

# Global Environmental Problems, US Unilateralism, and Japanese, Canadian and European Responses

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## **Introduction: Leadership in Global Environmental Agreements<sup>1)</sup>**

For decades, the US was perceived as a leader due to its pioneering domestic environmental legislation and for the role it played in promoting various global environmental agreements. It has, however, lost this image as it has failed to ratify several important global environmental agreements. The EU, Japan, Canada, and a mix of other countries have with various levels of enthusiasm stepped into the leadership void. Rather than allowing the US to torpedo these multilateral environmental agreements through its non-participation, a fluctuating mix of states—often led by the EU and with mixed levels of support from Canada, Japan, and other industrialized states—have resulted

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1) This article has benefitted from comments by Yves Tiberghien.

in an expanding number of conventions and protocols that have come into force without US involvement. The US stands in a morally far weaker position internationally on the issues in question due to its unilateral political behavior.

This article explores the reasons behind US non-participation in various global environmental agreements as well as Canadian, Japanese, and EU responses to the US. It begins by looking at international environmental agreements where the US was a leader. It then explores cases where the US has failed to ratify agreements even ones it originally supported and signed. The analysis considers why the EU, Japan, and/or Canada, important US trading partners, have at various times moved on without the US and what they have and have not been able to achieve. It also attempts to take a broader look across cases. Over time a pattern of US non-participation in multilateral agreements has become more systematic and is no longer simply a matter of specific environmental cases. What happens when the biggest economy systematically resists the formulation of international environmental agreements? Can international environmental agreements succeed in the long run without the US? What options are open to other players in the international system when the hegemon refuses to play by the rules of the game?

### **A Comparison of Several International Environmental Agreements and the Roles of the US, Japan, Canada and the EU**

The United States, Japan, Canada, and the EU and its member states are parties to hundreds of international environmental agreements. There are many agreements that one could label as being at least partially successful. In the past few decades, the nature of the environmental problems being addressed has changed. The highly complex, “wicked” problems of climate change, biodiversity loss, ocean pollution, tropical deforestation, and the like are not as easy to deal with as has been the case with earlier environmental agreements—like the Convention on Long Range Transboundary Air Pollution, the Montreal Protocol on Substances that Deplete the Ozone Layer, or the Convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter—all cases where the US did sign and ratify the agreements (Balint et al., 2011). Solving the more complex global environmen-

tal problems that are symbolized by climate change, species loss, desertification, ocean degradation, among other issues, require deep changes in existing economic, energy and agricultural structures and in life styles and consumption patterns—especially in the developed countries, but increasingly as well in developing states. With so many actors and interests involved, the potential for veto players to emerge is great. Domestic veto players have essentially held successive US administrations hostage and prevented US engagement in a growing number of international environmental regimes. The other problem is that with these more complex problems, there has been a strong tendency towards lowest common denominator outcomes that are not adequate for dealing with the problems the planet is facing.

### *The Convention on International Trade in Endangered Species*

The Convention on International Trade in Endangered Species (CITES) is a good example of an agreement that had strong US, Canadian, and European backing from the start in large part due to the strength of environmental groups focused on wildlife protection in these countries. CITES has as its primary goal the protection of species that are threatened with extinction through a system that classifies species into different categories that afford them different levels of protection based on how close the species is to probable extinction. Complete bans on international trade in species and species' parts apply to animal and plants that are recognized as endangered under the convention. The idea for the CITES Convention originated at a meeting of the World Conservation Union (IUCN) in 1963. The US was a key sponsor of the CITES Convention and the text of the agreement was originally agreed to at a meeting in Washington, D.C. in 1973. The US ratified the agreement in 1974, Canada and the United Kingdom in 1975, Germany in 1976, and France and Japan in 1980.

Under the rules of CITES, countries are able to formally submit reservations to the listing of species under the various categories found within CITES. Japan did this in relation to the African elephant, the hawksbill sea turtle, and various whale and shark species due to the use of parts of these animals for cultural crafts and products and traditional cuisine. This action raised some concerns

about Japan's commitment to wildlife species protection. After some years, due to its participation in CITES, Japan lifted its reservations to the listings of the hawksbill turtle. It succeeded in coalition with several African states in having a partial listing of the African elephant so that only elephants in some countries are listed (Mofson, 1994). It continues to express reservations to the listing of certain whale and shark species (Convention on International Trade in Endangered Species, n.d.), which reflects a different ethics on this question than is found in much of Europe (outside of Norway and Iceland) and North America (Kanagawa-Fox, 2012).

