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## 7 Business Conflict and U.S. International Environmental Policy: Ozone, Climate, and Biodiversity

Robert Falkner

Corporations play a central role in U.S. foreign environmental policy.'

Large multinational firms in particular possess extensive economic and technological power that shapes outcomes in international environmental policy-making. This chapter analyzes the extent to which corporate power affects the making of foreign environmental policy. It suggests that business is in a privileged position because of its central role in making economic and technological choices that set parameters for international environmental action. Corporate power, in this sense, constrains state autonomy and the influence of environmental interest groups. However, because of the fragmentation of the business community and the potential for business conflict, corporations cannot fully determine U.S. foreign environmental policy.

### Contending Perspectives on U.S. Foreign Environmental Policy

The United States is of crucial importance in the pursuit of global environmental sustainability. As the politically and economically most powerful state, it has the potential to be a major driving force in reaching international agreement on environmental protection. Indeed, since the 1970s, the global spread of environmentalism owes much to American influence in world politics. The United States pioneered domestic environmental programs that were adopted elsewhere in the industrialized world, and the U.S. environmental movement has played a leading role in global environmentalism. The U.S. government also provided the necessary political clout to achieve important international environmental accords, most notably the Montreal Protocol to protect the stratospheric ozone layer (see chapter 5 of this volume).

But at the same time, American power can be a serious stumbling block in international environmental politics. As the biggest economy of the world, with

a myriad of transnational economic links that permeate the global economy, the United States can also act as a de facto veto power in environmental politics, just as in many other global policy areas. In recent years, it has done so repeatedly, slowing progress toward international agreement in important areas of global environmental concern, such as climate change and biodiversity/biosafety.

One of the main concerns in the study of U.S. foreign environmental policy has been to account for this striking policy variation. A popular misconception sees the fluctuating fortunes of environmental concerns on the U.S. foreign policy agenda as a reflection of changing ideological orientations at the heart of the U.S. state, the presidency. Thus, for example, the antiregulatory and pro-business stance of the Reagan and Bush administrations have been cited as the cause for major anti-environmental policy reversals during the 1980s and early 1990s.<sup>2</sup> But, at closer look, the correlation between presidential ideology and environmental policy is much weaker than it would seem. The Reagan administration ultimately failed to roll back environmental regulation domestically, and it supported, in the form of the Montreal Protocol (1987), one of the most far-reaching international environmental agreements. In contrast, the Clinton administration, which took office in 1992 with a decidedly pro-environmental policy program, has failed to deliver many of its promises and has continued to obstruct progress at the international level in areas such as climate change and biosafety.

One of the main reasons why U.S. foreign environmental policy does not simply reflect the political ideology of the administration is a complex system of foreign policymaking that involves not only the presidency and Congress, but also a myriad of interest groups that lobby both the executive office and the legislature. Analysts of U.S. foreign policy have emphasized the important influence of congressional politics and domestic pressure groups. The same pluralist pattern of policymaking extends to foreign environmental policy.<sup>3</sup> According to the pluralist understanding of foreign policymaking, changes in foreign policy reflect shifts in the relative influence of domestic interest groups and bureaucratic units within the institutional setup. In this perspective, the corporate sector is but one interest group competing with, for example, environmental pressure groups and scientific communities.

Pluralist explanations have come under attack from mainly two directions: state-centric realists, on the one hand, and radical ecologists and neo-Marxists, on the other, have produced contrasting accounts of the autonomy of the state in the conduct of foreign policy. Although both approaches acknowledge the relevance of lobbying activities by a variety of domestic interest groups, including business, they differ from pluralism (and from each other) in their assessment of the influence of lobbying on policy choices. State-centric realists maintain that despite attempts of business and other interest groups to influence foreign policy, the U.S. state remains autonomous in making policy choices, and that therefore the locus of explanation lies with the state and shifting alliances among state actors! In contrast, radical ecologists and neo-Marxists claim that the

pervasive influence of American business has led to a situation in which U.S. foreign policy has been undermined, if not entirely captured, by corporate interests.<sup>4</sup>

This chapter argues that both influential perspectives fail to account for the role of business in U.S. foreign environmental policy. The former view tends to underestimate the power of business by adopting a too narrowly conceived notion of the political role of firms that neglects structural aspects of corporate power. Corporate decisions on investment and technological development set important parameters for states in their choice of policy options. The latter perspective tends to overstate the dominance of the corporate sector by failing to account for conflicting business interests and the fragmentation of the business community with regard to international environmental protection. Business conflict can give rise to competing alliances between sectoral business interests and state actors, thus making it impossible to determine a priori the outcome of the lobbying and foreign policymaking process.

This chapter suggests that by focusing on the role of business in the context of a neopluralist framework, we can advance our understanding of U.S. foreign environmental policy and of international environmental politics in general. It argues that the analysis needs to go beyond the conventional perspective on domestic interest-group politics as a battle between environmentalists and business interests. Business is in a privileged position in the establishment of international environmental policy owing to its central role in making economic and technological choices that affect environmental sustainability. The economic and technological power of firms acts as a constraining force on state autonomy and on the influence of other domestic interest groups. It sets parameters for the regulatory choices available to states. But divisions within the business community prevent business from determining outcomes in foreign environmental policy. The state derives a significant degree of autonomy from business conflict through the creation of political alliances between sectoral business interests and state actors.

This chapter first reviews recent contributions to the study of business influence in the making of foreign policy, especially research in international political economy that is centered around the *business conflict model*. The subsequent sections discuss the relevance of business conflict to the study of foreign environmental policy and consider three cases of U.S. foreign environmental policy: ozone-layer protection, climate change, and biodiversity/biosafety.

