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Three Ways to Understand State Actors in International Negotiations: Climate Change in the Clinton Years (1993–2000)

Christian Downie

International negotiations matter in global environmental politics. Many environmental problems simply cannot be addressed if states do not engage in international negotiations. Depending on the theoretical perspective, some scholars analyze state behavior by considering the influence of domestic pressures and political institutions.¹ Others emphasize the influence of transnational networks,² or the impact that international regimes can have on the actions of states and hence international outcomes.³ These factors are almost always considered in the context of an individual negotiation outcome. The focus is on the actors in the end game.

However, little work has been undertaken on how these actors and their roles vary over time on the temporal dimension of international negotiations. This is an important omission. Most studies of international negotiations assume that state preferences are fixed. As a result, they fail to fully account for the possibility that state preferences are fluid in long negotiations and that not only are there likely to be specific factors that precipitate changes in state behavior, but that these factors could also impact international negotiation outcomes.

Consequently, in long negotiations that stretch across years or decades, it is important to understand why states reach the decisions they do.⁴ Are governments moved by domestic political pressures? Are transnational networks influencing state behavior? Or do international regimes affect state decision-making?

1. Moravcsik 1993; Putnam, 1988.

2. Keohane and Nye, 1974; Keohane and Nye 1972; Milner and Moravcsik 2009; Risse-Kappen 1995.

3. Krasner 1983; Levy Young and Zurn 1995; Young 1999.

4. Downie forthcoming.

In short, in prolonged international negotiations, what factors determine a state's negotiating position, and its preparedness to sign an agreement? And how and why are such decisions made?

This article addresses these questions by considering the role of the US across almost a decade of international climate change negotiations. Specifically the focus is on sub-state actors, used here to refer to sub-units of government—namely government agencies including the White House, the State Department, the Environmental Protection Agency (EPA), the Department of Energy (DoE), the Department of Treasury, and related economic agencies. While numerous studies have considered the role of the state as a unitary actor or non-state actors in international negotiations,⁵ few examine the role of individual government agencies. Few, if any, consider their role over time.

To examine the role of these sub-state actors, this article draws on an empirical data set based on elite interviews with state representatives intimately involved in the climate negotiations.⁶ The period chosen for analysis was the so-called “Kyoto phase,” which commenced with the first Conference of the Parties (COP) to the UN Framework Convention on Climate Change (UNFCCC) in 1995 and continued for a decade before the Kyoto Protocol was concluded and entered into force. This period included three sets of negotiations that pilot interviews suggested were the most intensive: the negotiations surrounding COP 1 in Berlin in 1995, COP 3 in Kyoto in 1997, and COP 6 in The Hague in 2000.

Accordingly, this article sheds new light on the development of climate policy during the Clinton administration, taking advantage of this unique data set. First, by capturing the role of individual government agencies across time (the temporal dimension), this article highlights, for example, the changing level of engagement of the US Treasury and the impact it had on the US negotiating position—overlooked in other accounts.

Second, this article identifies implications for theorists and practitioners seeking to understand the organization of the state in international negotiations, beyond the period of the Clinton administration. In particular, it highlights the factors that account for the fluid preferences of actors, which fluctuate over the course of a negotiation. In doing so, it reveals new insights about government decision-making. For example, it shows how changes in the level of engagement of actors can affect the bureaucratic structure and, as a result, inter-agency negotiation outcomes.

The next section canvasses three theoretical perspectives for analyzing the

5. E.g., Agrawala and Andresen 1999; Betsill 2008; Carpenter 2001; Corell and Betsill 2008; Gulbrandsen and Steinar 2004.

6. To ensure construct validity, the data from interviewees were cross-checked against those of their colleagues and existing accounts of this period. This is especially important in elite interviewing because of the risk that respondents may exaggerate the importance of their role in events. Further, because of the risk that respondents could internalize particular discourses as “truths,” data from the interviews were compared against both the histories of the negotiations compiled from an earlier literature review and the documentation collected from an electronic and manual archival search. Berry 2002.

behavior of the US in the international climate negotiations. These frameworks are employed to analyze the role of each individual US government agency across the negotiations in 1995, 1997, and 2000. The final section considers the empirical findings of this analysis, before suggesting three factors that need to be taken into account by existing theoretical frameworks in order to capture the temporal dimension of prolonged international negotiations.

