Università
Ca'Foscari
Venezia

Master's Degree programme
in Comparative International Relations -
Global Studies

Final Thesis

States non-fulfilment of International Environmental Commitments:

Case studies of the United States of America with
the Kyoto Protocol and the Paris Agreement

Supervisor:
Ch. Prof. Stéphanie Novak

Assistant Supervisor:
Ch. Prof. Gabriele Asta

Graduand
Samantha Sommaggio
Matriculation number 861470

Academic Year

2020/2021

TABLE OF CONTENTS

ABSTRACT

Il cambiamento climatico e il riscaldamento globale stanno modificando gli ecosistemi mettendo in pericolo la vita di tutti gli organismi sulla terra. Non c'è più tempo per promesse astratte, c'è un urgente bisogno di azioni pratiche e costanti da parte di tutti i governi del mondo. Il problema che sta alla base dei fallimenti a cui stiamo assistendo da decenni è proprio l'inadempienza degli impegni ambientali precedentemente assunti dagli stati. Le misure internazionali inizialmente accordate, gli ambiziosi impegni, e le promesse fatte che successivamente non vengono mantenute fanno sì che la lotta al cambiamento climatico diventi sempre più un'impresa impossibile.

Ma perché questa discrepanza tra parole e fatti accade?

La domanda centrale di questa tesi è volta ad indagare il motivo per cui gli impegni ambientali internazionali assunti dai politici di tutto il mondo finiscono poi per non essere rispettati. In maniera più specifica il focus riguarda la firma di trattati ambientali internazionali con la conseguente non ratifica o inottemperanza (identificata col termine *non-compliance*, ovvero l'incapacità di assumere un comportamento conforme alle regole richieste). Questa discrepanza tra impegno iniziale e la conseguente non ratifica o inottemperanza per questi tipi di trattati è una problematica internazionale sempre più frequente e che può essere spiegata attraverso l'utilizzo di due ipotesi principali: (1) L'ipotesi di *Organized Hypocrisy* (contenente elementi di ipocrisia / premeditazione secondo il quale il trattato viene firmato già con la consapevolezza che non verrà ratificato o rispettato); (2) l'ipotesi che considera elementi esterni o anche definibili in un certo senso di *forza maggiore* (cioè non direttamente dipendenti da decisioni dell'amministrazione che ha firmato o ratificato l'accordo). È importante specificare che entrambi questi scenari possono coesistere e in alcuni casi empirici è possibile trovare una combinazione di essi.

La prima ipotesi si basa sul concetto di ipocrisia (individuata col termine specifico di *Organized Hypocrisy*) presentato da N. Brunsson. Nel suo studio, Brunsson si focalizza sulla discrepanza tra parole, decisioni e azioni che dà vita a questo fenomeno di ipocrisia. I soggetti da lui considerati sono le organizzazioni e gli individui (i maggiori attori nella società moderna) ma negli anni, il suo concetto è stato applicato anche alle Relazioni Internazionali. Secondo Brunsson, l'utilizzo di questa ipocrisia nasce dal fatto che viviamo in un mondo in cui i valori, idee o persone sono in conflitto e quindi, per gestire questi conflitti a volte la strategia migliore si rivela essere l'utilizzo dell'ipocrisia.

Egli, infatti, afferma che l'ipocrisia non è necessariamente un problema, anzi invece, a volte risulta essere la soluzione (contrariamente da quello che siamo abituati a pensare). Infatti, l'utilizzo di essa permetterebbe di creare un compromesso e soddisfare le richieste e preferenze di tutte le parti coinvolte nel conflitto. Senza l'ipocrisia una parte sarebbe soddisfatta mentre l'altra sarebbe completamente insoddisfatta. Secondo Brunsson, il bisogno d'ipocrisia diminuirebbe nel momento in cui un conflitto si potrebbe risolvere in altri modi.

Questa ipotesi di *Organized Hypocrisy* è solitamente affiancata al concetto di *reputazione*. Per salvaguardare quest'ultima all'interno della comunità internazionale, gli stati hanno la tendenza a firmare un accordo pur già sapendo che non lo ratificheranno o che non rispetteranno le norme incluse. Un importante obiettivo degli stati, specialmente nel campo ambientale, è proprio il bisogno 'di salvare la faccia', la reputazione, e dimostrarsi come stati favorevoli a ciò che la maggioranza pensa sia giusto fare (quindi ad esempio firmare un accordo ambientale internazionale). Firmare un accordo ambientale significa infatti dimostrare di essere dalla parte di coloro individuati come 'i giusti' e quindi successivamente di essere anche meno monitorati (permettendo di non rispettare le regole in maniera meno evidente). Questa tendenza è anche molto frequente nel campo dei diritti umani in cui molti stati firmano trattati per la salvaguardia dei diritti umani già sapendo che in futuro non verranno rispettati. La firma inziale favorisce infatti la creazione di una sorta di scudo che sposta l'attenzione verso stati che hanno deciso fin da subito di non firmare.

La seconda ipotesi sopraindicata, per essere provata invece utilizza delle variabili indipendenti che vengono applicate al caso empirico per capire il motivo della mancata ratifica dopo la firma iniziale oppure il motivo di inottemperanza in seguito alla firma e ratifica del trattato. Le variabili che la letteratura ha fino ad ora identificato come utili a spiegare questi avvenimenti sono: il cambio di amministrazione; il grado di conoscenza scientifica del tema centrale, la formazione ed esperienze personali (in questo caso con un focus per l'élite politica e decisionale di uno stato); la conformazione statale (con la propria Costituzione e il peso dei vari partiti politici); il ruolo di lobby del settore industriale; l'attenzione per l'economia e competitività del proprio stato. Tutte queste variabili, in diversa misura, sono in grado di influenzare le possibilità di ratifica e di ottemperanza di uno stato con un accordo internazionale (ambientale).

Individuare questa discrepanza tra parole e azioni, e il motivo di essa non è sempre così automatico. Per i vari casi empirici, infatti, non esistono modelli fissi capaci di spiegare in maniera automatica ed univoca la ragione per cui questi impegni non vengono rispettati.

Per testare la prima ipotesi (*Organized Hypocrisy*) con questa specifica domanda di ricerca, c'è bisogno di prove concrete capaci di dimostrare la decisione di firmare l'accordo già con l'intenzione di non ratificarlo o di non rispettarlo. La seconda ipotesi invece, necessita di alcune variabili capaci di provare il fatto che la discrepanza sia avvenuta non per motivi premeditati o già conosciuti dall'amministrazione al momento della firma del trattato.

I casi studio selezionati riguardano gli Stati Uniti con il Protocollo di Kyoto e l'Accordo di Parigi. La loro comparazione risulta essere utile per il seguente motivo: entrambi illustrano lo stesso fenomeno di discrepanza tra parole e azioni, ma allo stesso tempo risultano essere interessanti per poter testare le due diverse ipotesi sopra indicate.

La tesi è divisa in tre capitoli, introduzione e conclusione. Il capitolo 1 fornisce le basi teoriche e termologiche assieme ad alcune variabili che verranno poi utilizzate per spiegare i casi studio. La terminologia (divisa in sottocategorie) include alcuni termini appartenenti alla branca del diritto (come, ad esempio, le definizioni di *trattato* e le varie fasi di creazione di un trattato), altre invece sottolineano l'importante differenza tra termini che verranno poi usati nei capitoli successivi e che solitamente vengono scambiati per sinonimi (come ad esempio: *compliance*, *implementation*, *enforcement*). Il capitolo prosegue con considerando le problematiche di monitoraggio dei comportamenti inottemperanti degli stati. Per quanto riguarda invece le variabili, quelle selezionate sono state individuate come le più influenti secondo gli studiosi della letteratura del settore. Esse sono (come precedentemente anticipato): *reputazione* (capace di influenzare l'utilizzo della strategia di *Organized Hypocrisy*); *cambio di amministrazione*; *livello di conoscenza scientifica*; *ruolo di lobby del settore industriale*; *importanza dell'economia nel tessuto statale* (in particolare la salvaguardia della competitività economica). Queste variabili (non considerando il ruolo della reputazione perché maggiormente connesso all'ipotesi di premeditazione) risultano essere d'aiuto alla seconda ipotesi perché dimostrano la capacità di influenzare la situazione al di fuori di decisioni derivanti dall'amministrazione firmataria o che inizialmente ha accettato di impegnarsi.

Il capitolo 2 analizza il primo caso studio degli Stati Uniti con il Protocollo di Kyoto. Servendosi principalmente di un memorandum creato nell'ottobre 1997 e di un'intervista ai partecipanti delle negoziazioni di Kyoto e altri summit, è possibile (sempre con cautela) dimostrare la presenza di una linea di *Organized Hypocrisy* da parte dell'amministrazione Clinton. Essa, infatti, ha attivamente negoziato il Protocollo di Kyoto, firmandolo e successivamente non ratificandolo (con la mancata presentazione di esso al Congresso).

Come si può vedere da un'analisi storica della situazione politica interna statunitense, l'amministrazione Clinton ha subìto una pesantissima opposizione su tutti i temi riguardanti l'ambiente. Sin dai primi momenti l'amministrazione ha avuto come obiettivo pubblico quello di salvare la reputazione ambientale statunitense ma l'opposizione domestica ha sempre bloccato i suoi intenti sin da prima delle negoziazioni di Kyoto. Stretta in mezzo a questa situazione conflittuale, dove da una parte il Senato non avrebbe mai accettato un trattato che non includesse obbligazioni anche per i paesi in via di sviluppo, e dall'altra il desiderio di salvare la reputazione ambientale statunitense, l'amministrazione Clinton, secondo alcune fonti, sembrerebbe aver optato per la creazione di una strategia che avrebbe accontentato entrambe le parti. Questa strategia, inclusa nel memorandum intitolato *Getting to Success in Kyoto: Strategy and Tactics* e divisa in due fasi, optava per un iniziale tentativo di negoziare un trattato a Kyoto (Fase 1) che sarebbe stato firmato con la consapevolezza che non sarebbe stato sottoposto al Congresso per la ratifica fino a quando non si sarebbero raggiunte le condizioni richieste dal Senato (Fase 2). In un'intervista condotta da Hovi, Sprinz e Bang nel 2012, questa teoria viene ulteriormente appoggiata da vari intervistati (provenienti da Stati Uniti, Germania e Norvegia) che facevano parte dell'élite politica e di altre organizzazioni e che avevano partecipato a varie COP, tra cui le negoziazioni del Protocollo di Kyoto. La maggioranza di essi si è dichiarata d'accordo con la teoria secondo il quale l'amministrazione Clinton creò questa strategia e firmò l'accordo sapendo di questa strategia e già sapendo che la ratifica sarebbe stata praticamente impossibile.

Il capitolo 3 analizza il secondo caso studio degli Stati Uniti con l'Accordo di Parigi e dimostra come l'inottemperanza sia stata dovuta a fattori non dipendenti dall'amministrazione Obama (firmataria) ma bensì da variabili di diverso tipo. In primis, le elezioni presidenziali con il conseguente cambio di amministrazione a favore dell'amministrazione Trump, hanno segnato un grande problema di base per il sogno verde dell'amministrazione Obama.

Considerata la ratifica dell'accordo (settembre 2016) e la fine dell'amministrazione Obama (gennaio 2017), è infatti possibile notare come quest'ultima non avesse avuto il tempo materiale per poter implementare i punti accordati a Parigi. Questo elemento temporale è inoltre utile per spiegare il motivo di impossibilità di ipotizzare che l'amministrazione Obama avesse premeditato l'inottemperanza dell'accordo. Considerando altre variabili utili a spiegare il caso, assieme al cambio di amministrazione, un altro fattore fondamentale è stata la mancanza di conoscenza scientifica nel settore ambientale combinata al grande sentimento avverso per il cambiamento climatico che ha fortemente caratterizzato l'amministrazione Trump. Infatti, un

cambio di amministrazione non necessariamente porta a casi di inottemperanza, bensì ciò che risulta decisivo è l'orientamento della nuova amministrazione. Un altro aspetto che caratterizza massicciamente il tessuto interno degli Stati Uniti (e soprattutto il partito Repubblicano) è il ruolo dei colossi industriali nazionali, capaci, attraverso azioni di lobby di influenzare importanti decisioni a livello governativo. Un aspetto fondamentale per quanto riguarda il ruolo delle multinazionali in questo caso studio è il fatto che da Kyoto a Parigi, negli anni le cose sono cambiate e la maggioranza delle aziende ha capito l'importanza del cambiamento climatico e il bisogno di allinearsi alle richieste internazionali. Le uniche aziende che invece si sono dimostrate (e tutt'ora si dimostrano) ancora contrarie ai provvedimenti pro-ambiente, sono le imprese del settore petrolifero e di combustibili fossili che hanno importanti relazioni con la amministrazione Trump e con il Congresso (specialmente il partito Repubblicano). Tra le varie fonti spicca, infatti, il background dei componenti dell'amministrazione Trump, una lettera inviata da 22 Senatori repubblicani (intrattenenti relazioni con importanti colossi industriali) e altri studi manipolati da gruppi di aziende e istituzioni (come NERA e IECA). Tutti questi elementi hanno avuto un ruolo decisivo nel convincere il Presidente Trump a ritirarsi dall'Accordo di Parigi.

GLOSSARY

ACCF	American Council for Capital Formation
AEA	American Energy Alliance
AGBM	Ad Hoc Group on the Berlin Mandate
BTU	British Therman Unit (Tax)
CAT	Climate Action Tracker
CC	Climate Change
CCAP	Climate Change Action Plan
CDM	Clean Development Mechanism
EPA	Environmental Protection Agency
EPW	Environment and Public Works
ERU	Emission Reduction Unit
ETF	Enhanced Transparency Framework
GCC	Global Climate Coalition
IEA	International Environmental Agreement
IECA	Industrial Energy Consumers of America
ILC	International Law Commission
INDCs	Intended Nationally Determined Contributions
JI	Joint Implementation Mechanism
LDCs	Least Developed Countries
MEA	Multilateral Environmental Agreements
NERA	National Economic Research Associates
NDCs	Nationally Determined Contributions
NRDC	Natural Resources Defense Council

SIDS	Small Island Developing States
UNEP	The United Nations Environmental Program
UNFCCC	United Nations First Convention on Climate Change
US	United States of America
VCLT	Vienna Convention of the Law of the Treaty

INTRODUCTION

Climate change (CC), global warming, and greenhouse gas (GHG) effects are increasingly damaging our ecosystems, causing droughts and floods, and impacting the human health. We have treated our planet as a pleasure park and scientists agree that the human action is the predominant cause of this disaster (Blewitt, 2018). Life on Earth is in danger, the countdown has started. There is no more time to procrastinate, the planet does not need abstract words and promises anymore. It needs decisive, realistic, and coordinated efforts at all levels. We have already entered the so-called *Anthropocene* (the phase in which the human activity is the predominant influence on climate and environment) … but there are people able to deny it (Blewitt, 2018).

Nowadays, the international scene is characterized by a multitude of different actors, but sovereign states (with leaders and policymakers) are still having a fundamental role and great power in their hands to decide the future of our planet. Public opinion and states started to really worry about the environment not so long ago and actions continue not to be proper for the emergency we are living. So far, governments have pursued three basic strategies to fight international environmental issues, such as: unilateral responses (with domestic policy), bilateral agreements, and multilateral approaches (mainly conferences and agreements). However, after several attempts, the situation has not improved and instead, the problem is still present, and it is even worsening.

Over the decades, super green ambitious plans and speeches have been pronounced by policymakers but at the end of their tenures, the final result of their practical actions has always been disappointing. Indeed, the number of international environmental commitments and plans previously taken never equals the final outcomes, as if a cyclical malediction was able to cancel all the good intentions initially presented (for example during the initial political campaign or during official speeches before the negotiations of international tools). This discrepancy stays at the basis of the failure of the fight against CC. But why does it happen? How can this be explained?

This thesis, when considering states' non-fulfilment of international environmental commitments refers to the gap between words and actions: such as the initial official speech, intentions and commitments taken by an administration compared to its final actions, such as the non-fulfilment of what has been previously declared or promised. In particular, shrinking the area of interest, the central issue considered by this thesis is the gap between the state's

initial public intentions in committing to be part of an International Environmental Agreement (IEA) compared to its consequent avoidance of ratification and compliance (after the initial signature).

Considering this concept as our basis, the main research question of the thesis is the following: *why policymakers take international environmental commitments but do not respect them?*

More precisely, this research question has the aim to understand two main nuances and driving forces of this behavior. Indeed, there can be a scenario in which policymakers take commitments already knowing they will not respect them. At the same time there can also be a scenario in which policymakers take the commitment 'in good faith', such as being really interested in fulfilling it in spite of external forces that (in a successive moment) force them not to respect it. It has to be specified that these two realities are not always mutually exclusive. Instead, it can happen that both dimensions coexist in the same empirical case.

It is important to add that this research question has the aim to investigate the nature of two main phenomena:

(1) The reason why states decide to sign but not to ratify IEAs.
(2) The reason why states sign, ratify, but do not comply with IEAs.

The answers are expected to be multiple and to vary according to the case analyzed. Indeed, there is not a unique answer to this issue because states can fail to do what they committed to do due to a wide range of reasons. In order to answer to this question, two main useful hypotheses will be used:

(1) The Hypothesis of *Organized Hypocrisy*
(2) The Hypothesis of external elements (which considers causes of force majeure, such as elements not premeditated the by signing administration).

Putting the spotlight on the first hypothesis, it is important to specify that the *Organized Hypocrisy* is here based on the vast concept elaborated by Nils Brunsson. He starts from the definition of *hypocrisy* provided by the Oxford Dictionary (such as 'the assumption or postulation of moral standards to which one's own behavior does not conform') (Brunsson, 2007: p. 112). Proceeding from this point, it is possible to note that Brunsson's definition of hypocrisy is broader, and it is defined as 'the inconsistencies between talk, decisions, and actions' and also as 'the inverted relationship between decision and action' (Meyerson, 1991:

p. 158). He goes on affirming that 'Hypocrisy is a response to a world in which values, ideas, or people are in conflict - a way in which individuals and organizations handle such conflicts' (Brunsson, 2007: p. 113). Hypocrisy is indeed here seen as the way through which a conflict is handled by reflecting it in inconsistencies among talk, decisions, and actions (and its use becomes more probable when other ways of handling the conflict result not to work (Brunsson, 2007). To define better what *Organized Hypocrisy* is, it is possible to say that it is the relationship in which ideas and talk address one situation while actions address others (Meyerson, 1991). The concepts introduced here serve as an initial basis, but they will be analyzed more in deep in Chapter 1.

The Hypothesis of Organized *Hypocrisy* has been individuated several times in the field of Human Rights treaties where states have been noticed to sign and ratify them without then implementing or complying with them in the future. The reason of their hypocritical actions is guided by the concern of protecting their *reputation* (Hafner-Burton & Tsutsui, 2005). This is because states want always to be seen as legitimate by the other actors in the international scene. They normally do not want to be seen as deviators and signing an agreement will allow them to be practically less monitored by other international actors. The same trend, as the next chapter will demonstrate, also happens in the environmental field.

It is also important to underline that the aim of this work is not to assess the quality, legality, or effectiveness of states' decisions in the field of environmental policies. The aim is instead to understand what kind of forces are behind the scenes and how they are able to influence policymakers' decisions for environmental commitments.

The interest in this topic derives from the recognition that there is an urgent need to take actions to fight CC and that discrepancy between talks and actions is becoming increasingly problematic. I agree with the fact that every human being has an important role in this fight, but it must be said that single voluntary actions coming from single citizens are unfortunately only drops in the ocean. We are at the point in which states, and policymakers need to be allied on the same line, in the same 'green army', to fight this common enemy: climate change. Without a serious cooperation and efforts to fulfil the internationally agreed tools, the process of rescue will never start. We are already at the point in which if we now (right now, today) stop using fossil fuels, oil, gas, and coal, we would have a deterioration of the nature for at least the next 30 years, due to natural inertia. The nature and the climate change slowly, but once they change, this change will last for decades with difficulties in inverting the process.

In order to understand how real the problem of inconsistency is and to also give a shape to it, this research includes two case studies:

(1) The United States of America with the Kyoto Protocol (of 1997)
(2) The United States of America with the Paris Agreement (of 2015)

The selection of these cases has been dictated by their characteristics and the intention to compare them. They are cases which entail the same problem (state non-fulfilment of environmental commitments, respectively non-ratification, and non-compliance with IEAs). Their comparison results to be interesting because they can be explained through the use of opposite Hypotheses (the Hypothesis of *Organized Hypocrisy* and the one which considers external elements).

On the one hand, the case of the Kyoto Protocol has been selected in order to test the Hypothesis of Organized Hypocrisy in the framework of the non-ratification of IEAs. Indeed, several national elements, an interesting memorandum and an interview with declarations show the Clinton administration's intention to sign the Protocol already thinking about its non-ratification.

On the other hand, the case of the Paris Agreement has been selected in order to test the Hypothesis which considers external elements (not premeditated and not directly decided by the signing administration) for what concern the phenomenon of non-compliance with IEAs. As it will be demonstrated, non-compliance with the Paris Agreement took place with the arrival of the new Trump administration and due to characterizing elements of the US domestic scenario.

The decision to select the United States as the protagonist of the case studies instead of different countries vis-à-vis IEAs, derives also from practical and technical reasons. Indeed, it is widely recognized, as a matter of fact, that western countries' administrations (like indeed the US) tend to provide a higher number of official and reliable data/information than countries characterized by authoritarian regimes or non-totally democratic regimes (like China). Secondly, as history demonstrates, decisions taken by US' administrations have always had a huge impact on the global scenario. Especially in the environmental field, US Government's swimming against the tide with its decisions, (in some cases) denialism and non fulfilment of commitments, is able to create direct and indirect repercussions in the global cooperation and coordination. There is the risk of jeopardizing the achievement of collective goals and also to exacerbate a domino effect

among other countries imitating the US approach. The US is indeed a key actor for the reduction of global warming, and it has been having a dominant position in climate negotiations since the beginning of international climate diplomacy in 1990 (Hovi, Sprinz & Bang, 2010) (Milkoreit, 2019). It is also worth noting that, even though China's emissions have been conquered the first place in the world since 2007 (its levels can probably be 20% higher than official statistics) (Blewitt, 2018), the US per capita emissions are still the highest in the world (e.g., carbon consumption per capita) (Tingley & Tomz, 2019). These relevant data make understand why the climate regime depends in great part on the US. Its behavior is able to influence other countries' willingness to cooperate (Milkoreit, 2019). It is indeed very common in International Relations the tendency of states to follow the behavior of other states (the so-called phenomenon of *bandwagoning*), especially bargaining ones, or the majority of states acting in the same way in group.

Of course, the US alone cannot solve this environmental global problem. However, its participation has always been necessary in climate regimes, and all major IEAs that have so far been created with the US involvement, have seen its support successively evaporating. This behavior demonstrated to be able to create political repercussions on the US international image and credibility, especially for future environmental negotiations.

The decision to precisely consider the Kyoto Protocol and the Paris Agreement derives from their destinies (respectively non-ratification and non-compliance, such as useful examples of discrepancies between words and actions), and the fact that they have important comparable aspects about their structure and goals. However, at the same time they also entail important differences that have been studied before their creation (for example, the Paris Agreement was created thinking about past agreements, approaches, and facts like the difficulties encountered with the Kyoto Protocol). Moreover, they both have a comparable connected story divided into phases: US Presidents initially proposed a green change, both IEAs were created with US leaders as protagonists in the negotiating phase (where the creation depended in great part on the US participation) and successively they encountered tensions in the US national scenario.

From the analysis of the available literature, it emerges that scholars have started trying to find an explanation to states' discrepancy between talks and actions in the environmental field since quite recently and their conclusions are mostly divided according to their main school of thoughts. Finding common results seems to be not so easy because, even though there are several empirical cases of states' non-fulfilment of commitments and gaps between official speeches and final actions, there are no fix models able to explain in a clear automatic way the

reason why international environmental commitments are not fulfilled by administrations. The decision between the two above-mentioned Hypotheses (Organized Hypocrisy or external elements) in order to explain an empirical case is not straightforward. The difficulties are also exacerbated by the fact that empirical cases of states Organized Hypocrisy in the environmental field are complex to be proved because they entail several nuances and the need of clear proofs. States' behavior is constantly evolving, and a multitude of variables can play a decisive role in different periods of time.

The methodology used to answer the research question and explain the case studies is the following:

For the first case study of the United States with the Kyoto Protocol, there was the need to try to prove the Hypothesis of Organized Hypocrisy for the signature of the IEA and the consequent non-ratification. The best way resulted to be the consultation of unclassified memos released by the US Department of State, which was created before the Kyoto negotiations and in which the administration and advisors decided the best strategy. The consultation of documents created before the Kyoto negotiations resulted to be central in order to verify if there was a line of premeditation, such as going to Kyoto with the aim of concluding the agreement and signing it already knowing about the non-ratification. Together with primary sources, interviews to participants of the negotiation resulted to be another useful tool. Unfortunately, not having the possibility to interview personally directly who took the decisions, the interview conducted by some scholars in 2012 (Hovi, Sprinz & Bang) resulted to be decisive. They interviewed some participants of the Kyoto negotiations coming from the US, Germany, and Norway delegations and reported their direct answers. The source has been cited and used by other scholars of the sector and resulted to be the most useful source because of its direct questions, answers, and citations from the interviewees. Hovi, Sprinz and Bang put on the table some plausible hypotheses according to which the US did not ratify the Kyoto Protocol. Among them, the one which included the line of premeditation by the Clinton administration was supported by the majority of the interviewees. The declarations especially coming from the US delegates (who asked to remain anonymous and who were also part of the Clinton staff at that time) seemed to confirm this hypothesis of Organized Hypocrisy. Moreover, the consideration of further situational elements helped to strengthen this hypothesis. More precisely the consideration of the national scenario which the Clinton administration had to face: harsh anti-environmentalism of the Congress, desire of restoring the US green reputation, and strict Constitutional ties for

ratification of IEAs. In the end the consideration of these elements resulted to help giving more credit to the Hypothesis of Organized Hypocrisy at the expenses of other reasonings.

For what concerns the second case study of the United States with the Paris Agreement the methodology consisted in analyzing the elements that characterized the period that followed the Obama administration, such as the Trump administration. This choice comes from the fact that the Paris Agreement was ratified by the US in September 2016 and the Obama administration officially ended in January 2017 without technically giving it time to do real actions to implement the NDC. This is why the consideration of the period from 2017 results important. In the literature, the shifts of administration in democratic systems have indeed been noted to be an important cause for states non-compliance with IEAs. Together with this element, the analysis proceeded with the consideration of characterizing elements from the Trump administration (background and interests of the President and his team) and the US economy. The variables that resulted fundamental to explain the reasons for the US non-compliance with the Paris Agreement were: lack of scientific knowledge over the topic of CC, the importance of the US economic competitiveness, and the lobbyist relationships between US companies (from the oil and fossil fuel sector) and the governmental sphere (especially the Republican party and the Trump administration itself). These elements are obtained through the consideration of public declarations and speeches, letters sent to President Trump from Republican Senators, and manipulated reports and studies created by companies and associations and submitted to the Trump administration in order to underline negative aspects about the implementation of the Paris Agreement. All these elements had the power to influence the final decision of the administration.

During the research some limits emerged, especially for what concerns the case of the Kyoto protocol. Indeed, proving states Organized Hypocrisy is not straightforward. The research of official documents (primary sources) is complicated due to the fact that they need to be released (like for example the memo about the strategy for the signature of the Protocol and its non-ratification). The reading and analysis of these documents require impartiality and caution on how to interpret the real precise meaning. Most of the time to prove the Hypothesis of Organized Hypocrisy is also a work of guessing with the consideration of other available elements deriving from the observance of situational elements. These problems are also influenced by the fact that this Hypothesis entails a consistent presence of psychological aspects. While doing research, I realized that there will always be a part in the human psychology which drives policymakers' decisions and actions, which scholars and audiences

will not be able to explain and grasp with complete certainty. The real, pure, and personal reason why a leader changes his/her mind in a precise moment (rather than another one) deciding to favor one line of action instead of another will always be a difficult and thorny topic to investigate. Primary sources can be helpful, but it has to be kept in mind that sometimes official documents can have been created in order to provide a precise official message to the audience. Indeed, most of the time, what happens behind closed doors and in oral discussions difficulty becomes public. This is why, the reasoning behind the case of the Kyoto Protocol has been created with caution according to the available elements.