## The Business Conflict Model and International Environmental Politics

International relations scholarship has recently seen a growing interest in the role of corporations, which reflects both changes in the theoretical orientation of

the discipline and a renewed interest in empirical aspects of foreign policymaking. Efforts to "bring the firm back in"<sup>6</sup> are part of a wider return of the transnationalist research agenda and a renewed focus on the domestic sources of foreign policy, signifying the declining dominance of structural realism.<sup>7</sup> Similarly, studies in international political economy (IPE) have seen a shift away from the structuralist emphasis on markets and global capitalism toward a concern for corporations as national and international actors.<sup>8</sup> Furthermore, the study of foreign policy-making, and of U.S. foreign policy in particular, has produced a wealth of empirical insights into the role of the corporate sector in areas as diverse as superpower relations during the Cold War, trade policy, foreign investment, international debt, and Third World policy.<sup>9</sup>

Although the renewed interest in corporations is fuelled by a variety of theoretical approaches, many of the recent firm-centered studies share a concern with the diverging interests and political strategies of corporations in international relations. The focus on the rifts and cleavages among business groups has been at the heart of an approach that has recently been dubbed the "business conflict school."<sup>10</sup> This approach dispenses with the notion that business is a monolithic interest group or represents a uniform capitalist class interest. Instead, the analytical focus is on the nondeterministic nature of corporate influence in foreign policy and the conditions in which corporate power manages to shape policy outcomes. The fragmentation of the business community and the ability of sectoral or individual corporate interests to form alliances with state actors are seen as central determinants of corporate influence in foreign policy.

This concern with business conflict stands in contrast with the early research literature on the rise of multinational corporations (MNCs) and with contemporary studies of globalization, both of which tend to view the corporate sector as a homogenous political group. Globalization is seen to create conditions in which the territorially defined logic of the Westphalian states system is being sidelined by a global logic of economic production and exchange. In this view, globalization has given rise to a new type of actor—the global firm—whose interests are in conflict primarily with the territorially defined nation-state. Multinational firms and states are engaged in a tug of war, pulling on opposite ends of the rope, and the lines of conflict are drawn primarily between the world of politics and the world of economics. For many, the rise of MNCs even signals the end of the nation-state and the decline of a state-based system of governance.<sup>11</sup>

This notion of a fundamental conflict between MNCs and states has also informed the study of environmental politics.<sup>12</sup> Many environmental scholars consider the growth in international trade and production a serious threat to the environment. Work on the role of multinationals has highlighted the ways in which transnational industries are circumventing and undermining national environmental standards by relocating high-polluting manufacturing facilities to developing countries with lax environmental laws. It is through international environmental regulation that states try to control the economic forces of the

world economy, with the economy and ecology being locked into a fundamental conflict. The successful creation of international environmental rules is thus seen as an indication of the ability of the states system to overcome corporate resistance.

The implicit assumption in this perspective is that firms possess a uniform set of preferences in environmental politics. As more recent work on business conflict demonstrates, however, business does not constitute a monolithic interest group in important areas such as trade and investment, and the conflicts and tensions within the business community are important, if not crucial, factors in determining state policy. If anything, globalization is likely to increase the potential for business conflict. Furthermore, globalization does not simply create "global" firms that shed the characteristics of their national origins; instead, MNCs remain embedded within specific national and regional contexts.<sup>13</sup> Although acting across national boundaries and dealing with a multitude of governments, global firms continue to rely on close political links with home governments. Globalization does not simply empower global firms at the cost of governments and should not be seen as leading to the demise of the states system. On the contrary, under conditions of economic globalization in a fragmented international political system, MNCs will seek the support of their home country governments to influence international markets and regulatory structures for their commercial benefit. The "new diplomacy" of global firms involves close relations and political alliances with states in the pursuit of comparative advantage in a global market.<sup>14</sup>

There is no reason to suggest that international environmental politics is an exception. Insofar as international environmental regulation affects corporate interests and market structures—and collective-action problems can be overcome—we can expect conflicting business groups to seek to influence foreign environmental policy in pursuit of commercial goals. Recent developments in environmental protection have only served to reinforce the "new environmental diplomacy" of firms.

This new environmental diplomacy emerged during the 1980s, a time when national environmental policies had been firmly established in the industrialized world and a number of industrial accidents (e.g., Bhopal 1984, Chernobyl 1986) further strengthened the resolve of the environmental movement and regulatory agencies. In response to these developments, large corporations began to reconsider their strategies for dealing with the ecological challenge.<sup>15</sup> Rather than simply continuing to obstruct environmental policies as they did during the 1970s, a growing number of firms began to accept the need for incorporating environmental goals into corporate strategy.

Proactive corporate environmental practices emerged for a number of reasons: such practices serve, at a minimal level, to deflect environmentalists' criticisms by presenting a "green corporate image." For some companies, environmental management helps to reduce the costs of compliance with environmental laws. More innovative firms even go as far as making pollution prevention an integral

part of corporate strategy, with the aim of reducing consumption of energy and natural resources in order to boost both environmental performance and profitability. In these cases, "win-win" solutions have emerged that allow firms to improve their competitiveness vis-a-vis other firms through environmental leadership.

As a consequence, regulatory policies at the national or international level no longer pose a uniform threat to corporate interests. Innovative firms can drastically reduce the costs of regulation and in some cases even develop business opportunities out of environmental regulation, whereas others remain hostile to raising environmental standards. Environmental regulation can benefit individual firms or industries by creating barriers to entry into existing markets, by favoring environmental leaders in a given market, by increasing demand for environmentally friendly products, and by restricting overall output and thus raising prices." But because environmental markets and win-win opportunities arising from environmental protection are to a large extent dependent on market interventions by regulatory bodies, relations with states remain central to firms' environmental strategies. The political economy of environmental regulation is thus closely built around the political strategies of and alliances between states and firms.

Building on the insight of the business conflict school, we can develop a better understanding of the forces that shape the formation of foreign environmental policy. Without falling prey to economic determinism, the business conflict model highlights the privileged position that business occupies in the domestic context of foreign policymaking, but it emphasizes the need to locate dominant business interests among a diversity of corporate interests and to explain their relative power and influence against the backdrop of actual or potential business conflict.

The potential diversity of corporate interests stems from the fact that international environmental regulation can have differential effects on individual firms or sectors. In many cases, regulation increases costs of production and reduces profitability unless the costs can be passed on to consumers. But in some cases, regulation can also improve the competitiveness of certain firms within their sector or of one industry relative to another. In determining the structure of business interests, we thus need to consider the positive and negative externalities of regulation.

