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## Foreword

It is scarcely necessary to be a student of international affairs to see that preponderant power gives the society that enjoys it unique purchase in international relations. With the demise of Soviet power, the United States of America has been left, alone by a wide distance, at the head of the league table of world powers. If its position was contested up to 1990, we can nevertheless say with some certainty that the period beginning in 1940 is the American century. Despite the aspirations of some, Europe will have to do a great deal to reorganize itself before it can come to rival the United States; and both China and India have a long way to go before they can contest the top spot, even if at least one of them may do so within a generation.

America's preponderance is not just a question of economic and military strength. It is also a question of cultural strength, both at the popular and elite levels. The popular media across the world are dominated by American material, which shapes the minds and lifestyles of coming generations. For better or worse, the young in particular identify with American popular music and a range of American artifacts and foods, for example. This appears to be so even where there are strong forces of domestic cultural resistance. At the level of elites, there are aspirations to American lifestyles and consumption patterns, as well as subscription to patterns of thought and philosophies of political economy and institutional management that owe much to the Atlantic tradition. As at many times in history, a particular national culture is the standard-setter and supplier of the lingua franca for an international elite. In our times, much to the frustration of Europeans, Indians, Chinese and Japanese, and particularly of the defenders of French civilization, that leading culture is undoubtedly American.

The influence of that culture is abundantly evident in international environmental policy. Recent books edited by Paul G. Harris comprehensively demonstrate how the international community has often had to dance to the American tune in the last 20 years, not only on ozone but also on climate change and other environmental issues. Since global climate change policy cannot be effective if the United States is left outside it, the United States has been able to deploy its power and influence to shape agreements in ways acceptable to it. The same kind of processes can be seen in other areas, especially those which the American people and

# 1 Introduction: Environment, Equity, and U.S. Foreign Policy

During a press briefing in mid-1993, State Department counselor Timothy Wirth (soon to be under secretary of state for global affairs) declared that the Clinton administration was determined to reestablish the United States as the world's environmental leader: "the United States once again resum[es] the leadership that the world expects of us. [S]ee the changes that we have made related to environmental policy coming out of the disastrous events in Rio just one year ago at the UNCED [United Nations Conference on Environment and Development]. . . . Just a year ago, the United States was viewed as a country not fulfilling its responsibilities, and now we are, on these most difficult issues, once again out in the lead."<sup>1</sup>

That same year, Vice President Al Gore, speaking before the United Nations Commission on Sustainable Development, said that the United States and other developed countries "have a disproportionate impact on the global environment. We have less than a quarter of the world's population, but we use three-quarters of the world's raw materials and create three-quarters of all solid waste. One way to put it is this: A child born in the United States will have 30 times more impact on the earth's environment during his or her lifetime than a child born in India. The affluent of the world have a responsibility to deal with their disproportionate impact."<sup>2</sup>

In 1994 President Bill Clinton told the National Academy of Sciences, "If you look at the rate at which natural resources are disappearing and you look at the rate at which the gap between rich and poor is growing, if you look at the fact that the world's population has doubled [in only 40 years], it is clear that we need a comprehensive approach to the world's future. We put it under the buzzword of sustainable development, I guess, but there is no way that we can approach tomorrow unless we are at least mindful of our common responsibilities in all these areas. . . . already one-third of [the world's] children are hungry, two of every five people on Earth lack basic sanitation, and large parts of the world exist with only one doctor for every 35,000 or 40,000 people. Reversing these realities will require innovation and commitment and a

determination to do what can be done over a long period of time. . . ."<sup>83</sup>

Testifying before the Senate Foreign Relations Committee in early 1995, Secretary of State Warren Christopher said that the United States can no longer escape the consequences of environmental degradation, unsustainable population growth, and destabilizing poverty beyond U.S. borders. He said that these issues threaten America's continued prosperity and its security, and that countries suffering from persistent poverty and worsening environmental conditions are not only poor markets for U.S. exports, but also likely victims of conflicts and crises that can only be resolved by costly American intervention. Thus, Secretary Christopher said, "the Clinton Administration is dedicated to restoring America's leadership role on sustainable development—an approach that recognizes the links between economic, social, and environmental progress. . . . Supporting the developing world's efforts to promote economic growth and alleviate chronic conditions of poverty serves America's interests."<sup>84</sup> The previous year Christopher asked Congress for foreign assistance funding to support "child survival, poverty lending, and micro-enterprise programs to help the poorest of the poor acquire sufficient food, shelter, and capital to become productive and healthy members of society and to provide for their children. . . . Humanitarian assistance programs will always be part of our foreign policy because they project the values of the American people. They also reinforce our interest in sustainable development."<sup>85</sup>