The CITES, despite controversies related to some specific species, has a broad membership. Although there are debates within the agreement about the best means to protect species, and its cumbersome process of adding species to the lists, it has been relatively successful.

### **Stratospheric Ozone Depletion and the Development of the Montreal Protocol**

Stratospheric ozone depletion is another case where the US was a primary driver pushing for the establishment of controls on the use of ozone depleting substances. The stratospheric ozone layer protects the earth from excessive ultra-violet radiation. In the early 1970s, scientists warned that chlorofluorocarbons (CFCs), widely used as refrigerants, propellants in aerosol sprays, in foam products, and as a cleaning agent, were most likely causing damage to the ozone layer.

The US was the world's largest producer and user of CFCs at the time. The scientific findings were picked up by bureaucratic experts in the US Environment Agency and NGOs, initially within a few US states and later, nationally. In 1978, the US introduced an initial unilateral ban of the use of CFCs in aerosol spray cans. U.S. actors then began to work to push for an international approach to dealing with ozone depleting chemicals. Similar bans and controls were introduced in Europe and Japan. These were, however, too narrow in their coverage and as the depletion of the ozone layer worsened, the sense of crisis intensified.

After several years of preparations and negotiations, in 1985 the Vienna

Convention for the Protection of the Ozone Layer was formulated. Initial signatories included the European Community, all of its then member states, the US, and several developing countries. Noticeably absent from this list was Japan. Japan was similarly slow to respond to the subsequent efforts to develop a protocol, which would detail the policies and measures states would take to phase out harmful ozone depleting substances. Until late into the negotiations, the Ministry of International Trade and Industry resisted US and growing European pressures to agree to restrict the use of CFCs, which Japan was now using widely for its semi-conductor industry. Under strong pressure from the US, however, Japan eventually relented and agreed to the terms of the Montreal Protocol, which called for the halving the production of CFCs by 1999. In September 1988 Japan ratified both the Vienna Convention and the Montreal Protocol. Japan was far more involved in negotiations of subsequent amendments to the agreement, which led to a complete phase out of the use of CFCs by 1995 (with a lag time for developing countries).

Throughout most of the 13 years between the publication of the thesis linking CFCs to ozone layer depletion and the formulation of the Montreal Protocol, the US was the main supporter of international action. Japan, in contrast, was a reluctant participant that only joined after much lobbying by US government officials (Schreurs, 2002). The European Community was also initially slow to respond to the issue, although by the time of the formulation of the Vienna Convention, EU member states began to be more aware of the issue and to become more proactive (Huber and Liberatore, 2001).

There were various reasons why the US took on a leadership role. These include strong scientific evidence linking the use of CFCs to ozone depletion, public pressure, and most importantly, the fact that the industry leader (DuPont Chemicals) had developed a substitute for CFCs. As a result, US industry was supportive of an international agreement since without one they could suffer in international competition if unilateral policy action were forced upon them by public opinion (Kauffman, 1997; Clark and Dickson, 2002). Japan's initial resistance to the agreement was linked to a general lack of understanding about the consequences of ozone depletion for public health, the lack of interest and awareness of the problem in the Environment Agency and

among environmental groups, and considerable industrial opposition to any kind of regulation. The Japanese government's decision to ratify the agreement can be attributed to changing norms and US pressure (Schreurs 2002; Parson 2003).

The Montreal Protocol is now widely considered among the most successful global environmental agreements negotiated. After joining the agreement, Japan has cooperated quite closely with the US and the EU in efforts to strengthen the agreement and worked with developing countries to assist them in phasing out ozone depleting chemicals. This change in stance in Japan's attitude towards ozone layer protection can be explained to some extent by the development of a greater appreciation of the severity of the problem. It was also an area where Japan could relatively easily combine its expertise in developing new environmentally safer technologies with overseas development assistance.