State Actors in International Negotiations

Theorizing about international negotiations has been dominated by state-centered approaches.⁷ However, over the last three decades new lines of inquiry have emerged, as a growing number of scholars relaxed the assumption of the state as a unitary actor as they seek to account for domestic politics. One of the most influential frameworks is Robert Putnam's "two-level game."⁸ Putnam argued that at the national level, domestic groups pressure their governments to adopt policies they support, while governments seek power by engineering coalitions among their national constituents. At the international level, governments want to satisfy domestic pressures, while limiting any negative consequences from foreign developments. By stressing the interaction between domestic politics and international relations, Putnam's framework is unique because it incorporates elements of a domestic interest-based explanation of state behavior,⁹ and elements of an international bargaining explanation of state behavior.

This framework is concerned with the preferences of domestic actors and the distribution of domestic coalitions. For example, in line with earlier studies on bureaucratic politics, the preferences of government agencies and bureaucratic coalitions are an important influence on the policy-making process,¹⁰ as is their capacity to form winning or veto coalitions to restrict the chief of government (COG).¹¹ Likewise, the preferences of these actors are also affected by the politicization or domestic salience of the issue. For example, when the electorate is not attentive, one can expect COGs—concerned for their re-election—to weigh more heavily the preferences of organized interest groups, and vice versa when issue attention is high.¹²

The two-level frame can be used to derive hypotheses or predictions about the role of US actors:

- In international negotiations COGs monopolize the external representation of the state.

7. Lake 2008.
 8. Putnam 1988.
 9. Sprinz and Vaahoranta 1994.
 10. Allison 1971; Hopgood 1998; Krasner 1972.
 11. Moravcsik 1993.
 12. Harrison and Sundstrom 2007; Trumbore 1998.

- States largely respond to domestic pressures when forming their positions, especially the preferences of domestic actors and the distribution of domestic coalitions.
- The preferences of COGs and the strategies they employ will affect the ultimate national positions leading into an international negotiation.

A second line of inquiry, the transnational perspective, takes a different view. Scholars in this tradition argue that state behavior in international relations cannot be understood without taking account of the cross-boundary activities of sub-units of government and non-state actors.¹³ Accordingly, scholars in this tradition focus on the role of “trans-governmental relations” to describe “sets of direct interactions among sub-units of different governments,”¹⁴ and on the role of transnational networks of non-state actors, such as “epistemic communities” and “transnational advocacy networks.”¹⁵

Haas argued that epistemic communities, which have recognized expertise and competences in a particular domain or issue area, such as climate change, can affect how states’ interests are defined. Haas and others show that the involvement of epistemic communities in international negotiations can promote organizational learning by helping to create shared understandings in their specialized field and hence improve state cooperation.¹⁶ Similarly, Keck and Sikkink argue that transnational advocacy networks can influence state behavior. Although these networks are not powerful in a traditional sense, they derive influence from strategies of persuasion through the framing of particular problems, staging symbolic events, calling on powerful actors for leverage, and holding states to account for international commitments.¹⁷

Consequently, a quite different set of predictions can be derived from this perspective:

- In international negotiations COGs do not have a monopoly on the external representation of the state.
- Sub-units of government, or bureaucracies, deal directly with each other to coordinate policy and build coalitions, which can lead to policy changes in other nations.
- Epistemic communities promote organizational learning by helping to create shared understanding based on their specialized knowledge.

A third line of inquiry highlights the importance of international regimes.¹⁸ In order to demonstrate that regimes matter and can potentially impact international political interactions like international negotiations, scholars

13. Risse-Kappen 1995.

14. Keohane and Nye 1974, 43.

15. Haas 1992; Keck and Sikkink 1998.

16. Gough and Shackley 2001; Haas 1992.

17. Keck and Sikkink 1998.

18. Krasner 1983, 1.

from this tradition emphasize regime formation and regime effectiveness.¹⁹ For example, in their analysis of international environmental regimes, Young and Levy suggest a series of utilitarian and non-utilitarian pathways by which regimes can affect actor behavior:²⁰

- Regimes influence actor behavior by affecting the cost–benefit calculations of actors.
- Regimes act as learning facilitators by initiating processes that give rise to social learning, such as policy diffusion.
- Regimes act as agents of internal realignments by creating new constituencies or shifting the balance of power among groups within and across state borders.