The research of data to prove the reasons for the US non-compliance with the Paris Agreement was actually not straightforward as well. Understanding which variable led to non-compliance was a work of linking different notions and events. At the same time, this case study entails some limits as well for what concern the lack of possibility to prove if a third Obama tenure would have ended up in another case of non-compliance with the Paris Agreement (considerations will be done in the conclusion chapter).

This thesis is divided into three chapters plus the introduction and conclusion. Each chapter contains sections. Chapter 1 (literature review) entails the terminological basis (useful definitions) of the topic while also presenting issues of monitoring and variables that have been noted to influence states non-ratification or non-compliance with IEAs. Chapter 2 and 3 include the case studies and the attempt to verify which Hypotheses is able to better explain them. They also include the analysis of the different administrations and national situation vis-à-vis the Kyoto Protocol and the Paris Agreement.

I decided to organize the structure of chapters 2 and 3 in a specular way in order to show their differences and to facilitate the individuation of the best Hypothesis able to explain the cases. I also organized the thesis in this way because my goal was to create a sort of research template, a sort of line of action to be applied on different empirical cases of state's inconsistency between words and actions. I recognize the fact that each case study is unique, but the creation of a template with the use of certain variables and methodology can also facilitate the analysis of different cases. The creation of useful lines of actions and analysis of past empirical cases can be useful due to the fact that the international environmental politics is a field in which knowledge is still uncertain and extremely complex. Moreover, trying to understand the reasons and variables able to drive states decisions over non-ratification and non-compliance may be a step towards the avoidance of wrong counterproductive behaviors in this such important fight against CC.

CHAPTER 1

TERMINOLOGY AND INDEPENDENT VARIABLES

Talking the talk, but not walking the walk. This is a colloquialism which perfectly explains the central phenomenon of this thesis in which someone's initial words are not reflected in his/her successive actions. This means that 'there is a discrepancy between what one says and what one does' (Kincaid & Timmons Roberts, 2013: p. 41). Indeed, historically, this discrepancy between states' initial (international) commitments and real actions has often characterized (and is still characterizing) the behavior of policymakers and administrations from all over the world.

During the last 30 years environmental problems have been worsening and among scholars a greater concern for states' environmental policy, behavior and compliance has risen. The aim of this first chapter is to create a literature review containing the useful terminology that will be used in the following chapters, present the dependent variable of the research which is states' non-fulfilment of international environmental commitments (here intended as states' non-ratification and non-compliance with IEAs), and present the independent variables that scholars of this field have found in order to understand the nature of the main forces that lead to the states discrepancy between talks and actions.

This literature review is divided into 4 main sections and subsections. The first section (Terminology) provides basic notions and legal definitions with a subsection which underlines the frequent risk of using some terms as interchangeable synonyms. Successively, the second part will analyze the recurring problem of monitoring states (non)fulfilment of international commitments and cases of (non)compliance. The last sections include the analysis of variables able to originate the phenomenon of Organized Hypocrisy and also other variables (recognized as *other reasons* to explain states' discrepancy between talks and actions like states' non-compliance).

1.1 Terminology

1.1.1 Commitment

Let's start with the concept of *commitment*, a central concept which theorists have defined in various ways. Among the most agreed terms, commitment can firstly be defined as 'intending to continue in a line of action' (Agnew, 2009: p. 1) and this research tries to investigate the reason why there is a change of actions compared to the initial commitment and internationally

demonstrated interest. This widespread problem rises 'when there is uncertainty that actors will fulfill the promises they make' (Leinaweaver & Thomson, 2021: p. 4), such as when there are problems of discrepancy between policymakers' official words and real actions. The general concept of commitment was developed during the history along two opposed lines identified as: *situational concept* and *non-situational concept* of commitment (Weinstein, 1969). The situational concept holds that 'commitments are inherent in the situation', such as their fulfillment depends on whether they still meet the national interests in a precise situation (Weinstein, 1969: p. 40). On the other hand, the non-situational concept conceives that commitment's fulfillment derives from the conviction that a government must keep all its commitments regardless (Weinstein, 1969). This latter concept would symbolically demonstrate the country's dedication to principles and is mainly seen as a kind of binding and permanent pledge. The situational concept instead, would be more focused on the rational course of action, according to the interests of the state. Fulfilling commitments is also seen as a useful strategy in order to satisfy future interests, but of course, it depends on how partners evaluate their interests in the moment in which actions are needed (Weinstein, 1969). The most traditional way through which scholars used to theorize commitments is the *situational* one. Since the 18. Century (with the *balance of power*), the situational concept of commitment was dominant and during the history, commitments used to be constantly revised in order to deal with the immediate threat. However, it must be noticed that both concepts of commitment normally coexist and sometimes it is even hard to discriminate them (Weinstein, 1969).

The non-fulfilment of commitments originates problems and research identified two types of commitment problems: *Preference-based commitment problem* and *Uncertainty-based commitment problem* (Thomson & Torenvlied, 2011). It must be specified that both of them have been identified in the environmental field and more precisely with Nationally Determined Contributions (NDCs), so in the sphere of the Paris Agreement. However, they result to be interesting and useful even in the general consideration of the environmental field. Preference-based commitment problems occur when policymakers promise to adopt some policies with which they already disagree at the time they commit (Leinaweaver & Thomson, 2021).

There is a difference between policymaker's preferences and the policies he/she promises to adopt. On the other hand, uncertainty-based commitment problems occur when there is uncertainty for what concerns the future preferences of the actor who commits (due to different reasons) (Leinaweaver and Thomson 2016). Indeed, governments' policy preferences tend to

change over time (both in democratic and authoritarian regimes and in different measure) (Leinaweaver & Thomson, 2021).

(These definitions will constitute the basis of our general discourse, but, at the same time, it is important to mention that among the central terms there are also the concepts of *compliance* and *implementation* which will be analyzed successively).

1.1.2 The Treaty

To understand this problem of discrepancy, the gaps between states' signature and non-ratification or non-compliance with IEAs, it is fundamental to start looking at the wider picture and make a step behind. Indeed, since the discourse will be centered on IEAs, it is reasonable to start providing legal and conventional definitions of *treaty*. Article 2 (2) enshrined in the 1969-Vienna Convention of the Law of the Treaty (VCLT) defines a treaty as:

> '[a]n international agreement concluded between States in written from and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation'.

The definition does not adopt any particular denomination, indeed in several cases, it is possible to notice how the term *agreement* (among others) is generically used and how it can be described in different ways. The International Law Commission (ILC) affirms that 'in addition to *treaty*, *convention,* and *protocol*, one not infrequently finds titles such as *declaration*, *charter*, *covenant*, *pact*, *act*, *statute*, *agreement*, *concordat*' (YBILC, 1966 vol II: p. 188). According to Carreau and Marrella (2018), the term *agreement* 'has the precise aim of addressing an issue in a given technical field' (p. 109) and the *protocol*, usually recognized as a tool that has the aim to complete an already-concluded international agreement, is a real separate agreement which can enter another agreement with the aim of completing or modifying it.

Getting closer to the environmental field, IEAs have been defined by Mitchell in the IEA Database Project website (2020) as 'intergovernmental document[s] intended as legally binding with a primary stated purpose of preventing or managing human impact on natural resources'. According to Bernhagen (2008) IEAs 'provide mechanisms by which states make promises to each other to administer natural resources and manage the global environment' (p. 78).

Besides the numerous definitions, the definition of treaty is still a controversial legal issue, which is increasingly asked before international courts and tribunals (Fitzmaurice, 2018: p.139).

As Fitzmaurice (2018) points out, another thorny issue is the level of bindingness of these international instruments. The VCLT, indeed, does not specify or request a treaty to follow a particular form. Treaties are generally considered as *hard law* instruments, such as binding obligations according to the principle of *pacta sunt servanda* specified in Article 26 of the VCLT. It affirms that '[e]very treaty in force is binding upon the parties to it and must be performed by them in good faith' (VCLT, Article 26) (Skjærseth, Schram Stokke & Wettestad, 2006). On the opposite side there is *soft law*, which plays an important role and refers to non-binding international rules (but still with legal relevance) (Boyle, 2018) (Carreau & Marrella, 2018). Skjærseth, Schram Stokke and Wettestad (2006) affirm that soft law is 'located in the twilight between law and politics' (p. 104). As Boyle (2018) and Brown Weiss (1998) point out, soft law and non-binding legal instruments are often misunderstood, ignored, or considered as subsidiary sources even though evidence of its importance in modern international law-making is abundant (for example the declarations or resolutions adopted by states in international conferences). Soft law is strategic because of its nature: it is highly flexible, it is easy to negotiate, easy to amend, easy to adhere, it has immediate evidence of international consensus and can also be the first step in the process of the creation of a legal tool which can then become a binding instrument (like for example, the Pesticides Code which led to the successful negotiation of a binding agreement) (Brown Weiss, 1998). Soft law institutions can also achieve ambitious norms in an easier way than legally binding ones (Skjærseth, Schram Stokke & Wettestad, 2006) (Brown Weiss, 1998). Oppositely, binding rules are negotiated and created more carefully by the addressers because they will be the implementing actors and will have to comply with strict process of verification, review, and response (Chayes & Chayes, 1993) (Skjærseth, Schram Stokke & Wettestad, 2006). Treaties are generally not considered soft law, but their provisions yes: this is very common in international environmental law and the language used to write such legal tools is in several cases controversial. Analyzing the language used in Article 3 (titled *Principles*) of the *Rio Declaration on Environment and Development* it is possible to individuate the general attitude of the convention:

> '1. The Parties *should* protect the climate system for the benefit of present and future generations of humankind … 2. The Parties *should* take precautionary measures to anticipate, prevent or minimise the causes of climate change and

mitigate its adverse effects … 3. The Parties have a right to, and *should*, promote sustainable development …' (Boyle, 2018: p. 131-132).

The verb used is always *should* rather than *must*, so in a simpler way it can be said that the guiding principle is binding but the language used in the document suggests its nature of soft law (Boyle, 2018). A similar case, concerning the use of the language, happened during the consultation phase for the creation of the text of the Paris Agreement. The United States (US) tried to avoid opposition statements and in private bilateral consultations it opposed legally binding mitigation and financial measures (Dimitrov, 2016). In the last minutes of the sessions, the US asked to change a word, which implied less legally binding actions. The result was that 'developed countries *should* rather than *shall* undertake economy wide quantified emission reductions' (Dimitrov, 2016: p. 3). As Simmons (1998) notes, it derives that in numerous cases international agreements are written to permit a range of interpretations for parties' obligations. Non-binding instruments are also advantageous because they rapidly entry into force, they are more flexible, costs of negotiations are lower, and governments are more willing to consider ambitious approaches. As reported by Boyle (2018), the same happens with the UNEP's 1987-Guidelines on Environmental Impact Assessment, 1992-Rio Declaration on Environment and Development, the 17 principles of the UN Declaration Agenda for 2030 and many others in different fields. Brown Weiss (1998), through the analysis of the Baker's Dozen myth[1] affirms that, now, nonbinding instruments are becoming more and more common in different fields of international law especially for the environment, Human Rights, labor, and finance. The point of strength of non-binding instruments is the fact that their non-bindingness has the power to influence behaviors, launching signals and avoid disputes (Brown Weiss, 1998). At the same time, states may prefer nonbinding instruments because in that way they would not have to ensure that domestic legislation fully complies with them. Concerning the choice of the language, in some cases of environmental cooperation, states preferred to adopt non-binding commitments written with the use of a clearer language (Legro, 1997) and with more ambitious targets (Raustiala, 2000).

[1] The Baker's Dozen Myths about compliance are tools based on an international research program which had the aim to study national compliance considering 8 countries (Brazil, Cameroon, China, Hungary, India, Japan, the Soviet Union/Russian Federation and the United States plus the European Union) with 5 agreements (specifically the 1972-World Heritage Convention; the 1973-Convention on International Trade in Endangered Species of Wild Fauna and Flora; the 1983-International Tropical Timber Agreement; the 1972-London Convention; and the 1987-Montreal Protocol on Substances that Deplete the Ozone Layer) (Brown Weiss, 1998). Brown Weiss analyzes mainstream assumptions in this field, which are demonstrated most of the times to be just myths or to be applicable only in certain conditions.

Treaties can be also classified according to their nature as *bilateral treaties* or *multilateral treaties*. The former is concluded between two states touching several fields, while the latter are concluded by more than two parties and are considered *open* or *closed* according to the fact whether other states can join it or not in a second moment (Carreau & Marrella, 2018). Talking about regimes aimed at tackling global environmental problems it can be said that they regulate multilateral interaction, not bilateral (Hovi, Sprinz & Underdal, 2009). 1972 is the starting point for international environmental legal instruments and in December 1998, more than 1000 legal instruments have been created (including bilateral, multilateral, nonbinding legal instruments) (Brown Weiss, 1998).

1.1.3 Phases of the treaty-making process

But how are treaties created? The main steps for the treaty-making process are: *negotiation*, *signature, ratification,* and *entry into force*.

The participation of a state in the *negotiation* process is fundamental and normally is a first signal of state's interest in the issue discussed. It is also automatically assumed that participant parties are interested and ready to commit to do something. Consequently, incentives to find the final agreement drastically decrease if negotiating parties do not have trust or are not sure whether the other party is going to respects its commitments. The negotiation process is the starting point which shows several aspects of the state's behavior and approach. Especially in global environmental politics, international negotiations matter (Downie, 2013). The negotiation process can entail different influential variables, strategies, and coalitions created by participants to achieve the final agreement. Normally, countries with bargaining power have a leading role contraposed to weaker countries (Putnam, 1988). Each negotiator has a different aim enshrined in different *win-set*, such as a sort of imaginary baskets with all the agreements that negotiators know would have chances to be ratified at home (Putnam, 1988). This means that international negotiations and the final international agreement is the result of interactions between domestic and international levels. Therefore, the negotiator should look at the same time in the direction of his/her country and the direction of the international negotiators. These two directions are conceptualized in Putnam's (1988) *Two-Level Game* into *Level I* (the international level with the representatives of states in the negotiation session) and *Level II* (the national level composed by bureaucratic agencies, interest groups, social classes, public opinion, trade unions and the government). Negotiators also have the important task to avoid deadlocks at Level I during the negotiation process and to avoid the

non-ratification at Level II (Putnam, 1988). It is therefore possible to understand why the so-called *Two-level Game,* is so important. The size of win-sets varies according to how much autonomy the negotiator has during the negotiation. Usually, a very strict domestic mandate diminishes the win-sets. However, at the same time such strictness can create a bargaining advantage where the negotiator explains his position: he/she can only achieve what his domestic situation requires, therefore he/she cannot accept different decisions. Negotiators can also use the power of incomplete information pretending they have small win-sets and therefore convincing the others to have their hands 'tied' (Hovi, Sprinz & Bang, 2020). Incomplete information about the size of others' win-sets limits the ability to foresee if the agreement will be ratified or not at Level II. Accounting for both levels is not easy and empirical examples demonstrate it: Robert Strauss (1987), in the occasion of the Tokyo Round trade negotiations affirmed that he spent more time negotiating with US members of Congress and domestic constituents from the industry and labor sector than with foreign trading partners. According to Putnam (1988) there are three factors that influence the size if win-sets: (1) Level II preferences and coalitions (if there is a domestic homogeneous public opinion, the negotiator negotiates more easily because he knows he has to reach a precise goal. This can however be a double-edged sword because in case of heterogeneity of domestic preferences with a divided government, the work for the negotiator is more complex, but at the same time the possibility to reach one of the preferences is higher because they are diversified); (2) Level II institutions (qualified majority and simple majority lead to different outcomes when the Parliament votes on an international agreement. The type of regime is also important because a liberal democracy is always more credible than an authoritarian regime); (3) Level I negotiator's strategies: the most famous is *side payments*, which consists in negotiators giving payments to some groups at domestic level. An example is President Carter who promised to some members of the Senate public works in exchange of their support to a treaty. Another strategy is the power of negotiators to talk and convince other constituents to change their position. However, scholars like Downie (2013) note how the two-level game approach is quite limited because it does not consider the temporal dimension. Anyway, the aim of Level I is important because it is the moment in which there is the attempt to create an agreement that will be then ratified at Level II.

After the negotiation process and the creation of the text, the successive step is *signature*. As per Article 12 of VCLT (1969), signature expresses state's consent to be bound by a treaty in precise situations:

> ‘(a) the treaty provides that signature shall have that effect; (b) it is otherwise established that the negotiating States were agreed that signature should have that effect; or (c) the intention of the State to give that effect to the signature appears from the full powers of its representative or was expressed during the negotiation’ (VCLT, 1969).

According to Fitzmaurice (2018), basically, signature expresses consent of boundness when it is the final stage of a treaty and when it is agreed to be like that.

The following step is *ratification,* also identified with the term *approval, accession* or *acceptance* (Carreau & Marrella, 2018) (VCLT Art. 2 (1)(b), 1969). It is defined as ‘a formal, solemn act on the part of a Head of State through which approval is given and commitment to fulfil its obligations is undertaken’ (Fitzmaurice, 2018: p. 146). As Fitzmaurice (2018) reports, the legal effect of a signature depends on whether we are in presence of ratification, acceptance, or approval. If this is the case, the signature can be considered as an intermediate step which indicates that parties agree upon the text and accept it. It is important to underline that ‘the signing of a treaty does not impose any obligation on a state to ratify it’ or ‘to submit it to the national legislator for considerations’ (Fitzmaurice, 2018: p. 146) (Carreau & Marrella, 2018). Signing a treaty does not even impose particular forms or a time frame for ratification (which is only requested to be within a ‘reasonable time’) (Carreau & Marrella, 2018). At the same time, it is also true that this intermediate step between signature and ratification allows states to create necessary legislation or to obtain approval from the parliament. As article 14 of VCLT (1969) reports, consent to be bound is expressed by ratification if:

> ‘(a) the treaty provides for such consent to be expressed by means of ratification; (b) it is otherwise established that the negotiating States were agreed that ratification should be required; (c) the representative of the State has signed the treaty subject to ratification; or (d) the intention of the State to sign the treaty subject to ratification appears from the full powers of its representative or was expressed during the negotiation’.

Accession is then a non-mandatory phase. This refers to the accession of a new party to a treaty which has already been concluded by different states. According to Article 15 VCLT (1969), states give consent to be bound by a treaty when:

> ‘(a) the treaty provides that such consent may be expressed by that State by means of accession; (b) it is otherwise established that the negotiating States

were agreed that such consent may be expressed by that State by means of accession; or (c) all the parties have subsequently agreed that such consent may be expressed by that State by means of accession'.

The *entry into force* phase, which takes place on the so-called *critical date*, is described in Article 24 of VCLT (1969) and states that 'a treaty enters into force in such manner and upon such date as it may provide or as the negotiating States may agree' and 'when the consent of a State to be bound by a treaty is established on a date after the treaty has come into force, the treaty enters into force for that State on that date, unless the treaty otherwise provides'. International law does not impose precise conditions for the entry into force (Carreau & Marrella, 2018: p. 137). Multilateral treaties are more complex and so as for entry into force. In fact, states usually decide that the entry into force takes place only as soon as there is a sufficiently representative number of states that accepted the treaty to be binding (Carreau & Marrella, 2018). Of course, when the treaty enters into force, it produces its effect only on states which ratified it, therefore, for multilateral treaties it is obvious that in some situations signing states and ratifiers states are not the same entities (Carreau & Marrella, 2018). The effects of the entry into force, as Carreau and Marrella (2018) affirm, bring obligations for parties that must be fully respected as soon as there is the entry into force of a treaty. Boyle (2018) affirms that a way to contrast soft law with hard law can be the consideration of the entry into force of the treaty, indeed 'treaties which have entered into force are by definition hard law, at least for the parties' (p.122). The fact is that the question whether an agreement is binding or not is still difficult to be answered and 'labelling' it (using different types of definitions) cannot be considered a fully reliable unequivocable test. So, it must be accepted that each case is per se, and the legal significance can be derived through the examination of preexisting customary law, treaty law, subsequent state practice and new legal tools.

So, how do states express consent to be bound by a treaty? Article 11 of VCLT (1969) states that it may be expressed 'by signature, exchange of instruments constituting a treaty, ratification, approval or accession, or by any other means if so agreed', but states can also agree on different types of means. After this overview, it can be said that VCLT is a great achievement for international law but at the same time, considering the high number of nuances, it is not able to cover all possible areas and issues of the field. Moreover, treaties are the main tool for states' relations, but the law of the treaty is in constant evolution, therefore, further developments are to be expected (Fitzmaurice, 2018).

Getting closer to the central research question of this thesis, it is now time to proceed considering further definitions, especially underlining the difference between the concepts of *compliance*, *implementation*, and *enforcement*. This need derives from the fact that they are often wrongly used as interchangeable synonyms and also because precision is important when referring to the research questions.

1.1.4 Compliance

Several scholars agree on the fact that defining *compliance* is a thorny issue, because there is no existing authoritative set of definitions (Farber, 1999) (UNEP, 2006). In relation to MEAs, Kaniaru (2002) defined compliance as the ability by the contracting parties to fulfil their obligations under an MEA. Studies on compliance have tried to agree on a general shared free-standing definition of compliance affirming that it is the 'conformity of behavior with legal rules' (Kingsbury, 1998: p. 346). As Bernhagen (2008) affirms 'compliance is defined here as the actions taken by national governments to meet their obligations from an IEA' (p.80). According to Raustiala (2000), compliance 'refers to a state of conformity or identity between an actor's behavior and specified rule' and in the international context it is considered as the behavior of an actor who behaves conforming the rules of a treaty (p.391). However, the definitions of compliance with international law needs to be considered together with an associated treaty (Kingsbury, 1998). Moreover, some scholars also believe that differences in concepts of compliance are influenced by different perspectives and therefore it derives different empirical research design that will lead to different notions (Raustiala, 2000) (Kingsbury, 1998).

Simmons (1998) suggests that:

> '*Compliance* can be said to occur when the actual behavior of a given subject conforms to prescribed behavior, and non-compliance or violation occurs when actual behavior departs significantly from prescribed behavior' (p.77).

Connected to the problem of compliance, it is possible to find the phenomenon of *decoupling*, which was firstly used to analyze the behavior of organizations in the micro sphere and successively also applied to the field of International Relations. The phenomenon of decoupling consists in the presence of a discrepancy between the official speech of an organization and the behavior of the actors within the organization. Vo, Culié and Mounoud (2016) based on Meyer and Rowans' definition, affirm that according to the neo-institutional theory, 'decoupling refers

to creating and maintaining gaps between formal policies/structures that are ceremonially adopted and actual organizational practices' (p. 248). According to the nature of the discrepancy, this phenomenon can be also identified with the term *Organized Hypocrisy* (Brunsson, 2007). As previously presented, Brunsson (2007) defines hypocrisy as a response (used by individuals and organizations) to a scenario in which values, ideas or people are in conflict, a way through which there is the intention to satisfy some demands by talk or decisions and others by actions.

As it will be seen, non-compliance takes place due to different reasons and Organized Hypocrisy is only one possible reason. The phenomenon of non-compliance can be indeed explained through volitional and non-volitional reasons. For example, on the one hand, it can happen that 'actors may make good faith efforts to comply that nonetheless fall short of an agreement's prescribed behavior' (Simmons, 1998: p. 79). That case can be seen as a non-volitional reason. On the other hand, in case of Organized Hypocrisy, it means that there is the presence of a volitional reason, which means that the acceptance of the commitment happened already knowing about the non-compliance.

This phenomenon happens especially in cases in which even though there is a strong public pressure to respect precise norms or engage in some behaviors, actors at the organizational level are purposedly not really interested in following it.

The terms *participation* and *compliance* have to be distinguished as well. The former means that the states have signed *and* ratified the IEA, and this has met the minimum requirements to entry into force (Bernhagen, 2008). Compliance, as noted, means that the state has taken actions to meet the obligations of the IEA (Benhagen, 2008) (and, as previously seen, the state is bounded by an obligation after precise actions).

1.1.5 Implementation

The concept of *implementation* is fundamental while talking about compliance, but this latter can occur also without implementation. 'Compliance with a legal rule indeed can occur without any effort or action by a government or regulated entity' (Raustalia, 2000: p. 392). In fact, if a given state is already following a practice which matches with an international commitment, implementation is unnecessary, and we will have an automatic compliance. Simmons (1998) defines the distinction between the concept of compliance and treaty implementation as 'the adoption of domestic rules or regulations that are meant to facilitate, but do not in themselves

constitute, compliance with international agreements' (p.77). According to Raustiala (2000) implementation 'refers to the process of putting international commitments into practice: the passage of domestic legislation, promulgation of regulations, creation of institutions (both domestic and international), and enforcement of rules' (p. 392). Practical examples, among the most famous, are the International Whaling Treaties, the 1968-Non-Proliferation Treaty, and the EU law. With the International Whaling Treaties, whale-catch quotas were agreed considering the demand of the whaling industry, that is why, not surprisingly, the compliance with quotas was nearly perfect: the legal standard was translating the already-existent behavior and demand. The same is for the Non-proliferation treaty, in which several states are obliged by the treaty to do what they were already doing, such as not using and not developing nuclear weapons. The EU Law instead, is an example that demonstrates that in order to be effective, this type of law needs to be implemented at the domestic level among the different member states.

1.1.6 Enforcement

Enforcement is conceived as 'the actions taken once violation occur' (basically, it is associated with the coercive measures like penalties and sanctions that induce compliance through obligations) (Brown Weiss, 1998: p.1564). Even though this concept is not really useful for the research question, it is however important because several times it is used as a synonym with the above-mentioned concepts.

What can be deduced from these definitions, is that in order to have compliance, the state must respect prescribed legal rules, and this can only happen in case the state has previously ratified the IEA. Therefore, it derives that in case of non-ratification, the state is not bound by any legal rule because it is not part of the IEA. On the other hand, agreements without legally binding effects on the nation can have different destinies (for example, they can be jeopardized and removed by future Presidents with changes in policy). Indeed, 'if the agreement lacks the ability to bind future presidents, then the agreement is strictly political in nature' and can be defined as *gentlemen's agreement* or *political commitment* (Durney, 2017: p. 237). Legal Advisor to the US Department of State Koh, defines political commitments as 'memorializing arrangements or understandings that we have on paper without creating binding legal agreements with all consequences that entails' (Durney, 2017: p. 237).

1.2 Issues in monitoring states discrepancy between talks and actions: (non)compliance and (non)fulfilment of commitments

Once considered the different concepts, it is also important to remember that understanding the direct link between theory and evidence is not that straightforward (Simmons, 1998) and there are cases in which is it not possible to explain the reality because 'actors' behavior is often intentionally ambiguous, dilatory, or confusing' (Young, 1979: p. 172) (Lutmar, Carneiro & McLaughlin Mitchel, 2016). Measuring states' (non)compliance or the more general (non)fulfilment of international environmental commitments is complicated mainly because countries tend not to report their behaviors or the way through which they do it is unreliable and inconsistent (Kingsbury, 1998) (Bernhagen, 2008). Moreover, in some studies there is no way to provide statistical measure (Kingsbury, 1998) (Farber, 1999).

The following subsections will now consider the main issues in this measurement:

1.2.1 (Non)compliance

A non-negligible aspect of compliance is its difficulty to be measured (Brown Weiss, 1998) and most of the times indices of compliance result to be insufficient (Raustiala, 2000). As Weikmans, van Asselt and Timmons Roberts (2020) report from Article 7.10 of the UNFCCC (2016) 'parties are requested to report information on, among others, trends hazards, observed and potential impacts, adaptation priorities and challenges, and adaptation actions and their implementation' (p. 515-516). In 1990s it became customary to have a reporting requirement in almost all international environmental agreements (Brown Weiss, 1998) and reporting mechanisms have evolved during years even though it still contains issues.