Lines of conflict among firms or industries may be drawn in several ways:

1. As suggested by studies of international trade policy," a basic dividing line exists between *national* and *global* firms. The former are more likely to advocate protectionism in economic crises than the latter, which tend to favor open-trade rules. In environmental politics, a similar distinction can be made between national firms that usually consider international regulation just as damaging as national regulation and global firms that may prefer internationally harmonized rules in order to create a global level playing field.

2. Within the group of global firms, conflict may arise, however, between *market leaders* and *laggards* over the creation and design of international environmental regulation if it affects the competitiveness of firms or market structures. Technologically advanced market leaders are more likely than other firms to advocate stringent international environmental standards.

3. A further distinction can be drawn between *producers* of environmentally damaging goods and their industrial *users*. In certain cases, the policy preferences of producers and users diverge, reflecting the distribution of costs and benefits from the conversion to environmentally less-damaging products.

### **Business and U.S. Foreign Environmental Policy: Three Cases**

Three cases of corporate influence in U.S. foreign environmental policy are examined next. In the first case—ozone-layer protection—the United States adopted an active pro-environmental policy that led to the creation of a successful international regime; the other two cases—climate change and biodiversity/biosafety—are characterized by a more defensive, pro-business stance that has held up the establishment of strong international regimes. As is argued below, the variation in policy and outcome cannot be explained by simple reference to weak versus strong business influence. U.S. leadership in environmental politics does not mean that business influence has been successfully contained. In fact, business has played a key role in all three cases. But the important point that emerges from the analysis is that the nature of business competition and patterns of business conflict have a crucial impact on the formation of U.S. foreign policy.

#### *Case 1: Stratospheric Ozone Depletion*

The case of international ozone-layer protection has been widely cited as an example of successful environmental action by international society. The U.S. government in particular has been credited for displaying leadership functions in bringing about international consensus on the need to reduce and eventually phase out ozone-depleting substances (ODSs) such as chlorofluorocarbons (CFCs)." Analysts of U.S. policy have emphasized the important role played by domestic interest groups, including the major American CFC producers. Particular emphasis has been given to international competition between CFC-producing firms and to the way in which the major CFC-producing countries have sought to boost the competitiveness of their national industries while phasing out ODSs."

In this view, foreign environmental policy aims at reconciling the often conflicting goals of environmental protection, on the one hand, and economic growth and industrial competitiveness, on the other. States will choose policies that under ideal conditions promote both goals at the same time. But tradeoffs are often required, and it is at this point that domestic interest groups can shift the

balance toward one of the two policy goals. However, as the business conflict model reminds us, the business community may itself be divided about the proper balance between environmental and economic considerations. As a closer analysis of the steps taken to protect the ozone layer reveals, U.S. policy has evolved in direct response to the changing patterns of business conflict among the American CFC producer and user industries. We thus need to look not only at international competition between CFC producers, but also at interest formation and conflict within the U.S. business community.

The ozone controversy joined the environmental agenda shortly after the first scientific hypothesis of a link between ozone-layer depletion and CFC emissions was published in 1974. The U.S. CFC industry soon found itself engulfed in a heated public debate over the need for precautionary action. Responding to widespread concern by scientists and the public, the U.S. government was among the first to consider restricting CFC emissions." The focus at this point was firmly on the use of CFCs as propellants in aerosol products, which accounted for approximately half of U.S. CFC consumption. The CFC producers and the aerosol industry strongly denied the need for precautionary action and insisted that any regulation be based on full scientific proof of the CFC-ozone loss hypothesis.

Soon after the first signs of consumer disquiet showed, industry opposition to the CFC-ozone theory began to crumble. In 1975, S. C. Johnson, one of the leading U.S. aerosol manufacturers, announced a complete phaseout of CFC propellants in its product range, and shortly afterward other firms followed suit. As a consequence, almost the entire U.S. aerosol market switched to non-CFC technologies within only three years and before a national CFC ban came into effect." Despite their insistence that there was no scientific justification for precautionary action, the CFC producers failed to keep the antiregulatory business front united and lost the largest segment of the CFC market.

U.S. regulatory agencies soon seized the opportunity and announced further restrictions on CFCs in other industrial uses. At this point, CFC producers made a concerted effort to build a united business front against further CFC regulations by mobilizing the diverse group of CFC user industries that had kept a low profile during the CFC aerosol debate. In 1980, the Alliance for Responsible CFC Policy was formed, representing some five hundred companies. The alliance, led by the CFC producers, mounted a massive lobbying campaign against new Environmental Protection Agency (EPA) regulatory proposals. The alliance insisted that there was no scientific basis for further unilateral restrictions, but argued at the same time for the need to seek international consensus on CFC controls. Industry complaints fell on fertile ground during the first few years of the Reagan administration, which was keen to drive through a business friendly program of deregulation." Squeezed from two sides, by both the new presidential team and Congress, the EPA had to shelve its ambitious regulations

and signaled that it would not cause further damage to the competitiveness of U.S. industry while other nations abstained from drastic CFC regulations."

Faced with strong domestic resistance to unilateral action, the pro-environmental forces within the U.S. government shifted their focus to the international arena and began pushing for an international accord on CFCs. U.S. industry had given its support to an international agreement in principle, although it hoped that international negotiations would prove to be too cumbersome to achieve a result-except for the prevention of unilateral U.S. regulations. The alliance as a whole remained skeptical of U.S. efforts to negotiate an international ozone treaty, but differences among the CFC industries soon began to reemerge.

This time, it was the large CFC-producing chemical firms that were more likely to go along with the U.S. regulatory strategy. Unlike most of the user industries, the CFC producers were faced with a strategic choice: their overriding concern was to avoid further competitive disadvantages as a result of unilateral restrictions. But because companies such as DuPont and Allied Chemical were competing with European and Japanese firms in a global market, they were more likely to settle with an internationally harmonized CFC regime as a second-best strategy, as long as their competitors were equally affected. In contrast, the majority of the U.S. user industries operated within national markets and had little to gain from an international agreement. They remained hostile to any form of CFC regulation, be it national or international.