*The Convention on International Trade in Hazardous Waste (Basel Convention)*

In the late 1980s, the strengthening of environmental controls in industrialized countries led to a sharp increase in the costs associated with hazardous waste disposal. One response was that industries began to ship their hazardous waste to developing countries for cheaper disposal. Destination countries, however, often did not have the capacity to deal properly with the waste. Developing countries and environmental groups began to lobby for an international solution to address this problem. The resulting Basel Convention on International Trade in Hazardous Waste initially accepted the international trade in hazardous waste but introduced a prior notification and consent agreement between the shipping and receiving states before a hazardous waste transfer be allowed. Environmental NGOs and developing countries argued that the legalization of international hazardous waste trade was inappropriate and an international environmental justice matter. They subsequently pushed through amendments to the convention that resulted in a total ban on the transfer of hazardous waste, including recyclables, from OECD to non-OECD countries (the Basel Ban).

The US signed the Convention in 1990 and the Senate even voted to consent to ratification, but no domestic enabling legislation bringing US hazardous waste law into line with the standards of the convention was passed by Congress. The US has therefore never ratified the agreement. Japan ratified the agreement in 1990, Canada in 1992 and the European Community in 1994.<sup>2)</sup> The Basel Convention is one of several examples of an agreement where the US was an early supporter, but in the end due to domestic political factors, was unable to ratify. The agreement was nevertheless signed by a sufficient number of states to come into force.

The Basel Convention is, moreover, an example of where the non-participation of the US enabled developing states, especially in Africa, in coalition with environmental groups in Europe and North America to push through an amendment (the Basel Ban) that the US would most certainly have tried to block had it been party to the agreement. US industries objected to this provision as it was not clear which wastes would be covered by such a ban. Interestingly, as most of the rest of the world has signed and ratified the Convention, the US is essentially required nevertheless to live up to its standards as parties are not allowed to enter into bilateral hazardous waste trade agreements that are not governed by standards at least as stringent as those of the convention. The US has clearly lost influence due to its failure to ratify (Bradford, 2011).

### *Biological Diversity and the Biodiversity Convention*

The US, Japan, Canada and the EU have been divided over the question of how to deal with biological diversity loss and the production and use of genetically modified organisms. The Earth is a treasure trove of biological diversity, but by fragmenting and developing land and through pollution, humans are destroying many of the ecological systems upon which species depend.

In the mid-1980s, the US sponsored a resolution requesting that the United Nations organize an ad hoc group of experts to consider a comprehensive

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2) <http://www.basel.int/ratif/frsetmain.php>

global treaty to conserve biological diversity. There were already many treaties dealing with protection of individual species, but there was no agreement dealing with the more complicated question of protecting ecological systems as a whole and biological diversity more generally.

The UNEP governing council consented in 1987, initiated international negotiations in 1991, and proposed an international agreement on biodiversity preservation at the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro in June 1992. The agreement received wide-scale support and 150 countries, including Canada, Japan, the European Community, and all of its member states, signed. The Biodiversity Convention entered into force in December 1993 after obtaining the requisite number of signatories. As of May 2004, there were 188 parties to the Convention (United Nations Environment Programme, n. d). Noticeably missing from this list is the US even though it was an initial sponsor of the agreement.

The Biodiversity Convention is intended to slow species extinction through conservation practices and the promotion of economic development based on sustainable use of ecological systems. The richest areas in terms of biological diversity tend to be in developing countries where many species have yet to even be identified and documented. Beyond the moral arguments for preservation of species, species protection is important for its hidden secrets. These benefits may include new foods, medicines, and materials as well as genetic diversity. It is precisely because of these potential properties that pharmaceutical and agricultural companies in the north have an interest in maintaining access to the biological diversity of the south.

The Biodiversity Convention aims to expand the information base related to biological diversity and requires nations to develop national biodiversity strategies and action plans and indicators for measuring trends in biodiversity. Under the George H. W. Bush administration, the US failed to ratify the convention due to the pharmaceutical industries' concerns about the convention's provisions dealing with biotechnology regulations and intellectual property rights. Also problematic for the Bush administration were the equity notions found within the agreement that could mean large transfers of funding

and know-how to developing countries (Raustiala, 1997). While William J. Clinton took a different stance on the agreement and signed it in 1993, the convention was never brought before the full Senate for a vote, and thus, has never been ratified. Opposition to the convention in the Senate stems from concerns about ownership of intellectual property, financial and technological transfer demands, and property rights issues.

