965, I found articles referencing elections in the participating states during those to determine their electoral system. Electoral systems were originally string variables for

majoritarian, mixed, or PR systems with I coded to be dummy variables equal to 1 if a state has that particular electoral system in a given year, and 0 if it does not.

Data for prior environmental protection came from Yale University's Environmental Performance Index, which included country level data for 180 countries. EPI scores range from 0 to 100 and are determined using 32 performance indicators across 11 categories, including air quality, waste management, pollution emissions, and water resources. The most recent data was compiled using information from 1950 to 2020. While this variable is not available as a time-series, it provides insight into the trend of environmental protection within a state. Furthermore, to further capture any exogenous effect of prior environmental protection, I include sulfur dioxide pollution data from Clio Infra – a non-profit which compiles time-series datasets on environmental issues.

The 2020 Maddison Project Database includes country/year level data on GDP per capita scaled to 2011 U.S. dollars. This data includes 21,682 observations, including estimates from the 13th century through the present. Data for years prior to 1947 was not applicable and therefore excluded. Tables of summary statistics follow:

Table 1: Summary Statistics for Environmental Provisions and Electoral Systems

Variable	Obs.	Mean	Std. Dev.	Minimum	Maximum
Number of Environmental Provisions	2695	23.97	31.40	0	132
Competition	2231	.89	.29	0	1

Note: This table represents data from 140 countries from 1948 to 2016. Differences in number of observations are due to missingness in the data. For clarity, all decimals have been rounded to the nearest hundredth.

Table 2: Summary Statistics for Control Variables

Variable	Obs.	Mean	Std. Dev.	Minimum	Maximum
Democracy	2695	.89	.31	0	1
Majoritarian	2695	.21	.40	0	1
Mixed	2695	.13	.34	0	1
PR	2695	.65	.48	0	1
Environmental Performance Index	2098	65.69	15.12	25.8	97.94
SO2 per capita	2298	.04	.04	.0001	.24
GDP per capita	2377	20665.39	13803.66	560.333	81583
Post-2008	2695	.13	.33	0	1

Note: This table represents data from 140 countries from 1948 to 2016. Differences in number of observations are due to missingness in the data. For clarity, all decimals have been rounded to the nearest hundredth.

Empirical Method

I have chosen an OLS regression design to identify any potential relationship between my variables. While case studies could provide insight into the decisions of individual countries or even individual leaders, an OLS design allows me to observe general trends across national borders. Though I have included the aforementioned controls in the hopes of reducing endogeneity, this model is imperfect, failing to control for other possible confounding variables. It also does not address the content of environmental provisions or their effectiveness once adopted. However, this model could suggest whether a relationship between protectionism and inclusion of environmental clauses in PTAs exists. In order to test this, I ran each regression three times, once as a base, once with controls, and once with controls and year fixed effects. Equations for the most complex models follow:

1. $PTA = \alpha_1 + \beta_1 COM + \beta_2 DEM + \beta_3 EPI + \beta_4 SO_2 + \beta_5 GDP + \beta_6 \text{Post-2008} + YFE + \varepsilon$
2. $PTA = \alpha_2 + \beta_7 COM + \beta_8 MAJ + \beta_9 PR + \beta_{10} MIX + \beta_{11} EPI + \beta_{12} SO_2 + \beta_{13} GDP + \beta_{14} \text{Post-2008} + YFE + \varepsilon$

For Equation 1, α_1 represent the constant term. GDP represents GDP per capita, and YFE are year fixed effects. DEM represents a dummy variable for democracy, SO_2 represents sulfur dioxide pollution per capita, and EPI represents the Environmental Protection Index. Post-2008 represents the control for agreements after the Great Recession. β_{2-6} represent the respective coefficients for DEM, EPI, SO_2 , GDP, and Post-2008. ε represents the error term. COM represents competition as a measure derived from the Grubel-Lloyd index. PTAENV is the number of environmental protection provisions in PTAs adopted by each state. β_1 is the coefficient for competition – the coefficient of interest. I expected β_1 to be positive and significant, indicating that higher competition increases the number of PTAs with environmental clauses adopted by a state.

Equation 2 will separately check the impact of protectionism within democracies. In each equation, the constants, control variables, their constants, and the dependent variables represent the same values as those in Equation 1. MAJ is a dummy variable (0/1) equal to 1 for majoritarian electoral systems. PR is a dummy variable (0/1) equal to 1 for proportional representation electoral systems. MIX is a dummy variable (0/1) equal to 1 for mixed electoral systems. β_7 is the coefficient of interest, which I again expect to be positive and significant.

Results

The tables below demonstrate the results of three OLS regression models analyzing the impact of import competition on environmental protection clauses in PTAs. The first model (M1 in Tables 3 and 4) is the most basic, estimating only the effect of competition. The second model (M2) includes controls for democracy, environmental protection, sulfur dioxide per capita, GDP per capita, and the post-Great Recession recovery period. The third model (M3) adds year fixed effects to the second. Table 3 represents the results for all countries. Table 4 represents only democracies, with M2 and M3 including controls for electoral systems.