The first signs of the breakup of the united business front emerged shortly after the signing of the 1985 Vienna Convention, which provided the framework for future regulations but failed to specify concrete CFC restrictions. In the summer of 1986, DuPont, the world's largest CFC producer, signaled a more cooperative approach by announcing that it accepted the need for international restrictions on the growth of CFC production and consumption. This move was warmly welcomed by the EPA and pro-environment members of Congress, but aroused suspicions among the user industries, which feared that they would have to bear the costs of CFC reductions. Crucially for the evolution of U.S. policy, however, the producer companies dominated the alliance's lobbying campaign and were able to establish a closer quid pro quo relationship with the EPA and the State Department. In the negotiations leading to the Montreal Protocol in 1987, the alliance supported the international agreement in principle, but insisted that economic and technological considerations be taken into account in the design of the international ozone regime.

As the subsequent revisions of the protocol demonstrate, the American CFC producers succeeded in gaining the support of the U.S. government in their effort to shape the international regime according to their own commercial interests. After Du Pont and the alliance announced their support of an eventual phaseout of CFCs in 1988, the U.S. government worked more closely with the CFC producers to coordinate the national CFC reduction plan and to promote

U.S. commercial interests in international ozone negotiations. Crucially for the CFC producers, who had invested in new production facilities for substitute chemicals such as hydrochlorofluorocarbons (HCFCs), the United States argued in international negotiations that a "realistic" phaseout schedule for these so-called transitional substances should be adopted so as to not undermine the phaseout of CFCs.<sup>24</sup>

In sum, U.S. leadership in ozone politics did not reflect weak business influence, but was based on the concurrence of particular commercial interests and pro-environmental policies. Business fragmentation initially weakened corporate influence in U.S. ozone policy, but in the 1980s the major CFC-producing firms were able to unite the CFC industry behind a coordinated lobbying attempt to influence U.S. policy. They led the business community into supporting the international ozone regime and helped to strengthen the U.S. position in international negotiations. Conversely, the U.S. government promoted the commercial interests of American CFC producers in the evolution of the international CFC phaseout regime.

### *Case 2: Climate Change*

Whereas the United States provided political leadership at crucial junctures in the creation and evolution of the ozone regime, it has emerged as one of the most important opponents of drastic international action to combat greenhouse gases. Within only a few years, between the 1987 Montreal Protocol and the 1992 Framework Convention on Climate Change, the worldwide reputation of the United States in global environmental protection was profoundly undermined by U.S. obstinacy in international climate negotiations.

There are several reasons for this change in policy. The onset of the economic recession in the early 1990s as well as ideological objections to binding international agreements led the Bush administration to adopt a cautious approach in international environmental negotiations. The scientific evidence of climate change was considered to be less conclusive than the evidence of CFC-induced depletion of the ozone layer. And as the world's biggest per capita consumer of fossil fuel energy, the United States faced particularly costly measures to reduce greenhouse gases. The U.S. administration's position was further compounded by stiff domestic opposition from business and Congress against international reductions of greenhouse gas emissions.

The lobbying efforts by the U.S. fossil fuel industries (coal, oil, and gas) as well as by a wide range of energy-intensive manufacturing firms (e.g., chemical manufacturers, car manufacturers) have had a powerful impact on the international negotiation position of the United States. Although there is widespread consensus among analysts that business interests influence U.S. climate policy, the analytically interesting point is to establish the extent of that influence. Climate change provides an easy case for those who argue that U.S. foreign environmental policy is effectively determined by the corporate sector. Analysts

working within the neo-Marxist tradition, for example, have interpreted climate change policy as a classic case of capitalist "capture" of the state by powerful corporate interests whose structural power is based on "the centrality of fossil energy in twentieth-century capital accumulation."<sup>25</sup> But this structuralist explanation fails to account for the evolution in U.S. climate change policy between the Bush and Clinton administrations, and is ultimately insensitive to the friction and conflict that (potentially) exists in the business sector with regard to international climate policy."

The Clinton administration in fact made some progress, although limited in scope, in edging the United States toward an international commitment to introduce carbon dioxide (CO<sub>2</sub>)-reduction measures." This progress is in contrast to the efforts of the Bush administration to avoid altogether any binding international commitments on climate change. Under President Bush, the United States used its diplomatic clout to water down the Framework Convention on Climate Change (FCCC) signed at the 1992 Earth Summit, but it did sign up to the voluntary agreement subsequently ratified by the U.S. Senate. President Clinton—after campaigning in 1992 in support of the FCCC and, upon taking office, declaring that the United States would aim to stabilize its greenhouse gas emissions at 1990 levels by 2000—soon introduced legislative measures to limit domestic CO<sub>2</sub> emissions. In 1996, the Clinton administration accepted the need for a binding international agreement on the reduction of CO<sub>2</sub> emissions and eventually signed the 1997 Kyoto Protocol that obliges the United States to reduce its greenhouse gas emissions by 7 percent below 1990 levels by 2012.

Despite the U.S. agreement to the Kyoto Protocol, however, environmentalists at home and governments abroad continued to criticize the U.S. position for having resisted larger emissions cutbacks. The cautious approach in international negotiations reflected the tight constraints domestic opposition had imposed on the U.S. government. These constraints manifested themselves when the Clinton administration had to retreat from its proposed energy tax when it met with determined resistance from the business lobby, leading Congress to refuse legislative authorization in 1993. As a consequence, the U.S. negotiating position was the most defensive among industrialized countries; U.S. diplomats had to admit at the 1995 Berlin climate change conference that the president's greenhouse gas-reduction pledge would not be fulfilled."

But despite these setbacks, the targets signed up to in 1997 were stricter than most representatives of the corporate sector had wanted. U.S. business is therefore not omnipotent in its attempt to prevent climate change politics from damaging corporate interests. Other interest groups—primarily environmental nongovernmental organizations (NGOs), but also pro-environmental actors within the state—influence U.S. foreign environmental policy sufficiently to move the agenda forward. To be sure, business opposition has so far been powerful enough to prevent *stringent* U.S. commitments to reduce greenhouse gas emissions. But in order to determine the nature and extent of business influence, it is instructive

to look at the potential for fragmentation and conflict among the business community.