Since ratifying the convention, Japan, European states, and the EU have developed national strategies on biological diversity. The EU adopted a goal of halting biodiversity loss within its member states by 2010 (a goal that was not met). A major element of the EU's strategy was enhancing the development of indicators and monitoring techniques related to biodiversity conservation and making these open to the public (European Environment Agency, 2004). Japan's National Strategy on Biological Diversity was released in 1995. It did not have a concrete goal to halt biodiversity loss by a particular date but promoted monitoring, research, and surveys; the strengthening of protective measures; and the addition of new protected and conservation areas (Council of Ministers for Global Environmental Conservation, Government of Japan, 1995). The Japanese government also established new funding institutions and mechanisms to support conservation efforts in developing countries. At the 2010 Nagoya Conference of the Parties to the Convention on Biological Diversity several new goals were established, including cutting in at least half the loss of natural habitats, expanding nature reserves to 17 percent of global land area by 2020 (up from about 13 percent today) and expanding marine reserves from one percent to about ten percent of the world's seas. Countries are also required to draw up national biodiversity preservation plans. Finally, new rules on how countries should share benefits derived from genetic resources were established. The US is not signatory to the agreement but has stringent national regulations related to biological conservation.

### *The Cartagena Protocol on Biosafety*

A provision of the Biodiversity Conservation called for an assessment of the need for a protocol on biosafety. Over the 1990s, as new technologies developed, scientists, NGOs, and developing countries began to express their

worries about potential human and environmental harm from genetically modified (GM) organisms. These groups began to call for establishing an international agreement that would lay out safety rules governing bio- and genetic-engineering. European nations began to add their voices to the calls for a biosafety protocol. In 1995 an ad hoc Working Group on Biosafety was set up by the conference of the parties to the Biodiversity Convention. After four years of contentious negotiations, the Cartagena Protocol on Biosafety, a supplement to the Biodiversity Convention was agreed upon (Cosbey and Burgiel, 2000; Gupta, 2000). It went into effect in 2003. The protocol gives member states the right to signal if they are willing or opposed to the import of GM products. They must communicate their concerns, and the basis for those concerns, through the BioSafety Clearing House.

Japan, the EU, and all EU member states have ratified the Cartagena Protocol. In Europe where there is strong public distrust of genetically modified (GM) organisms, there was strong public demand for the Cartagena Protocol and acquiescence on the part of the agricultural industry, which has not been widely involved in testing or manufacturing GM products. In contrast, the US, Canada, Australia, and Argentina have not ratified the agreement due to the very strong opposition coming from their agricultural lobbies and a lesser level of concern shown by their publics related to GM products (United Nations Environment Programme, Convention on Biological Diversity, n.d.; Le Prestre, 2002; Meyer 2010). Japan was considered to be a member of what has been dubbed the “compromise group” (Japan, Norway, Switzerland, Mexico, and South Korea) in the negotiations. Thus, the Japanese government supported GMO trade (as the US wanted), but recognized the need for safety restrictions (as the EU and developing countries demanded) (Gupta, 2000). The dispute has major implications for developing countries (Bernauer and Aerni 2009).

In sum, the EU has joined developing countries in support of the Convention on Biological Diversity and the related Cartagena Protocol on Biosafety. Japan has played a supportive, if not proactive role in their development.

### *Global Climate Change*

The US was initially a supporter of establishing an international agreement

to address global warming. The United Nations Framework Convention on Climate Change (UNFCCC) as negotiated at the UNCED in 1992 recognized global climate change as a serious problem and called upon the developed nations, which are responsible for the majority of the anthropogenic greenhouse gases that have accumulated in the atmosphere, to take action first to reduce their emissions and to aid developing countries. Canada, Japan, the US, and the European Community all signed the agreement in Rio de Janeiro and ratified it in the following 18 months. The US was the first country to ratify the convention, which is simply a broad state of concern about climate change.

The UNFCCC established a Conference of the Parties that was given the mandate of formulating a protocol that would spell out specific measures to be taken to protect the planet from global warming. After five years and considerable disagreement, the EU, the US, and Japan negotiated the Kyoto Protocol. Going into the negotiations, there were considerable disagreements among the industrialized northern states.

As Japan was eager to see a successful agreement negotiated, especially as the agreement would carry the name of the country's ancient capital, Japanese negotiators worked hard to find a compromise position among the participating states (Tiberghien and Schreurs, 2010). By the end of the difficult negotiations, the US had agreed to reduce its greenhouse gas emissions by 7 percent of 1990 levels by 2008–12. The EU accepted an 8 percent reduction with differentiated targets for each of its then 15 member states. Canada took on a 6 percent reduction target. Under pressure as the host nation, Japan agreed to a 6 percent reduction target over the same time frame, more than the economics ministry wanted to accept (Harrison and McIntosh–Sundstrom, 2010).