The coefficients for competition in all three models in Table 3 suggest that competition plays a statistically significant role in determining the number of PTAs. In M1, the coefficient is 16.572, indicating states with higher levels of import competition include around 16.5 more environmental protection clauses in PTAs. When control variables and year fixed effects are added in M2 and M3, this result remains positive and significant, explaining the inclusion of around 20.4 or 14.4 more clauses respectively.

Table 3: Import Competition on Environmental Provisions (All states)

	M1	M2	M3
Competition	16.572*** (2.363)	20.447*** (2.067)	14.427*** (1.919)
Democracy		7.581** (2.874)	6.493** (1)
EPI		0.362*** (0.048)	0.156*** (0.046)
SO2		-9.429 (15.484)	-8.252 (14.05)
GDP per capita		0.0001* (0.00005)	0.0001* (0.00004)
Post-Great Recession		57.888*** (1.608)	61.188*** (14.919)
Year Fixed Effects			Y
Observations	2231	1511	1511

Note: Standard errors in parentheses. (*p < .05, **p < .01, ***p < .001). This table represents three models which increase in robustness. M1 examines just the treatment effect, M2 adds control variables, and M3 factors in both controls and year fixed effects. Controls include democracy, environmental protection, sulfur dioxide per capita, GDP per capita, and post-Great Recession. Sample includes observations from 140 countries from 1948 to 2016.

The coefficients for competition in Table 4 are as expected – positive and significant, even with added controls. The baseline regression of import competition on number of environmental clauses suggests that within democracies, more competition leads to an adoption of almost 17 more clauses per agreement. This effect is similarly positive and significant in models 2 and 3, when controls and year fixed effects are added. M2 suggests more competition leads to an increase of 21.6 clauses, and M3 suggests an increase of 15.1.

Table 4: Import Competition on Environmental Provisions (Democracies)

	M1	M2	M3
Competition	16.992*** (2.568)	21.674*** (2.148)	15.173*** (2.010)
Majoritarian		-5.734 (16.456)	-7.280 (14.182)
Mixed		-5.772 (16.419)	-9.107 (14.153)
PR		-6.991 (16.352)	-9.723 (14.101)
EPI		0.367*** (0.051)	0.159*** (0.048)
SO2		-10.147 (15.697)	-9.828 (14.230)
GDP per capita		0.0001* (0.00005)	0.0001* (0.00004)
Post-Great Recession		58.45*** (1.633)	8.320 (24.276)
Year Fixed Effects			Y
Observations	2032	1435	1817

Note: Standard errors in parentheses. (*p < .05, **p < .01, ***p < .001). This table represents three models which increase in robustness. M1 examines just the treatment effect, M2 adds control variables, and M3 factors in both controls and year fixed effects. Controls include electoral system, environmental protection, sulfur dioxide per capita, GDP per capita, and post-Great Recession. Sample includes observations from 132 democracies from 1951 to 2016.

These findings conform with my hypothesis that higher levels of import competition will increase the number of environmental clauses included in PTAs. This supports the notion that states include these provisions for protectionist purposes. However, the significance of control variables in both M2 and M3 in Tables 3 and 4 suggest that protectionism is not the only factor

which influences adoption of these clauses. In Table 3, controls for democracy remain significant at the .01 level, suggesting democracies (polity score of 6 or higher) adopt an average of 7.037 more clauses per agreement than non-democracies. This effect, however, is under half that of competition, which accounted for an average of 18.423 more clauses in the same models. Furthermore, while the positive and significant results of the Environmental Protection Index appear to support Morin, Dür, and Lechner (2018)'s finding that the hollow promises mechanism is not a strong indicator, this effect is significantly smaller than the effects of competition or democracy. Similarly, the results on GDP per capita suggest that wealthier states are more likely to include more clauses in their agreements, though this effect is small. The controls for different electoral systems in democracies are statistically insignificant, as are levels of sulfur dioxide pollution per capita.

Furthermore, time specific factors appear to play a significant and substantive role in the adoption of environmental clauses in PTAs. The post-Great Recession control has the largest statistically significant impact of any coefficient – suggesting countries adopted an average of approximately 59 more environmental clauses after 2008 than before. This effect becomes insignificant in M3 for democracies, likely because of collinearity with year fixed effects.

Discussion

The purpose of this section was to analyze the effects of import competition on the inclusion of environmental protection clauses in PTAs. Utilizing an OLS regression design, I found that states with higher levels of inter-industry trade include more of these clauses on average. These results remain statistically significant with the inclusion of year fixed-effects and other controls, such as democracy, previous environmental protection, sulfur dioxide pollution per capita, GDP per capita, and post-Great Recession controls.

This study provides insight into the reasons that states choose to include environmental provisions in PTAs. The results suggest that states may adopt these clauses as a form of hidden, “green” protectionism, which they use to protect their national industries from foreign trade. While public pressure in democracies may explain the inclusion of some environmental protection provisions, leaders appear to be more concerned with protecting industry interests.