Given the diversity of industry groups whose interests are, directly or indirectly, affected by international climate change politics, it should not be surprising to find some degree of disunity among the business community. The arguably most powerful business grouping actively involved in climate change negotiations is the fossil fuel energy industries. This group is represented most notably by the Global Climate Coalition (GCC) that has earned itself a reputation for being the most outspoken and resourceful industry lobby against international regulation. The GCC does not, however, represent all major energy and manufacturing industries. Cracks in the energy lobby first emerged when British Petroleum (BP) left the GCC in order to take a more moderate and cooperative stance on climate change. Furthermore, some of the large U.S. manufacturing firms have distanced themselves from the energy producers and have formed a separate lobbying group, the International Climate Change Partnership (ICCP). The ICCP grew out of the Alliance for Responsible CFC Policy and aims to continue the cooperative style of business lobbying that proved so successful in the creation of the ozone regime."

Although differences between industrial groupings have arisen primarily over political strategy and tactics, the potential for a more fundamental rift has emerged with the creation of a loosely organized group of corporations that have actively supported international controls on CO<sub>2</sub> emissions. This group comprises large international insurance companies who have been hit recently by a growing number of insurance claims resulting from natural catastrophes that they perceive to be linked to changes in climate. A number of insurance firms have advocated more tangible efforts to curb greenhouse gas emissions and have supported the 1997 Kyoto agreement. Given its central role in directing portfolio investment and in underwriting commercial projects, the insurance industry possesses considerable power vis-a-vis the energy and manufacturing industries as well as state actors. It could therefore become an important ally of pro-environmental forces."

Although there is considerable scope for business conflict over climate change policy, and although some analysts have expressed the hope that the fragmentation of the business community with regard to this issue may form the basis for new pro-environmental political alliances,<sup>31</sup> business conflict has for several reasons not had a significant impact on international climate policies so far.

First, unlike the CFC producers, which supplied ozone friendly alternatives, the major fossil fuel energy producers are unlikely to benefit from international regulation. Their best political strategy by far is to block any progress in reducing CO<sub>2</sub> emissions. Some oil companies, such as Shell and BP, have begun to invest in solar energy in an attempt to hedge their bets, but for most of these large multinational firms renewable energy cannot provide a commercially attractive alternative to their established fossil fuel business.

Second, renewable energy firms that would potentially benefit from CO<sub>2</sub> reductions have not yet formed a powerful business lobby in favor of international greenhouse gas restrictions, in part because the industry is not significant enough in terms of size and market share, and therefore does not possess sufficient economic clout. Another reason is that the dominant fossil fuel energy firms themselves are providing a growing proportion of investment in renewable energy sources such as solar energy, thus reducing the potential for business conflict between competing industrial sectors.

Third, the fossil fuel energy producers and their main industrial users are, on the whole, pulling in the same direction. The users include powerful sectors such as the chemical and automobile industries and are primarily worried about the cost effects of regulatory action against climate change. Unlike some of the CFC user industries, which experienced cost savings from switching to non-CFC technologies (e.g., aerosols, solvents), the main energy users can expect only higher energy costs in the absence of sufficient alternative energy sources.

Fourth, for most insurance companies that support international action against climate change, the costs of changes to the earth's climate remain uncertain and may not justify concerted political intervention in favor of regulatory measures, so the industry has failed to flex its muscles in international negotiations. Furthermore, the biggest source of power for the industry lies in its role as investor in industrial holdings, and there is little evidence as yet that it has shifted its portfolio investments out of the highly profitable fossil fuel energy sector.

Given that the powerful and well-organized fossil fuel lobby faces comparatively weak and dispersed countervailing forces within the business community, the overall impact of the business lobby has been to obstruct progress in combating climate change. The Clinton administration found itself severely limited in its attempt to commit the United States to more drastic targets for greenhouse gas reductions. But the potential for business conflict in climate politics nevertheless exists, and the U.S. state may in the future be able to develop a stronger alliance with pro-environmental business interests in order to overcome domestic resistance against international environmental action.

### *Case 3: Biodiversity and Biosafety*

Industry has also been a powerful force in the formation of a U.S. biodiversity/biosafety policy, limiting the scope for American participation in international policymaking. The United States acted as a major obstacle in the creation of the Convention on Biological Diversity (CBD) in 1992. It also played a crucial role in the failure at the February 1999 Cartagena Conference to negotiate a protocol on the safety of trade in biotechnological products and adoption of the Cartagena Protocol on Biosafety in January 2000.

In a sense, this cautious approach reflects the underlying political economy of U.S. and international biotechnology regulation." The United States has the

largest and most advanced biotechnology sector in the world. Both business and government hail biotechnology as a key innovative sector in modern industrial society with the potential to inject long-term growth into the economy. Accordingly, the U.S. government has made it one of its economic priorities to promote the development and commercial application of biotechnological innovation through national competitiveness strategies, research funding, and a favorable regulatory environment.

From the outset of international negotiations on biodiversity/safety, the U.S. government has paid close attention to the impact of any international agreement on the competitive position of its biotechnology industry. U.S. firms were skeptical of international biodiversity/safety norms, and the Bush administration itself held a number of reservations about the legal implications of a binding international agreement, fearing that such an agreement would undermine its own efforts to roll back antibusiness regulation." It eventually refused to sign the CBD at the United Nations Conference on Environment and Development (UNCED) in 1992.

U.S. industry was originally content with this position, but soon a few firms began to reconsider their stance in light of the overwhelming support the CBD received worldwide. The biotech industry was primarily concerned with the impact of the convention on intellectual property rights and free trade, but did not object to the principle of biodiversity protection in general. In fact, some firms had already begun to initiate bilateral projects with developing countries to support biodiversity conservation and to safeguard access to the genetic material in the Southern Hemisphere." What worried these international research-intensive pharmaceutical firms was the prospect of a worldwide backlash against American intransigence that could eventually threaten U.S. commercial access to the genetic pool held by developing countries."

Following the election of President Clinton in 1992, three U.S. firms (Merck, Shaman Pharmaceuticals, and Genentech) and three NGOs (World Resources Institute, World Wildlife Fund, and Energy Studies Institute) formed a private initiative, with the encouragement of Vice President Al Gore, to study the obstacles to signing the CBD. The group concluded that the United States could accede to the convention while protecting intellectual property rights, but it would need to add an interpretative statement to safeguard corporate interests. At the same time, these global firms managed to achieve industry consensus within the Pharmaceutical Manufacturers Association on ratification of the CBD when the administration made a commitment to defend intellectual property rights more vigorously. In their draft interpretative statement to the president, the group also stressed that there was no need for a protocol on the procedures for the safe transfer, handling, and use of genetically modified organisms (GMOs) resulting from biotechnology."