The Kyoto Protocol, however, was never presented to the US Senate for ratification because of strong opposition there to the agreement on the grounds that it did not ask developing countries to participate in sufficiently meaningful ways (Harris, 2000). Opponents argued that it would cost the US economy too much to implement and would put US industry at a competitive disadvantage with industries in developing countries. Initially, individual EU member states, EU delegates, and Japan tried to persuade the US back into the agreement with suggestions of further compromises.

After it became clear that the US was not planning to change its position, the EU decided to move forward in its efforts to win sufficient support for the protocol to become binding even without US participation. After some initial wavering, Japan, Canada, and Russia sided with the EU (Schreurs 2002; Kawashima 2003). Canada, Japan and the EU ratified the Kyoto Protocol in 2002 and Russia in 2004. The Kyoto Protocol came into force in 2005.

### The US as a Veto Player

The US is widely recognized as an early pioneer, a kind of leader in the introduction of national environmental statutes and programs. Many pioneering ideas originated in the US, including national parks, environmental impact assessments (as first required by the National Environmental Protection Act of 1969), and emissions trading. The US was also a driving force behind the formation of numerous early international environmental agreements, such as the Convention on the Law of the Seas, CITES, and the Montreal Protocol.

The reason for early US leadership had to do with the strength of the nation's science community as well as its environmental groups. There was also a proactive Congress that was able to reach cross-party compromises. US environmental groups were eager to spread their conservation norms internationally. US economic actors worked to level the international playing field in which they had to operate by taking national laws and policy approaches and shifting them up to the international level (DeSombre 2000). In the case of the Montreal Protocol, the development of substitute chemicals to CFCs by the US manufacturer, DuPont, for example, was important. The economic interests of important U.S. actors "fit" with the development of a global environmental agreement.

Yet, by the 1990s, US global environmental leadership was no longer so strongly apparent. The US began to distance itself from a growing number of global environmental agreements (Sussman 2004; DeSombre 2010). Various possible explanations for this can be considered. One is a shift in the US political culture towards a more neo-conservative political agenda, that put security interests and traditional economic concerns above policy areas that are more commonly associated with neo-liberal political agendas, including social

welfare, gender equality, or environmental protection. The willingness of Democrats and Republicans to work across party lines also weakened making it difficult to achieve the kinds of majorities necessary to pass domestic environmental reforms (a simple majority, but also the 60 votes necessary to break a filibuster) let alone ratification of international environmental agreements (which requires a two-thirds majority in the Senate). Another is the growing sophistication of the use of the media by anti-Kyoto, anti-UN, and anti-multilateral groups to “frame” the public’s understanding of issues. The US is developing an anti-scientific political culture. The rather successful lobbying activities of economic interests that wish to protect the status quo and that are averse to government intervention in the economy have succeeded in creating a stalemate in Congress. The result has been that the US has become a veto player on numerous global environmental and other matters.

US resistance has another dimension to it as well. It has to do with questions of where the largest future emissions are expected to be coming from and concerns about an uneven economic playing field that will weaken industry if the US is expected to act to reduce emissions or enforce particular environmental standards without similar expectations being placed on developing country industries. Many of the global agreements that have been formulated so far place the heaviest burden for change on the developed countries. Skeptics have used this to block policy action. They demand that rapidly transitioning economies be required to accept emissions and environmental targets. Until recently, developing countries have strongly resisted these pressures coming from the US arguing that it is North America and Europe that are responsible for most of the historical emissions and natural resource degradation experienced so far. They have argued strongly that the right to development cannot be hindered by environmental requirements. There are, however, some signs of a growing willingness to discuss possible future requirements for action as normative and economic interests change in transitioning countries.

### **Europe’s Efforts to Lead**

More than any other region, it is Europe that has stepped into the void

opened by the anti-multilateral political tendencies of the US. Europe has become one of the primary supporters of a broad range of international environmental agreements that the US has resisted ratifying (Schreurs, Selin, VanDeveer 2009; Kelemen and Vogel 2010). Lack of US participation in these international environmental agreements has compromised their breadth and effectiveness (Sussman 2004).