Together, these three perspectives, by emphasizing different actors at different levels of analysis, capture the main factors that are commonly used to explain outcomes in international negotiations. Yet it is not clear how these factors change over time to affect state behavior. For example, the two-level perspective is valuable for understanding how domestic politics and international relations interact in a one-off negotiation. However, regarding how domestic political dynamics change to affect international outcomes in prolonged international negotiations, the two-level approach is limited because it ignores the temporal dimension. In focusing on the end game, it looks only at the role of actors at a point in time. These perspectives may capture the temporal dimension, for example, by looking at shifts in domestic coalitions, but such variations are often overlooked because the focus is not on long negotiations.

Three Sets of Negotiations during the Clinton Years (1993–2000)

COP 1, held in Berlin in March 1995, signalled the beginning of the Kyoto phase of negotiations. Its challenge was to formally decide whether the commitments of developed countries were “adequate” to meet the ultimate objective of the UNFCCC of preventing dangerous climate change.²¹ The result, the Berlin Mandate, explicitly recognized they were not, stating that work should begin towards a protocol or other legal instrument to be completed in 1997. The Kyoto Protocol, which was finalized at COP 3 in December 1997, was a landmark agreement. It introduced binding emission targets for all developed countries and a series of flexibility mechanisms, including emissions trading, to help countries meet their targets, something that the US had strongly advocated.²² However, negotiators’ attempts to flesh out the rules of the rules of the protocol

19. Breitmeier et al 2006; Hasenclever et al 2000; Levy et al 1995.

20. Young and Levy 1999.

21. UNFCCC 1992.

22. Oberthur and Ott 1999.

collapsed at COP 6 in The Hague in November 2000, after a bitter dispute between the US and the EU over flexibility mechanisms.

During this period, the negotiating position of the US and the type of agreements that it was prepared to sign changed. In 1995 the US agreed to the Berlin Mandate, which stipulated no binding emissions targets or timetables for developed countries, no new commitments for developing countries, and no flexibility mechanisms. In 1997, the US agreed to the Kyoto Protocol, which included binding emissions targets and timetables for developed countries, as well as flexibility mechanisms. Finally, by 2000 the US refused to sign an agreement to flesh out the detail of the Kyoto Protocol, agreed to in 1997. This section traces the role of US government agencies, examining the influence each had on the US position.

COP 1: The Clinton Administration Comes to Power

In January 1993, President Clinton succeeded President Bush Sr. in the White House. The president and vice president were determined to distinguish their administration from the Bush administration on climate change.²³ The climate regime seems to have manipulated the intangible costs to the White House, as the regime perspective would predict. According to senior White House officials, part of the desire was to restore the US' international reputation on climate change. As a senator, Al Gore had worked behind the scenes to persuade the Bush administration that they were mishandling Rio preparations and risked humiliating and isolating the US. Hence, when he came into office as vice president, as one official explained, "there were important relationships to rebuild."²⁴ Given the normative pressure of the international climate regime, it was of little surprise that on the April 21st, President Clinton, in a speech celebrating Earth Day, announced that the US would voluntarily commit to reduce its emissions to 1990 levels by the year 2000.²⁵

While the act of distinguishing itself from the Bush administration on climate change took place almost immediately, as the two-level approach would expect, many of the new administration's plans were constrained by domestic political pressures. The President's announcement in April "kicked off" the inter-agency discussions on climate change,²⁶ which would ultimately result in President Clinton's Climate Change Action Plan, later that year.²⁷ However, the details of the President's Plan were directly influenced by the proposal for a British Thermal Units (BTU) tax, framed as a budget measure to reduce the defi-

23. Interview US-27.

24. Interview US-31.

25. Agrawala and Andresen 1999, 461.

26. Interview US-21; US-26.

27. US Government 1993.

cit. It was also the main method by which the US would reduce emissions.²⁸ The proposal was quickly killed by Congress.²⁹

The defeat of the BTU tax “changed everything.”³⁰ First, it directly affected the President’s plan because taxes were off the table, but the goal of reducing emissions to 1990 levels remained. Second, if the US was going to take a market-based approach to reducing emissions, the only alternative to taxes was emissions trading. This was not an unpalatable option. The concept of emissions trading was already on the radar within government because of the 1990 US Clean Air Act Amendments.³¹

With the president committed to releasing a climate action plan,³² the White House, specifically the Council of Environmental Quality (CEQ), led by Kathleen McGinty, a “very young but totally trusted”³³ former staffer to the vice-president, instructed the interagency process to find a politically feasible way to meet the stated emission target.³⁴ Under the leadership of Carol Browner, another protégé of Al Gore, EPA had a prominent voice in these discussions, especially in driving emissions trading. Strong support for a trading scheme came from the Air Office under David Doniger, which, in the words of one EPA official, was “über pro-trading.”³⁵