As a consequence of these *efforts* by global pharmaceutical firms and NGOs, most of the remaining firms concerned came out in support of the Clinton

administration's decision to sign the CBD.<sup>38</sup> Industry had negotiated with the administration that a unilateral "interpretation" to the CBD would be submitted. That interpretation would prevent the international agreement from infringing patent rights or commercial opportunities for research and innovation.

Ironically, it is Congress that has persisted in its opposition to the biodiversity convention. Clinton failed to secure Senate ratification of the treaty. Since the first Conference of Parties in 1994, the United States was confined to the role of an "observer." The administration continued to express its willingness to push for full U.S. participation in the biodiversity regime and supported international biodiversity programs (e.g., the International Coral Reef Initiative), but could not overcome Republican opposition to Senate ratification of the convention."

Despite this setback, the United States was able to participate in the drafting and negotiation of the first protocol to the convention, the Cartagena Protocol on Biosafety. The biotech industry achieved its goal of influencing international negotiations without risking direct infringement of its commercial interests. This time, industry was keen to participate in the international negotiations and stood behind the U.S. administration's official support for an international treaty on trade in biotechnological products. Given the reservations Congress has held about binding international treaties, industry hoped it could gain maximum leverage on international negotiations without risking a strong U.S. commitment to intrusive international biosafety standards.

The parties to the CBD decided to conclude negotiations on a biosafety protocol by early 1999 and convened a final negotiating round in February 1999 in Cartagena, Colombia. Despite being only an "observer" at the conference, the United States played a key role in steering the group of GMO-exporting countries, the so-called Miami Group (Argentina, Australia, Canada, Chile, the United States, Uruguay), which opposed the more stringent control proposals put forward by the European Union and most developing countries. Agreement was reached on a number of important points, but insurmountable differences remained concerning the degree to which the biosafety protocol would interfere with international trade. European participants at the Cartagena conference complained that the U.S. biotechnology industry had lobbied hard-and successfully-against the more stringent regulatory proposals, particularly during the end phase of negotiations." The conference concluded without a final agreement, but the parties pledged to reconvene within the next fifteen months to try again to reach an agreement.

After the collapse of the Cartagena conference, two important developments changed the domestic context of U.S. policy on biosafety. First, the environmental movement stepped up its campaign against the use of biotechnology in agriculture and food production, causing the Food and Drug Administration (FDA) to hold high-profile public consultations on its approval of genetically modified crops. Second, a growing number of agricultural producers and exporters began to question the commercial benefits of agribiotechnology, causing a widening rift

between the interests of farmers and the biotechnology industry." At the same time, both the U.S. administration and biotechnology industry began to signal at the international level that they were in support of an international biosafety standard. Facing continuing opposition in Europe and growing public concern at home, the U.S. biotechnology industry was now ready to acknowledge the need for international harmonization of trade-related biosafety rules. In the final biosafety talks in January 2000, the U.S. government played an active part in reaching a compromise that led to the adoption of the Cartagena Protocol, which was widely welcomed by environmentalists and industry representatives.<sup>12</sup>

In sum, U.S. policy on biodiversity and biosafety has been constrained by a powerful business front against binding international commitments that would infringe on the commercial rights and opportunities of its thriving biotechnology industry. Leading international biotechnology firms, however, have supported U.S. participation in international negotiations with a view to influencing international norm setting. Thus, U.S. policy has evolved from President Bush's refusal to sign the CBD to Clinton's support for international biosafety standards, largely in line with the evolution of corporate strategy, but it continues to reflect corporate concerns about intrusive international standards that threaten to harm U.S. biotechnology interests.

## Conclusion

In the past two decades, U.S. foreign environmental policy has undergone profound changes. The United States has moved from the position of political leader on ozone-layer protection during the 1980s to the role of footdragger on climate change and biodiversity/safety in the 1990s. Even the pro-environmental Clinton presidency was unable to restore American leadership in global environmental protection and has repeatedly put business interests above environmental concerns. However, the decline of environmental issues on the foreign policy agenda does not necessarily indicate a shift in the balance of power between business and environmentalists in favor of the former. Business has been a potent force in the making of U.S. policy throughout the period under consideration in this essay. Rather, as the above analysis suggests, it is at the microlevel of business competition and conflict that we can find important clues to the changing direction of U.S. foreign policy in environmental affairs.

Business plays a central role in the formation of U.S. foreign environmental policy. It is argued in this chapter that the analysis of U.S. policy needs to be firmly placed in a political-economic context. Business, of course, is not the sole influencing factor in the making of U.S. foreign policy, but it does occupy a privileged position among the variety of interest groups involved in the process because of its command over "technological power." Also, through its key role in giving direction to investment and technological innovation, business is able to set parameters for the regulatory options available to policymakers. Based on

technological power and lobbying clout, American firms have been able to exert considerable influence over the formation of U.S. foreign environmental policy.

In the case of ozone-layer protection, the producers of CFCs were able to assume a central role in U.S. foreign policy because of their key role in technological innovation to reduce CFC emissions (i.e., developing CFC substitutes). Given their willingness to cooperate with the administration in creating an international ozone regime, the CFC producers could muster the support of state actors in their attempt to shape the emerging ozone regime to their own commercial benefit. In climate change politics, the fossil fuel industry has been able to create a powerful business front against strong U.S. commitments to reduce greenhouse gas emissions, based on its key role in energy production and industrial manufacturing. Fossil fuel energy firms are also heavily engaged in developing alternative energy forms (e.g., solar energy). They play a crucial part in the technological conversion away from fossil fuels, thus setting the pace for political change. Similarly, the biotech industry's central role in technological and economic innovation has provided it with considerable leverage over the U.S. biodiversity/safety policy to redirect the administration's approach to international biosafety issues.

In many cases, corporate power serves to constrain state actors in their choice of regulatory instruments and in international negotiations. The corporate sector can set parameters for international environmental action that states find difficult to ignore. Given the centrality of corporate decisions for technological change and global sustainable development, states are not fully autonomous in environmental policymaking. U.S. foreign environmental policy often represents a bargain between the state and corporate interests in the pursuit of both environmental sustainability and corporate profitability and competitiveness.