In order to verify compliance, often, the most common method is considering whether implementing legislations have been put into existence and whether they really respect the obligations entailed in the agreement (Brown Weiss, 1998). To verify this there is a great need of empirical research and checking states' records can be one of the most effective ways. According to Mitchell (2003) available estimations of data and trends are therefore based on environmental quality and government behavior. Unfortunately, what complicates the research is the fact that compliance keeps changing over time (Brown Weiss, 1998) and to take place, it needs to be mediated by domestic politics and institutions. The problem is that commonly, states perceive reporting as a critical monitoring tool, becoming reluctant in reporting their

shortcomings. Therefore, self-reporting also creates doubts over the reliability of data, which in many cases are late, incomplete, and inaccurate (Brown Weiss, 1998). The problem of measurement is aggravated by the fact that there are cases in which agencies itself stop providing data (Farber, 1999).

Differences and evolutions in reporting methods can be observed in the period starting from the 1992-UNFCCC, going ahead with the 1997-Kyoto Protocol, 2009-Cancún Agreement and the 2015-Paris Agreement.

Starting from the former, articles 4.1(a) and 12 of UNFCCC (1992) require all parties to submit reports regularly. This decision was contested especially by developing countries (Bodansky, 1993) and the problem was dealt by differentiating reporting obligations: Annex I Parties (also known as developed countries) are required to report 'policies and measures to implement the Convention – known as national communications' according to detailed requirements and annual greenhouse gas (GHG) inventories (Weikmans, van Asselt & Timmons Roberts, 2020: p. 514). On the other hand, non-Annex Parties' national communications have more flexibility and were subjected to less detailed guidelines and deadlines. They 'are not required to submit annual inventories, but they can include the results of their inventories in their national communications' (Weikmans, van Asselt & Timmons Robert, 2020: p. 514).

The following step was the 1997-Kyoto Protocol, which brought changes for the reporting mechanism (UNFCCC, 2006). 'Developed countries are required to report annually on (and demonstrate compliance with) their emission limitation or reduction targets' (Weikmans, van Asselt & Timmons Robert, 2020: p. 514). The provision of Annex I parties' annual reports is expected to be by 15 April each year and has to cover 'emissions and removals of direct GHGs' from five sectors (energy; industrial processes and product use; agriculture; land use, land-use change and forestry (LULUCF); and waste)' (UNFCC Reporting Guidelines, 2013). Inventory submissions are of two types: *Common reporting format* (CRF) (standardized data tables containing quantitative information) and *National Inventory Report* (NIR) (report containing transparent and detailed information on the inventory together with data sources, arrangements, recalculations, and changes compared with the previous inventory) (UNFCC Reporting Guidelines, 2013). Those reports are also reviewed by expert review teams which, in case of suspicious behavior, can raise the so-called questions of implementation. (The Kyoto Protocol will be presented in a more detailed way in the following chapter).

With the 2010-Cancún Agreements, requirements for reporting and review of developed and developing countries became increasingly similar (Weikmans, van Asselt & Timmons Robert, 2020). Since the beginning, developed countries agreed with the new decisions, but on the other side, developing countries like China and India opposed and started accepting it only later. 'With these agreements it was decided that Annex I Parties should have started providing biennial reports (also called BRs) either independently or together with their national communications' (Weikmans, van Asselt & Timmons Robert, 2020: p. 515). Moreover, the agreement also requests new obligations and the submission of Biennial Update Reports (BURs) for developing countries, except Least Developed Countries (LDCs) and Small Island Developing States (SIDS) which can decide whether to do so or not (Weikmans, van Asselt & Timmons Robert, 2020).

With the 2015-Paris Agreement, the main difference from the previous system, is that now the enhanced transparency framework (EFT) is applicable to all parties and according to Article 13.2 of the agreement, there is the consideration of different capacities of parties according to the so-called 'built-in flexibility' (Weikmans, van Asselt & Timmons Robert, 2020). The real protagonist of the Agreement are the Nationally determined contributions (NDCs). NDCs entail all the efforts published by each country to reduce national emissions and to adapt to the impacts of CC (UNFCCC, 2021). In order to keep track of progresses, Article 4 (2) of the agreement 'requires each Party to prepare, communicate and maintain successive nationally determined contributions (NDCs) that it intends to achieve' together with the periodical report about their emissions and implementation/achievement of its NDCs (these reports are subject to international review) (UNFCCC, 2021). Countries' NDCs have to be updated every five years (2020 was the first round and then it will be 2025, 2030 and so on) (UNFCCC, 2021) (Huang & Erb, 2020: p.1) (Weikmans, van Asselt & Timmons Robert, 2020). Currently, the Paris Agreement is requesting countries to communicate their post-2020 climate actions (NDCs). As specified in the Annex paragraph 6 of the UNFCCC (2019a) it has been decided that developing countries can decide whether they need flexibility, but it can be possible only for specific elements (e.g., scope, frequency, and level of details for reporting). All parties have to follow the IPCC scientific guidelines for GHG emissions and common templates are requested to have a higher heterogeneity. Dagnet et al. (2019) affirm that overall, the reporting requirements have points in common with those for Annex I country inventory reporting under the UNFCCC and therefore for non-Annex I countries rules became objectively more stringent than earlier. Another difference from the pre-Paris approach is that, originally, developing countries were

only *encouraged* in reporting their national communications and BURs, but now, developing countries should provide information about financial, technology transfer and capacity-building support (even though LDCs and SIDS are still allowed to submit them at their discretion) (Weikmans, van Asselt & Timmons Robert, 2020). (The Paris Agreement will be presented more in deep in Chapter 3).

These differences result to be useful for cases in which the state signed and ratified the IEA (like the case study of the US and the Paris Agreement). It is easy to generally point an accusing finger on apparently non-compliant countries, however, it is also fundamental to keep in mind that, legally speaking, if a country does not ratify the agreement, it is consequently not obliged to provide reports nor to follow the written requests, because legally speaking it is not bound by it.

For what concerns the case of the US with the Paris Agreement the non-compliance will conventionally be considered as the act of non-respecting the submitted NDC and withdrawing from the Agreement after the signature and ratification.

1.2.2 (Non)fulfilment of commitments

As demonstrated, even if for compliance the measurement was not easy, at least during the decades, new methods for monitoring have been created. However, for what concerns states' (non)fulfilment of commitment, due to the different possible nuances, the measurement can result to be even more difficult, and this is especially because there are no requested reporting systems. Moreover, the longer the timeframe between environmental commitments and their effect on environmental outcomes, the more difficult the monitor of environmental outcomes is (Neumayer, 2002).

This is why, in this thesis, while referring to the US empirical case of the Kyoto Protocol, the US non-fulfilment of international environmental commitments will be conventionally considered as the initial interest of the Clinton administration in the Kyoto negotiations, its consequent signature of the Protocol and its final non-ratification.

Therefore, in this research, the fulfilment of an international environmental commitment will be considered as the effort of the government not to create discrepancy between the initial talks and actions (such as demonstration of interest in the negotiations, signature, ratification, and compliance with the IEA). The non-fulfilment of these steps will be considered as a case of

discrepancy between words and real actions, a case of non-fulfillment of international environmental commitments.

1.3 Organized Hypocrisy

As previously presented in the Introduction, the concept of Organized Hypocrisy is one of the central concepts of this thesis and results to be useful to explain some cases of discrepancy between talks, decisions, and actions. Before going ahead, it is important to understand this concept more in deep. The concept used in this research is the one based on Brunsson's reasoning explained in his book *The Consequences of Decision-Making* (specifically in chapter 7 titled *Organized Hypocrisy*). Brunsson starts his explanation with the individuation of two main spheres or organizational behavior: the *political sphere* and the *action-oriented sphere*. Ideas (created by the political sphere) and actions (created by the action sphere) are interrelated in four ways: (1) they can be unrelated products; (2) ideas can control or create actions (think before you do); (3) ideas can explain/justify behaviors (do before you think); (4) ideas and actions compensate each other (Brunsson, 2007).

Talking in a certain way but acting in the opposite way originates hypocrisy (Brunsson, 2007), such as a 'relationship in which ideas and talk address some external contingencies while actions address others' (Meyerson, 1991: p. 156). Or similarly, in a situation of hypocrisy, ideas and talks address a different situation that the one addressed by actions (Meyerson, 1991). To simplify, it is useful to consider the differences between the traditional theory and the model of hypocrisy. According to the traditional theory, talk, decisions and actions are always casually related in the following way: 'talk or decisions aimed in one direction increase the likelihood of the corresponding action' (Brunsson, 2007: p. 115). On the other hand, according to the model of hypocrisy 'talk, decisions, and actions are still causally related, but the causality is the reverse: talk or decisions in one direction decrease the likelihood of corresponding actions, and actions in one direction decrease the likelihood of corresponding talk and decisions' (Brunsson, 2007: p. 115).

As Brunsson notes, we are used to conceive this concept in a negative way, as a problem. It is normally easy to condemn it, however, it is important to note that within his model, hypocrisy gains a *functional* meaning (creating the suspect that it can be also used as a conscious strategy). According to Brunsson (2007) indeed, sometimes, hypocrisy (always conceived here as these inconsistencies among talk, decisions, and actions) can be a solution to 'a world in which

values, ideas, or people are in conflict', therefore, a way to solve an incompatible issue. Let's imagine two opposed sides and scenarios: in taking a decision without hypocrisy, one party can be completely satisfied, while on the other side the other party would be completely dissatisfied (Brunsson, 2007). However, on the contrary, 'with hypocrisy, several parties and interests can be somewhat satisfied' (Brunsson, 2007: p. 117). As Brunsson interestingly notes, hypocrisy can be then also used as one of the ways to handle conflicts and its use becomes more probable when the other ways of handling conflicts do not work (Brunsson, 2007).

Another worth noting aspect about this concept is the ambiguity of hypocrisy. In cases in which the considered actors have different interests, 'confusion of talk, decisions, and actions facilitates hypocrisy: talk and decisions can be adapted to the interests of the spectators and action to the interests of those involved' (Brunsson, 2007: p. 119). Therefore, according to Brunsson (2007), hypocrisy can create opportunities in a way that facilitates actions in conflicting situations.

In his chapter, Brunsson (2007) refers mainly to organizations and the business sector, but during the years, this concept has also been applied to the field of International Relations and resulted to be useful to explain some empirical examples of states.

1.4 Independent variables for states non-ratification and non-compliance with IEAs

This section is going to analyze the different independent variables individuated by scholars of the literature as able to influence states' (non)ratification and (non)compliance with IEAs, creating in this way the gap between the initial talk and the final actions. These two phenomena (states non-ratification and non-compliance), as previously pointed out, can be explained through two different Hypotheses: (1) Organized Hypocrisy or (2) other reasons.

According to the Hypothesis that one wants to test, scholars of the field have individuated different types of variables, which can be conventionally divided here into two main groups according to the Hypotheses they are able to support. The need to conventionally separate them into two main groups, derives from the fact that non-ratification and non-compliance can be unintentional but sometimes also intentional (they can derive from a premeditated strategy).

The first group includes variables able to influence the decisions to undertake a behavior which includes Organized Hypocrisy. Such as, variables able to influence the state decision to sign or ratify an IEA already knowing about the non-ratification or non-compliance.

The importance of these variables derives from the fact that the final outcome depends on their presence or absence.

The variables considered in the first group will be *Reputation* and the *Governmental sphere* with some precise elements that lead an administration to opt for the use of the strategy of Organized Hypocrisy.

1.4.1 Reputation

As will be demonstrated in the following chapter, this variable revealed to be useful when working on the Hypothesis of Organized Hypocrisy. *Reputation* is an important and decisive element in International Relations, which is frequently and widely considered as a reason why a state decides to initially commit, demonstrating interests or signing an IEA even though it already knows about its non-ratification or non-compliance with it (Brewster, 2009). Reputation can be useful when trying to support the Hypothesis of Organized Hypocrisy because it can be the engine which moves the administration's decision to select this type of strategy. Signing an IEA and carrying out the obligations or ratifying it, are indeed two different things: the fact that many IEAs lack enforcement mechanisms, allow nations to sign them in order to just gain a positive international image (Bernhagen, 2008). In International Relations, there are frequent cases of Organized Hypocrisy because states sign agreements in order to hide their real intentions/practices, in order to 'save their face' and to be seen by the international community as a non-deviating state, as an actor that is not ruining the system. This strategy results effective because after the step of the signature, states are less monitored by international actors. States end up being less monitored because (according to the traditional view) it is assumed that the signatory country will automatically comply with the signed agreement, needing less attention than a state which did not signed the agreement.

Another interesting aspect of reputation is the fact that a President can also sign an IEA in order to demonstrate (nationally and internationally) his/her environmental orientation, leave a visionary legacy for future presidents or make clear his position with international actors (Harrison, 2007).

All in all, it is also important to note that reputation can have different aspects according to the framework considered. Indeed, it does not have the same influence on all states and the price the state pays for its behavior depends on the audience's perception and on the importance of its action (Brewster, 2009). (An anti-environmental action can indeed not

ruin the reputation of a country if the majority of the public audience has the same point of view and do not conceive that move as a problem) (Brewster, 2009). Reputational concerns are also not fixed and constant, and they can change over the period a government is at power (Brewster, 2009).

1.4.2 The Governmental sphere: Constitution and bipartisanship

The states' governmental structure has been individuated to be a consistent variable in the fulfilment of international environmental commitments. Keohane and Axelrod (1986) affirm that the institutional environment is the one that foster state behavior with commitments and compliance with IEAs. In this research, the focus is on the state *Constitution* and the role of *bipartisanship* in the environmental topic.

As a first element, scholars have noted that the difference between Presidential and Parliamentary Republics creates different outcomes in the fulfilment of environmental commitments (wider gaps between talk and actions) because policymakers take decisions through a range of processes and according to the state's Constitution (Harris & McIntosh Sundstrom, 2007). The governmental structure and its Constitution result to be so important due to the fact that they are fix characteristic of the state which are consolidated elements that cannot be easily modified according to different situations, but instead they have to be respected. Its strictness is then able to strongly influence the final outcome of states fulfillment of international commitments.

Constitutional rules can actually become an obstacle if coupled with harsh and especially unanimous (anti-environmentalist) approach. This behavior can be translated with the term *bipartisanship* (such as the agreement/cooperation between two traditionally opposed political parties, which instead give reciprocal support over the same reason). Normally, we are used to consider states as characterized by a traditional division of main political parties. However, particularly in the environmental field, bipartisanship can be very effective in being obstructive or proactive. A state characterized by the presence of bipartisanship over the environmental issue, has more chances to have its behavior predicted: indeed, there are cases in which an administration is not able to pursue its initial line because the Parliament (or some other veto player) does not accept it (Hovi, Sprinz & Underdal, 2009). Scholars have observed that leaders in parliamentary systems are more prone to ratify international treaties and have more aggressive domestic and international environmental commitments than leaders in presidential

systems (Harris & McIntosh Sundstrom, 2007) (Dolsak, 2001) (Lantis, 2006). This is because in Presidential systems, in order to explain policy choices (like the ratification of an IEA), the veto power of the executive is fundamental (Schaffer, Oehl & Bernauer, 2021). For example, considering the environmental field, if there is a harsh opposition and anti-environmentalist sentiment, the chances to pass a law decrease. Also, Hovi, Sprinz and Underdal (2009) underline the importance of the domestic sphere (Constitution plus a possible bipartisanship) which can create issues and gaps between talks and actions (like the initial signature and the consequent non-ratification). They note that even if an agreement is reached at the international level (Putnam's Level I) domestic constraints can make it hard to obtain ratification by some countries (Hovi, Sprinz & Underdal, 2009).

These elements are therefore useful because they provide a state's trend (which difficulty changes over the time) and which therefore have to be seriously taken into consideration by an administration before taking commitments. Signing an IEA, having in mind at the same time that the domestic scenario is characterized by a strong anti-environmental bipartisanship and precise constitutional rules, should be conceived as an alarm bell for the successive non-ratification or non-compliance and an interesting sign for international observers that are going to negotiate the agreement.

A practical example is the case study of the US with the Kyoto Protocol, when the Clinton administration realized that the US Senate would probably have declined its ratification (Hovi, Sprinz & Underdal, 2009). The case demonstrates how the US Constitution (in particular Article 2) combined with the environmental hostility of the Congress, symbolized such a strict tie for the Clinton administration which felt the need to create a strategy. (Indeed, according to the US Constitution, in order to ratify a treaty like the Kyoto Protocol in the US, the only way is to have the Senate approving it).

This deleterious combo (Constitution-bipartisanship) crashed with the administration green dream and could be said to have contributed to the decision of the administration to sign the Protocol but not to ratify it.

Both variables that have just been observed are useful to support the Hypothesis of Organized Hypocrisy for two reasons: the first one, as seen, reputation can be the reason which motivates states to take the line of action of the discrepancy: such as, more precisely, the state wants to preserve its international reputation and decides to sign the IEA already knowing it is not going to ratify it or to comply with it. This is because in this case the only aim is to protect the national

reputation in the international scenario. The second one, is the consideration of the governmental sphere, especially if there is an internal contrast over a topic like the environment. A green proactive administration which is determined to save the national reputation in the international scenario find itself blocked by the internal bipartisanship. This combo becomes deleterious and as Brunsson (2007) notes in his concept of Organized Hypocrisy, when an actor (like in this case an administration) find itself stuck in a conflicting situation, a way to solve the issue while pleasing both sides can be the use of Organized Hypocrisy.

The following variables are instead mainly useful to support the second Hypothesis, such as the one which individuates different elements to explain states non-ratification or non-compliance with IEAs.

1.4.3 Shifts in administrations in democratic systems

This variable can be enshrined in the so-called *uncertainty-based commitment problem* explained by Leinaweaver and Thomson (2021). This problem originates when there is uncertainty about the future preferences of the committing actors because of two main reasons: (1) changes in the composition of actors; (2) concern about 'the costs and benefits associated with the actions to which actors commit' (Leinaweaver and Thomson, 2021: p. 5). The focus here will be on the first point (changes in the composition of the actors). Leinaweaver and Thomson (2021) based their study on the framework of the Paris Agreement commitments (NDCs) and noticed that in democratic systems, the formulation of NDCs by one administration does not ensure state's compliance. Indeed, those previously formulated NDCs run the risk of being replaced by other governments that are less environmentally concerned and conscious (and the transition from the Obama to the Trump administration is an empirical example) (Leinaweaver & Thomson, 2021). This aspect about the shift of administrations, has been already noted by Weinstein in 1969. He studied the concept of commitments in International Relations and noted that that the frequency of change of governments in the democratic system, increases the likelihood that interests are reinterpreted, and therefore commitments end up in being accordingly revised. As a consequence, considering the environmental field, this element exacerbates the risk of non-ratification or non-compliance because administrations can conceive the CC issue differently, and in the worst case they can end up giving less importance.

This trend is also explained by the theory of the *non-ideological liberalism*, which considers the importance of shifts of administrations in order to explain the diversity of states' actions

over same topics (like non-compliance) (Hafner-Burton & Tsutsui, 2005). Therefore, it can be easily assumed that: the higher the frequency of democratic government shifts, the higher the risk of having anti-environmentalist points of view in the new administration, and consequently, the higher the risk of non-ratification or non-compliance. This variable is actually even more valuable if connected to the next one.

1.4.4 The (lack of) scientific knowledge, principled values, and personal background

This group of variables is central in the environmental field because the higher the consideration of CC, the higher the chances to have ratification or compliance with an IEA after its signature. Conversely, the total absence of knowledge about CC or the lower the level of knowledge/values, the lower the chances of state's ratification and compliance. As Harrison (2007) notes, if policymakers (or leaders who are in the position to take authoritative decisions) decide to follow their own ideas, the signature, ratification, and compliance with IEAs will depend upon the level of importance attributed to the topic of CC. Scholars have noted how the type of policymaker's approach over an issue is normally influenced by the personal background, experiences, ambitions, political history, and sometimes also a difficult physical and mental health (Rourke, 2008). For example, the type of studies or familiar background which are more focused on the economy rather than science or law, will predictably lead to a position which is most likely against environmental actions. Moreover, faith in science for what concerns CC is important because, technically, we do not see CC per se, but instead we see the weather changing over the *short-term* (for example rain, snow and hotter temperatures are among the most visible short-term events) (Singer, 2018). Science is therefore the only channel which can provide us with information reporting changes over the long run (Singer, 2018).

Some scholars believe that environmental interests and beliefs (faith in science) may affect the extent to which countries participate in IEAs. As Murphy (2010) notes, the (environmental) education of leaders is fundamental. The more they believe in causality of human activities with CC, the more strongly they are expected to support such policies and measures (Murphy, 2010).

The US results to be an interesting case study also because it is famous for its political debates about science. The presence of this debate is an exacerbator of risk for the non-ratification and non-compliance with IEAs (Keohane & Goldstein, 1993). This debate against CC can be translated with the extreme concept of the so-called *denialism.* Denialism continues to have an influential role in the society of some countries: for example, in the US it has been harshening

over the last 15 years, becoming part of the administration and being able to impose important obstacles against the compliance with IEAs (like for example the Paris Agreement).

1.4.5 Non-state actors: the Business sector

Scholars agree on the fact that there are interests at play between state and *non-state actors* which may be able to influence states' commitments (in a positive and negative way) (Neumayer, 2002) (Gulbrandsen & Andersen, 2004) (Correll & Betsill, 2001) (Bernhagen, 20018). By the term *influence*, it is meant the phenomenon that occurs 'when one actor intentionally transmits information to another that alters the latter's actions from what would have occurred without that information' (Knocke, 1990: p. 3). The role of non-state actors (in this research the focus will be on industrial companies from the oil and fossil fuel sector) reveal to be a decisive variable in the environmental policy field for states' non-ratification and non-compliance with IEAs (Averchenkova & Bassi, 2016). The business world has been traditionally associated with climate skepticism and its tendency to negatively influence governments because it generally prefers less or weaker environmental regulations (Averchenkova & Bassi, 2016). These type of non-state actors are mostly private industrial associations, created on purpose to undermine the life of IEAs, CC policy and even to question the existence of CC (Brown Weiss, 1999). Indeed, scholars have observed that the ratification of IEAs also depends on manufacturing industry lobbying, which normally jeopardizes the life of the agreements through different strategies (Obydenkova & Salahofjaev, 2016) (Bernhagen, 2008). This group of actors has demonstrated to be very powerful in directly exerting and influencing state's decisions over environmental commitments (Agrawala & Andersen, 2001) (Meckling, 2011).

Bernhagen's (2008) *Neo-Pluralist* and *Transaction-Theoretical analyses* are useful approaches that examine companies and interests able to enter the political arena, causing action or inaction of the public sphere while influencing and affecting the reason why governments support IEAs. One of the most important aspects of Bernhagen's (2008) analysis is that 'regime participation and compliance decrease with business organizational strength' (p. 84). This means that considering the notion that businesses normally prefer less public environmental regulations, it is possible to affirm that: the higher the strength of influence (for example through lobby and close relationships with branches of the government), the lower are the changes for regime participation and compliance. Business organizational strength is however not easy to be measured and there are no commonly accepted measures. The preferable way to measure it is

through indirect measurements, such as 'by recording more reliable information on countervailing power' (Bernhagen, 2008: p. 90). In order to effectively influence the governmental system and gain strength, companies exploit some precise elements: the possession of *market information* and the fact that the international environmental field is still very uncertain. Their strategy of action consists in using market information to create exaggerated predictions and calculus in order to lobby policymakers demonstrating that ratifying or complying with an IEA would lead to negative domestic outcomes. This strategy includes the phenomenon of *information asymmetry*, which is basically the discrepancy between the real situation and data of the final reports (for example the creation of exaggerated predictions of compliance costs in order to convince the governmental sphere not to comply). This happens because, normally, businesses have private information on parameters concerning production and markets and they are able to influence the political sphere through the sabotage of data about the consequences of a policy. They underline negative political or technical consequences of a certain policy (presenting for example chances of re-election or problems with employment rates) creating overestimated costs that favor the non-ratification and non-compliance (Bernhagen, 2008). Bernhagen (2008) reports the examples of the 1990-Clean Air Act. Different agencies and the electric power industry calculated the compliance costs, but it turned out that the cost of the policy was overestimated by different agencies (by 650%, 300% and 400%) (Bernhagen, 2008). Among the US companies, for example, firms like ExxonMobil are the most famous to be against the settlement of controls on carbon emissions (Alcaro, Briani & Mirabella, 2007) demonstrating to be an important national obstacle for the life of IEAs in the US.

An important aspect for the effectiveness of actions of the business sector is the type of regime of the state. Scholars have been questioning: does the type of government regime matter for non-state actors' influence over state's non-ratification and non-compliance? There are scholars that underline the fact that the type of the governing regime matters. Indeed, within *democracies* there is the general assumption that policy choices are driven (at least in part) by what the public (non-state actors) want. It has been derived that 'democratic policymakers are more attentive and responsive to public demands' than policymakers in nondemocratic regimes (Schaffer, Oehl & Bernauer, 2021: p. 2). However, democracies can be a double-edged sword, because being the symbol of freedom (which includes the right of *freedom of press*, *freedom of speech* and *freedom of association*), the possibility for businesses to negatively influence states'

decisions over IEAs is higher than in authoritarian regimes which do not allow these basic freedoms (Brown Weiss, 1999).

These presented elements are fundamental because they allow non-state actors to express their concerns and to organize their environmental interests in order to put pressure on policymakers leading to non-ratification and non-compliance (Neumayer, 2002).

1.4.6 Concerns for the national economic competitiveness

Nowadays the economic interactions between countries have risen making them more interdependent on one another. As pointed out in Bernhagen's analysis (2008) for what concerns state's participation in IEAs, it has been affirmed that a country's position in the world economy is a useful predictor of its propensity to ratify IEAs (Bernhagen, 2008). Environmental concern may decrease during difficult economic times like crisis, depending (for example) on the level of employment and inflation (Frankhauser, Gennaioli & Collins, 2014). With the decrease of environmental concern, the chances for ratification and compliance, as a result, decrease as well. Roberts, Parks and Vásquez (2004) observed that one of the first signs for states' (non)compliance is the position of a country in the world economy: they are good predictors to understand if that country is going to ratify IEAs and consequently determining its behavior in international environmental governance. Moreover, IEAs participation varies according to costliness of joining; indeed, there are agreements that can be joined without costly actions and others which have a higher impact on countries' business, economy, and competitiveness (Bernhagen, 2008).

Countries have been indeed normally very concerned about their level of *competitiveness*, which in some cases becomes a fundamental limit for their ratification, and compliance with IEAs (Bernhagen, 2008). As Harrison & McIntosh Sundstrom (2007) note, states that have accepted tougher emission cuts targets below their business as usual are usually concerned about the fact that their industries can risk not being competitive vis-à-vis industries from countries that do not have such onerous targets or no target at all. An effective example is the Kyoto Protocol, where developing countries have no onerous targets if compared to developed ones (Harrison & McIntosh Sundstrom, 2007). These differences in costs can influence a state's non-ratification of IEAs. Conversely, with lower compliance costs, the chances for compliance are higher (Hovi, Sprinz & Underdal, 2009). As also Brown Weiss (1998) pointed out, sometimes states join because the IEA does not require changes in states' present actions.

Raustiala (2000) reports two opposite and effective examples: the 1946 International Convention for the Regulation of Whaling and the 1997 Kyoto Protocol. For the Whaling Convention, the compliance with the moratorium requires basically no actions by most of states party (such as the limitation of whaling). On the other hand, the Kyoto Protocol required costly domestic regulatory actions for developed countries. Consequently, it is easily understandable that requiring inaction would automatically lead to a higher compliance than requiring the implementation of actions.

The rising number of discrepancies between states' talk, decisions, and actions, or also identified as the gap between their propensity to join IEAs and the following non-ratification and non-compliance is a real plague for the fight against CC. This literature review had the aim to provide the basic knowledge and terminology of the issue, and the existent variables useful to support both hypotheses of Organized Hypocrisy and the one which considers other reasons. For the former, Reputation and specific elements of the governmental sphere (the Constitution and the power of bipartisanship) revealed to be two important variables able to influence the decision of an administration to adopt a behavior of Organized Hypocrisy to please different points of view. For the latter, shifts in administration, (lack of) scientific knowledge and values, concern over the national economic competitiveness and the role of the business sector demonstrate to be plausible elements (not associated with the Hypothesis of Organized Hypocrisy), that can lead to non-compliant behaviors with IEAs [2].