While most EPA input was through domestic interagency discussions, this was not its only channel of influence. Some EPA officials worked outside the national polity, in contrast to what the two-level perspective would expect. According to interviews with EPA officials and staff at the OECD, “there was this network of EPA people”³⁶ such as Barry Nussbaum, Nancy Keith, and Paul Stultman, who were championing emissions trading to other nations as early as 1991, through workshops like those held at the OECD in Paris.³⁷ Whether or not this represented a well-developed trans-governmental network, as the transnational perspective would expect, sub-units of government were beginning to deal directly with each other.

Along with the EPA, the White House had instructed the DoE to work on the president’s climate change action plan.³⁸ According to DoE officials there was “high” engagement from “the top tier” of the agency, such as Energy Secretary Hazel O’Leary,³⁹ and it seems that DoE had formed a preference on the two main issues for Berlin. First, on flexibility mechanisms, DoE supported emissions trading. Second, it argued that the US should not commit to targets in

28. Agrawala and Andresen 1999; Bryner 2000.

29. Bryner 2000.

30. Interview US-26.

31. Interview US-27.

32. Ibid.

33. Interview US-36.

34. Interview US-21.

35. Interview US-37.

36. Interview EU-41.

37. OECD 1992a; OECD 1992b.

38. Interview US-26.

39. Interview US-35.

Berlin in 1995 and that developing countries should take on some form of commitment.⁴⁰ The two issues were closely linked for the DoE. The senior ranks of the agency would consider some commitments as long as they were linked to flexibility mechanisms, like emissions trading.⁴¹ As one put it, “the tougher the targets the greater flexibility should be.”⁴²

At the same time, as the two-level perspective would predict, the White House, as the COG, was able to manipulate domestic pressures by affecting the distribution of domestic coalitions, in this case interagency coalitions. Indeed, White House support helped the State Department steer government discussions toward the preference of the Vice President. This was made possible because the new chief US negotiator was to be Al Gore’s former Senate colleague, Timothy Wirth, had championed climate change in the Senate.⁴³ As a result, some in the State Department argued that the US could or should take on binding targets. In doing so, according to officials intimate with the discussions, the State Department was aligned with the White House and the EPA, and together they formed a powerful progressive bureaucratic coalition, which was largely unopposed within government.⁴⁴

Indeed, the interesting point is that in the lead up to Berlin the traditionally powerful Department of Treasury and related agencies, such as the Council of Economic Advisors (CEA) and the National Economic Council (NEC), do not seem to have played an important role. As one official remarked, “I do not recall that they were particularly active. They were involved, but they certainly did not dominate the process in any way.”⁴⁵ Beyond the BTU tax, the economic agencies did little more than monitor the climate change discussions, and most of the senior ranks of the agencies had not developed a firm preference on the issues to be negotiated.

They were occasionally [engaged] and they were monitoring it but . . . we hadn’t entered the realm of serious binding commitments, so the economic agencies were not totally focused on it.⁴⁶

COP 3: “The Whole Issue Got Elevated”

The release of the UN Intergovernmental Panel on Climate Change’s (IPCC) Second Assessment Report in December 1995 and the subsequent “Geneva Declaration” six months later at COP 2 precipitated a new set of interagency discussions. In July 1996 in Geneva, Timothy Wirth announced that the US for the

40. Interview US-20; US-6.

41. Interview US-6; US-35.

42. Interview US-35.

43. Interview US-25.

44. Ibid.

45. Interview US-21.

46. Interview US-25.

47. Earth Negotiations Bulletin 1996.

first time would support a legally binding agreement.⁴⁷ The shift in position came as a surprise to many, but seems to have been prompted by the release of the Second Assessment Report, which concluded that there was a discernible human influence on the global climate.⁴⁸ Interviews with US officials, including Robert Watson, associate director for environment in the Office of the President at the time, confirmed the impact of the IPCC report on the administration.⁴⁹

After the “Geneva Declaration” the political terrain in the US shifted and with it the interagency discussions. According to White House officials, “there was a much more serious effort to think through climate change policy at a high level.”⁵⁰ One official pointed out, that “the whole issue got elevated to a deputy secretary level where the ticket to entry was that everyone had to have a briefing on the science.”⁵¹ These events support the propositions of the transnational perspective, first that epistemic communities promote organizational learning by helping to create shared understandings based on their specialized knowledge, and second that international regimes trigger realignments, in this case helping to institutionalize the role of climate scientists in the policy-making process.⁵²