Europe has become an increasingly strong supporter of multi-lateral approaches to environmental problem solving. There are several important reasons. One comes from the EU's own need to deal with its many transboundary environmental issues among its member states and its closely affiliated neighbors. Relatedly, EU institutions have developed considerable competency and agenda setting influence on environmental matters. Over the course of the 1980s and 1990s, the environmental capacity and authority of the European Community was greatly enhanced. The enactment of the 1986 Single European Act, for the first time explicitly gave the European Community legal competency in environmental matters. This authority was institutionalized in the 1992 Maastricht Treaty and subsequent EU legislation. This meant that the European Commission could actively develop environmental legislation that affected the entire community and press member states to comply with Community regulations and directives. The strengthening over time of the role of the European Parliament where green interests are quite strong has further enhanced the push for a proactive environmental policy. In addition, there is a generally strong club of environmentally-minded member states, albeit with a shifting membership depending on the issue being addressed and the domestic political situation at any given time. They have helped to push Europe more strongly into a global environmental leadership role (Schreurs and Tiberghien, 2010; Würzel and Connelly 2011). Domestically, Europe also has gone farthest with implementing new environmental policies and standards and promoting more fundamental changes in how the relationship between the economy and the environment are understood.

### **Japan and Canada: Ambivalent Middle Players**

Japan too became far more engaged in proactive global environmental

policymaking in the 1990s than it was in the 1980s. Although its environmental community was very active in the 1970s, it failed to form large national or international environmental groups and remained domestically focused. Japan was perceived in the 1980s as an international laggard in global (as opposed to domestic) environmental protection matters, especially those that pertained to wildlife protection and nature conservation. By the 1990s, Japan's position on environmental matters shifted and the country started to become far more active in international environmental protection. Given Japan's traditional close relationship to the US and its propensity to follow the US in foreign policy matters, it is noteworthy that Japan joined agreements that the US did not. Increasingly, Japan has chosen to side with the EU on global environmental policymaking, but has been more reluctant than the EU to criticize too strongly US non-participation. Japan has fashioned for itself the role of a mediator between the US and the EU, shaping international environmental agreements in ways that could make eventual US participation in those agreements easier. The reasons for Japan's more proactive position on global environmental matters include both an interest on the part of a political leadership eager to enhance Japan's foreign policy role and a bottom-up push for stronger environmental regulations (both from the environmental community and a business community that began to see possibilities in environmental pollution control and alternative energy technologies). Long years of recession and the aftermath of the Fukushima nuclear disaster raise questions, however, of how much progressive activity in the international environmental arena can be expected from Japan in the coming years. Japan may for a time focus on the dramatic needs of its own economy and energy system before it considers how this might fit into a larger global picture.

Canada, like Japan, has a historically close relationship to the US and is its single most important trading partner and source of energy and raw materials. Much Canadian foreign policy follows that of the US. Canada and the US began to diverge in their approaches to international environmental protection in the 1980s, over the contentious issue of acid rain. Whereas Canada became a strong proponent of the Long Range Transboundary Air Pollution Convention and its protocols designed to control the precursors of acid rain, the US was resistant

to European and Canadian calls for the establishment of protocols that would limit levels of sulfur dioxide and nitrogen oxide emissions. This issue was eventually solved within the framework of a bilateral acid rain agreement and the introduction in the US of a sulfur dioxide emissions trading system. In the 1990s, Canada joined the EU in ratifying the Kyoto Protocol and Biodiversity Convention (although not the Cartagena Protocol on Biosafety) despite the U.S. failure to ratify these conventions. Thus, for a time it appeared that a new coalition of states might form to place pressures on the US to back away from its unilateralism and join the new multilateral environmental agreements. But, there has not been consistency among these states. Domestic politics, and in particular the different perspectives of various Canadian provinces on agricultural and energy issues, has pushed Canada back in a direction more similar to that of the US in recent years. Whereas in the 1990s, it appeared that Canada was shifting towards an EU position on the Kyoto Protocol, by the 2000s, Canada's position was again leaning in the direction of the US. Canada continues to resist the Cartagena Protocol on Biosafety and announced its withdrawal from the Kyoto Protocol.

### **What is Leadership Without Followers ?**

Europe has tried to find ways to circumvent U.S. non-participation in key global agreements. It has done this by forging coalitions with other key states. This strategy has had some success. Yet, the limits to this strategy are becoming increasingly apparent as well. Without the US on board, the effectiveness of global environmental agreements is compromised. And US participation remains uncertain. It is linked to strong economic lobbies.