[2] I include useful links to check the status of signature and ratifications of famous IEAs. Indeed, even though they are not able to answer the central question of the thesis, I think that checking their status allows to guess and compare the approach of different governments vis-à-vis famous IEAs. Indeed, as Averchenkova and Bassi (2016) note, the lack of signature or withdrawal from IEAs can be considered as a sign of weak credibility on international commitments on CC.

United Nations Treaty Collection (n.d.) *Kyoto Protocol to the United Nations Framework Convention on Climate Change.* Available from: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-7-a&chapter=27&clang=_en

UNFCCC (2021) *Paris Agreement – Status of Ratification*. Available from: https://unfccc.int/process/the-paris-agreement/status-of-ratification

United National Treaty Collection (n.d.) Available from: https://treaties.un.org/Pages/Home.aspx?clang=_en

United Nations Treaty Collection (n.d.) *Paris Agreement*. Available from: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-7-d&chapter=27&clang=_en#4

International Environmental Agreements (IEA) Database Project (2020) *R. B. Mitchell and the IEA Database Project, 2002-2020*. Available from: https://iea.uoregon.edu/

CHAPTER 2

CASE STUDY: THE UNITED STATES OF AMERICA AND THE KYOTO PROTOCOL

This chapter has the intention to investigate the reason why the Kyoto Protocol was signed, and in the end, not ratified in the US. More precisely, the chapter tries to cautiously understand if the non-ratification can be explained through the use of the Hypothesis of Organized Hypocrisy. The main question here will therefore be: has the Clinton administration decided to sign the Protocol already knowing about the non-ratification / non-submission to the Senate?

This question about this discrepancy originates from the fact that before the Kyoto negotiations, the Clinton administration publicly manifested its strong interest in engaging in the IEA and successively also played a central role in the negotiations of Kyoto: these are apparently all elements that normally characterize a country intentioned in being compliant in what was negotiated and signed.

The analysis starts with the description of the Kyoto Protocol, and it proceeds with the analysis of different US administrations (from Nixon to Bush Sr.). The analysis of the administrations has the aim to provide a chronological demonstration of how approaches and environmental US policies have changed over the decades with also the aim to prepare the field to understand the scenario in which the Clinton administration had to act and create its strategy over the Kyoto Protocol. The analysis of the Clinton administration will analyze the administration more in deep in order to grasp the obstacles it encountered and the elements that most likely led it to create a strategy (which reflects the line of the Organized Hypocrisy). Indeed, according to some sources that will be analyzed, it seems that the Clinton administration considered the strategy of signing the Kyoto Protocol already knowing that it would have not submitted it to the Congress.

But let's first introduce the protagonist of the chapter: what is the Kyoto Protocol and why it is so important? The Kyoto Protocol symbolizes a shift towards sustainable energy production with the intention to bring significant impact on technology and competitiveness (Brunnée, 2003). The Kyoto Protocol was adopted on 11 December 1997 and due to a complex ratification process, it entered into force on 16 February 2005. It translates the UNFCCC (entered into force on 21 March 1994) into reality by committing industrialized countries and transitioning economies to limit and reduce GHG emissions according to individual targets. It also includes the adoption of policies for mitigation, and periodical reports. However, the

Protocol makes distinction between countries that are legally involved (such as with a *binding* nature) and countries not included in the system (with a *non-binding* nature). The Protocol was created to have a binding character, which is what really makes it so revolutionary, and this can be noted analyzing the language used in its articles. However, what is most important is its bindingness, which is valid only on *developed* countries (according to the *common but differentiated responsibility* and *respective capabilities*). This is because, industrialized countries are considered to be the major historical guilty parties for the current levels of GHG emissions. The Protocol has as baseline the year 1990 and an average of 5% emission reduction compared to 1990 levels where countries can add up to it. The first commitment period was agreed to be 2008-2012 (UNFCCC, 2021).

The Kyoto Protocol also established the controversial *International Emissions Trading* system, which is an artificial market of polluting rights exchangeable between countries (UNFCCC, 2021). Basically, countries that have been able to respect their commitments can sell their rights to countries that have not been able to respect them.

Another mechanism is the *Clean Development Mechanism* (CDM) (Article 12) which links together a country that has to reduce emissions with one that has no commitments (for example France and China). This mechanism allows an Annex B Party, with an emission-reduction or emission-limitation commitment, to implement an emission-reduction project in developing countries (UNFCCC, 2021).

Lastly, the *Joint Implementation* (JI) *mechanism* (Article 6) allows Annex B countries to earn Emission Reduction Units (ERUs) from an emission-reduction or emission removal project in another Annex B Party. In this way, there are more flexible and cost-efficient means of Kyoto commitments fulfillment and at the same time the host Party benefits from foreign investment and technology transfer (UNFCCC, 2021).

All in all, the Kyoto Protocol is considered to be a revolutionary system because it was objectively able to register a decreasing level of industrial activities. But at the same time, the reduction was not enough also due to the fact that goals were attained only by countries which were part of the system[3].

[3] On 8 December 2012, in Doha (Qatar) the *Doha Amendment* to the Kyoto Protocol was adopted for a second commitment period (2013-2020). However, the Doha Amendment has not yet entered into force (UNFCCC, 2021). It includes new commitments, such as a revised list of GHG and amendments to some articles of the Protocol which needed to be updated for the second commitment period. Those new commitments are for Annex I Parties who accepted to take on commitments in the second period (2013-2020) (UNFCCC, 2021).

2.1 The US Climate Policy: a brief analysis from President Carter to President Bush Sr.

US administrations' decisions during great part of the XX. Century and continuing over the XXI. Century have led to consistent global consequences. US geopolitical strong influence, according to some scholars, can be said to have started right after the Second World War (1945): year conventionally recognized by some scholars as the beginning of the so-called *Pax Americana* (the American world order). A practical example to understand the US global influence and its bargaining power is the group of important organizations that have been conceived by the US through political, economic, cultural, and legal features: the United Nations (UN) (where the US is a permanent member with veto power), the International Monetary Fund (IMF), the World Bank (WB) and NATO. Another element is the centrality of the Dollar as international currency in monetary affairs vis-à-vis other currencies like the Euro (Tooze, 2019). Scholars found a first hint of discrepancy in the US behavior especially when proclaiming and defending the use of a multilateral approach. However, during years, without admitting it, the US started adopting an increasing isolationist approach. Indeed, there was an objective rising avoidance of alliances with other countries, frequent engagement in the European balance-of-power politics and the management of global affairs (e.g., in the IEAs framework the Kyoto Protocol is an example). Historically, during the 'Cold War' the so-called Pax Americana coexisted with the Soviet-led system of order (Sargent, 2018). However, with the collapse of the USSR, a period of unipolarity started, and the distribution of power and capabilities was concentrated in the US hands. This gave the US the possibility to set new standards for the international world order, basing them on its preferences (among the most famous elements there is the spread of the US vision of the *free-market capitalism*). A new world order has emerged, in which the US was conceived as a superpower or even a 'hyperpower' as the French minister Vedrine in 1998 affirmed (Cox, 2017). However, the concept of the US as a superpower together with the concept of Pax Americana entail different points of view. Scholars are indeed divided in considering the US position over the history. Sargent (2018) interprets the Pax Americana as tendentially positive, believing that it brough the spread of modernity and a period of general peace, and stability but also new crisis (such as more competition). It witnessed some changes over the late 1960s/early 1970s, and early 1990s. Getting closer to nowadays, scholars notice a collapsing of Pax Americana (Sargent, 2018). On

During the first commitment period, 37 industrialized countries and economies in transition were able to reduce GHG emissions to an average of five percent against 1990 levels. During the second commitment period, Parties committed to reduce GHG emissions by at least 18 percent below 1990 levels. However, the composition of Parties in the second commitment period is different from the first one (UNFCCC, 2021).

the other hand, there are scholars like Golub (2010) who have a tendentially critical approach affirming that Pax Americana did not create stability and wealth for everybody. Tooze (2019) has instead an even opposite view (especially for the period after 1991), because he sees Pax Americana as a non-completely liberal order but instead a more militarized and unilateral-imposed order. He sees Pax Americana as a risk of repeated economic and social crises (like for example the 2007-2008 financial and economic crises which started directly from the core of the US system), a tendency of US unilateralism and a valid risk for an ecological crisis and wars (Tooze, 2019).

Before going deeper into the environmental field, it is important to underline a typical US aspect about commitments. Historically, the US has always seen commitments as permanent, non-situational also often remembering the importance of its alliance commitments (as Secretary Rusk called, the *sanctity* of America's commitments) (Weinstein, 1969). The US has always conceived the fulfilment of commitments as a matter of national honor (Weinstein, 1969) and its non-situational concept is reflected in its foreign policy rhetoric. The US sees the fulfilment of commitments as 'its badge of the world leadership' and failing to keep those promises would mean abandoning its responsibilities as 'world leaders'' (Weinstein, 1969: p. 54). However, it must be underlined that this wide concept refers to the field of security.

A similar analysis can be done for the US climate policy. It is useful indeed to consider the previous elements as an important basis in order to understand the centrality of the US in the international field. These notions need to be put together with the fact that the US is among the largest emitters in the world and has the ability to influence outcomes in this field. The conservation of natural resources (due to environmental destruction and waste) became a federal prerogative during President Roosevelt's administration (1901-1909) (Collomb, 2014). Later, the American discourse and awareness of protecting the environment started in 1962 with the publication of the scientist and naturalist Rachel Carson's *Silent Spring*, who attacked and underlined the indiscriminate use of pesticides (Blewitt, 2018) (EPA, 2021). 1970s were the years in which (after cases of oil spillages in California and environmental injustices, like the *Love Canal Tragedy*[4]), environmental awareness started to rise giving birth to the first environmental policies. The US became the forerunner and created a superfund to promote

[4] The Love Canal Tragedy (NY) was one of the biggest case of US environmental injustice (Blewitt, 2018). A dump for chemical product was constructed but in a second time, hospitals, houses, and schools were built on it. Successively, an increasing number of people dying from Leukemia started to be registered. It was an injustice because in that area the lowest social groups used to live (Blewitt, 2018). It brought to the beginning of recognition of the problem on how to clean abandoned industrial areas.

cleaning and sustainment for polluted industrial areas (Blewitt, 2018). Moreover, on April 22, 1970, the first celebration of the *Earth Day* took place. It was created by Senator Gaylord Nelson who was concerned about the deteriorating environment in the US (EPA, 2021). This idea came from the ravages of January 1969 after a massive oil spillage in Santa Barbara (Earthday.org).

But how the US climate policy evolved during decades since CC became an international political concern? The following brief analysis of US administrations will reveal the general US oscillating cautious trend (in some cases obstructive) but also its periods of relaxations and progressivism (Agrawala & Andersen, 2001) (Bang & Schreurs, 2016).

President Nixon's administration (1969-1974) is mainly remembered to have ended the American fighting in Vietnam, improved international relations with USSR and China, and also for the Watergate scandal (The White House, 2021). Concerning the environment, in early 1970, due to increasing public concerns, President Nixon presented a 37-point message to the House and Senate. Already in those years he affirmed that only if US is able to protect and play an active role in protecting the environment, US will continue preserving its international role of superpower actor (Singer, 2018). The most interesting aspects requested in those points included: funds to improve water treatment facilities, national air quality standards to lower emissions/pollution from vehicles, federally funded research to fight pollution, proposing new taxes on additives in gasoline, end of dumping of wastes into the Great Lakes, and approving a National Contingency Plan for the treatment of oil spills (EPA, 2021). It was during his administration, in December 1970, that the Congress authorized the creation of the Environmental Protection Agency (EPA), a new federal agency created to tackle environmental issues and to organize federal government programs to reduce pollution (EPA, 2021). By itself and together with other agencies, EPA has the duty to monitor the condition of the environment and in concert with the states, set and enforce standards for air and water quality (EPA, 2021).

President Ford, during his mandate (1974-1977), demonstrated to have a controversial approach over the environmental policy. As Ward (1976) reports, President Ford in July 1975 affirmed 'I pursue the goal of clean air and pure water. But I must also peruse the objective of maximum jobs and continued economic progress' (p. 2238). His administration brough an acceleration on offshore oil development, western coal leasing and increasing dependence on nuclear power programs (Ward, 1976). He recognized the environmental need of actions, but he was not able to associate it to economic and industrial prosperity at the same time. He was very worried about causing an adverse impact on the industrial sector, preferring to focus on

facilities construction (Ward, 1976). All in all, President Ford mainly focused on 'restraining and balancing environmentalist forces', but at the same time he believed that big government programs cannot solve most of the nations' problems (Ward, 1976: p. 2243). On the other hand, he believed that private enterprises and local government if left alone should be able to do it. The only exceptions seem to have been done for energy programs.

President Carter's administration (1977-1980), for what concerns the environmental field can be said to have marked the beginning of the growing concern of the carbon-dioxide issue (Agrawala & Andersen, 2001). Indeed, the president of the Council on Environmental Quality publicly affirmed that humans are responsible for the carbon-dioxide problem and that we should act in a way to build trust for future generations (Agrawala & Andersen, 2001). The recognition of responsibility is an important step that in the future revealed not to be taken for granted, jeopardizing instead the outcome of several environmental measures. Moreover, President Carter proposed an innovative approach affirming: 'we should not be diverted from our cause by false claims that the protection of our ecology and wildlife means an end to growth and a decline in jobs' (Ward, 1976: p. 2238). In early 1975 he criticized the Ford administration proposals and approach, mainly for what concerned the desired energy independence and reliance on high prices rather than reducing consumptions. President Carter supported several grass-roots environmental groups which in some cases personally met. He also opposed subsidies for synthetic oil and gas from coal, preferring that US increased the use of solar energy rather than nuclear energy (Ward, 1976). However, even though President Carter is not the perfect example of an environmentalist individual (Ward, 1976), he was anyway able to demonstrate a new approach in US environmental politics.

For President Reagan's administration (1981-1989) climate was not on top of the agenda. Instead, it was mainly focused on a program of economic liberalization, tax cuts (the so-called *Reaganomics*) and rearmament with a shift from the so-called *Social Keynesianism* (where the government should intervene within the economy to mitigate the market issues) to a *Military Keynesianism* (such as a boost of the economy through the increasing of military expenditure, which revealed to be a working strategy during the Second World War). Global warming became mainstream in his political agenda only during summer 1988 when North America registered unprecedented heatwaves and droughts. Moreover, during that summer, NASA scientist Hansen publicly presented his study and claimed that he was 99% certain that the registered weather events were not a casual event and that it was time to start believing in science (Hansen 1988). First moves towards a climate treaty were registered at the international

conference on the atmosphere in Toronto where scientists and bureaucrats participated, as well as US Democrat Senator Wirth who called for immediate international action (Agrawala & Andersen, 2001).

President Bush Sr. during his presidential campaign (end of summer 1988) affirmed: 'I am an environmentalist … That is not inconsistent with being a businessman, nor is it with being a conservative … As a president I intend to do something about it' (Bush Sr., 1988). During his administration (1989-1992) he discovered the rising tensions between his commitment of being environmentally friendly and his support for business and conservative interests (Agrawala & Andersen, 2001). The appointing of Reilly (with an environmentalist career) as the administrator of the EPA was not enough to give a boost to the US position on CC. Moreover, the second period of his administration coincided with a reversal in environmental commitments: among the most important, President Bush approved plans for opening the Arctic Wildlife Refuge in Alaska for oil exploration and delayed the completion of essential regulations for the 1990 Clean Air Act (Schneider, 1992). The Bush administration persisted with its line and refused to commit to binding targets and timetables (Agrawala & Andersen, 2001). However, it signed and ratified (with consent from the Congress) the 1992-UNFCCC in Rio (Agrawala & Andersen, 2001) (Durney, 2017). This is considered to be the first step towards new international environmental approaches vis-à-vis the CC issue.

2.2 The Clinton administration and the Congress anti-environmental approach

This section focuses on the main actions, and domestic scenario in which President Clinton and his administration had to act. The consideration of the background and historical facts will help to better understand the origins of such internal environmental obstructionism and the reasons of the unfortunate destiny of the Kyoto Protocol in the US framework. In order to cautiously prove that the US non-ratification of the Kyoto Protocol was in a sense premeditated by the Clinton administration, we must do a step behind and consider the period preceding the Kyoto negotiations together with two central elements: (1) the internal anti-environmental approach coming from the Senate and (2) the strategy about the Protocol that the administration created before going to Kyoto. The analysis of these elements will help clarifying the nature of the Clinton administration's decisions over the signature and the non-ratification of the Protocol.

The Clinton administration started its mandate in 1993 bringing a new foreign policy approach. It was focused on the use of US economic power to reinforce the position and

competitiveness of the nation in the international system (Cox, 2017). However, the administration also demonstrated since the beginning its intention to build a green reputation over the nation and it started doing it through the proposal of initial ambitious plans for domestic emissions reduction (Agrawala & Andersen, 2001). The corner stone of the administration's environmental plan was the *British Therman Unit* (BTU) *tax*, which was based on the heat content of the fuel and was planned to cut federal deficit while at same time reducing GHG emissions (Agrawala & Andersen, 2001) (Harrison, 2007). During the 1993-Earth Day celebrations, President Clinton publicly announced his commitment to reducing US GHG emissions to 1990 levels by the year 2000 and his intention to instruct his administration to produce effective plans (Agrawala & Andersen, 2001). This speech marked the beginning of an important chapter for the US climate policy, which however revealed then to be difficulty implementable.

In October 1993 the first domestic tensions came into existence, and more precisely from the Congress, with the BTU tax. In 1993, the administration proposed this tax on fossil fuels as an energy conservation measure, but it was narrowly able to pass the House of Representatives (Harrison, 2007). Hempel (2002) reports comments from critics at that time, which affirmed that 'the tax would unfairly hamper US firms competing in the global market' (p. 319). This cold approach sounded as the first alarm bell for the administration which seemed very determined to bring a green change. Moreover, the most noteworthy aspect is that the BTU tax was proposed by the Democratic Clinton administration and encountered a Congress totally composed by Democrats (Senate and House), which traditionally has been identified as pro-environmental policies (Harrison, 2007). The administration grasped the increasing difficulties on the horizon and started softening its environmental proposals. Indeed, in 1993 President Clinton published his (shy) CC Action Plan (CCAP), but it only included quiet voluntary programs (Harrison, 2007).

In 1994 the Congressional elections became the priority. Republicans ended up in constituting the majority in the whole Congress and successively, in 1996, CC was not anymore, a political priority (Agrawala & Andersen, 2001). Several domestic actions on CC started being only at the level of governmental agencies, where participating companies and organizations in the CCAP were not able to achieve the target of bringing US emissions to 1990-level (Agrawala & Andersen, 2001). The administration explained this failure affirming that there was a series of 'unfortunate circumstances beyond the control of the administration' (Skjaerseth & Skodvin, 2001: p. 64).

1995 and 1997 were years of wide changes in approaches. In 1995, at the COP-1 in Berlin (first conference of the parties) the US agreed on the *Berlin Mandate* which consisted in recognizing that 'developed countries must take the lead in combating climate change', 'that their current non-binding commitments were inadequate' and that 'no new commitments would be imposed on the developing countries' (Agrawala & Andersen, 2001: p.122) (Downie, 2013). This caused anger and frustration in the US Senate and a rampant perception of not being considered by the President (Hovi, Sprinz & Bang, 2010). Agreeing with the Berlin Mandate, the Clinton administration provided an initial strong 'unilateralist' message against the US domestic preferences over environmental topics. However, the administration soon realized the importance of changing such strategy.

In 1996, at COP-2 in Geneva, four-key elements in the negotiating position emerged: (1) the US took a strong position against legally binding emission reductions commitments over the short-term (such as before 2010) preferring long-terms; (2) the US opted for more flexibility in implementation, preferring multi-year targets; (3) President Clinton's negotiating team insisted on including all GH sources and sinks with stronger compliance and verification mechanisms for the climate convention; (4) this point includes the evolution of the US point of view regarding the participation of developing countries: according to the new view, *all* countries (including developing countries) must participate to limit the emissions. This last point can be considered as to be the most important topic over which the Clinton administration had to fight: the inclusion of developing countries in this fight against CC seemed to be of vital importance for the US Senate. This latter started to spread the message that without that point, the US should have never considered the signature and neither the ratification of any IEAs.

According to news reports, the previously accepted exclusion of developing countries during the 1995-COP-1 was not appreciated by US lobbyists and the Republican Congress (Jennings, 1998). This was indeed the element that obliged the Clinton administration to change and adjust the approach, retracting the previous position (Agrawala & Andersen, 2001). The green dream of the administration was crushing, becoming clearly more and more unachievable.

In July 1997, the US Senate passed the *Byrd-Hagel Resolution*. The result was overwhelming: 95-0 vote and expressed reservation about the coming Kyoto agreement (Healy, 2000). The Byrd-Hagel Resolution affirmed that the Senate would *not ratify* any IEAs that can seriously harm the US economy, impose excessive costs on the US economy and that did not include restrictions on developing nations (Healey, 2000) (Harrison, 2007) (Hovi, Sprinz & Bang, 2010). This signaled another alarm bell and an even more realistic obstacle for the Clinton

administration. As the Former Acting Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs Melinda Kimble affirmed: 'Byrd-Hagel polarized the relationship between the administration and Congress on climate change' (Royden, 2002: p. 22). Technically, the Byrd-Hagel was a non-binding instrument, but considering it was passed by the unanimity (a 95-0 vote), passing the Kyoto Protocol with that internal condition would have meant to change the minds of at least 67 Senators (Hovi, Sprinz & Bang, 2010). Basically, for the Clinton administration, it was complicated already before starting.

The Byrd-Hagel line of opposition was even joined by the Global Climate Coalition (GCC) (a coalition of coal and coal-fired utilities, which had an even more strident approach), and by other manufacturing industries (Department of State FOIA, 1997).

All these elements demonstrate the extremely complicated conflictual situation which the Clinton administration faced before the Kyoto negotiations: on the one hand, the international unanimous request of developed industrialized countries to take the lead all together without really including developing countries in this fight against CC (and the interest of the Clinton administration to follow this green path). On the other hand, the harsh unanimous US Senate's hostility, which declared a total opposition against expensive IEAs and a Kyoto Protocol not including binding requests for developing countries. The administration realized to be in a very delicate scenario: there was a great need to create a strategy in order to go ahead with the project trying to please both sides.

The Kyoto negotiations were getting closer, and on October 22, 1997, President Clinton, publicly announced in a speech with the National Geographic the main official intentions of the administration: (1) the US 'would propose that industrialized countries commit to the binding and realistic target of returning to emissions of 1990 levels between 2008 and 2012'; (2) the US 'would embrace flexible mechanisms for meeting these limits'; (3) the US 'would not assume binding obligations unless key developing nations meaningfully participate in this effort' (Royden, 2002: p. 437) (Harrison, 2007) (Agrawala & Andersen, 2001). The US negotiator S. E. Eizenstat, later in an interview in November 1997 elaborated what the Clinton administration meant by the term *meaningful participation* from developing countries. For the US it meant 'the wealthiest countries on a per capita income basis, and the biggest emitters assume, over a reasonable period of time, binding commitments. They do not necessarily have to be the same commitments as the developed world is taking' (Royden, 2002: p. 437).

With that third point, President Clinton emphasized that participation by developing countries would have been a pre-condition for the US to sign any treaty (Agrawala & Andersen, 2001).

These declarations are useful to note how the administration, in October 1997 was trying to warn the international community about the strict internal ties which was experiencing. Moreover, what seems interesting is also the fact that these declarations just refer to the step of the signature of the Protocol and not further. The administration also informed the industry sector about what it would have put on the table of Kyoto and what target it would seek (with the plan of a permit-based trading system) (Royden, 2002). 'The administration also told Congress it would seek the participation of developing countries and conduct economic analyses, as called for in the Byrd-Hagel Resolution' (Royden, 2002: p. 439).

The last step was then going to Kyoto: the US only needed to get the rest of the world on board with its proposals.

2.3 The Clinton administration: a Kyoto strategy?

This section analyzes an unclassified document and other sources in order to try to prove and verify the hypothesis of Organized Hypocrisy. As previously preannounced, the aim is to check whether the Clinton administration decided to take a delicate strategy just before going to Kyoto already predicting the non-ratification.

In order to walk into the Hypothesis of Organized Hypocrisy, the analysis starts from the consideration of the released memo by the National Security Archive in 2015 (the memo is dated October 1997) and was outlined by several top Clinton advisers. This is a US Department of State unclassified memo, released in full, and titled *Getting success in Kyoto: strategy and tactics*. This memo was created anticipating the draft text prepared by the Ad Hoc Group on the Berlin Mandate (AGBM) by chairman Raoul Estrada. The memo starts reporting that, at that time, the wait of the release of Estrada's text:

> 'provides an opportunity for the U.S. to call for a *fallback* – in which we could endorse a two stage process:
>
> - Stage (1): conclude an agreement in Kyoto with the elements that would be acceptable (including the flexibility provisions, and items defining developing country obligations); and

- Stage (2): proposing a *Kyoto Mandate* to negotiate a new agreement (albeit linked to the Kyoto agreement), that would involve all Parties, for example through the kinds of criteria suggested … on a percentage of global emissions and GNP per capita. We would not submit any stage 1 agreement to the Senate for its advice and consent to ratification until concluding negotiations under stage 2.

Calling for more stringent obligations now (prior to release of the chairman's text) gives us cover when we introduce our fallback with significant (and new) developing country obligations' (U.S. Department of State, 1997).

As Samuelsohn (2014) reports, on the margins of this strategy, President Clinton wrote: 'this is better'. This *two-step approach* (which was also favored by the State Department, Energy Department, and environmental advisers) was created taking into account several aspects reported in the document. The section titled *Rationale* included in the memo for this fallback reveals the consideration of some possible issues:

'Reaching international agreement on the existing U.S. position is probably impossible and, is almost certain to end in failure' (U.S. Department of State, 1997).

'Furthermore, we know that even the existing developing country language in the U.S. draft protocol proposal is inadequate to meet domestic standards set by the Senate' (U.S. Department of State, 1997).

Moreover, there was also the consideration of side effects for possible failures, deriving from the fact that the administration had previously several times announced an upcoming success in Kyoto. In the memo it is stated in the same section *Rationale*:

'the option of terminating the negotiations (either intentionally or unintentionally) would create an enormous backlash, both domestically and internationally (the President, the Vice President and Senior Administration officials have consistently and at numerous meetings called for success in Kyoto' (U.S. Department of State, 1997).

The same memo continues including the process on how to implement the strategy. Internationally, the US, must have: (1) supported the proposal with new elements at public appearance; (2) assuaged 'concerns (e.g., from Japan) that we are sabotaging success in Kyoto, we may need to explain our strategy (at the highest level only) to other countries'; (3) submitted a draft of the so-called *Kyoto Mandate* by the Bonn meeting (U.S. Department of State, 1997).

These points listed here seem to underline the fact that the administration recognized it was in a delicate situation. Moreover, the fact that it also calculated the risk of having to explain the strategy to countries like Japan (with the words 'we may need to explain our strategy') can be a sign that it was conceived not to be public but instead it was a premeditated plan that only the administration and the US negotiators would have known. Also, the use of the verb *may* can suggest the fact that the planned strategy was secret or had no intentions to be released (unless extreme certain conditions).

The 1997-COP3 Kyoto Conference started, and it started already with internal differences among developed negotiators countries, especially between the proposals of the US and EU (Agrawala & Andersen, 2001). During the negotiation session there was also a stall on agreeing on the type of GHG emissions and the target proposed by the EU

(a higher cut of 15% of 1990 levels). However, the agreement needed to be saved and with that stall going on, Vice President Al Gore landed in Kyoto on December 8, 1997, trying to soften the situation, and asking the US negotiators to show increased negotiating flexibility (Schneider, 1998) (Harrison, 2007). It seemed very important for the administration to demonstrate the US openness and also not to waste the chance to bring home a concluded agreement. Vice-President Gore's move worked and the US negotiator Eizenstat demonstrated his willingness for emissions cuts at 1990 levels by 2008-2012.