At the same time, however, corporations are not in control of U.S. foreign environmental policy. They cannot fully determine policy choices or completely eliminate state autonomy. Other actors, especially environmental and consumer groups, can significantly affect the political environment within which both states and corporations formulate their environmental strategies. Most importantly, however, the business community is far from united in its attempt to influence U.S. foreign environmental policy. The fragmentation of the corporate sector and the emergence of divergent, often conflicting business interests in environmental politics have given rise to a new political economy of environmental protection. In this new political economy, some corporations or industries may support a proactive U.S. role in establishing international environmental standards, whereas others will continue to oppose such policies. Wherever the potential for business conflict arises, political alliances between state actors and powerful corporate interests will play an important role in shaping U.S. foreign environmental policy.

The notion of "business conflict" thus provides important insights into the scope for state autonomy in environmental policymaking. Pro-environmental state actors can derive limited autonomy from business conflict if sufficiently powerful corporate interests support international environmental standards. The

convergence of environmental concerns and particular commercial interests creates conditions in which U.S. leadership in international environmental politics becomes possible. State autonomy is, however, severely limited if powerful business groups succeed in creating a united front against international environmental action.

The analytical focus on business conflict and alliances between state actors and corporate interests goes some way in explaining the variation in U.S. foreign environmental policy in the last two decades of the twentieth century. To be sure, other factors, most notably the strength of the environmental movement and the role of Congress, also influence the scope for an active U.S. role in global environmental affairs. There is no reason to assume that the United States cannot reestablish itself as a global environmental leader, but, as this analysis suggests, such a development will crucially depend on the emergence of a powerful alliance between pro-environmental U.S. business interests and sympathetic state actors.

## Notes

- 1 I thank Andrew Hurrell and Andrew Walter for helpful comments on an earlier draft of this chapter and the German Historical Institute in Washington, D.C., for financial support in carrying out research in the United States.
- 2 In the early 1980s, President Reagan introduced a comprehensive regulatory overhaul that weakened the influence of the Environmental Protection Agency (EPA) in foreign policymaking. Similarly, President Bush adopted an increasingly obstructionist position in the run-up to the United Nations Conference on Environment and Development (UNCED) in order to emphasize his pro-business credentials during the 1992 presidential campaign. See David Vogel, *Fluctuating Fortunes: The Political Power of Business in America* (New York: Basic Books, 1988); and "Bush's New World Order Takes Back Seat at Summit," *Wall Street Journal*, 15 June 1992, 14.
- 3 See Robert Paarlberg, "Earth in Abeyance: Explaining Weak Leadership in U.S. International Environmental Policy," in *Eagle Afloat: American Foreign Policy at the End of the Century*, ed. Robert J. Lieber (New York: Longman, 1997), 135-60; and Barbara J. Bramble and Gareth Porter, "Non-Governmental Organizations and the Making of U.S. International Environmental Policy," in *The International Politics of the Environment: Actors, Interests, and Institutions*, ed. Andrew Hurrell and Benedict Kingsbury (Oxford: Clarendon, 1992), 313-53.
- 4 See Stephen Hopgood, *American Foreign Environmental Policy and the Power of the State* (Oxford: Oxford University Press, 1998).
- 5 The Ecologist, *Whose Common Future? Reclaiming the Commons* (Philadelphia: New Society, 1993); Peter Newell and Matthew Paterson, "A Climate for Business: Global Warming, the State and Capital," *Review of International Political Economy* 5 (1998): 679-703.

- 6 Lorraine Eden, "Bringing the Firm Back In: Multinationals in International Political Economy," *Millennium* 20 (1991): 197-224.
- 7 See Thomas Risse-Kappen, ed., *Bringing Transnational Relations Back In: Non-State Actors, Domestic Structures, and International Institutions* (Cambridge: Cambridge University Press, 1995); and David Skidmore and Valerie M. Hudson, eds., *The Limits of State Autonomy: Societal Groups and Foreign Policy Formulation* (Boulder, Colo.: Westview, 1993).
- 8 This shift in emphasis is evident in, for example, the influential writings of Susan Strange, who provided a structuralist foundation for IPE in her *States and Markets* (London: Pinter, 1988) but shifted the focus in her later work to the state-firm relationship. See John Stopford, Susan Strange, and John S. Henley, *Rival States, Rival Firms: Competition for World Market Shares* (Cambridge: Cambridge University Press, 1991).
- 9 Ronald W. Cox, ed., *Business and the State in International Relations* (Boulder, Colo.: Westview, 1996), brings together a representative selection of studies in these areas.
- 10 David Skidmore, "The Business of International Politics," *Mershon International Studies Review* 39 (1995): 246.
- 11 See Kenichi Ohmae, *The End of the Nation State: The Rise of Regional Economics* (London: HarperCollins, 1995); and Susan Strange, *The Retreat of the State: The Diffusion of Power in the World Economy* (Cambridge: Cambridge University Press, 1996).
- 12 See Jane H. Ives, ed., *The Export of Hazard: Transnational Corporations and Environmental Control Issues* (London: Routledge and Kegan, 1985); and Pratap Chatterjee and Matthias Finger, *The Earth Brokers: Power, Politics, and World Development* (London: Routledge, 1994).
- 13 Louis W. Pauly and Simon Reich, "National Structures and Multinational Corporate Behavior: Enduring Differences in the Age of Globalization," *International Organization* 51 (1997): 1-30.
- 14 See Susan Strange, "States, Firms, and Diplomacy," *International Affairs* 68 (1992): 1-15; and Paul Hirst and Grahame Thompson, *Globalization in Question: The International Economy and the Possibilities of Governance* (Cambridge: Polity, 1996).
- 15 Bruce Piasecki, *Corporate Environmental Strategy: The Avalanche of Change Since Bhopal* (New York: John Wiley and Sons, 1995).
- 16 Scott Barrett, "Environmental Regulation for Competitive Advantage," *Business Strategy Review* 2 (1991): 1-15.
- 17 Helen V. Milner, *Resisting Protectionism: Global Industries and the Politics of International Trade* (Princeton: Princeton University Press, 1988).
- 18 See Richard E. Benedick, *Ozone Diplomacy: New Directions in Safeguarding the Planet* (Cambridge, Mass.: Harvard University Press, 1996); and Patrick Szell, "Negotiations on the Ozone Layer," in *International Environmental Negotiation*, ed. Gunnar Sjostedt (Newbury Park, Calif.: Sage, 1993), 31-47.