Yet the most significant change in the political terrain came with the Byrd-Hagel Resolution, which the US Senate passed 95–0 on July 25, 1997, four months before the Kyoto negotiations commenced. The non-binding resolution resolved that the US should “not be a signatory to any protocol” unless it mandated specific commitments for developing countries, *and* would “not result in serious harm” to the US economy. The resolution had an immediate effect on the US negotiating position, and the Republicans made much of the unanimous vote. One former administration official argued that the resolution “was not a vote against a Kyoto treaty,”⁵³ hence the decision by the White House to signal to Senate Democrats that they could vote for the bill, which helped to produce the 95–0 vote. While other accounts also note that this was the likely White House strategy,⁵⁴ they often overlook the strategic framing error the White House made because, as many interviewees conceded, this was “a big mistake in hindsight.”⁵⁵

At the time it was just thought that it was better to let it go through than to have a fight on it. But that was a big miscalculation as well because Byrd-

48. IPCC 1995.

49. Interview US-36; US-9; US-7.

50. Interview US-7; US-23.

51. Interview US-7.

52. This has been confirmed in other accounts of this period. E.g., Agrawala and Andresen 1999, 476.

53. Interview US-31.

54. Harrison 2007, 100.

55. Interview US-22.

56. Interview US-1.

Hagel took on this kind of iconic status, it became much more than a sense of the Senate Resolution, it became much more than that.⁵⁶

As other researchers noted, one of the most effective ways actors can affect state behavior is strategically reframing public debates to draw attention to their concerns.⁵⁷ Interestingly, while the transnational perspective points to the importance of framing, the evidence from this period indicates that it was employed most successfully at the domestic, not transnational, level.

Congress' new attention to climate change highlighted the growing tension between the legislative and executive branches. Members of Congress who worked with business groups to pass the Byrd-Hagel resolution represented the emergence of a regressive veto coalition, which as the two-level perspective would predict, was to have a lasting impact on the US' role in the international negotiations. For a start, it directly affected the emissions target. The White House was forced to design a target that reconciled the Berlin Mandate, which excluded any new commitments for developing countries, with the Byrd-Hagel Resolution, which stipulated the US should not sign any agreement unless developing countries took on "new" specific commitments. In search of a politically workable position the White House announced various targets between 1993 and 1997, each slightly different from the next. However, on October 22, 1997, President Clinton finally announced that the US would stabilize greenhouse gas emissions at 1990 levels for the period 2008–2012.⁵⁸

According to US interviews, each of the positions, including the push towards binding targets first announced at Geneva, reflected the preference of the White House at the time, or in the words of the two-level approach, the preference of the COG.⁵⁹ However, although the White House had signaled what the target would be, other government agencies were left to work out how exactly these commitments would be met. As will become apparent, the precise details of these discussions, which are often not revealed in existing bureaucratic accounts of US climate policy,⁶⁰ were critical in determining US behavior in the lead up to Kyoto and beyond.

As in the early 1990s, EPA supported of binding emission targets, but "once the die was cast," as one official put it, "that yes we are going to have binding targets, the question was how deep," and it was here that interagency tensions emerged.⁶¹ There was a general belief within the EPA that emissions could be reduced without serious harm to the economy. The EPA's position derived from its positive experience with the Clean Air Act Amendments and the Montreal Protocol. First, as many officials argued, EPA "drew heavily" on

57. Braithwaite and Drahos 2000.

58. Cited in Cass 2006, 130–131.

59. Interview US-31; US-37.

60. E.g., Bryner 2000; Harrison 2007.

61. Interview US-27.

62. Interview US-1; US-5.

the “clean air experience,”⁶² to inform their climate change programs. Whereas before Berlin, SO₂ trading was not yet underway, by the time of Kyoto the costs of reducing emissions “were more than reasonable.”⁶³ The effect, as one EPA official claimed, was that “people believed that because it was so successful and it clearly was, that this was going to be somehow easy to do for all greenhouse gas emissions.”⁶⁴

Similar optimism surrounded the Montreal Protocol. Several officials claimed that the ozone regime had a “large influence on people’s thinking” and “by the mid-1990s everyone was keen to plug the Montreal Protocol into climate change.”⁶⁵ Another claimed the regime provided “optimism that we could find a technology solution. We thought the Montreal Protocol was proof that a Dupont would emerge in climate change.”⁶⁶ As the regime perspective expects, the international ozone regime initiated processes that provided learning opportunities for EPA officials, which they applied during the interagency climate discussions.