In the end, the US was called by the Kyoto Protocol to cut GHG emissions by 7% from 1990 levels by 2008-2012 (Harrison 2007). At the same time the US gained consistent concessions like the incorporation in the Protocol of further GH gasses, sinks and multi-year targets (Agrawala & Andersen, 2001). However, developing countries ended up in not being part of the binding commitment of the Protocol (Agrawala & Andersen, 2001).

US negotiators played a central role in the negotiating sessions for what concern targets, and the inclusions of more types of GH gasses and sinks. This is an important aspect to note because normally, such convinced behavior is typical of a country which has the intention to create an effective tool, and which had the intention to ratify and comply with it.

However, if we consider the US strategy exposed in the memo, Step 1 was actually completed: the agreement has been concluded even though not the totality of the listed requirements has been included in its text.

On December 10, 1997, at his arrival at the JFK International Airport in New York, President Clinton publicly commented the Kyoto outcomes just concluded in Japan. In a video recorder by the White House Television on that occasion (and published in the Clinton Presidential Library (Courtesy)), he proudly affirmed:

> 'I am very pleased that the United States has reached a truly historic agreement with other nations in the world to take unprecedented steps to address the global problem of climate change. The agreement is environmentally strong and economically sound. … There are still hard challenges ahead especially in the area of involvement with the developing nations. It's essential that they participate in a meaningful way' (Clinton Presidential Library, 1997).

He proceeded:

> '… even though we have committed to a seven per cent reduction it's actually closer to our original position that indicates we will make some reduction. …. We got what we wanted which is joint implementation, emissions trading, a market-oriented approach. I wish it were a little stronger on developing nation participation but … this is a very good agreement … We should be very proud of this' (Clinton Presidential Library, 1997).

At the end of his speech, in the video it is possible to hear a journalist pointing out and questioning the risk of the Senate's refusal of the Protocol, but President Clinton was already on his paths and did not stop to answer the question. With this message, President Clinton seemed to have the intention to reassure his country about the greatness of the just concluded agreement. This impression is especially evident when he admits the non-inclusion of developing countries with at the same time the need to strongly underline and praise the other achievements for what concerned joint implementation, emission trading and market-oriented approach. Moreover, he did not mention the two-step strategy, bur he just focused on the greatness of the agreement.

In spite those words, as easily predictable, once the negotiation was concluded, the US Republican congressional leaders declared the Protocol 'dead on arrival' in the US senate, also declaring that it was not respecting the Byrd-Hagel Resolution (Harrison, 2007: p. 103).

In November 1998, at COP-4 in Buenos Aires, the US delegation retried to push for at least voluntary commitments for developing countries (trying in that way to soften the Senate resistance to the Protocol) but this point seemed not to be important for the other countries and was in the end not considered. This move of the US delegation can be considered as the last attempt from the Clinton administration to meet the Senate's preferences in the international scenario before the signature of the Protocol.

In the end, ignoring the outcome of the Byrd-Hagel resolution, the Clinton administration accepted the agreement and on November 12, 1998, the administration representatives singed the Kyoto Protocol. Senator Chuck Hagel protested affirming: '[I]n signing the Kyoto Protocol, the President blatantly contradicts the will of the US Senate' (Royden, 2002: p. 458).

However, the hardest part had yet to come. In order to become legally binding for the signatory state, the Kyoto Protocol needs to be ratified. For this aspect, it is paramount to underline the difference between the concepts of *signature* and *ratification*: just signing the Kyoto Protocol does not make it legally binding upon the US and it does not impose any obligation to implement it (U.S. Department of State Archive, 1998). The Protocol can be ratified by the US only with consent of the US Senate.

> 'No protocol would become legally binding on a signatory state until ratified. Thus, according to the agreement and … to Article II of the Constitution, ratification by the Senate is a precondition for such an agreement to be legally binding' (Healy, 2000: p. 7).

During those years, Republicans attached an amendment to the fiscal year 1999 appropriations bill and stipulated that 'no funds could be used for Kyoto-related initiatives' (Downie, 2013: p. 34). The obstacles expressed by the Byrd-Hagel resolution became basically dominant issues for the administration (Downie, 2013).

Successively, the Kyoto Protocol was not submitted to the Senate for ratification (Healy, 2000). President Clinton's mandate came to an end in 2001 overwhelmed by the scandal and impeachment. Looking at the Kyoto strategy of the administration, in the end Step 2 had actually been respected: the negotiation of the so-called Kyoto Mandate was not achieved, and

the Protocol was consequently not submitted to the Senate and not ratified. The new era of President Bush Jr. was about to start (2001-2009) (Britannica, 2021).

Together with the analysis of the released memo, the Hypothesis of Organized Hypocrisy can be further tested with the consideration of a study based on interviews conducted by Hovi, Sprinz, and Bang and published in 2012. This study has also been considered and cited by other researchers in the field of environmental negotiations and state inconsistencies between talk and actions like (among the others that is possible to find) Bernauer (2013) and Fjellvang (2014)[5].

The study of Hovi, Sprinz and Bang (2012) was conducted as semi-structured interviews to participants of the 1997-COP-3 in Kyoto, participants of other COPs, and observers present in Kyoto (members of states delegations and administrations, researchers, and NGOs representatives). The interviewed came from Germany, Norway, and the US. The authors of the interview proposed their hypothesis over why the US did not become a party of the Kyoto Protocol and asked interviewees to comment their proposals (also giving the possibility to propose further explanations and observations).

The interviewees were asked the permission to mention their names and affiliations[6].

[5] In her research, Fjellvang, used the study of Hovi, Sprinz and Bang as a basis and as a plausible tool to understand the reason for the Canadian withdrawal from the Kyoto Protocol (Fjellvang, 2014).
Available from here: https://www.duo.uio.no/handle/10852/40357.
(Bernauer, 2013 available from here: https://www.annualreviews.org/doi/abs/10.1146/annurev-polisci-062011-154926).

[6] This is the list of interviewees divided according to nationality (Germany is abbreviated with GE, Norway with NO, and United States with US. The number used with each nationality is not in the alphabetical order and not in the order of their answers. (Interviewees whose names are not listed spoke on the condition of anonymity):
Germany:
GE: Hartmut Graßl, former Director, Max Planck Institute for Meteorology, Hamburg
GE: Sascha Müller-Kraenner, former NGO observer at Kyoto for Deutscher Naturschutzring
GE: Sebastian Oberthür, Professor and Academic Director, Institute for European Studies, Vrije Universiteit Brussel
GE: Hermann E. Ott, former Head, Berlin Office, Wuppertal Institute for Climate, Environment and Energy
GE: Claudia Quennet-Thielen, former Head of Division, Federal Ministry for the Environment, Nature Conservation and Nuclear Safety
GE: Karsten Sach, Deputy Director General, Federal Ministry for the Environment, Nature Conservation and Nuclear Safety
GE: Hans Schipulle, former Deputy Director General, Federal Ministry for Economic Cooperation and Development
GE: Hendrik Vygen, former Director, Federal Ministry for the Environment, Nature Conservation and Nuclear Safety

The American interviewees were the only ones who preferred to remain anonymous. This is actually an interesting element that can be considered as a hint of a possible need to hide their reputation after their declarations.

The hypothesis which received stronger support, which was titled '*Blaming* Clinton and Gore', considers the Hypothesis of a premeditated non-ratification by the Clinton administration. The hypothesis suggests that US negotiators in Kyoto acted according to instructions that were not based on the attractiveness of the agreement for the US Senate (Hovi, Sprinz & Bang, 2012). It assumes that, considering the strong hostility of the US Senate, the Clinton administration 'had already given up, by the time of the Kyoto meeting, on reaching an agreement acceptable to the Senate' (Hovi, Sprinz & Bang, 2012: p. 136). The goal was instead to push for an agreement that would have provided a climate-friendly face without at the same time, committing the US to expensive reductions (Hovi, Sprinz & Bang, 2012). Several reported citations result to be helpful. As a first element, there is the consideration of the fact that several interviewees 'believed that in Kyoto the US administration had little or no intention of getting the agreement through the Senate' (p.142) and one of the interviewed (in the study called *US1*) affirmed that this explanation was the best one.

GE: Nicole Wilke, Head of Division, Federal Ministry for the Environment, Nature Conservation and Nuclear Safety

Norway:
NO: Georg Börsting, Senior Adviser, Ministry of Foreign Affairs
NO: Harald Dovland, Deputy Director General, Ministry of the Environment
NO: Bjart Holtsmark, Senior Researcher, Statistics Norway
NO: Bård Lahn, Adviser, Friends of the Earth Norway
NO: Audun Rosland, Senior Adviser, the Climate and Pollution Agency
NO: Geir Sjöberg, Chef de Cabinet and Personal Adviser to the OSCE High Commissioner on National Minorities
NO: Peer Stiansen, Senior Adviser, Ministry of the Environment
NO: Asbjörn Torvanger, Senior Researcher, CICERO — Center for International Climate and Environmental Research, Oslo

United States:
US: Legislative assistant in the US Senate
US: US Government official
US: Business lobbyist, former legislative assistant in the US Senate
US: Former Clinton Administration White House official
US: Former Clinton Administration White House official
US: Former Clinton Administration White House official
US: Former US EPA official
US: Former Clinton Administration State Department official
US: Former Clinton Administration State Department official

US8 added:

> 'Clinton was not even thinking about sending the Kyoto Protocol to the Senate. He did not even try to move politicians or advocate the Kyoto Protocol as a good treaty for the United States' (Hovi, Sprinz & Bang, 2012: p. 142).

US7 affirmed that President Clinton 'had no intention in the short term of following through the Kyoto Protocol' (Hovi, Sprinz & Bang, 2012: p. 142). Actually, the use of the term 'short term' can be read as the translation of Step 2, such as: no submission of the Protocol to the Senate would have been considered until new requests of terms would have been achieved. US9 declared: 'it was better [for President Clinton] to sign the Kyoto Protocol even if he knew that it was not going to be ratified' and added that the administration had 'no strategy to move the Kyoto Protocol through the Senate' (p. 143).

Basically, it can be assumed that President Clinton and the administration felt that signing was the right thing to do. US4 confirmed this aspect agreeing on the fact that there was no intention of submitting the Protocol to the Senate and also 'no leverage to persuade constituents or the opposition'. The signature was possible because it had not to be accepted domestically ('there was no political upside for Clinton of signing'), but the CC policy at that time was not ripe enough to hope in something more (Hovi, Sprinz & Bang, 2012: p. 145).

GE5 pointed out: 'I have heard rumors that Clinton and Gore *knew* the treaty wouldn't go through [the Senate]' (Hovi, Sprinz & Bang, 2012: p. 143) and this declaration can make thinking about a possible leak of information among participants or that someone from the US side disclosed the information with someone.

This Hypothesis exposed and tested by Hovi, Sprinz and Bang (2012) is very interesting due to the frankness of these declarations. Indeed, such direct information can only be grasped through direct declarations and interviews. From these points, it emerges that the Clinton administration really wanted to pursue its green ambitions while at the same time perfectly considering the difficult domestic situation. However, even though these declarations seem to reveal important elements, they always have to be interpreted with caution.

Hovi, Sprinz and Bang (2012) presented to the interviewees another possible explanation, titled *Underestimating the Senate's resolve*. The explanation per se was not considered as the best one by the interviewees, but it can actually be useful to support the hypothesis of Organized Hypocrisy while discrediting others.

First of all, it is important to note that almost all negotiators in Kyoto knew about the Byrd-Hagel resolution but none of them considered it as a problem because they believed that President Clinton 'had enough political experience to know what it would take to achieve ratification' (Hovi, Sprinz & Bang, 2012: p. 137). Moreover, the European delegation had limited knowledge about the US political and ratification system. GE1 affirmed that the general opinion considered the Clinton administration as strong enough to push the agreement in its Senate. These declarations can be useful in demonstrating that internationally, nobody knew about a possible already premeditated non-ratification or about the US intention of not to submit the Protocol to the Senate in case developing countries would have not been part of the new Kyoto Protocol.

GE7 also added: 'it was difficult for us to understand whether US hints of a possible ratification problem were real or just part of a poker game' (Hovi, Sprinz & Bang, 2012: p. 138).

US5 reported a curious information which can support the intentions of the two-step strategy:

> 'There would be no submission of the Kyoto treaty to the Senate unless … developing countries took on commitments, because we knew it was going to be shredded. … In the absence of traction from developing countries, coupled with the strong hostility to the Kyoto Protocol among many senators, there was no point in sending it to the Senate' (Hovi, Sprinz & Bang, 2012: p. 138).

US3 reinforced this affirming and underlining that the Byrd-Hagel resolution was a unanimous decision and if other countries' delegations thought the Senate was not serious about that, then 'they could not understand the US system' (Hovi, Sprinz & Bang, 2012: p. 139). A two-thirds majority was needed to ratify, such as a very difficult challenge. With these words, US3 seems to underline that the non-ratification was basically obvious (and the whole world should have understood it).

Moreover, the wide domestic US division on this environmental topic made it more difficult for the Clinton administration to have a real bargaining leverage in Kyoto and according to US1, under those bad relations, it was not even possible to use the tied-hands-strategy which is normally used during the Two-level game (Hovi, Sprinz & Bang, 2012). All these declarations suggest that the US delegation and administration was perfectly aware about the domestic difficulties and impossibility of ratification, but it decided anyway to go ahead to save the face internationally. Therefore, the hypothesis that the Clinton administration decided to conclude

the agreement with those conditions without thinking that the US Senate would have accepted it or would have changed its mind (with those negotiated conditions), seems to be very unlikely.

The fact that Hovi, Sprinz and Bang (2012) reported direct declarations of interviewees is very useful and impactful. Therefore, their cautious consideration and also the fact that the US interviewees preferred to remain anonymous can symbolize an extra point towards the Hypothesis of Organized Hypocrisy (such as that the non-ratification was in a sense planned already before going to Kyoto). Moreover, it is useful to consider that, as Hovi, Sprinz and Bang (2012) report at the end of their study, this hypothesis titled *Blaming Clinton and Gore,* received the biggest support (especially by the US interviewees) (Hovi, Sprinz & Bang, 2012: p. 144).

2.4 The Kyoto strategy and independent variables

The consideration of the main elements surrounding the Clinton administration in the domestic scenario in the period prior to Kyoto is a further help to support the Hypothesis of Organized Hypocrisy and possibly understand why the administration should have decided to pursue the line of creating a strategy. The elements and reasons which convinced the Clinton administration to pursue this line are multiple and are analyzed in this section.

First of all, it is useful to note some chronological general aspects. As seen in the historical section, CC policies have been a contested issue in the US politics for 15 years and the Kyoto Protocol is not an isolated case. Indeed between 1989 and 2011, 11 major MEAs have been signed by US presidents but in the end not ratified (Bang, Hovi & Sprinz, 2012). But why since 1989? The reason stays in the fact that before 1990, the general trend was different and there was a higher number of ratified agreements. This happened because, before 1990, the US had a leading role in negotiations and ratification of international environmental tools. The US environmental laws were the most advanced among developed countries, resulting to have a position that sticked out in comparison with other states (Bang, Hovi & Sprinz, 2012). In this way it was possible to push for international cooperation, which was actually based on US standards and domestic legislation. This is why, being so similar to national standards, problems of ratification never happened (DeSombre, 2000). After 1990, however, agreements have been inspired by an international leadership where also the EU started taking a leading role with new standards (and the divided points of view at the Kyoto negotiations can prove it), which therefore can better explain the general decreasing number of ratified IEAs by the US.

Let's now consider some important variables that could have led the Clinton administration to decide to opt for the creation of a strategy to please both the conflicting international and national sides (as Brunsson (2007) affirms in his reasoning when he considers the use of Organized Hypocrisy as a tool to please the parties involved and solve the conflict).

2.4.1 Reputation

In several cases of Organized Hypocrisy in International Relations, the element of reputation plays a central role. The Clinton administration's decision to create this strategy which included the creation of the Protocol and also its signature, can be seen as a tentative to save the US reputation in the environmental field. The administration, had the intention to demonstrate to the world that, such a central and bargaining nation like the US, was (at least officially) prone to cooperate with industrialized states to save the planet. As also Harrison and McIntosh Sundstrom (2007) underline, the administration wanted to restore a good image of the US in the environmental framework. This is also proved by the Senior White House officials who affirmed that the Clinton administration had the goal of restoring the US international reputation on CC (Downie, 2013), also ensuring in this way the possibility to continue playing a strong role. As McCurry (White House spokesman) affirmed, President Clinton adopted this strategy in order to at least gain a seat at the negotiating table (Agrawala & Andersen, 2001).

Joining the major industrialized countries in the Protocol with the signature was useful for the Clinton administration to provide it with a climate-policy face and several declarations can confirm this. As Downie (2013) reports, 'there is evidence that the White House, especially the vice president, pushed for an agreement in Kyoto … because of their knowledge of the science and the … belief that the administration wanted to be on the right side of history' (p. 37). As also Hovi, Sprinz and Bang (2010) affirm, the Clinton administration pushed for the agreement that would have provided the nation with a climate-friendly face without committing the US to costly emissions reductions.

The behavior of the Clinton administration (openness towards other international actors and intention to find an agreement), as also noted by the Senior White House officials, can be easily translated as a way to try not to be seen as a deviating state, gaining visibility and trust (especially for further negotiations and diplomatic relations).

The consideration of reputation is useful to understand the engine which could have motivated and convinced the Clinton administration to take the decision of supporting the two-step strategy in such a divided and conflicting scenario.

2.4.2 The US Constitution

As demonstrated in the historical section, this element symbolized a strict tie for the Clinton administration. The *US Constitution* entails a separation of powers between Executive power (President, government departments and agencies), Legislative power (Senate and the House of representatives) and Judiciary power (Agrawala & Andersen, 2001). The Executive and Legislative powers are fundamental for the creation of the US foreign policy and during negotiations the priorities are dictated by the President and his administration. However, as seen with the Kyoto issue, according to Article 2 of the US Constitution, the President's signature to new international commitments is not enough, because in order to get the ratification, there is the need of a two-thirds majority vote in the Senate (Agrawala & Andersen, 2001) (Harrison, 2007) (Hovi, Sprinz & Underdal, 2009). The President has then no authority to ratify without the support of the Senate, which has formal authority to block ratifications (Harrison, 2007). There is the need of enabling legislation, which is provided by the approval of the Congress. Considering these elements, the US separation of powers with its Constitution are considered to have played a critical role in preventing the ratification of the Protocol in the US (Harrison & McIntosh Sundstrom, 2007).

Article 2 (2) of the US Constitution defines the treaty as an 'international agreement that is concluded by and with the Advice and Consent of the Senate', with the President having the power to *make* treaties but according to the two thirds of the present Senators to concur (Kienast, 2015: p. 319). This process has several times during the history jeopardized the creation of treaties with a high level of insecurity for domestic implementation and slowness (Kienast, 2015). This is also why 90% of international agreements joined by the US are nowadays concluded outside Article 2 of the US Constitution and without consultation of the Senate (Kienast, 2015). Moreover, due to this obstacle, this is also why the US normally proposes more modest goals for environmental policies (especially if compared with the EU) (Bang, Hovi & Sprinz, 2012), because it has to find a compromise that attracts enough votes in the Senate (Bang, 2011).

It can be therefore deduced that in case of absence of this constitutional tie, the Kyoto Protocol could have had higher chances to be ratified. Indeed, in case the constitutional article was not present, even if being in such a complicated domestic scenario with the US Senate opposition, the Clinton administration could have had no or less problems for the ratification of the Protocol.

2.4.3 Bipartisanship

The presence of bipartisanship in the US Senate can be another helpful element to support the Hypothesis of Organized Hypocrisy (in a sense that it is very unlikely that the Clinton administration accepted and signed such terms of the Protocol without considering the Senate's opposition). The harsh anti-environmental sentiment of the Senate was well known also internationally, and it also seems very unlikely that the Clinton administration really believed to be able to convince so many Senators to change their mind and ratify the Protocol. As a US interviewee noted during the interview of Hovi, Sprinz and Bang (2012), the US Senate intentions and strong message sent with the approval of the Byrd-Hagel resolution was unequivocable. Moreover, as reported in the interview of Hovi, Sprinz and Bang (2012), US5 with his/her words affirmed that the Protocol would have not been submitted to the Senate if the condition about developing countries would have not been met: 'because we knew it was going to be shredded (p.138).

In order to understand that bipartisanship played a consistent role, it is useful to analyze how the main US parties work and behaved. As famously known, the main parties are the conservative Republicans and the liberal Democrats. Historically, Democrats have defended climate policies while Republicans have rejected them fearing higher taxes and loss of jobs (Agrawala & Andersen, 2001) (Agnone, 2007) (Tingley & Tomz, 2020). From 1948 to 1998, around 80% of enacted environmental bills have been introduced by Democrats (Agnone, 2007). But this was only the historical trend where it is normally expected that when the House, Senate and Presidency are controlled by Democrats, more federal environmental laws will be passed (Agnone, 2007). However, the trend changed, and the US political system witnessed intense transformations. The situation became more difficult because parties started not to have a high party cohesion / party discipline (contrary to what expected and what is normally seen in European countries) (Agrawala & Andersen, 2001). Moreover, members of the Congress, which have an important role in the political system, have become increasingly less worried about the President's interests and their party line (Agrawala & Andersen, 2001). Indeed,

Senators most of the times vote in order to defend the interests of the state they represent, even if this means voting against the party line. Therefore, they will primarily respond to key constituents' interest (home-state economics) and secondly to party policies (Skjærseth, Bang & Schreurs, 2013). For example, Senators from Wyoming, even if being Democrats, are more prone to vote against environmental policies because their state is traditionally industrial. Another example is Senator Byrd, a Democrat from West Virginia (famous for coal), who was opposing climate policy. He followed this line because he was convinced that climate policy would have automatically led to a loss in American competitiveness, harmed employment and rising living costs (Bang, Hovi & Sprinz, 2012). It has been noted that 'multiple veto points can be employed more effectively by opponents than supporters of ratification or mitigation policies' and this was evident in this case study where members of the congress (not following their party discipline) followed instead local economic interests yielding bipartisan opposition from the Senate for the ratification (Harris & McIntosh Sundstrom, 2007: p. 10). These aspects can then explain the behavior of the Senate against the Kyoto Protocol and also why the Byrd-Hagel resolution against US commitments was passed by Senate unanimity (in spite of the historical division of parties).

Considering the centrality of the US Constitutions and bipartisanship and the interview of Hovi, Sprinz and Bang (2012) it is very difficult to affirm that the Clinton administration did not consider these elements as real obstacles for the ratification of the Protocol. The specter of non-ratification was indeed very close and predictable already in the moment of the Byrd-Hagel resolution. This is why, following Brunsson's reasoning, it seems reasonable to think that the Clinton administration chose to pursue the line of the Organized Hypocrisy, such as creating the two-step strategy in order to go ahead with the negotiations and signature even though already knowing about the issue of ratification. It seems very unlikely that the administration accepted those conditions while thinking that the US Senate would have changed its mind. This is why the line of Organized Hypocrisy is then so interesting.

Considering instead the whole chapter, the elements analyzed try to explain the nature of the gap between the signature and non-ratification. Especially the memo and the interview result to be the most useful sources to be taken into consideration which are able to prove a possible premeditated strategy from the Clinton administration (negotiation and signature knowing about the non-ratification). At the same time, the other variables analyzed in the last section try to explain the reason why the hypothesis of Organized Hypocrisy seems the most likely. Reputation and the ties created by the US Constitution and bipartisanship demonstrated

to be characterizing elements and also seem to reflect Brunsson's (2007) reasoning. Satisfying both sides, (the international reputation and the national anti-environmental hostility) was the prerogative of the administration which really wanted to 'save the face' in the international scene. This intention (of saving and restoring the reputation in the environmental field) has always been at the top of the Clinton administration agenda and has been revealed already during the presidential campaign.

As many scholars noted, the US failure in the ratification of the Kyoto Protocol had important political consequences severely jeopardizing the international climate cooperation. As Bang, Hovi and Sprinz (2012) affirm, the US failure to ratify put at risk future climate agreements, negotiations, and US bargaining power in the environmental field, but it can also limit the effectiveness of the protocol per se. Kyoto left an important lesson to the other states in the environmental field, such as 'the United States could not be trusted to make credible commitments' (Milkoreit, 2019: p. 1026). The level of trust decreased and even if the US negotiators had the best intentions, there was no reason for the foreign negotiators to believe in future US green promises.

In the next chapter, it will be possible to see the price the US had to pay for these decisions, which created an image of general distrust in the environmental field (especially during new negotiating sessions).

CHAPTER 3

CASE STUDY: THE UNITED STATES OF AMERICA AND THE PARIS AGREEMENT

The choice of this second case study has been dictated by the historical importance of the Paris Agreement, the role the US had in its negotiations, and its destiny in the US framework, which was different from the one of the Kyoto Protocol. This case study is indeed useful to demonstrate a case of non-compliance with IEAs which can be explained with the second Hypothesis illustrated at the beginning (such as with reasons that are not controlled and directly decided by the administration which signed and ratified the IEA).

The intention is to compare the Paris Agreement with the Kyoto Protocol case and understand the reasons why the US did not comply with it. Indeed, the Paris Agreement after its signature managed to be ratified, but this was not enough to pursue the green line that President Obama was trying to achieve. The Kyoto Protocol and the Paris Agreement seem to have somehow an historical bond, especially because the latter is a product constructed having in mind what happened in Kyoto and the US hostile domestic tendencies. This chapter will focus on the variables that were able to influence the US non-compliance with the Paris Agreement. This case study also shows the determination of the Obama administration (who having understood the huge obstacle of the Senate's bipartisanship combined with the US Constitution) decided to implement a tactic in order to bypass the process and ratify the Paris Agreement though the use of an Executive Order.

Having always in mind the chronological differences between administrations, the first section of this chapter will concentrate on the Obama administration agenda and plans. The second one will consider the approach adopted in Paris. The last one will analyze the independent variables that influenced the US non-compliance.

Before going ahead, let's consider the protagonist of the chapter: the Paris Agreement. What is it? And why it is different from the Kyoto Protocol?

The Paris Agreement is officially defined as a legally binding international treaty that contains bottom-up and top-down approaches to climate governance (UNFCCC, 2021). It was adopted on 12 December 2015 and entered into force on 4 November 2016 (UNFCCC, 2021). The Agreement 'binds all parties to report on their emissions' and

> ‘Commits parties to the aim of holding the increase in the global average temperature to well below 2° C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5° C above pre-industrial levels’ (United Nations 2015b).

Its main characteristic is a system of soft governance, such as Nationally Determined Contributions (NDCs), where Parties are obliged every five years to produce new ambitious plans (Kienast, 2015). NDCs are documents freely created and submitted by states in which they explain their national policies and plans to reduce GHG emissions and at the moment, they are considered to be the main global tool to fight CC (Leinaweaver & Thomson, 2021). The ETF (Enhanced Transparency Framework) of the Paris Agreement is a system applicable to all Parties and requests biennial reporting, together with a technical expert review and state-to-state review process. It is paramount to underline that the Agreement *does not* request binding emission reduction targets and the *mitigation*[7] approach does *not* oblige parties to implement or actually achieve INDCs (Kienast, 2015). The Paris Agreement results to be controversial due to its mechanism. Indeed, commitment problems can be frequent because there are no mechanisms which oblige states to fulfil their proposed contributions; there are no sanctions for failure to plan (Leinaweaver & Thomson, 2021). However, this non-binding approach resulted to be the only one able to work considering previous examples like the Kyoto Protocol and the attempt of Copenhagen in 2009 (Dimitrov, 2010).

The US set near-term targets to reduce GHG emissions by 26–28% by 2025 (according to the NDC submitted to the Paris Agreement), with goals defined relative to 2005 levels (United States, 2015) (Urpelainen & Van de Graaf, 2018).