The difficulties of achieving progress on international environmental agreements without a fully committed US and a reluctant China and India have been painfully apparent in the climate change case. Going into the Copenhagen climate negotiations in December 2009, the EU was eager and confident in its role as a global leader on climate change and optimistic that a successor agreement to the Kyoto Protocol would be forged. During the negotiations, however, the EU was in many regards sidelined as the US and China along with other BASIC countries (Brazil, India, and South Africa) resisted

European efforts to form a binding agreement with national emission control targets. They instead hammered out an agreement that includes only voluntary emissions targets with no legal force. By the end of the negotiations, the question began to be raised, 'can the EU be a leader, if no one follows?'

In Durban, South Africa at the 17<sup>th</sup> meeting of the Conference of the Parties to the United Nations Framework Convention on Climate Change, the EU was able to avoid a total collapse of the Kyoto Protocol process, but Canada pulled out and Japan and Russia announced they would take on no new greenhouse gas emission requirements under a second phase of the agreement. The protocol has thus basically been kept alive in order to keep the Kyoto flexibility mechanisms that provide an avenue for providing assistance to developing countries on climate change in place while negotiations to find some kind of new arrangement for a more encompassing climate agreement continue. In Durban, an agreement was reached to keep negotiating. The Durban Platform acknowledged the need for a new global agreement that includes both developed and developing countries and that this agreement should be concluded by 2015 and go into force by 2020. No details of what this agreement might contain were mentioned. It is also unclear whether states will in the end agree to ratification.

### What Alternative Strategies Exist ?

The 2012 Rio+20 Conference was held with the recognition that despite 40 years of global environmental protection efforts, the race to protect the planet is not being won. Global environmental agreements have done little to stop rapidly growing greenhouse gas emissions, unprecedented rates of species extinctions, wide spread loss of natural ecosystems, and depletion of natural resources. A certain level of fatigue tied to the negotiations and shifting expectations in relation to what can be achieved through them is resulting in a new kind of environmental politics, one that is more decentralized, involves a wider variety of actors, is more scattered, and focused on smaller parts of the big picture. There is, in other words, growing attention to alternative means of stimulating change—among them a focus on green growth—at the same time that efforts to keep the international negotiations and agreements moving

forward continue.

The Rio+20 negotiations are taking a different focus than past international environmental conferences. Rio+20 is not about forging new international environmental agreements. It is about trying to change the problems that are at the root cause of many of the global environmental issues discussed above. These have to do with economies that are based on greenhouse gas intensive energy structures, consumption patterns that are unsustainable, and wasteful use of resources. Rio+20 has placed a new emphasis on finding ways to shift economic structures in “greener” directions, through the promotion of renewable energies, the encouragement of energy and resource efficiency, and the development of circular economies where resource reuse and recycling are integrated into product design and development.

Here a new divide may be emerging internationally, where Europe and Japan—for different reasons—may take on new kinds of leadership roles. Europe has set out on a course of structural transformation domestically in response to its concerns about global environmental problems. It has established goals to reduce its carbon dioxide emissions by 80–95 per cent of 1990 levels by 2050 with an interim CO<sub>2</sub> reduction goal of 20 per cent of 1990 levels by 2020. In addition, it plans to improve energy efficiency and build out renewable energies to 20 per cent of total primary energy by 2020. It has developed new sustainability indicators and a 2020 strategy for developing a resource efficient economy. These policy strategies have as their background goal making the European economy greener, more sustainable and more competitive. There are, of course, many obstacles that still need to be addressed or overcome—such as different perspectives on nuclear energy and carbon capture and sequestration. Nevertheless, there is a relatively solid understanding that Europe’s future must be one based on a model that is low resource and energy intensive and protective of natural ecological systems.

In Japan, the implications of the Fukushima nuclear disaster are still unfolding. Already, however, paths of change are evident. It is likely that Japan will eventually greatly reduce and possibly phase out the use of nuclear energy. Energy conservation measures that have been taken in response to the shortages of electricity tied to the shutting down of virtually its entire nuclear

capacity in the year following Fukushima are likely to make Japan once again a global leader in energy efficiency processes and technologies. Perhaps more in response to crisis than to strong domestic demand for the development of a sustainable economy, Japan may also emerge as a leader in transforming their economy in a more sustainable direction. They are already highly efficient in their industrial use of energy and resources.