The State Department supported EPA’s position and there were close links between both agencies and the White House. Indeed, together these actors formed the core of a progressive coalition within government, which as the two-level perspective predicts, did influence the US decision to support a legally binding agreement at Geneva in 1996.⁶⁷ In contrast, “EPA and DoE were often at each other’s throats.”⁶⁸ DoE continued to advocate a more cautious approach, supporting a modest target with maximum flexibility. However, like EPA, DoE became convinced about the benefits of emissions trading, as the sulfur dioxide regime began to show how emissions could be reduced at low cost. According to former energy officials, by late 1996 “we were all traders”⁶⁹ and “everyone was drinking the [emissions trading] Cool-Aid.”⁷⁰

After Wirth’s 1996 announcement of US support for a legally binding agreement, economic agencies began to play a more active role in interagency discussions. This change was sparked by the recognition that binding emission targets would likely have tangible economic implications. In other words, by 1996 the international climate regime had begun to trigger the type of domestic realignments anticipated by the international regime perspective. The first evidence was the change in interagency discussions structure. In 1996, the NEC successfully lobbied the White House to co-chair the internal discussions with the CEQ. Whereas Katie McGinty previously led discussions as head of CEQ, in the lead up to Kyoto she shared the role with Gene Sperling at the NEC.⁷¹

63. Interview US-27.

64. Ibid.

65. Interview US-13; US-22.

66. Interview US-7.

67. Interview US-25 US-22; US-37; US-4.

68. Interview US-4.

69. Interview US-20.

70. Interview US-21.

71. Interview US-31; US-25; US-27.

... when we got closer to Kyoto the NEC said we need to co-chair this and so it was jointly done. This decision definitely came from the White House. But basically some of the big boys at the NEC said to the White House we need to start monitoring this deal.⁷²

According to interviewees, this changed the interagency discussions “considerably” because EPA, State Department, and DoE had to contend with growing input from economic agencies, which often took different positions.⁷³ They became part of a more regressive coalition, which, consistent with the two-level perspective, altered the power and distribution of domestic coalitions. However, it was not until the beginning of 1997 that the position of the economic agencies, or what one official described as the “Treasury rearguard,” began to be fully felt.⁷⁴ Under the new co-chair arrangements, Lawrence Summers (then Deputy Secretary of Treasury) came in “very heavily and very negatively” against the arguments put forward by other agencies that emissions could be reduced at a modest cost.⁷⁵ The extent of the opposition from Treasury, in particular, was evident in the strong reaction of Summers against statements by the CEA that depending on how they were designed, some greenhouse gas commitments could be achieved at a reasonable cost.⁷⁶ Then, “something of an internal war began.”⁷⁷

The dispute among government agencies, and importantly among economic agencies themselves (such as Treasury and the CEA), is largely neglected in other accounts.⁷⁸ The dispute mainly focused on how much emissions should be cut, if at all. According to former US officials, Treasury Secretary Robert Rubin and Deputy Secretary Larry Summers “put their reputations on the line inside the White House arguing against US action.”⁷⁹ This would seem to have included arguing against a binding target and/or that any target be as flexible as possible.⁸⁰ That the president went against their advice and announced an emissions target on October 22nd was seen as a “big defeat,” and senior ranks of Treasury were “shocked” that the White House did not decide in their favor.⁸¹ Nevertheless, there is little doubt that active engagement by the economic agencies, which had not been there prior to Berlin, limited both the US negotiating position and what the US was ultimately prepared to sign.