[7] *Mitigation* is normally associated with *Adaptation*.

Mitigation policies are aimed at making the impact of CC less severe. They include policies to reduce GHG or other gasses emissions. Examples are energy transition with a reduction of coal, gas, oil, and the development of new renewable resources like solar, wind or biomass energy. Mitigation is a human intervention which tries to reduce the sources of GHG emissions (European Environment Agency, 2021).

Adaptation policies are aimed at anticipating the effects of CC taking actions to prevent and minimize the damages or taking advantage of opportunities that can arise. These policies include large-scale infrastructure changes (for example creation of different types of cities, infrastructures to protect against sea-level rise), behavioral shifts (like individuals reducing their food waste) or development of new forms of crops (European Environment Agency, 2021).

3.1 The US Climate Policy: the Obama Administration

President Obama started his double mandate (2009-2017) in the middle of two crises: the decline of the US prestige after the 9/11 response, and the economic crisis (Cox, 2017) (Nardini, 2017). His main goal was to put the US on the recovery way and to restore its image internationally, shifting its focus from the Middle East to Asia (Cox, 2017). Important was his innovative view in recognizing that the US needed to adjust its policies and renew its role considering the new international economic realities (Nardini, 2017). In the domestic policy his administration is mainly remembered for the abolition of the *Don't ask, don't tell* (DADT) policy (created in 1993) and the Defense of Marriage Act (DOMA) (a federal law created in 1996, and even quite contested by President Clinton) (Nardini, 2017). The administration also substituted the *No Child Left Behind* law (of 2011) in favor of the *Every Student Succeed Act* (ESSA) and approved the famous *Obamacare*.

Concerning climate policy, President Obama provided the audiences with optimistic words and promises of change, demonstrating to be determined to bring a significant shift in the US climate policy, re-engaging with international climate negotiations (Kincaid & Timmons Roberts, 2013). This approach can be compared to the one of President Clinton and his team, which in 1993 was determined to distinguish his administration from the one of Bush Sr. in terms of CC. Obama's new approach seemed to be promising and since the beginning he clarified: 'My presidency will mark a new chapter in America's leadership on climate change that will strengthen our security and create millions of new jobs' (The Office of the President-Elect, 2008). In May 2009, he directed the increase of the Corporate Average Fuel Economy standards and ended up in creating 'the strictest fuel efficiency standards for new cars in the American history' (Kienast, 2015: p. 315). He focused on the so-called *green jobs* (Skjærseth, Bang & Schreurs, 2013), becoming the first US president emphasizing their importance in the Congress. He also underlined the importance of ensuring the country a position to compete in global green energy investment vis-à-vis emerging economies (Skjærseth, Bang & Schreurs, 2013).

However, the first symptom of difficulties was already around the corner. June 2009 triggered a déjà vu in the US environmental history: President Obama tried to pass in the House of Representatives an ambitious climate bill, but it did not receive enough support to arrive in the Senate for vote (Skjærseth, Bang & Schreurs, 2013).

The domestic scenario seemed to still be hostile. In December 2009, COP-15 took place in Copenhagen. The meeting was characterized by tension, and the US delegation tried to reinvent the US position during the negotiation, but they ended up, again, in not finding the support and approval by the Congress (Kincaid & Timmons Roberts, 2013). In the Copenhagen Accord, the US announced reductions of 17% relative to 2005 levels and also a long-term target of reducing emissions by 83% by 2050 (Climate Action Tracker, 2013). The US delegation tried to fight for voluntary pledges instead of legally binding obligations regardless the development status of the country, but it was rejected by other parties. The US delegation proposed then that 'all parties' obligations would be … voluntary, *nationally determined* and adjustable over time' (Milkoreit, 2019: p. 1027). However, characterized by the general rejection from participants, Copenhagen was another example in which the shadow of the Kyoto Protocol appeared: even if parties started having trust in the Obama administration, the Kyoto experience exacerbated the lack of confidence in the US ability to implement voluntary pledges (Milkoreit, 2019). In the end, the convention was seen by the environmentalists as a defeat because it was only able to create voluntary pledge and review of targets. Moreover, in that context, President Obama's reputation worsened: negotiators (like for example Sudan's diplomat) affirmed that his behavior was similar to the one of ex-President Bush (Kincaid & Timmons Roberts, 2013). In spite of the Copenhagen failure, the Obama Administration continued to pursue its line and that failure demonstrated later to be fundamental for the achievement of the Paris Agreement (Milkoreit, 2019).

Domestically, the Obama administration pursued its line and presented increased budget request for direct climate assistance addressing CC funding to adaptation, clean energy, and sustainable landscapes. However, since that moment, level of congressional bipartisanship and battles over budget increased. Again, as a cyclical malediction, power shift deriving from mid-term elections took place in November 2010 with the victory of Republicans (Kincaid & Timmons Roberts, 2013). Climate finance was challenged with a shift in priorities. The White House then decided it was more convenient to focus on the comprehensive health care reform (Kincaid & Timmons Roberts, 2013). November 2010 mid-term elections demonstrated a harsh sentiment of rejection against the administration, bringing deep internal division in what have been defined by Representative Waxman as 'the most anti-environment House': the House was indeed not even able to agree on the knowledge and existence of CC (Kincaid & Timmons Roberts, 2013: p.44).

The thorny domestic situation invited President Obama to acquire a careful approach during his public statements. Chronologically speaking, in 2009, President Obama was still in a period of high popularity, and he was able to use in his speeches the so-called *Climate Change Rhetoric*, such as the possibility to openly refer to CC and explicitly asking the Joint Session of Congress to create an energy bill and a cap on carbon pollution (Lizza, 2010) (Kincaid & Timmons Roberts, 2013). During the following two years, President Obama found himself harshly negotiating with the Congress, but in the end the legislation failed (Kincaid & Timmons Roberts, 2013). The rampant denialism obliged President Obama to adopt a different language in official discourses, switching from the use of the word *Climate Change* in favor of the simpler term *Energy Policy* (Kincaid & Timmons Roberts, 2013). The difference between years is interesting. From 2009 to 2011 the term *Climate Change* was mentioned with a decreasing trend compared to the simpler word *energy* which had a more frequent use (Kincaid & Timmons Roberts, 2013). The words *Climate Change* and *Global Warming* were absent in President's speeches from 2010 until 2012 (Kincaid & Timmons Roberts, 2013). After September 2011, in many campaign speeches, President Obama began referring to the US' lack of a 'real energy policy' framing the topic as a major campaign issue (even if in a vague way) (Kincaid & Timmons Roberts, 2013). These elements allow to notice the difficult situation that the Obama administration was facing since almost the beginning (similar to the one experienced by the Clinton administration). The Congress opposition was again a real obstacle to the creation of a greener nation.

With the 2012-presidential election season, the Obama administration started to use a strategy that tried to distinguish itself from Republicans trying to catch the attention of voters from swing states (traditionally anti-environmentalist and depending upon coal extraction and energy-intensive industries) (Kincaid & Timmons Roberts, 2013). President Obama in his speeches re-underlined that CC was not a joke and an important element that really allowed him to retry with this strategy was the unprecedented *October Superstorm Sandy* which hit the US right before the presidential election, causing 100 deaths in the US territory. Suddenly, after that event, for President Obama was again politically safe to talk about CC: the public accepted the objective reality of the phenomenon. He won the elections and his second term started.

Announcing the budget for the fiscal year 2014, President Obama continued pushing for climate finance and affirmed that his administration would have continued towards energy independence and fight against CC (Kincaid & Timmons Roberts, 2013). In June 2013 President Obama announced the *Presidential Climate Action Plan* (PCAP) which had the aim

to address CC domestically and internationally through executive actions (Kienast, 2015). It had the intention to meet the Copenhagen Commitment (reduction of 'US GHG emissions by 17% below 2005 levels by 2020') and also the executive powers (Kienast, 2015: p. 316). President Obama also sustained the *Clean Power Plan*, unveiled by EPA in 2014 and aimed at reducing emissions from the power sector (putting limits of CO_2 emissions for some industries) by 30% below 2005 levels by 2025 (Climate Action Tracker, 2014) (Kienast, 2015) (Nardini, 2017). This was an important move, but its impact was insufficient to meet the US targets (Climate Action Tracker, 2014). These are all examples that demonstrate the perseverance of the Obama administration in trying to invert the anti-environmental national approach and also demonstrating its growing intention in achieving something real, like indeed an IEA.

Let's now get closer to the central aspect of the chapter: the Paris Agreement. Before the negotiations in Paris, the US Secretary Kerry revealed a worth noting information, affirming that the new climate instrument (the upcoming Paris Agreement) was not going to be a treaty, such as it would have not included legally binding reduction targets (Sevastopulo & Clark, 2015). A new strategy was in the making: the Obama administration was determined in not committing the same mistakes as in the past.

Another worth noting aspect is the Obama administration which also engaged in an innovative entrepreneurial leadership through bilateral diplomacy with China. During the last decades, China witnessed a powerful growth, and this latter created the hint for general negative expectations and upcoming increasing tensions with the US. However, contrary to what expected, their environmental relations revealed to be better than the ones of 1997 (in terms of IEAs). Both countries were able to create cooperation which led to momentum for climate negotiations (Milkoreit, 2019). This relation gave birth to the *US - China agreement* in November 2014. It was considered as 'an important catalyst that generated momentum for achieving the Paris Agreement' (Urpelainen & Van de Graaf, 2018: p. 841) (The White House, 2014a) (The White House, 2014b) (Dimitrov, 2016). In the bilateral agreement, parties agreed on several points and recognized their central role in fighting CC together with the importance of cooperation with other countries as well. In sight of the Paris conference, they affirmed that:

> 'The United States intends to achieve an economy-wide target of reducing its emissions by 26%-28% below its 2005 level in 2025… China intends to achieve the peaking of CO_2 emissions around 2030 and to make best efforts to peak early and intends to increase the share of non-fossil fuels in primary energy

consumption to around 20% by 2030. Both sides intend to continue to work to increase ambition over time' (The White House, 2014).

Another worth noting aspect that demonstrate the proactivity of the Obama administration in the environmental field during its second term was the capacity to rebuild credibility for his international promises with a portfolio aimed at increasing energy and fuel efficiency standards with the reduction of CO_2 emissions. It is important to note that most of these policies were implemented through P*residential Executive Orders*, a smart strategy that also in the case of the Paris Agreement revealed to be central in order to have its ratification while avoiding the Senate. Besides President Obama just-mentioned actions, the replacement of coal with natural gas, was another element that allowed the US to decrease its GHG emissions and arrive in Paris with a quite different face and better reputation: President Obama could now credibly talk about reduction (Milkoreit, 2019).

3.2 The United States and the Paris Agreement: historical facts from the negotiations to the Trump administration

According to Dimitrov (2016) the Paris Agreement can be considered as a political success in terms of climate negotiations and state diplomacy. It has been lauded by all negotiators and its success derived from its ability after decades of debates, to convince countries with historically irreconcilable differences to create a new balanced product. The US defined the Paris Agreement as a 'tremendous victory for the planet' able to restore the international faith in the US, as an actor able to accomplish things in a multilateral way (UNFCCC, 2015a). However, it also entails weaknesses in terms of effectiveness (Dimitrov, 2016). Expectations from the international community were high and there was a great hope to produce an instrument with a different destiny from the Kyoto Protocol.

Putting the spotlights on the US, its central role in the negotiations of the Agreement is worth noting. The approach was very different from the past in which the US basically refused to join any agreement not containing equal obligations for developing countries (Kienast, 2015). However, a little spot of unilateralism emerged, especially for the US hard work to avoid the impositions of absolute legally binding emission reduction targets and new financial commitments. This move was actually studied by the Obama administration in order to avoid consultations with the Congress: this means that the President seriously considered it as a real obstacle and acted in order to bypass it and to pave the way for the signature and ratification of

the Agreement (Kienast, 2015). This move demonstrates a clear intention of the Obama administration. There was a serious intention of fulfilling and creating a green tool, no matter what the Congress was thinking.

As Urpelainen and Van de Graaf (2018) pointed out:

> 'There has always been a strong undercurrent against progressive climate policies in the US. This is probably the reason why the Obama administration pushed so hard during the negotiations to design the Paris Agreement in a way that would allow it to bypass Senate ratification and simply 'accept' the accord through an Executive Order' (p. 846).

Keeping in mind this important element, we need to start from the negotiation phase of the Agreement, which entails some curious elements. First of all, Dimitrov (2016) defined it as a non-easy situation for President Obama. Since the beginning the US delegation had a very small win-set of possible positive outcomes and it arrived at the negotiations with a highly divided national situation (actually again, similar to the Clinton administration). The US resulted to play a double strategy: on the one hand, publicly, it tried to be constructive avoiding oppositions. On the other hand, in private bilateral consultation it was well against legally binding mitigation and finance. Moreover, in the last minute, US negotiators asked to change a single word (they asked to use *should* rather than *shall*) in the official text. As Dimitrov (2016) reports, the final version ended up containing a modification in which 'developed countries *should* rather than *shall* undertake economy-wide quantified emission reductions' (p.3) (Kienast, 2015) (Durney, 2017). EU and G77 accepted it, fearing the same outcome as past agreements, and also recognizing the international weight of the US in the environmental field (Dimitrov, 2016). This change in the text implied less legally bindingness and was never publicly discussed (Dimitrov, 2016). Another example that saw negotiators divided was the decision of long-term goals: the EU opted for 80%-95% reduction of emissions by 2050. The US, instead, opposed quantification and opted for the general term 'decarbonization this century' avoiding in this way to set a precise deadline (Dimitrov, 2016). Moreover, 106 states asked to prevent a temperature rise of 1.5°C, while US proposed to have 2°C only in the preamble and not in the sections of the treaty (Dimitrov, 2016).

President Obama's approach resulted to be unilateral, however, understanding his line of action, it is clearer why he acted in such a controversial way. The Obama administration's attempt to keep a lower grade of goals can be explained by the fact that there was the intention to finally

change the US historical non-green reputation demonstrating to the world the ability to achieve them.

An important aspect of the Obama administration is how it decided to consider the Agreement: negotiations in Paris had to be crafted in order to avoid the need of the US Congress approval, even if this would have meant going against the explicit will of the legislative branch. Due to the difficulties encountered during the history and also with Article 2 of the US Constitution, for President Obama seemed clear to use the strategy of finding a new climate instrument: an *executive agreement* where the Senate ratification or consultation would result to be unnecessary in order to adopt the Agreement (Kienast, 2015). As previously noted, the Paris Agreement does not impose any mandatory financial commitment, nor budget requirements (and this is another important element because normally, fiscal policy and economic regulations can only be approved by the US Congress) (Kienast, 2015).

Therefore, the history repeated itself with technically no submission of the agreement to the Senate…but in this case, due to a different reason. This time President Obama demonstrated to have learnt the lesson from the Kyoto Protocol. (Of course, the purpose of this case study is not to judge or check on the legal correctness of the Obama administration's action).

On September 3, 2016, the US ratified the Paris Agreement and its INDC (*Intended* Nationally Determined Contribution) became its NDC (Urpelainen & Van de Graaf, 2018).

Of course, this decision was not free of critics and Republican Senator Blunt defined President Obama as not respecting the interests of the American people and to be only able to defend his environmental policies (Durney, 2017). However, even if the ratification was achieved, a new obstacle was getting closer: the issue of *non-compliance*.

The Obama era came to an end and President Trump won the elections (tenure 2017-2021), the candidate who already during the 2016-presidential campaign, vowed to pull out from the Agreement once he was elected (Zhang et. al, 2017). Said and done. As soon as possible, the Trump administration withdrew from the Paris Agreement: it was June 1, 2017[8]. A déjà-vu

[8] There are some important legal aspects that need to be considered. Article 28 of the Paris Agreement states that:
(1) 'At any time after three years from the date on which this Agreement has entered into force for a Party, that Party may withdraw from this Agreement by giving written notification to the Depositary'.
(2) 'Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal' (Paris Agreement Art. 28, 2015).

Moreover, under the terms of the Paris Agreement (which mandates a three-year notice period) the US NDC 'legally remains in place at least until the end of 2019, although the US intends to withdraw it at that time unless

specter appeared: 'The United States dominated the negotiations of the terms of the agreement, and it announced its withdrawal once the ink of the signatures was dry' (Milkoreit, 2019: p.1031). That move triggered several reactions and globally resounded the message that 'without the US … the Paris deal was dead' (Bomberg, 2017: p. 5).

As an important and technical detail, it has to be noted that President Trump's decision of withdrawal had the chance to take place so easily because of the nature of the agreement. As previously pointed out the Paris Agreement was created as a *Presidential Executive Order*. Therefore, the same facility which characterized its creation, also characterized its death.

The withdrawal from the Agreement can be considered as the environmental political action with most momentum for the Trump administration. President Trump gave the following explanations to his decision: (1) there is no certainty about the existence of CC; (2) the human causal link is not sure; (3) the Paris Agreement can threaten the US competitiveness (Milkoreit, 2019).

Among President Trump's first actions for environmental policy there was the dismantlement of ex-President Obama's policies (like the *Clean Power Plan* (CPP)), the removal of moratorium on coal leases and restrictions for pipelines construction, and cuts for funds addressed to science/weather agencies like EPA and NASA (Bomberg, 2017). The administration has also instructed government agencies to change their climate science methodology (Climate Action Tracker, 2019). Already in March 2017, President Trump rescinded the Obama Administration's Climate Action Plan (which was actually never fully implemented) and was critical towards the US INDC (Climate Action Tracker, 2017).

The election of Republican majorities in both Houses of Congress put environmentalists and the international audience in a serious status of concern (Bomberg, 2017). Once at power, almost immediately, President Trump began creating a series of Executive Orders (especially

it has found suitable terms for reengagement, and the Trump Administration has already stopped implementation' (Climate Action Tracker, 2018). As such, the US cannot begin its process of withdrawal before November 3, 2019 (the one-year notice period will start from that day) (Milkoreit, 2019).

November 3, 2020 was the earliest date the US could actually withdraw from the Paris Agreement (Purvis, 2017) (Milkoreit, 2019) (which was more or less the same time of the presidential elections and the arrival of President Biden).

for environmental policy) in order to fulfill some of his promises made during the electoral campaign and to show an image of a decisive and efficient administration (Britannica, 2021).

3.3 US non-compliance with the Paris Agreement: analysis of independent variables

As previously noted, this case study seems an already-seen story due to the internal obstacles and the anti-environmental approach that the signing administrations had to face. However, this case study actually entails some important differences: the US President signed an IEA without the consent of the Congress. This time he was able to 'side-step an uncooperative Senate' and have it ratified (Durney, 2017: p. 234).

But what happened then? Why did the US not comply with it?
The following section will consider different independent variables useful to demonstrate that the US non-compliance is, according to the available information, explicable through the use of the (second) Hypothesis of 'other reasons' which excludes the one of Organized Hypocrisy. The variables considered here will refer to a time frame that follows the Obama administration, such as the Trump administration. As anticipated at the beginning, this is because the end of the tenure of President Obama took place on January 2017, a date which was very close to the date of ratification of the Paris Agreement (September

2016). This slight difference of time is actually problematic and not wide enough to prove if the Obama administration per se was not compliant with the submitted NDC. Let's now start considering the variables.

3.3.1 Change in administration combined with the lack of scientific knowledge and principled values (climate denialism)

As preannounced, the very first variable which led to the US non-compliance was the shift of administration. Considering the fact that the Paris Agreement arrived at the step of ratification, the next administration could have had a paved way to demonstrate the state's compliance. However, the change of administration inevitably led to the objective impossibility for President Obama's team to really implement the NDCs and demonstrate real actions (or at least try to). As Zhang et. al (2017) note (like the international community during that period), 'the results of the U.S. presidential election presented potential threats to the implementation of the

Paris Agreement' (p. 213). Indeed, the arrival of President Trump destroyed the green dream and expectations of the previous Obama administration, which was thinking about passing the baton to the Candidate Hilary Clinton and finally start to fully comply with the agreement (Bookbinder, 2017). (There was great hope even though, as Bookbinder (2017) note in his article, probably, the defeat of the Obama administration did not come really out of the blue. The defeat could have been predicted also considering the historical US electoral trend and the fact that the last time a Democrat replaced another Democrat through the presidential elections was in 1856) (Bookbinder, 2017).

Anyway, it is also true that a change in political leadership per se can lead to non-compliance only until a certain level. Indeed, a new administration, even if not belonging to the same political party, if agreeing with the previous actions taken, can anyway adopt a complaint behavior in line with those decisions. Therefore, as scholars note, in order to lead to non-compliance, the shift must be combined with a sharp change in the main approach of the new administration compared to the previous one (Brown Weiss, 1999). This trend is also explained by the theory of the *non-ideological liberalism*, which considers shifts of administrations as a central element to explain the diversity of states' actions over the same topics. Moreover, *non-ideological liberalism* also believes that in order to understand states' behavior, it is fundamental to consider states' preferences and keep in mind that they can evolve over the time (Hafner-Burton & Tsutsui, 2005). Considering this basic aspect, it is possible to deduce that a state can sign and comply with an agreement after its ratification but due to the changes of preferences it will be less likely to comply over the long run. This concept perfectly applies to the environmental field due to the fact that this type of policies has to be implemented over the long run with constancy (and without discrepancies). This approach is therefore useful to understand this variable for this case study because it perfectly translates the US need to implement its NDC over the long run while experiencing a change in preferences. As also Leinaweaver and Thomson (2021) note, in democratic systems, a government can formulate NDCs, but they may be replaced by governments that are less environmentally concerned. Therefore, President Obama's strategy, with the bypass of the Senate, would have been valid only if he was totally sure that another Democratic administration (like possibly the candidate Hillary Clinton) would have succeeded him (Bookbinder, 2017).

To understand how important the combo 'shift of administration plus scientific knowledge' is, it is possible to summarize the concept in this way: the higher the level of knowledge (in this case the recognition that CC is a serious threat), the higher the possibility to act in order to solve

the problem with consistent decisions (in this case being compliant with the Agreement). The reason why an administration is characterized by certain visions is easily understandable analyzing personal backgrounds. In this case, analyzing the profile of President Trump and his administration it is possible to grasp several important information. President Trump is a famous businessman, the classic self-made man, with finance and business background studies and without any political and diplomatic experience (Britannica, 2021). Moreover, in spite of the large consensus shared by the majority of scientists, on some occasions President Trump denied the fact that CC is really happening and is mainly caused by human beings (Zhang et. al, 2017). Going ahead with his staff, one of the most famous characters of his administration is Scott Pruitt who was chosen as Head of EPA even though he was famous for his critics against it (Bomberg, 2017). Myron Ebell became another important figure in EPA: he was previously the director of the environmental and energy policy at the Competitive Enterprise Institute (a libertarian advocacy group in Washington DC which supported coal and oil industry) (Singer, 2018). Ebell calls himself as an enemy of environmentalism and, as a member of the team of the American Petroleum Institute's Global Climate Science Communications, he worked in order to create doubts on climate science among the public (Singer, 2018). Deniers in his team had doubts on whether CC is actually occurring, and whether humans really have any influence on it (Singer, 2018). Rex Tillerson (former CEO of ExxonMobil) was appointed as Secretary of State (Bomberg, 2017). The Head of Department of Interior (Ryan Zinke), a proponent of new extraction and oil pipelines, was in charge for the protection of federal lands and natural resources (Bomberg, 2017). These are among the most striking examples that allow to understand the origins of the anti-environmental line which characterizes the administration.

The analysis of the administration also allows to better understand the concept of *denialism*. President Trump team was indeed composed by individuals, who were part of such denialist movement, characterized by beliefs not based upon science but instead through coordinated efforts from private and public actors linked to media and economic interests (Singer, 2018). The aim of the movement is questioning CC, threatening the role of science and the role of the informed democracy (Singer, 2018). Its discourse is based on the following questions: there is no certainty in CC really occurring; there is no certainty whether human beings are influencing it; CC supporters are undervaluing the potential benefits deriving from CC.

As a proof to demonstrate the power of the combination between the shift in administration and the lack of scientific knowledge, it is possible to consider two elements: (1) a letter sent to

President Trump from twenty-two Republican Senators and (2) a report created by the US Chamber of Commerce and the American Council for Capital Formation (ACCF).

Let's start with the letter from the Republican senators. The letter was dated 25th May 2017 and was written by twenty-two Republican senators[9] and addressed to President Trump. This letter, sent by Senator Jim Inhofe (R-Okla.), senior member of the Senate Environment and Public Works (EPW) Committee, and Senator John Barrasso (R-Wyo.), urged President Trump to leave the Paris Agreement affirming 'we strongly encourage you to make a clean break from the Paris Agreement' (Zhang et. al, 2017: p. 221) (United States Senate, 2017). In the letter they start applauding President Trump for his first executive actions to undo the environmental measures created by the Obama administration (like the *Clean Power Plan* regulations) and his new executive orders to 'reduce the regulatory burdens' (United States Senate, 2017). The Senators, after underlining the fact they share the same commitment as the administration (such as 'reducing the regulatory burden our business face in order to create jobs and grow the economy'), they proceed going straight to the point and underlining that the fulfillment of those commitments would have been jeopardized if the country would have remained in the Paris Agreement:

> 'Because of existing provisions within the Clean Air Act and others embedded in the Paris Agreement, remaining in it would subject the United States to significant litigation risk that could upend your administration's ability to fulfill its goal of rescinding the Clean Power Plan. Accordingly, we strongly encourage you to make a clean break from the Paris Agreement' (United States Senate, 2017).

The Senators also considered another aspect of the Paris Agreement and emphasized that remaining in the Agreement could have led to frequent litigations regarding air regulations and other environmental topics. This is because they considered some aspects of the Clean Power Plan and Paris Agreement: indeed, environmentalists could have used the excuse that the requirements created by the Obama administration with the Plan would have had met by the Paris Agreement in an easier way (for example thanks to the *Enhanced Transparency*

[9] The letter was signed by the following Republican Senators: Jim Inhofe (Okla.), John Barrasso (Wyo.), Mitch McConnell (Ky.), Mike Lee (Utah), John Cornyn (Texas), Roy Blunt (Mo.), Roger Wicker (Miss.), Mike Enzi (Wyo.), Mike Crapo (Idaho), Mike Rounds (S.D.), Jim Risch (Idaho), Thad Cochran (Miss.), Rand Paul (Ky), Richard Shelby (Ala.), John Boozman (Ark.), Luther Strange (Ala.), Orrin Hatch (Utah), Ted Cruz (Texas), David Thom Tillis (N.C.), Tim Scott (S.C.), Pat Roberts (Kan.), Perdue (Ga.) (United State Senate, 2017) (James M. Inhofe, 2017).

Mechanisms) (United States Senate, 2017). Remaining in the Agreement would have been therefore risky because environmentalists could have used the Paris Agreement 'as a legal defense' against the actions of the Trump Administration to rescind the Clean Power Plan: this is why a 'clean exit from the Agreement' was fundamental (United States Senate, 2017). (In order to clearly understand the affiliation of those senators, it has been reported that they have collected more than $10 million in oil, gas, and coal since 2012) (Zhang et. al, 2017).

The second element considered is the report. It was created by the US Chamber of Commerce and the American Council for Capital Formation (ACCF) (two conservative entities and great defenders of the US biggest climate polluters) and was published in March 2017 (Steinberger & Levin, 2017). It attacked the Paris Agreement exaggerating and using false claims about the costs and benefits of achieving such environmental goals (Steinberger & Levin, 2017). The study (titled *Impacts of Greenhouse Gas Regulations On the Industrial Sector)* derived the main numbers from a fictional scenario which does not reflect the real proposals or realistic plans created to achieve environmental goals. The study intentionally imposed more stringent GHG regulations on sectors that in this way would have had the highest costs per ton of GHG reduction. Indeed, the costs were inflated by exaggerating the possible costs of any future program in order to achieve the economy-wide reductions entailed in the Paris Agreement (Steinberger & Levin, 2017). The study also conveniently neglected to analyze the most efficient way to have reductions and ignored the great potential of energy efficiency (in the industrial sector and across the economy) and based its conclusion on a decarbonization pathway that is very unrealistic and with unnecessary costs (Steinberger & Levin, 2017) (Kaufman, Gasper & Igusky, 2017). Moreover, the study reports old cost estimations with false constraints on clean energy without considering the scenario in which US businesses expand their innovations, cost reductions, new jobs, and economic growth (Steinberger & Levin, 2017).