- 19 See Benedick, *Ozone Diplomacy*; Edward A. Parson, "Protecting the Ozone Layer," in *Institutions for the Earth: Sources of Effective International Environmental Protection*, ed. Peter M. Haas, Robert O. Keohane, and Marc A. Levy (Cambridge, Mass.: MIT Press, 1993), 27-73; and Kenneth A. Oye and James H. Maxwell, "Self-Interest and Environmental Management," in *Local Commons and Global Interdependence: Heterogeneity and Cooperation in Two Domains*, ed. Robert O. Keohane and Elinore Ostrom (Newbury Park, Calif.: Sage, 1995), 191-221.
- 20 For an overview of the ozone controversy during the 1970s, see Sharon Roan, *Ozone Crisis: The 15-Year Evolution of a Sudden Global Emergency* (New York: John Wiley and Sons, 1989).
- 21 ICF, Inc., *An Analysis of the Economic Effects of Regulatory and Non-regulatory Events Related to the Abandonment of Chlorofluorocarbons as Aerosol Propellants in the United States from 1970 to 1980* (Washington, D.C.: ICF, 1986); and "Fluorocarbons Canned," *Chemical Week* (25 June 1975): 18.
- 22 Vogel, *Fluctuating Fortunes*, 247-49.
- 23 In the early 1980s, the European CFC industry was subject to only modest CFC restrictions that included a 30 percent reduction of CFC use in aerosols and a production cap. See Markus Jachtenfuchs, "The European Community and the Protection of the Ozone Layer," *Journal of Common Market Studies* 28 (1990): 261-77.
- 24 On the revisions of the Montreal Protocol and the issue of an HCFC phaseout, see Karen Litfin, *Ozone Discourses: Science and Politics in Global Environmental Cooperation* (New York: Columbia University Press, 1994).
- 25 Newell and Paterson, "A Climate for Business," 680.
- 26 To be sure, Newell and Paterson mention the potential for business conflict in climate change policy but fail to consider the consequences of this admission for their quasi-deterministic approach (ibid.).
- 27 See Paul G. Harris, *Understanding America's Climate Change Policy: Realpolitik, Pluralism, and Ethical Norms* (Oxford: Oxford Centre for the Environment, Ethics, and Society, 1998), 18-29.
- 28 Paarlberg, "Earth in Abeyance," 140.
- 29 BP has since been joined by Shell, Amoco, Ford, GM, and Southern Electric in an effort to strike a more cooperative chord with the Kyoto Protocol; see Simon Retallack, "An Interview with the Global Climate Coalition," *The Ecologist* 29 (1999), 124.
- 30 See Jeremy Leggett, ed., *Climate Change and the Financial Sector: The Emerging Threat, the Solar Solution* (Munich: Gerling Akademie, 1996).
- 31 Newell and Paterson, "A Climate for Business."
- 32 Robert Falkner, "Regulating Biotech Trade: The Cartagena Protocol on Biosafety," *International Affairs* 76, no. 2 (2000): 299-313.
- 33 On the international differences in biotechnology regulation, see Jacqueline Senker and Ronald van Vliet, eds., *Biotechnology and Competitive Advan-*
- tage: Europe's Firms and the U.S. Challenge* (Cheltenham: Edward Elgar, 1998).
- 34 See Kal Raustiala, "Domestic Institutions and International Regulatory Cooperation: Comparative Responses to the Convention on Biological Diversity," *World Politics* 49 (1997): 482-509.
- 35 For example, in September 1991, Merck & Co. signed a contract with Costa Rica's INBio, a scientific organization with the mission to maintain the country's biodiversity. Merck was granted the right to screen a specified number of biological samples for commercial applications, and INBio and the Costa Rican government were guaranteed royalty payments for any commercial development resulting from this research.
- 36 In 1995, India used the threat of blocking U.S. access to biological and genetic material to push for U.S. ratification of the CBD (*New York Times*, 23 April 1995, A13).-
- 37 Abby Munson, "Should a Biosafety Protocol Be Negotiated as Part of the Biodiversity Convention?" *Global Environmental Change* 5 (1995): 7-26.
- 38 See U.S. Senate, Committee on Foreign Relations, *Hearing on the Convention on Biological Diversity*, 103rd Congress, 2d sess., 12 April 1994.
- 39 Paarlberg, "Earth in Abeyance," 139-40.
- 40 EU negotiation team member, interview by the author, 4 March 1999.
- 41 Cf. Robert Falkner, "International Trade Conflicts over Agricultural Biotechnology," in *The International Politics of Biotechnology: Investigating Global Future*, ed. Alan Russell and John Vogler (Manchester: Manchester University Press, 2000).
- 42 Cf. Falkner, "Regulating Biotech Trade."

# The Environment, International Relations, and U.S. Foreign Policy

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# Contents

List of Tables and Figures	<i>vu</i>
Preface	<i>ix</i>
PART I: INTRODUCTION	
1 <b>International Environmental Affairs and U.S. Foreign Policy</b> Paul G. Harris	3
PART II: NATIONAL SECURITY AND GEOPOLITICS	
2 <b>New Priorities in U.S. Foreign Policy: Defining and Implementing Environmental Security</b> Braden Allenby	45
3 <b>Environmental Security and U.S. Foreign Policy: A Critical Examination</b> Jon Barnett	68
4 <b>Geopolitics, Energy, and Ecology: U.S. Foreign Policy and the Caspian Sea</b> Douglas W Blum	92
PART III: DOMESTIC AND INTERNATIONAL POLITICS	
5 <b>Evolution of the Ozone Regime: Local, National, and International Influences</b> Srini Sitaraman	111
6 <b>U.S. Foreign Policy and the Ocean Environment: A Case of Executive Branch Dominance</b> John Barkdull	134
7 <b>Business Conflict and U.S. International Environmental Policy: Ozone, Climate, and Biodiversity</b> Robert Falkner	157

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