There are, of course, also many similar developments at the sub-national levels in both Canada and the US. Many states and provinces are promoting renewable energies, sustainable communities, and greener economic structures. At the sub-national level, a dissatisfaction with national environmental politics is evident. Yet, the lack of federal leadership—due to the strong interests tied to the fossil fuel industries in both countries—means that at least for the time being, it is in Europe and possibly in Japan that new more sustainable economic models are emerging.

What will be determining for the future is which direction countries like India and China go. In both countries, there are also strong fossil fuel interests and dependencies and much energy and resource inefficiency. The demands of their huge populations, energy security concerns, and the severe pollution problems affecting them, mean that in both awareness of the need to improve energy and resource efficiency and control pollution has taken root. Various efforts are being made to make their economies less polluting. In both, there has also been growing interest in renewable energies. Should China and India choose to shift more strongly and ambitiously in the direction of sustainability, then the future of the planet may look a little brighter.

## Conclusion

A look back at international environmental agreements over 40 years shows several important patterns. First, the US exhibited a leadership role in the development of international environmental agreements in the 1970s and into the early 1980s. Yet, on a growing number of issues, the US has shunned participation in multilateral agreements that have been opposed domestically by special interests. While it often continues to be involved in international scientific research in the areas under question, it has resisted ratifying

agreements that would affect US economic interests. In some cases, it signed the agreements, but then failed to ratify them; in other cases, it neither signed, nor ratified.

Second, the EU has taken on an increasingly proactive environmental foreign policy since the mid-1980s. This is due to a combination of factors, including a growing number of green-leaning states in the EU; the greening of public opinion; the strengthening over time of EU institutions; experience gained from EU harmonization of environmental regulations being brought up to the international level; a political culture that encourages consultative decision-making practices among business, government, and NGOs, and; a desire to develop the environmental area as an area of foreign policy strength.

Japan took on an increasingly proactive environmental foreign policy in the late-1980s/early 1990s. This has resulted in shifts in Japan's position on various international environmental agreements from initial ambivalence or resistance to eventual support. On a growing number of issues, it has taken the same broad position that the EU has on international environmental matters but has often disagreed with the EU on the specifics of policy measures and approaches to policy implementation. On issues ranging from climate change to biodiversity preservation and genetically modified organisms, there are strong policy differences across the Atlantic. Japan's support of the EU on these matters has made it possible to keep these international environmental agreements from falling apart once the US, and sometimes Canada, expressed its/their clear opposition to them. Japan, moreover, has helped make it possible for the EU to claim international environmental leadership. The Japanese government has been reluctant, however, to be too blatant in its criticism of the US. Instead it has tried to take on the role of international broker between the EU and the US, often championing positions that Japanese negotiators felt would be favorable to US interests were the US to eventually join the agreements or try to work in parallel with them.

This middle of the road position between the EU and the US reflects a division within the Japanese bureaucracy between the Environment Ministry which often takes environmental positions closer to that supported by the EU and the Ministry of Economy, Trade, and Industry, which tends to support

positions more similar to that of the US.

Canada has also increasingly sided with the EU on international environmental agreements although it is still a somewhat ambivalent actor. Canada and the US tend to share similar positions on environmental issues affecting agriculture. Moreover, despite the different positions they initially took in relation to the Kyoto Protocol, on the ground, Canadian and US policy did not look so different as there was little evidence that the Kyoto Protocol was being enforced and in the end Canada withdrew from it. Canada has become something of a hostage to its new found oil wealth. The development of the tar sands in Canada has turned the country into one of the greatest CO<sub>2</sub> emitters on the planet. How Canada deals domestically with the paradox between its desire to be perceived as a champion of sustainable development and the realities of a heavily polluting, resource intensive country will in the end determine how Canada behaves in relation to the climate change case.

Global environmental agreements remain important in terms of their normative influence and pressures they exert to introduce more stringent ecological standards. As long as the domestic political culture in the US remains strongly polarized and the influence of multilateral skeptics stays strong, future full participation of the US in key global environmental agreements that it has not yet ratified should not be expected. In the meantime, Europe is unilaterally moving forward with the goal of providing a new more sustainable economic model that other countries may choose to follow whether this occurs inside or outside of an international agreement. After Fukushima world, Japan too may develop a far more energy and resource efficient economy—a reaction to the largest crisis faced by the nation since the end of World War II. Interestingly, Canada, Japan, and to a weaker extent the EU are now also agreeing with the US on calling for more meaningful participation by developing countries in an international climate agreement.

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