(It is curious to note that, as studies report (among the most famous it is possible to find the one of Citi Global Perspectives & Solutions (GPS), which is a division within the American bank Citibank) the US goals that were initially set with the Obama administration, even if ambitious, could have been perfectly achieved by the US especially because the costs of inaction are higher in terms of consequences for human beings and the environment, and also because the US already possesses the technologies and tools needed) (Steinberger & Levin, 2017).

This subsection demonstrates that the shift in administration combined with climate skepticism at governmental levels resulted to be a deleterious combo able to exacerbate the risk of non-compliance with the Paris Agreement. In presence of a non-environmental skeptical administration, such report and letter sent by Senators would have had no power in influencing the decision of withdrawal.

3.3.2 National Economic concern about the US competitiveness

The level of concern about the country's economic competitiveness can jeopardize the state compliance with IEAs. The national economic concern about the US competitiveness was another important element that led to the non-compliance with the Paris Agreement. This aspect has indeed always strongly characterized the US, becoming a cultural characteristic. To understand how much the economic concern is inserted in the national US canvas at the expenses of the environment, during the Trump administration, it is possible to consider some of President Trump's declarations about CC and the economic sphere. Among the most famous it is possible to find his belief that 'the concept of global warming was created by and for the Chinese in order to make US manufacturing non-competitive' (Singer, 2018: p. 67). The Trump administration also believed that the Paris Agreement was 'harmful to the U.S. and could damage the domestic economy, thus causing job losses' (Zhang et al., 2017: p. 214). He also stated that the Paris Accord was very unfair to the US also compared to the mitigation obligations of China and India (Zhang et. al, 2017). (The comparison between the US and developing countries like China and India was often used in his speeches in order to underline the disadvantages the US economy would have had in complying with the Agreement). In an NRDC study, Chen (2017) analyzed President Trump's statements about the Agreement, focusing the high level of misinformation and manipulated information vis-à-vis the points included in the Agreement. Among his statements it is possible to find:

> 'The Paris Climate Accord is simply the latest example of Washington entering into an agreement that disadvantages the United States to the exclusive benefit of other countries, leaving American workers - who I love - and taxpayers to absorb the cost in terms of lost jobs, lower wages, shuttered factories, and vastly diminished economic production' (Chen, 2017).

These strong and extreme beliefs played a central role for the life of the Paris Agreement in the US (Singer, 2018).

Even though there have been studies demonstrating that the Paris Agreement would have benefitted the US economy, President Trump's words caught a wide audience because though his words he demonstrated to put the national interest at the first place.

The decisions to consider the preservation of the US national economy and its competitiveness at the expenses of compliance, can be also explained through Kingsbury's assumption who affirms that compliance is a matter of calculation of interests. In this case this assumption can be translated as a situation in which there was no interest in complying with the agreement, instead there was the interest to preserve the national economy and competitiveness.

This variable demonstrates how the importance of the national economy (which becomes part of the cultural aspects and values of a country and administration) has been able to guide the decision of President Trump to withdraw from the Agreement without complying: the risk of favoring developing countries like China at the expenses of the national competitiveness was a risk that could not be run.

3.3.3 Non-state actors: the Business sector

This variable is linked to the previous one because it still considers the business sector but with a different aspect, such as the protagonists of this sector: companies. First of all, this focus is dictated by the fact that it is widely recognized as a typical feature of the US lawmaking, that interest groups are able to lobby congressional representatives arriving at that point of influencing the debate (Skjærseth, Bang & Schreurs, 2013). This trend originated in the 1970s-corporate America which started to challenge the growing influence of environmental groups and organizations in the US (Collomb, 2014). Companies were (and are) typically worried about the costs deriving from limiting their emissions which consequently could have jeopardized their competitiveness vis-à-vis emerging countries (Alcaro, Briani & Mirabella, 2007). A more specific industry engagement with climate policy started with the *Global Climate Coalition* (GCC) at the end of the 1980s. The GCC is a Washington lobby consortium which performed a consistent blocking role emphasizing the economic dangers for the industrial sector (Agrawala & Andersen, 2001) (Meckling, 2011) (Skjærseth, Bang & Schreurs, 2013). It is identified as an *anti-regulatory* business coalition and until mid-1990s succeeded in avoiding international and domestic obligations for emissions reduction (Meckling, 2011). Its action consisted in doubting about the credibility of science upon CC also creating massive advertising campaigns.

To demonstrate the business sector's ability to influence the governmental sphere it is first of all possible to consider the ability of the oil, gas, and coal industries that are some of the most influential donors to Republican candidates. Indeed, as an example it is possible to consider the twenty-two Republican senators who sent the letter to President Trump urging him to withdraw from the Paris Agreement. They have been reported to have collected more than $10 million in oil, gas, and coal since 2012 (Zhang et. al, 2017). As an important exacerbator of risk, it is important to consider the fact that the Trump Administration is closely tied to the fossil fuel industry, which has a powerful political clout over the administration and the Republican party as well (Zhang et. al, 2017). It has been reported that President Trump, Pence and Pruitt are personally associated with the petrochemical mogul Koch Industries (Zhang et. al, 2017) (Chen, 2017) and their ties revealed to be an important factor in the decision of withdrawal. To understand the reality and consequences of this relationship, the New Yorker reported in 2017 that the Republican hostile approach against climate policies derives from a campaign carefully crafted by fossil-fuels companies, among which the Koch brothers with their chain of refineries. Initially, during the years those companies acted in the shadow, but as Mayer (2017) in the *New Yorker* reports, once their actions became known, the Kochs 'have proudly taken credit for obstructing the U.S. government from addressing climate change'. Among their declarations, the Kochs underlined their ability in killing the careers of politicians who opposed their anti-CC agenda (The New Yorker, 2017). In an interview with the *Times*, it has been declared that millions of dollars have been spent in order to defeat congressmen who wanted to take actions to fight CC and after that, 'no Republican candidate has dared cross the Kochs on the issue again' (The New Yorker, 2017). After that massive campaign, the support for renewable energies disappeared from the Republican wing.

Another useful tool is Bernhagen's (2008) analysis. In his *Neo-Pluralist* and *Transaction-Theoretical analyses,* he notices how the business sector is able to influence the non-ratification of an IEA through the use of *Informational Advantage* which is directly linked to the level of *information asymmetry* between businesses (Bernhagen, 2008). The US business sector with its companies played a role in this case study. However, there is a detail that has to be specified. After the creation of the Paris Agreement, an increasing number of companies started realizing the importance of fighting against CC and also started to note the importance of an alternative green business. Indeed, since the decision of the US withdrawal, more than 1000 US-based businesses have signed a statement addressed to President Trump expressing their support for the Paris Agreement affirming that its non-compliance would have put the American prosperity

at risk (Steinberger & Levin, 2017). Therefore, it is important to remark that for this case study in this variable, the companies that are considered are the ones who were mainly part of the oil and fossil fuel sector.

Considering the importance of *information advantage* and *information asymmetry*, it is possible to note in the following examples, how the Trump administration was advised and influenced (as also previously seen) about the high, and most of the times exaggerated, costs of environmental policies. Indeed, the business sector, through the use of *Information Advantage* and *Information Asymmetry* was able to provide the administration with exaggerated data and information about the costs of compliance of the Paris Agreement.

The Natural Resources Defense Council (NRDC) reported the general problem of a rampant misinformation and debunked some manipulated and unfounded claims inside reports and studies that were submitted by business entities to the Trump administration. Those documents were able to spread the belief that the Paris Agreement would have hurt the US economy. The decisive actions coming from the business sector consisted in the spread of misinformation through the creation of the following tools: (1) a study created by the NERA and (2) the letter sent to President Trump by the IECA.

The first element considered is the study of the National Economic Research Associates (NERA), a small group of lobbyists coming from the fossil fuel industry and masquerading as climate policy expert (Chen, 2017). President Trump's decision of withdrawal was indeed also based on their advice. The study, similarly to the report of the US Chamber of Commerce and the ACCF, inflated the costs of CC actions while avoiding considering the benefits of such policies (Chen, 2017) (Denchak, 2021). The analysis consisted in the exaggeration in future costs of emissions reduction, underestimated advancements in energy efficiency and ignorance of the possible health issues and economic costs of CC itself. The study falsely reported a GDP loss of trillions of dollars by 2040 due to the compliance with the Paris Agreement. Indeed, it was affirmed that 'the accord would cost the U.S. economy $3 trillion by 2040 and $2.7 million jobs by 2025, making … less competitive against China and India' (Denchak, 2021).

The second element to be considered is the letter sent to President Trump by the Industrial Energy Consumers of America (IECA) on May 15, 2017, which expressed support for the withdrawal (Chen, 2017). In the letter, IECA claimed to be speaking on behalf of several famous companies, but it has been discovered that several of them have been included in the letter on purpose and falsely represented without their consent. Several of them have indeed

successively proclaimed their dissociation and the fact they have never read and reviewed that letter before the submission (Chen, 2017). Therefore, the letter does not represent the real integrity of that business group and it has been later removed from Internet by IECA and from the news section of its official website (at the moment it is indeed not available). Among the companies which supported the US withdrawal from the Agreement it is possible to find companies like Cliffs Natural Resources Inc, Ash Grove Cement and Members of the American Energy Alliance (AEA). This latter is led by Thomas Pyle, former lobbyist of the Koch Industries and as previously noted, head of the Trump administration's team for the energy transition (Chen, 2017).

The just analyzed variables revealed to be useful in order to explain the reasons for the US non-compliance with the Paris Agreement. As Zhang et. al (2017) note, considering the non-binding nature of the agreement, President Trump's decision of withdrawal was mainly driven by the domestic politics together with (to large extent) his personal preferences and relationships he has with the industrial sector. Indeed, due to its non-binding nature, it is not possible to say that the Paris Agreement really imposed strict burdens to the US (Zhang et. al, 2017). The variables considered explain that the most central reasons for US non-compliance with the Paris Agreement was the shift of administration which was combined with the deleterious elements of: lack of scientific knowledge, centrality of the national economic competitiveness and the powerful role of companies (non-state actors) which exploited information asymmetry in order to spread misinformation and convince the Trump administration.

Of course, it is not possible to affirm with certainty that the same risk of non-compliance would have been totally absent in case of a new Obama tenure. Observations will be done in the next chapter with the concluding aspects.

CONCLUSION

The phenomenon of discrepancy between policymakers' initial talks and their successive actions is increasingly risking jeopardizing the success of the fight against CC. Every non-fulfilled international environmental commitment is a step towards the failure of trying to reverse the process of CC on our Earth, a step towards the failure to save our health and new hopes for future generations.

As demonstrated in the first chapter, measuring, and understanding the reasons of such frequent discrepancies is not straightforward and as the literature suggests there can be different plausible answers depending on the empirical case considered.

This conclusion intends to propose an evaluation of the analyzed case studies and also to try adding some further considerations. The structure of this analysis is organized into two main lines as follows: the first one will consider the case study of the US with the Kyoto Protocol and the Hypothesis of Organized Hypocrisy, while the second one will consider the case study of the US with the Paris Agreement and the second Hypothesis (with external elements). (This latter case will also make some reasonings about the Obama administration).

Let's start with the first case study: the United States of America and the Kyoto Protocol. As demonstrated in chapter 2, this case needs to be explained with a consistent dose of caution considering the available elements. The Hypothesis of Organized Hypocrisy, (which wanted to verify if the Clinton administration signed the Kyoto Protocol already knowing about its non-ratification), had the possibility to be supported mainly thanks to the analysis of precise sources: such as the memorandum titled *Getting to success in Kyoto: strategy and tactics*, some declarations from the White House staff reported by scholars, and the interview to some of the actors (coming from US, Germany and Norway) that were present in the Kyoto negotiations and in other contexts. These sources revealed to be central due to their officiality (like the memorandum) and also because they entail direct citations and declarations (especially the ones of actors from the White House circle).

The Hypothesis of Organized Hypocrisy can be further strengthened (at the expenses of other hypotheses) with the consideration of national aspects and characteristics of the Clinton administration. On the one hand, among the first elements to be considered there is the US Senate's inflexible anti-environmentalism, the creation of the unanimous Byrd-Hagel Resolution and the hostility against IEAs based on models like the Kyoto Protocol.

They all created real domestic difficulties according to which the Kyoto Protocol would have never been accepted at the domestic level. Moreover, combined to the Congressional hostility it is important to note Article 2 of the US Constitution: the approval of international treaties needs the approval from the Senate, and this was another important obstacle. As easily notable, the green battle was difficult already before even starting the negotiations of the Protocol.

On the other hand, the main feature that characterized the Clinton administration in this field was its intention of restoring the US green reputation internationally. As reported in chapter 2, the intention to restore the US reputation in the environmental field was a well-known story and can be seen as an element that the administration could not sacrifice. As also Hovi, Sprinz and Bang (2012) reported, 'in Kyoto the administration … pushed for an agreement that would provide them climate friendly face. Signing an agreement with … ambitious emission reduction targets, but with little or no chance of Senate ratification, allowed the administration … to look climate-friendly without committing the United States to costly emissions reductions' (p. 136). This underlines how the concept of reputation was fundamental in this case study, as if the administration wanted to achieve it no matter what.

Mixing and combining these two spheres (the Senate's hostility and the green interest of the administration) and the sources analyzed in the chapter, it is possible to (always cautiously) give credit to the hypothesis of Organized Hypocrisy. Also using Brunsson's reasoning and trying to apply it to the case study, it is indeed possible to deduce that the Clinton administration was living a sort of conflict in which there were different interests at play (national versus international). Using the concepts presented at the beginning, according to the concept of Organized Hypocrisy, hypocrisy can also be a useful tool and should not be always seen as problematic. Following this line, it is possible to overlap the case study and try to interpret the behavior of the Clinton administration which decided to sign the Protocol without ratifying it: there was the intention to please both conflicting sides. Indeed, if the administration only accepted the conditions imposed by the Senate, it would have never concluded an agreement in Kyoto, ruining at the same time the US green reputation. On the other hand, accepting and signing the Kyoto Protocol with those conditions and also submitting it immediately to the Senate would have meant a huge defeat for the administration and the reputation of the US (the discrepancy would have been immediately visible to the whole world). The Clinton staff felt then the need to create a strategy before going to the negotiations, even if this would have meant (sooner or later) a certain criticism (from the Senate's side due to the fact that the administration concluded an agreement which did not included its requests; and from the international side

due to the fact that during the time, the US non-ratification of the Protocol became visible to the world).

This line (of trying to save both sides of the conflict) seems indeed to be used also by the administration when proposing the strategy in the memo. Indeed, the two-stage strategy can be read as a tentative to bridge this seemingly irreconcilable divide that the administration was experiencing. In this way the Clinton administration tried to ensure the basis for continued talks even though this would have meant criticism both internationally and nationally. The aim was to try 'to salvage an acceptable Kyoto agreement in the face of international and domestic criticism' (Department of State FOIA, 2015).

As a last consideration in favor of the hypothesis of Organized Hypocrisy, the creation of the memo strategy divided into steps can itself provide the message that the administration was considering the Senate as a real incumbent obstacle for the ratification of the Protocol and therefore felt the need to create a strategy. Indeed, it seems reasonable to hypothesize that in case the Clinton administration would have not considered the behavior of the Senate as powerful and dangerous, it would have not had the need to use the tool of Organized Hypocrisy (such as in this case the creation of the strategy).

In the end, as the time demonstrated with the end of the Clinton administration and the non-achievement of including developing countries in the requirements, the Kyoto Protocol was in the end never submitted to the Senate for ratification: the gap between domestic and international points of view remained too wide.

After having considered these elements to directly support the hypothesis of Organized Hypocrisy, the next paragraphs will consider further aspects that have the intention to fortify this hypothesis at the expenses of other hypotheses. To prove this, further scenarios will be proposed and analyzed according to the elements available.

Let's start with the first one. In light of the fact that the Senate's anti-environmental approach was present since the beginning of the Clinton administration, the hypothesis that this latter went to Kyoto and accepted the Protocol while hoping in a general change of mind and acceptance of those conditions from the Senate after the signature, seems to be very unlikely. Indeed, the Clinton administration had the chance to testify the high level of hostility and conviction (during the years) of the Senate's position. Senators would have only accepted the Protocol in case of precise conditions, and it was also easily predictable that the international

world (according to the initial positions agreed at the first COPs) would have never accepted to create binding conditions for developing countries. Developed countries had to be the first ones to take the lead in this fight and all industrialized parties seemed to agree on this. Therefore, considering the clarity of the positions, which remained unvaried during the time, it would have seemed naïve for the Clinton administration to go to Kyoto and conclude such agreement while hoping in a Senate's change of mind.

Another very unlikely possibility is the consideration of the Clinton administration which could have decided to sign the Kyoto Protocol misjudging the chances of ratification because assuming that the Democrats would have won the 2000-elections and, in that way, would have had the possibility to ratify it after their victory. In order to exclude this line, Bang's (2011) reasoning seems strong enough. Indeed, this hypothesis seems not likely because of the fact that as the unanimity of the Byrd-Hagel Resolution and the coalized parties against IEAs and the Kyoto Protocol demonstrate, bipartisanship was strongly reigning. With such bipartisan anti-environmental sentiment that was characterizing the whole Senate, difficulty a new Democratic administration and Senate could have saved the situation.

The discreditation of these two hypotheses reinforces then the Hypothesis of Organized Hypocrisy. More precisely, it seems more likely that the creation of a strategy for the US signature and non-ratification derived from the need of the administration to pursue the goal of restoring an environmental reputation while contrasting the domestic hostilities. Indeed, it seems reasonable that in a different scenario, an anti-environmentalist administration without interests in a new green reputation and climate policy could have had the preference of even avoiding going to Kyoto or avoid signing the Protocol. Moreover, in case this anti-environmental administration wanted to reach an agreement in Kyoto, it would have used a strategy which did not include plan Bs. The goal would have been just reaching what the Senate wanted or otherwise nothing.

Let's now proceed with the second case study: the United States of America and the Paris Agreement. This case study is instead explicable with the use of the second Hypothesis, which considers external elements as driving forces for the state's non-compliance with IEAs. According to the available elements, the analysis for this case seemed more straightforward than before. First of all, as pointed out in the first chapter with the difficulties in monitoring non-compliance, it is possible to say that in this empirical case, its measurement was possible considering the fact that the Trump administration refused the possibility to implement the previously submitted NDC, opting for the withdrawal from the agreement.

Once understood that we are in presence of a case of non-compliance, understanding the main elements which drove such decision seemed to be clearer than the first case study. The central aspect, as noted in the analysis of the independent variables, was, first of all, the shift of administration from President Obama to President Trump, which crumbled all the attempts to finally put into reality the US green dream. As scholars note, it is very common that shifts in administrations lead to the phenomenon of non-compliance when the new administration has different or opposed points of view compared to the previous one. Indeed, in this case study, the main features that characterized President Trump and his administration were central: the lack of scientific knowledge in the environmental field, stark economic background and strategic relationships with the business sector reveled to be deleterious for the compliance with the Paris Agreement.

President Trump's position over the environment has been crystal clear since the beginning with his political campaign, when he promised to 'end the war on coal' and cancel the Paris Agreement while denying the occurrence of CC (Singer, 2018). Scholars like Zhang et. al (2017) note how his decision of withdrawal has been useful for the administration to enhance its political image in the national and international framework. (This decision has indeed been watched with admiration by populist parties around the world) (Singer, 2018).

Analyzing the variables presented in chapter 3, it is possible to note that the lack in scientific faith and the denial of CC led to the legitimation of avoiding taking real actions to solve the problem and comply with the agreement. Indeed, generally speaking, the non-consideration of a problem legitimizes an individual not to have the need to create a solution. This is very risky in the environmental field and exacerbates the risk of having other countries following the same path as the non-compliant one. In this case study, climate skepticism was not the only useful independent variable.

Indeed, other important forces came from the importance of the national competitiveness and the role of companies from the business sector. The economic concern demonstrated to be strongly insinuated in the country and in the governmental sphere (with again, hostility coming from the Republican party). Considering the role of lobbyist companies coming from the business sector, it is interesting to note the power they acquired during the decades and the role they were able to exert in the case of the Paris Agreement.

This power stands out especially if we consider the fact that during the years the general approach of these actors changed. Indeed, even though an increasing number of American companies are realizing the importance of fighting against CC and the importance of complying with the Paris Agreement, a numerically small group of companies (from the oil, gas, and fossil fuel sector) is still holding the power in the American climate policy sector. This element can be seen as a cultural characteristic (which, considering the risks that CC is creating, it would be better to consider it as also a cultural problem). As Mayer (2017) noted in the New Yorker, President Trump ended up in being the face of the US, a nation which decided to withdraw from the Paris Agreement. However, in reality, it was the Koch and fossil-fuel industry donors which really moved the engine in the background. With the problem of *information asymmetry* and the role of these actors, there can be two possibilities to read such scene: on the one hand, it is possible that President Trump used false economic projections on purpose (such as being aware about the mistakes) and relied on false information to justify the withdrawal from the Paris Agreement (Chen, 2017). On the other hand, it can be also possible that he had no idea that the numbers cited in his public speeches were wrong and he just trusted his lobbyists considering them as his real advisers (Chen, 2017).

In this case study it is possible to affirm that the mix of these analyzed variables was deleterious for the life of the agreement and that in the US, until the business sector (conceived according to the business-as-usual scenario with the concept of the linear economy) and industrial companies will be free to lobby the governmental sphere, the risk of non-compliance with a wide range of IEAs will remain high.

Let's now leave the Trump administration and its scenario and consider a further aspect of this case study: its limits. Indeed, it can be affirmed that in this case study it is impossible to prove whether the Obama administration would have not complied with the Paris Agreement. The only way to prove its non-compliance would have been the analysis of its behavior in a third tenure or of a new democratic administration in case of election of the candidate Hillary Clinton.

In order to prove a possible (premeditated) non-compliance (in accordance with the standards of the Hypothesis of Organized Hypocrisy), there would be the need of primary sources (like memorandums or interviews) which at the moment seem not to be accessible. Moreover, so far, journalists and scholars have not published any interview or mentioned any useful memo or document regarding other strategies, premeditations, and intentions. This would be the only way to try to prove a possible behavior of Organized Hypocrisy of the Obama administration (such as a ratification of the Paris Agreement with the premeditation of non-compliance).

At the same, it cannot be excluded that a possible situation of US non-compliance during a third tenure of the Obama administration could have also been originated by other reasons different from Organized Hypocrisy. Avoiding this hypothesis of Organized Hypocrisy, it is possible (through a work of guessing) to make some considerations comparing two opposite scenarios about the behavior of the Obama administration with the Paris agreement.

At a first glance, the hypothesis of Organized Hypocrisy seems the least likely because of the strong green approach that the Obama administration has always tried to defend since the beginning of his tenure. Moreover, another element is its determination to achieve the creation and ratification of the Paris Agreement avoiding the mistakes of the past. The study of the strategy of creating a presidential executive agreement, without legally binding obligations can be a sign which demonstrates the real intentions of the administration to make the difference with the past and finally reinvert the anti-environmental approach. In Paris, President Obama tried to address both Level I and II according to the Two-level Game using the same strategy as in Copenhagen: he knew he had to convince the international community and develop credibility on US promises after Kyoto. These are all elements which suggest a scenario of determined compliance from the administration in case it had the chance of a third tenure.

However, as the case of the Kyoto Protocol illustrates, a green administration does not automatically lead to the fulfilment of environmental commitments. Let's then now transfer this consideration to the case of the Paris Agreement (always avoiding the Hypothesis of Organized Hypocrisy). Even though the Obama administration demonstrated proactive intentions in making the difference in the climate policy, as shown by the independent variables, the power of the business sector, and the hostile constant bipartisanship of the Congress (already present since a long time, even before 1997) reached very high levels and would have constituted an obstacle for President Obama. More precisely, this consideration would suggest that probably, President Obama's good intentions in implementing the NDC would have been

obstructed. Indeed, the bypass of the Senate for the ratification was actually only the first step and would have not nullified the possibility of internal problems.

In order to comply with the NDC, there is the need by the state to implement and adapt such ambitious plans in the national system and this could have been theoretically possible if we consider the economic aspect of the Agreement. Indeed, as previously pointed out in the negotiating strategies, the Obama administration thought about avoiding precise budget requests (because normally they need to be approved by the Congress). This strategy could have repaid the administration efforts also combined with the rising number of companies and mayors in the US that through several campaigns and protests demonstrated their support for the Paris Agreement. Therefore, theoretically the strategy seems perfectly tailored to avoid domestic issues, but a possible obstacle could have been the companies from the oil and fossil fuel sector which would have exert a strong opposition.

Due to these elements, it is then not possible to exclude that the US non-compliance with the Paris Agreement would have occurred also with the Obama administration. Of course, these are only cautious suggestions elaborated in the light of the available elements.

To conclude, these two case studies show different aspects and possible hypotheses about the phenomenon of states discrepancy between talk, decision, and actions in the environmental field. They both entail useful elements that could be used to analyze further empirical cases in order to understand the background forces which drive this discrepancy, avoid this common phenomenon and as a consequence, create solutions. Indeed, going forward with such trends, the wider the discrepancy, the higher the risk of not properly fight CC. A first step towards the improvement could be the creation of more effective and coordinated monitoring systems for the fulfilment of commitments in the environmental field. The creation of possible solutions can only derive from the unequivocal individuation and framing of the problem and its nature.

Considering the US as the protagonist of the research, as Urpelainen and Van de Graaf (2018) note, its non-cooperation (driven by causes of Organized Hypocrisy or also by other reasons), poses some threats like the risk of missing domestic emissions reduction pledges, but also the risk that other countries, according to the concept of *bandwagoning*, feel entitled to avoid respecting their commitments. This behavior would create wider consequences jeopardizing the effectiveness of the international environmental tools. A recent study, for example, confirms

that the US withdrawal from the Paris Agreement 'continues to constrain the potential of other actors to address climate change effectively' (Milkoreit, 2019: p. 1025).

In light of the analysis of the different variables, it is possible to make some general considerations about the US situation. First of all, the testing of the theory of Organized Hypocrisy will always entail some limits due to the difficulties in proving it with complete sureness. Even in the case in which documents or interviews will be available, the personal sphere of policymakers will always remain, in a sense, secret. Therefore, this Hypothesis will always need to be considered with caution.

For what concerns the other elements analyzed in both case studies, it is possible to deduce that the US Senate together with the US Constitution are elements that need always to be taken into consideration in the US framework and, until climate skepticism will have such a central role (with bipartisanship), the risk of non-ratification and non-compliance will always be high. Therefore, if the US constitutional rules coupled with skepticism will remain like that, it will be always possible for the Congress to block Presidential proposals. The US Senate, as a matter of fact, due to the US Constitution, remains a 'key domestic constituency for the president-negotiator' (Milkoreit, 2019: p. 1024). Equally, the importance of the national economy, its competitiveness and costs result to be elements which are still difficulty negotiable in the US.

As scholars note, Congressional support for US ratification and respect of commitments could be possible only in cases of shallow treaties or enhanced and protected US competitiveness (Hovi, Bang & Sprinz, 2012) (Harrison & McIntosh Sundstrom, 2007).

It is true that a rising number of states (and also some actors in the US) are realizing the importance of acting against CC, but until these variables will be so much blended in a state's system, it will not be possible to exclude that the Kyoto and Paris experiences are going to be repeated in the future.

To conclude, we cannot deny it: the national economic interest is still the main interest but, as a citizen of the Earth, as a human being, I recognize that there is no more time to procrastinate, no more time for hypocrisy, no more time to let other variables change the commitments taken, no more time for inconsistencies between talks and actions. The human species must understand that the national interest is not anymore only national, or a duty that includes only developed or developing countries. The interest is now a *common* interest: Global warming and CC are *global* problems and are affecting our lives. Sooner or later, we will all be

obliged to change our habits and really understand how important consistency between talks and actions is.