72. Interview US-25.

73. Interview US-25; US-27.

74. Interview US-4.

75. Interview US-25; US-23.

76. Interview US-23.

77. Interview US-25; US-4.

78. Interview US-23. E.g., Aldy 2004.

79. Interview US23.

80. Interview US-6.

81. Interview US-23.

COP 6: *"How Are We Going to Get This Ratified?"*

The period 1998–2000 represented the final years of the Clinton administration. Since 1993 the president, and especially the vice president, had actively pushed the climate change agenda. However, by 1998 the politics were un-conducive as debate focused on the economic implications of implementing the Kyoto Protocol. For the White House the main issue was, as one former official put it, was "how are we going to get this ratified?"⁸²

This was manifest in two ways, both supporting the propositions of the two-level approach. First, the preferences the White House were increasingly determined by a desire to affect its domestic political position. This was especially so for the vice president, who prior to The Hague, was becoming "concerned about his electoral prospects."⁸³ Former officials claim that Al Gore's presidential aspirations constrained the ambition of the White House, and many of his advisors wanted to downplay the issue of climate change because they believed it would be "a loser issue in key industrial swing states."⁸⁴

Second, and also consistent with the two-level proposition that the COG largely responds to domestic political pressures such as domestic coalitions, the White House was forced to respond to an emerging veto coalition. The first part of this regressive coalition was the Republican-controlled Congress. Since the agreement in Kyoto in December 1997, Congress had actively sought to frustrate White House efforts to ratify or implement the provisions of the Protocol. For example, Republicans attached an amendment to the fiscal year 1999 appropriations bill stipulating that no funds could be used for Kyoto-related initiatives.

Because the Kyoto Protocol could not be ratified without the Senate, the twin concerns expressed in the Byrd-Hagel Resolution—the role of developing countries and the potential economic costs—became the dominant issues for the White House. First, the White House tasked the State Department with encouraging developing country participation. In 1998, Secretary of State, Madeleine Albright, announced a diplomatic "full court press" to encourage meaningful developing country participation.⁸⁵ The diplomatic strategy, which in the words of the two-level approach amounted to an attempt to manipulate the international level to appease a domestic coalition, showed signs of success at COP 4 in 1998 when Argentina, and then Kazakhstan, split from the G77 and announced that they would adopt voluntary targets.⁸⁶ Yet the Senate remained unconvinced.

Second, the "administration quickly realized that an informed public debate over the Kyoto Protocol could not proceed without an economic analysis

82. Interview US-34; Harrison 2007.

83. Interview US-19; Harrison and Sundstrom 2007.

84. Interview US-1; US-19; US-5; US-4.

85. Albright 1998; Doran 2000.

86. Pitzl and Stewart 2000.

87. Aldy 2004, 95.

88. Interviews US-23; US-26.

of the agreement.⁸⁷ The CEA was tasked with assessing economic costs. While the challenge for the CEA was to develop an economic model that would show the US could meet its Kyoto target at a manageable cost,⁸⁸ the problem often not mentioned was that many in Treasury, including Deputy Secretary Lawrence Summers, who replaced Robert Rubin as Secretary in 1999, did not think this was possible.

Larry Summers thought abatement and the Kyoto Protocol were very hard to do and required heavy economic lifting. Summers convinced Bob Rubin that reducing greenhouse gas emissions was so pervasive that it was going to be very expensive.⁸⁹

While the CEA “shared these doubts,”⁹⁰ they nevertheless began to model the cost of emission reductions under different scenarios. In July 1998, the CEA tabled its report, which concluded that “with the use of flexibility mechanisms,” the US “can reach its Kyoto target at a relatively modest cost.”⁹¹ CEA estimates became the reference point for interagency disputes over the costs of the Protocol.⁹² Indeed, as the discussions focused increasingly on the economic impacts of the Kyoto Protocol, the economic agencies became a formidable counterweight to the positions put forward by EPA, and officials noted the “tensions” between the agencies.⁹³ This was compounded by the restrictions Congress imposed on the EPA’s agenda⁹⁴ as part of its broader attacks on the Clinton administration.

Conclusion

As an analytical construct, each perspective represents a different explanation for state behavior in international negotiations, yet taken together they capture the principal factors commonly identified to explain international negotiation outcomes. However, the two-level perspective captures many of the most important factors behind US government decisions. First, while the White House, as the COG, did not monopolize external representation of the state, it certainly dominated. Second, as far as state actors are concerned, the US position was formed largely in response to the distribution of domestic bureaucratic coalitions, as the two-level approach would expect, with the White House, the EPA and State Department broadly pushing a more progressive position than that of the DoE and the economic agencies. And third, as the COG, the White House was able to manipulate domestic pressures. For example, the State Department had relatively free rein in the domestic discussions in the early 1990s and Timothy Wirth, the lead US negotiator at the time, was able to agree to the Berlin

89. Interview US-4.

90. Ibid.

91. Council of Economic Advisors 1998.

92. Frankel 2001; Royden 2002.

93. Interview US-21.

94. Interview US-22.

95. Interview US-9.

Mandate, because, as one former State Department official pointed out, the “Vice-President was the guy who bullet-proofed them from the rest of the departments.”⁹⁵ This is often overlooked in other accounts of this period.