Additionally, the public accountability model provided by Morin, Dur, and Lechner to describe the possible reasons why democracies adopt these clauses more often might not be accurate. Perhaps democratically elected governments are more likely to adopt the provisions because elected officials are more concerned with the economic well-being of their populace, thus prompting them to adopt protectionist measures. Additionally, the strong impact of the post-2008 recession indicates other factors – largely unaccounted for in the growing literature surrounding environmental clauses in PTAs – may have a substantial impact. Another possibility is that these agreements could serve as an obfuscated way to adopt environmental protection without significant publicity. Future research into the intentions of government officials and detailed analysis of additional controls can provide answers to these questions.

This project has a number of limitations. Most basically, missingness in the data as well as unaccounted or imperfect controls could limit the results’ explanatory value. As mentioned above, the model does not account for campaign finance laws or other factors which could affect the pressure of a state to adopt protectionist policies. Finally, I did not seek to account for the substance of provisions, which may have an impact on why they are adopted. These limitations all suggest avenues for future research to provide insight into what mechanism drive state inclusion of environmental protection provisions in PTAs.

IX. Discussion & Conclusion

The purpose of this research project was to analyze the effects of the material interests of key domestic actors and the U.S. political system on U.S. foreign policy vis a vis climate change over the last three decades. This research addresses the broader question of what the determinants of modern U.S. climate policy are. Using a series of case studies, I demonstrated the central role that interest groups working within the system of checks and balances between the president and the Senate have on constraining U.S. climate policies. The low salience of climate policy for the majority of American means that the effects of such policies in relation to other issues, like jobs or the economy, are more important for the public. The increasing polarization of the climate issue has played a role in such policies, making interest group money increasingly partisan over time. Additionally, using an OLS regression design, I found that states with higher import competition adopt a higher number of environmental clauses in PTAs. While this conclusion does not apply to the U.S. specifically, it further indicates the role of industry interests on international climate policy.

Realist theories present a compelling counterargument to the conclusions of this paper, as realist scholars would likely argue that the U.S. decisions about participation in each of the three cases were based on the notions of relative gains and state interest. For example, realists would likely argue that the rejection of Kyoto can be explained by the concept of relative gains, as the protocol's exclusion of developing countries imposed a heavier burden on the U.S. relative to these countries, prompting the U.S. not to participate. While compelling, this perspective undervalues the role of a country's domestic institutions for determining its foreign policy. As I hope to have demonstrated above, were the U.S. not a democracy with lax campaign finance and lobbying groups, and a system of domestic checks and balances, U.S. climate policies would

likely be quite different. Furthermore, such a framework similarly undervalues the interests of individual actors within a state. Continuing the Kyoto example, the realist notion of relative gains does not fully explain why the Clinton administration was willing to enter into an agreement that did not include developing countries, and had committed the U.S. to do so in Berlin two years earlier. Opening up the black box of domestic politics, therefore, helps us to understand U.S. climate policies.

The analysis in this paper, creates several avenues for future research. While material interests appear to be a central motivator for U.S. climate policies, there are also a number of other variables that play a key role. For example, ideology, independent of public opinion, likely plays a central role in determining the priority of environmental problems like climate change for individual administrations. Future study could explore the role of such additional variables to paint a more holistic picture of U.S. foreign policy vis a vis climate change.

Furthermore, the data for the dependent variables varied in quality for the different case studies, with more information accessible during the more recent years. Additional financial constraints limited availability to more robust datasets, which future researchers could apply to the cases I've presented as well as others. Climate change decisions are also made by individuals whose true motives are best understood by them. Public statements about motivations can be misleading, as politicians concerned with re-election are motivated to manipulate their words to seem as favorable as possible. To go around the reliance on statements, future research could attempt to circumvent expressed motivations and attempt to identify motivating factors by empirically analyzing the effects of motivating factors like fossil fuel campaign contributions on the strength of international climate policy or other outcomes, like the number of environmental protection regulations put in place. Finally, as the roles of the president and Congress for climate

policy continue to shift, future research can focus more closely on the nature of these institutions and how such changes will impact climate policy in the future.

With this project, I hope to have contributed to the literature for policy makers to draw from to identify ways to better address the growing climate crisis. In 2020, the U.S. finally returned to 1990 emission levels (achieving the non-binding goal of the original UNFCCC twenty years late), but is expected to increase again in 2021 after the end of the COVID-19 pandemic (Energy Information Administration 2020). The increase in presidential power could lead to more robust climate action within administrations, but also greater fluctuations between them. Furthermore, such a shift could have significant Constitutional implications as the presidency continues to exert a willingness and ability to shirk congressional approval. Climate activists may approve of this – citing the importance of addressing climate change quickly – but this demonstrates a continuation of a potentially dangerous trend where the president gains freedom of action at the expense of deliberation. Furthermore, those seeking to address inadequacies in U.S. international climate policy could look to domestic issues, such as campaign finance or lobbying reform as a first step for more effectively combating climate change.

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