REFERENCES

PRIMARY SOURCES

- *Montreal Protocol on Substances that Deplete the Ozone Layer* (1987) [Online]. 1522 I-26369, opened for signature on 16 September 1987, entered into force 1 January 1989. Available from: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-2a&chapter=27&clang=_en [Accessed 13th April 2021].

- The White House (11 November 2014a) *President Obama Announces Ambitious 2025 Target to Cut U.S. Climate Pollution by 26-28 Percent from 2005 Levels*. Available from: https://obamawhitehouse.archives.gov/the-press-office/2014/11/11/fact-sheet-us-china-joint-announcement-climate-change-and-clean-energy-c [Accessed 7th November 2021].

- The White House (11 November 2014b) *U.S.-China Joint Announcement on Climate Change*. Beijing, China. Available from: https://obamawhitehouse.archives.gov/the-press-office/2014/11/11/us-china-joint-announcement-climate-change [Accessed 27th October 2021].

- U.S. Department of State (September 1997) Memorandum: *Getting to Success in Kyoto: Strategy and Tactics,* ca. September 1997 (no classification), 24 March 2015, Unclassified, Document n. C05576353, National Security Archive. Available from: https://nsarchive.gwu.edu/document/15820-16-memorandum-getting-success-kyoto [Accessed 19th January 2022].

- U.S. Department of State Archive (12 November 1998) *United States Signs the Kyoto Protocol*. Available from: https://1997-2001.state.gov/global/global_issues/climate/fs-us_sign_kyoto_981112.html [Accessed 3rd October 2021].

- United Nations (1966) *Yearbook of the International Law Commission* (YBILC), vol II. Available from: https://legal.un.org/ilc/publications/yearbooks/english/ilc_1966_v2.pdf [Accessed 3rd September 2021].

- United Nations Framework Convention on Climate Change (15 March 2011) *Report of the Conference of the Parties.* FCCC/CP/2010/7/Add.1. Available from: https://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf [Accessed 5th September 2021].

- *United Nations Framework Convention on Climate Change* (UNFCCC) (1992) [Online]. 200705 GE.05-62220, opened for signature 4 June 1992, entered into force 21 March 1994. Available from: https://unfccc.int/resource/docs/convkp/conveng.pdf [Accessed 5th September 2021].

- United Nations Framework Convention on Climate Change (UNFCCC) (2006) *Report of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol.* FCCC/KP/CMP/2005/8/Add.2, 30 March 2006. Available from: https://unfccc.int/resource/docs/2005/cmp1/eng/08a02.pdf [Accessed 10th September 2021].

- United Nations Framework Convention on Climate Change (UNFCCC) (2015a) *21st Session of the Conference of the Parties and 11th Session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol- UNFCCC COP 21/ CMP 11.* Available from: https://sustainabledevelopment.un.org/index.php?page=view&type=13&nr=1359&menu=35 [Accessed 12th September 2021].

- United States Senate (25 May 2017) *Letter to President Trump*. Available from: https://www.inhofe.senate.gov/imo/media/doc/Paris%20letter.pdf [Accessed 30th January 2022].

- *Vienna Convention on the Law of the Treaties*, 1961. [Online]. 500, 2. Opened for signature on 18 April 1961, entered into force 24 April 1964. Available from: https://www.refworld.org/docid/3ae6b3a10.html [Accessed 19th September 2021].

- William J. Clinton Presidential Library (10 December 1997) *Pres. Clinton's Remarks on Kyoto Protocol on Climate Change.* Courtesy; Master Tape nr. 07759 Available from: https://www.youtube.com/watch?v=Ibl63YlTtI4 [Accessed 20th January 2022].

SECONDARY SOURCES

- Agnew, C. (2009) Commitment, Theories and Typologies. *Department of Psychological Sciences Faculty Publications.* (28) Available from: https://docs.lib.purdue.edu/cgi/viewcontent.cgi?article=1023&context=psychpubs [Accessed 14th November].

- Agnone, J. (2007) Amplifying Public Opinion: The Policy Impact of the U.S. Environmental Movement. *Social Forces.* 85 (4). Available from: http://priceofoil.org/content/uploads/2007/10/agnone_sf2007.pdf [Accessed 10th November 2021].

- Agrawala, S., & Andersen, S. (2001) US Climate Policy: Evolution and Future Prospects. *Energy & Environment*. 12 (2/3), 117-137. Available from: https://www.jstor.org/stable/43734397 [Accessed 12th October 2021].

- Averchenkova, A., & Bassi, S. (2016) Beyond the targets: Assessing the political credibility of pledges for the Paris Agreement. *Grantham Research Institute on Climate Change and the Environment and Centre for Climate Change Economics and Policy*. Available from: https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2016/01/Averchenkova-and-Bassi-2016.pdf [Accessed 27th March 2021].

- Bang, G., & Schreurs, M. A. (2016) The United States: The challenge of global climate leadership in a politically divided state. In: Wurzel, R. K., Connelly, J. & Liefferink D. (eds.) *The European Union in international climate change politics*. 1st ed., New York, NY, Routledge.

- Bang, G. (2011) Signed but Not Ratified: Limits to U.S. Participation in International Environmental Agreements. *Review of Policy Research*. 28 (1). Available from: https://doi.org/10.1111/j.1541-1338.2010.00479.x [Accessed 26th January 2022].

- Bernhagen, P. (2008) Business and International Environmental Agreements: Domestic Sources of Participation and Compliance by Advanced Industrialized Democracies. *Global Environmental Politics.* 8 (1), 84-85. Available from: https://econpapers.repec.org/article/tprglenvp/v_3a8_3ay_3a2008_3ai_3a1_3ap_3a78-110.htm [Accessed 8th September 2021].

- Blewitt, J. (2018) *Understanding Sustainable Development*. 3rd ed., Oxon and New York, Routledge.

- Bomberg, E. (2017) Environmental politics in the Trump era: An early assessment. *Environmental Politics*. 956-963 Available from: https://www.tandfonline.com/doi/full/10.1080/09644016.2017.1332543 [Accessed 21st March 2021].

- Bookbinder, D. (29th April 2017) *Obama had a chance to really fight climate change. He blew it.* VOX**.** Available from: https://www.vox.com/the-big-idea/2017/4/28/15472508/obama-climate-change-legacy-overrated-clean-power [Accessed 18th November 2021].

- Boyle, A. (2018) Soft Law in International Law-Making. In: Evans, M. D. (eds.) *International law*. 5th ed., Oxford, Oxford University Press.

- Brown Weiss, E. (1999) Understanding Compliance with International Environmental Agreements: The Baker 's Dozen Myths. *University of Richmond Law Review*. 32 (5), 1555-1589. Available from: https://scholarship.richmond.edu/cgi/viewcontent.cgi?article=2321&context=lawreview [Accessed 14th March 2021].

- Brunnée, J. (2003) The Kyoto Protocol: Testing Ground for Compliance Theories? *Heidelberg Journal of International Law.* 63 (2), 255-280. Available from: https://tspace.library.utoronto.ca/bitstream/1807/88292/1/Brunnee%20The%20Kyoto%20Protocol.pdf [Accessed 11th September 2021].

- Brunsson, N. (2007) *The Consequences of Decision-making*. New York, Oxford University Press Inc.

- Carreau, D. & Marrella, F. (2018) *Diritto Internazionale*. 2nd ed., Milano, Giuffrè Editore.

- Chayes, A. & Chayes, A. H. (1993) On Compliance. *International Organization*. 47 (2), 175-205. Available from: https://edisciplinas.usp.br/pluginfile.php/5459769/mod_resource/content/1/Chayes%20%20Chayes%201993.pdf [Accessed 29th August 2021].

- Chen, H. (2017) Groups Misled Trump on Economic Case Against Paris Agreement, *NRDC.* Available from*:* https://www.nrdc.org/experts/han-chen/trump-misled-economic-case-paris-agreement [Accessed 3rd February 2022].

- Collomb, J. D. (2014) The Ideology of Climate Change Denial in the United States. *European journal of American studies*. 9 (1). Available from: https://journals.openedition.org/ejas/10305 [Accessed 3rd December 2021].

- Correll, E. & Betsill, M. M. (2001) A Comparative Look at NGO Influence in International Environmental Negotiations: Desertification and Climate Change. *Global Environmental Politics*. 1 (4). Available from: https://www.researchgate.net/profile/Michele-Betsill/publication/24089733_A_Comparative_Look_at_NGO_Influence_in_International_Environmental_Negotiations_Desertification_and_Climate_Change/links/00b7d5149c126cbb28000000/A-Comparative-Look-at-NGO-Influence-in-International-Environmental-Negotiations-Desertification-and-Climate-Change.pdf [Accessed 3rd October 2021].

- Cox, M. (2017) From the end of the cold war to a new global era? In: Baylis, J., Smith, S. & Owens, P. (eds.) *The Globalization of World Politics. An Introduction to International Relations*. 7th ed., Oxford, Oxford University Press.

- Denchak, M. (2021) Paris Climate Agreement: Everything You Need to Know. *NRDC*. Available from: https://www.nrdc.org/stories/paris-climate-agreement-everything-you-need-know [Accessed on 28th November 2021].

- DeSombre, E. R. (2000) *Domestic Sources of International Environmental Policy: Industry, Environmentalists, and U.S. Power.* Cambridge, MA, The MIT Press.

- Dimitrov, R. S. (2016) The Paris Agreement on Climate Change: Behind Closed Doors. *Global Environmental Politics.* 16 (3), 1-11. Available at: https://politicalscience.uwo.ca/people/faculty/full-time_faculty/GEP%20Paris%20Agreement.pdf [Accessed 20th April 2021].

- Downie, C. (2013) Three Ways to Understand State Actors in International Negotiations: Climate Change in the Clinton Years (1993–2000). *Global Environmental Politics*. 13 (4). Available from: https://direct.mit.edu/glep/article-abstract/13/4/22/14644/Three-Ways-to-Understand-State-Actors-in [Accessed 12th October 2021].

- Duignan, B. (2021) Donald Trump. *Encyclopedia Britannica*. Available from: https://www.britannica.com/biography/Donald-Trump [Accessed 29th November 2021].

- Duignan, B. (2021) George W. Bush. *Encyclopedia Britannica*. Available from: https://www.britannica.com/biography/George-W-Bush [Accessed 15th December 2021].

- Durney, J. (2017) Defining the Paris Agreement: A Study of Executive Power and Political Commitments. *Carbon & Climate Law Review.* 11 (3), 234-242. Available from: https://www.jstor.org/stable/26245362 [Accessed 24th October 2021].

- European Environment Agency (2021) *What is the difference between adaptation and mitigation?* Available from: https://www.eea.europa.eu/help/faq/what-is-the-difference-between [Accessed 1st December 2021].

- Farber, D. A. (1999) Taking Slippage Seriously: Noncompliance and Creative Compliance in Environmental Law. *Harvard Environmental Law Review.* 23, 297. Available from: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=163973 [Accessed 30th August 2021].

- Fitzmaurice, M. (2018) The Practical Working of the Law of Treaties. In: Evans, M. D. (eds.) *International law* (5th ed.), Oxford, Oxford University Press.

- Frankhauser, S., Gennaioli, C. & Collins, M. (2014) Domestic dynamics and international influence: What explains the passage of climate change legislation? *Centre for Climate Change Economics and Policy,* 175. Available from: https://www.lse.ac.uk/GranthamInstitute/wp-content/uploads/2014/05/Wp156-Domestic-dynamics-and-international-influence-what-explains-the-passage-of-climate-change-legislation.pdf [Accessed 10th November 2021].

- Golub, P. S. (2010) *Power, Profit and Prestige. A History of American Imperial Expansion.* Pluto Press.

- Gulbrandsen, L. H. & Andersen, S. (2004) NGO Influence in the Implementation of the Kyoto Protocol: Compliance, Flexibility Mechanisms, and Sinks. *Global Environmental Politics*, 4 (4). Available from: https://www.cbd.int/doc/articles/2004/A-00184.pdf [Accessed 9th March 2021].

- Hafner-Burton, E. M. & Tsutsui, K. (2005) Human Rights in a Globalizing World: The Paradox of Empty Promises. *American Journal of Sociology*. 110 (5), 1373-1411. Available from: https://www.jstor.org/stable/10.1086/428442 [Accessed 28th April 2021].

- Harrison, K. & McIntosh Sundstrom, L. (2007) *The Comparative Politics of Climate Change*. Global Environmental Politics. 7 (4), 1-18. Available from: https://direct.mit.edu/glep/article/7/4/1/14416/The-Comparative-Politics-of-Climate-Change [Accessed 3rd October 2021].

- Healy, G. (2000) Arrogance of Power Reborn: The Imperial Presidency and Foreign Policy in the Clinton Years. *Cato Institute,* 389. Available from: https://www.cato.org/sites/cato.org/files/pubs/pdf/pa389.pdf [Accessed 12th October 2021].

- Hempel, L. C. (2002) Climate Policy on the Installment Plan. In: Vig, N. J. & Kraft, M. E. (eds.) *Environmental Policy*. 10th ed., Washington, DC, CQ Press.

- Hovi, J., Sprinz, D. F. & Bang, G. (2012) Why the United States did not become a party to the Kyoto Protocol: German, Norwegian and U.S. perspectives. *European Journal of International Relations*. 18, 129–150. Available from: https://journals.sagepub.com/doi/full/10.1177/1354066110380964 [Accessed 21st March 2021].

- Hovi, J., Sprinz, D. F., & Underdal, A. (2009) Implementing Long-Term Climate Policy: Time Inconsistency, Domestic Politics, International Anarchy. *Global Environmental Politics.* 9 (3), 20-39. Available from: https://direct.mit.edu/glep/article-abstract/9/3/20/14768/Implementing-Long-Term-Climate-Policy-Time [Accessed 17th March 2021].

- Huang, J. & Erb, T. (2020) The 'Signaling' Effect of the Paris Agreement. *Center for Climate and Energy Solutions*. Available from: https://www.c2es.org/wp-content/uploads/2020/12/The-Signaling-Effect-of-the-Paris-Agreement.pdf [Accessed 14th March 2021].

- James M. Inhofe. U.S. Senator of Oklahoma (2017) *Inhofe Leads Senators in Letter to Trump Calling for Withdrawal From Paris Climate Agreement.* Available from: https://www.inhofe.senate.gov/newsroom/press-releases/inhofe-leads-senators-in-letter-to-trump-calling-for-withdrawal-from-paris-climate-agreement [Accessed 31st January 2022].

- Jennings, P. (11 April 1998) *The apocalypse and Al Gore*. ABC News Saturday Night.

- Kaniaru, D. (2002) UNEP Governing Council Adopts Guidelines on Compliance with and Enforcement of Multilateral Environmental Agreements. *United Nations Environment Programme*. Available from: http://www2.ecolex.org/server2neu.php/libcat/docs/LI/MON-090734.pdf [Accessed 10th September 2021].

- Kaufman, N., Gasper, R. & Igusky, K. (2017) U.S. Chamber of Commerce's Energy Institute Misleads on Climate Action Costs: 3 Things to Know. *World Resources Institute*. Available from: https://www.wri.org/insights/us-chamber-commerces-energy-institute-misleads-climate-action-costs-3-things-know [Accessed 2nd February 2022].

- Kienast, A. N. (2015) Consensus Behind Action: The Fate of the Paris Agreement in the United States of America. *Carbon & Climate Law Review.* 9 (4), 314-327. Available from: https://www.jstor.org/stable/43860117 [Accessed 24th October 2021].

- Kingsbury, B. (1998) The Concept of Compliance as a Function of Competing Conceptions of International Law. *Michigan Journal of International Law*. 19 (2), 345-372. Available from https://repository.law.umich.edu/mjil/vol19/iss2/3/ [Accessed 26th August 2021].

- Knocke, D. (1990) *Political Networks: The Structural Perspective*. Cambridge, Cambridge University Press.

- Lantis, J. S. (2006) The Life and Death of International Treaties: Double-Edged Diplomacy and the Politics of Ratification in Comparative Perspective. *International Politics*. 43 (1), 24–52. Available from: https://www.proquest.com/docview/203112883 [Accessed 2nd November 2021].

- Legro, J. W. (1997) Which norms matter? Revisiting the "failure" of internationalism. *International Organization*. 51 (1), 31–63. Available from: http://rochelleterman.com/ir/sites/default/files/Legro%201997.pdf [Accessed 2nd September 2021].

- Leinaweaver, J. & Thomson, R. (2021) The Elusive Governance of Climate Change: Nationally Determined Contributions as Commitments and Negotiating Positions. *Global Environmental Politics*. 21 (2), 73–98. Available from: https://doi.org/10.1162/glep_a_00585 [Accessed 21st March 2021].

- Lizza, R. (11 October 2010) *As the World Burns*. The New Yorker. Available from: https://www.newyorker.com/magazine/2010/10/11/as-the-world-burns [Accessed 19th December 2021].

- Lutmar, C., Carneiro, C. L. & McLaughlin Mitchell, S. (2016) Formal Commitments and States' Interests: Compliance in International Relations. *International Interactions*. 42 (4), 559-564. Available from: https://www.tandfonline.com/doi/full/10.1080/03050629.2016.1187144 [Accessed 28th February 2021].

- Mayer, J. (2017) In the Withdrawal from the Paris Climate Agreement, the Koch Brothers' Campaign Becomes Overt. *The New Yorker.* Available from: https://www.newyorker.com/news/news-desk/in-the-withdrawal-from-the-paris-climate-agreement-the-koch-brothers-campaign-becomes-overt [Accessed 3rd February 2022].

- Meckling, J. (2011) The Globalization of Carbon Trading: Transitional Business Coalitions in Climate Politics. *Global Environmental Politics*. 11 (2), 26-50. Available from: https://econpapers.repec.org/article/tprglenvp/v_3a11_3ay_3a2011_3ai_3a2_3ap_3a26-50.htm [Accessed 4th October 2021].

- Meyer, R. (2017) Trump Isn't a Climate Denier. He's Worse. *The Atlantic.* Available from: https://www.theatlantic.com/science/archive/2019/11/ideology-behind-donald-trumps-paris-withdrawal/601462/ [Accessed 3rd February 2022].

- Meyerson, D. (1991) Reviewed Work(s): The Organization of Hypocrisy: Talk, Decision, and Actions in Organizations. by Nils Brunsson. *Administrative Science Quarterly*. 36 (1), 156-158. Available from: https://www.jstor.org/stable/pdf/2393445.pdf?casa_token=q-CF6AsNH6wAAAAA:ayhIPjsWUpuE6bGVFE7P0eIcOdtJR3eJNqRVm1h0UOhrn3l_DF8mJhudJuGMMnlJsVESHT3wHBRMGO01pvYX22KHDH6IWH0Qa0DyUDgyGcXS-U2Yla0 [Accessed 26th January 2022].

- Milkoreit, M. (2019) The Paris Agreement on Climate Change – Made in USA? *American Political Science Association.* 17 (4), 1019-1037. Available from: https://web.archive.org/web/20200305064542id_/https://www.cambridge.org/core/services/aop-cambridge-core/content/view/4687F2B504D5984BA7F5299CA3878DBF/S1537592719000951a.pdf/div-class-title-the-paris-agreement-on-climate-change-made-in-usa-div.pdf [Accessed 24th October 2021].

- Mitchell, R. B. (2003) International Environmental Agreements: A Survey of Their Features, Formation, and Effects. *Annual Review of Environment and Resources.* 28, 249–261. Available from: https://www.annualreviews.org/doi/pdf/10.1146/annurev.energy.28.050302.105603 [Accessed 6th September 2021].

- Nardini, A. (2017) L'America di Obama. Un Bilancio. *Rivista di politica*. Available from: https://www.researchgate.net/publication/319653349_L'America_di_Obama_Un_Bilancio [Accessed 29th October 2021].

- Neumayer, E. (2002) Do Democracies Exhibit Stronger International Environmental Commitment? A Cross-Country Analysis. *Journal of Peace Research*. 39 (2), 139–164. Available from: https://www.jstor.org/stable/1555296 [Accessed 17th October 2021].

- Obydenkova, A. & Salahodjaev, R. (2016) Intelligence, democracy, and international environmental commitment. *Environmental Research*. 147, 82-88. Available from: https://www.sciencedirect.com/science/article/abs/pii/S001393511630041X [Accessed 17th October 2021].

- Purvis, K. (15 November 2017) *'Non-state actors are driving the bus': the role of the US at COP23.* The Third Pole. Available from: https://www.thethirdpole.net/en/climate/non-state-actors-are-driving-the-bus-the-role-of-the-us-at-cop23/ [Accessed 20th November 2021].

- Putnam, R. D. (1988) Diplomacy and Domestic Politics: The Logic of Two-Level Games. *International Organization.* 42 (3), 427-460. Available from: https://www.jstor.org/stable/2706785 [Accessed 25th August 2021].

- Raustiala, K. (2000) Compliance & Effectiveness in International Regulatory Cooperation. *Case Western Reserve Journal of International Law.* 32 (3), 387-440. Available from: https://core.ac.uk/download/pdf/214079106.pdf [Accessed 1st March 2021].

- Rourke, J. T. (2008) *International Politics on the World Stage* (12th ed.) McGraw Hill Companies.

- Royden, A. (2002) U.S. Climate Change Policy Under President Clinton: A Look Back. *Golden Gate University Law Review.* 32 (4), pp. 415-477. Available from: https://digitalcommons.law.ggu.edu/ggulrev/vol32/iss4/3/ [Accessed 22nd January 2022].

- Samuelsohn, D. (2014) Clinton memos show climate tactics. *Politico.* Available from: https://www.politico.com/story/2014/06/clinton-library-memos-kyoto-protocol-china-india-107545 [Accessed 18th January 2022].

- Sargent, D. (2010) The United States and Globalization in the 1970s. In: Ferguson, N., Maier, C. S., Manela, E. & Sargent, D. (eds.) *The Shock of the Global: The 1970s in Perspective.* Harvard University Press.

- Schaffer, L. M., Oehl, B. & Bernauer, T. (2021) Are policymakers responsive to public demand in climate politics? *Journal of Public Policy*. 1-29. Available from: https://doi.org/10.1017/S0143814X21000088 [Accessed 25th October 2021].

- Schneider, K. (4 July 1992) Bush on the Environment: A Record of Contradictions. New York Times. Available from: https://www.nytimes.com/1992/07/04/us/the-1992-campaign-bush-on-the-environment-a-record-of-contradictions.html [Accessed 20th December 2021].

- Schneider, S. H. (1998) The Kyoto Protocol: The unfinished agenda. *Climatic Change*. 39 (1), 1-21. Available from: https://inis.iaea.org/search/searchsinglerecord.aspx?recordsFor=SingleRecord&RN=29051238 [Accessed 20t December 2021].

- Sevastopulo, D. & Clark, P. (12 November 2015) *Paris Climate Deal will not be a Legally Binding Treaty*. The Financial Times. Available from: https://www.ft.com/content/79daf872-8894-11e5-90de-f44762bf9896 [Accessed 15th December 2021].

- Simmons, B. A. (1998) Compliance with International Agreements. *The Annual Review of Political Science.* 1, 75-93. Available from: https://www.annualreviews.org/doi/pdf/10.1146/annurev.polisci.1.1.75 [Accessed 16th March 2021].

- Singer, M. (2018) *Climate Change and Social Inequality. The Health and Social Costs of Global Warming.* (1st eds.) London, Routledge.

- Skjærseth, J. B., & Skodvin, T. (2001) Climate Change and the Oil Industry: Common Problems, Different Strategies. *Global Environmental Politics*. 1 (4), 43–63. Available from: https://www.researchgate.net/publication/24089731_Climate_Change_and_the_Oil_Industry_Common_Problems_Different_Strategies [Accessed 28th November 2021].

- Skjærseth, J. B., Bang, G. & Schreurs, M. A. (2013) Explaining Growing Climate Policy Differences Between the European Union and the United States. *Global Environmental Politics.* 13 (4). Available from: https://ideas.repec.org/a/tpr/glenvp/v13y2013i4p61-80.html [Accessed 2nd October 2021].

- Skjærseth, J. B., Schram Stokke, O. & Wettestad, J. (2006) Soft Law, Hard Law, and Effective Implementation of International Environmental Norms. *Global Environmental Politics*. 6 (3), 104-120. Available from: https://direct.mit.edu/glep/article-abstract/6/3/104/14358/Soft-Law-Hard-Law-and-Effective-Implementation-of?redirectedFrom=fulltext [Accessed 9th March 2021].

- The National Security Archive (2015) *The Clinton White House and Climate Change: The Struggle to Restore U.S. Leadership.* Available from: https://nsarchive2.gwu.edu/NSAEBB/NSAEBB537-Clinton-White-House-Frustrated-in-Attempts-to-Forge-US-Global-Leadership-on-Climate-Change-in-1990s/ [Accessed 19th January 2022].

- Tingley, D. & Tomz, M. (2020) International commitments and domestic opinion: the effect of the Paris Agreement on public support for policies to address climate change. *Environmental Politics.* 29 (7), 1135-1156. Available from: https://doi.org/10.1080/09644016.2019.1705056 [Accessed 17th March 2021].

- Tooze, A. (2019) Is this the end of the American century? *London Review of Books.* 41 (7), 3-7. Available from: https://www.lrb.co.uk/the-paper/v41/n07/adam-tooze/is-this-the-end-of-the-american-century [Accessed 29th November 2021].

- United Nations Climate Change (UNFCCC) (2021) *The Paris Agreement*. *What is the Paris Agreement?* Available from: https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement [Accessed 29th September 2021].

- United Nations Climate Change (UNFCCC) (2021) *What is the Kyoto Protocol?* Available from: https://unfccc.int/kyoto_protocol [Accessed 16th October 2021].

- United States Environmental Protection Agency (2021) EPA History: Earth Day. Available from: https://www.epa.gov/history/epa-history-earth-day [Accessed 18th October].

- United States Environmental Protection Agency (2021) *The Origins of EPA*. Available from: https://www.epa.gov/history/origins-epa [Accessed 18th October 2021].

- University of Oregon (2020) *International Environmental Agreements (IEA) Database Project. Ronald B. Mitchell and the IEA Database Project, 2002-2020.* Available from: https://iea.uoregon.edu/ [Accessed 28th April 2021].

- Vo, L.-C., Culié, J.-D., & Mounoud, E. (2016) Microfoundations of decoupling: From a coping theory perspective. *M@n@gement*. 19 (4), 248-276. Available from: https://pdfs.semanticscholar.org/2e38/790abeae16e7f6de8c3ad1748cc0c4825052.pdf?_ga=2.28355324.1381892.1641479210-348687750.1632063756 [Accessed 15th December 2021].

- Ward, P. S. (1976) Ford and Carter: Contrasting Approached to Environment. *Journal (Water Pollution Control Federation)*. 48 (10), 2238-2243. Available from: https://www.jstor.org/stable/25040020 [Accessed 3rd November 2021].

- Weikmans, R., van Asselt, H. & Timmons Roberts, J. (2020) Transparency requirements under the Paris Agreement and their (un)likely impact on strengthening the ambition of nationally determined contributions (NDCs). *Climate Policy*. 20 (4), 511-526. Available from: https://doi.org/10.1080/14693062.2019.1695571 [Accessed 17th September 2021].

- Weinstein, F. B. (1969) The Concept of a Commitment in International Relations. *The Journal of Conflict Resolution*. 13 (1), pp. 39-56. Available from: https://doi.org/10.1177/002200276901300103 [Accessed 24th October 2021].

- Zhang H.-B., Dai, H.-C., Lai, H.-X., Wang, W.-T. (2017) U.S. withdrawal from the Paris Agreement: Reasons, impacts, and China's response. *Science Direct.* 8, pp. 220-225. Available from: https://www.sciencedirect.com/science/article/pii/S1674927817301028 [Accessed 27th January 2022].

- Zhang, Y.-X., Chao Q.-C., Zheng Q.-H., Huang, L. (2017) The withdrawal of the U.S. from the Paris Agreement and its impact on global climate change governance. *Science Direct*. 8, pp. 213-219. Available from: https://www.sciencedirect.com/science/article/pii/S1674927817300849 [Accessed 27th January 2022].