Notwithstanding, the two-level perspective does not capture the role of transnational networks or that of the climate regime. For example, the transnational perspective highlights the role of epistemic communities like the IPCC, and there is some evidence to support the regime perspective, in which regimes can affect the cost-benefit calculations of actors by manipulating intangible costs, such as reputation.

Critically, however, the analysis thus far only captures the factors behind the US behavior in each set of negotiations. The three perspectives do not fully account for the temporal dimension of prolonged international negotiations. They overlook key factors accounting for the fluid preferences of actors, which fluctuate over the course of a long negotiation. For instance, the existing frameworks do not sufficiently explain why the US signed the Kyoto Protocol in 1997 but refused to ratify it. Or why the US wanted an agreement in 1995 and 1997 but was less willing to push for a similar agreement in The Hague in 2000. Or why the US was opposed to binding emissions targets in Berlin in 1995, but willing to accept them at Geneva in 1996 and then again at Kyoto in 1997.

Three factors appear to be critical for explaining such fluctuations. The first is the level of engagement or mobilization of actors; in prolonged international negotiations the engagement of actors does not remain the same over time. For example, part of the reason the US was prepared to sign the Kyoto Protocol in 1997 was because there were no tangible economic implications, which was the very reason that the economic agencies “were not totally focused” on the discussions.⁹⁶ However, by 1998 the senior ranks of the economic agencies were active players and, as a result, their interests were more fully incorporated into the US negotiating position. The same was true for Congress, which started to take a greater interest in the issue as ratification drew near, and with it the potential for tangible implementation requirements.

But why do actors’ levels of engagement change? In short, these changes seem to be a function of domestic political incentives and the stage of the negotiations, two interrelated factors. As negotiations progress the domestic political incentives for government agencies change, and with it their level of engagement. The political incentives for these actors will, in turn, be a function of how they perceive the tangible costs and benefits of the agreement under negotiation, which is directly related to the stage of the negotiations. For example, in elaborating on the two-level game, Moravcsik and Evans note that as negotiations move from the bargaining to the ratification stage, the costs and benefits of an agreement become clearer, and as a result, domestic groups will mobilize in defense of their interests.⁹⁷ This, in turn, will bring new actors into the game.

96. Interview US-25.

97. Evans 1993; Moravcsik 1993.

In other words, as some actors push *for* an agreement it engages other actors to push *against*.

Second, while the two-level perspective points to the preferences of COGs for explaining state behavior, it does not sufficiently account for changes in COG preferences. For example, one of the main reasons the US was more willing to push for an agreement in Berlin in 1995 and Kyoto in 1997 than it was in The Hague in 2000 was because the preferences of the COG—the White House—had changed. The change was a result of a change in the domestic political incentives of the White House. For example, in the context of the democratic primary campaign and the 2000 national election, Vice-President Gore was much less inclined to push the issue of climate change than he had been in the early 1990s.

The third factor that appears critical is the evolving state of expert knowledge among policy elites. In long negotiations, knowledge within an epistemic community can filter through to change the state of expert knowledge among policy elites and in doing so influence the role of actors. This can affect the personal beliefs of COGs and, in turn, their preferences. There is evidence that the White House, especially the vice president, pushed for an agreement in Kyoto not simply because of their domestic political incentives, but also because of their knowledge of the science and the subsequent belief that the “administration wanted to be on the right side of history.”⁹⁸ This consensus among policy elites did not exist in the 1980s.

Accordingly, an emphasis on the temporal dimension of prolonged international negotiations matters, because it draws our attention to the fact that state preferences are fluid and that specific factors can explain such variations. This analysis sheds new light on the development of climate policy during the Clinton administration, for example highlighting the changing level of engagement of the US Treasury and the impact it had on the US negotiating position, something overlooked in other accounts.

This has important implications for theorists and practitioners seeking to understand state organization in international negotiations. By highlighting the changes in the level of engagement of state actors, the variations in COG preferences, and the evolving state of expert knowledge, this analysis reveals new insights about government decision-making. Strategic opportunities may exist in the course of a protracted process for actors to steer negotiations toward their preferred outcome.⁹⁹

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98. Interview US-34.

99. Downie forthcoming.

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