These attitudes prevailed throughout the Clinton administration's tenure. Reflecting this, in July 1999 Secretary of State Madeleine Albright said that Americans "cannot be secure if the air we breathe, the food we grow, and the water we drink are at risk because the global environment is in danger. . . . The United States has the world's largest economy [and] the best environmental technology. And our society is by far the largest emitter of the gases that cause global climate change. So we have both the capacity and the obligation to lead."<sup>86</sup> She repeated these comments a year later in a speech for "Earth Day."<sup>87</sup> In September 1999, President Clinton said that Americans "have a big responsibility because America produces more greenhouse gases than any other country in the world."<sup>88</sup> These statements were reinforced by officials at various levels in the foreign policy bureaucracy.

While they are usually couched in terms of U.S. national interests, these statements nevertheless reflect growing concern about environmental changes and a nascent acceptance of *international equity*—a fair and just distribution among countries of benefits, burdens and decision-making authority associated with international relations—as one of the objectives of U.S. global environmental policy. This book argues that this acceptance

of international equity objectives, albeit limited, is unprecedented in U.S. foreign policy, explains the reasons behind it, examines why the United States has failed to accept international environmental equity more robustly, and speculates on its future implications for U.S. interests and world politics.

In contrast to the Clinton administration's posture, the U.S. government under George Bush (and indeed Ronald Reagan) was extremely skeptical of the value of the whole United Nations Conference on Environment and Development endeavor, and opposed many of the equity provisions adopted by the conference or attempted to dilute them.<sup>89</sup> Yet even the Bush administration had agreed to provisions for international equity in the London amendments to the Montreal Protocol on Substances that Deplete the Ozone Layer, and by the time Bush attended the 1992 Earth Summit his administration's opposition to international equity considerations had softened substantially.

The U.S. acceptance in the 1990s of international equity as a goal of global environmental policy, albeit quite modest, is unusual by historical standards. The U.S. government has traditionally sought to deny responsibility for international inequities, especially insofar as they relate to financial commitments by the United States, and the U.S. government has been especially unwilling to seriously consider the demands of developing countries for more equitable treatment in international economic relations. Yet, in conjunction with increasingly well-understood and salient changes to the global environment, the U.S. government has softened and occasionally reversed its traditional opposition to matters of international equity.

The United Nations Conference on Environment and Development and the agreements coming from it, which are the main objects of this analysis of U.S. policy, were unprecedented events in international relations. Previous efforts to advance international equity norms in the environmental policy field, such as in the United Nations Conference on the Human Environment (UNCHE), the United Nations Conference on the Law of the Sea (UNCLOS), as well as more general calls for a New International Economic Order (NIEO), had little success. In contrast, the UNCED agreements and conventions signed at the June 1992 Earth Summit held in Rio de Janeiro elevated norms of international equity to prominence in the environmental issue area. What is more, it is possible that the provisions for international equity that were included in the UNCED agreements—if taken more seriously in coming decades—could signal a substantial shift in the conduct of international relations generally, not only in the environmental field.

### Questions Addressed in this Book

This book looks at U.S. international environmental policy in the context of the UNCED process, including: (1) the negotiations leading to the 1989 UN General Assembly Resolution 44/228 establishing UNCED; (2) the preparatory committee (prepcom) negotiations dealing with the UNCED Declaration and Agenda 21; (3) the UNCED meeting held in June 1992 at Rio de Janeiro, Brazil (the "Earth Summit"), where associated international environmental agreements were signed; (4) the international deliberations regarding the world's forests leading to the UNCED statement on forest principles; (5) separate negotiations, including the intergovernmental negotiating committee (INC) meetings, for the Framework Convention on Climate Change and the Biodiversity Convention; and (6) subsequent international negotiations dealing with interpretation and implementation of these agreements.

In short, the book is concerned with the whole UNCED process, specifically from the late 1980s to the Earth Summit. It also examines with somewhat less focus the subsequent UNCED follow-on negotiations to show especially how United States policy has dealt with the equity provisions of agreements and conventions signed at the Rio convention. The UNCED process is ongoing and evolving; this book focuses on the formative stages of that process, especially as it relates to international equity and U.S. foreign policy, but it also looks at how and why U.S. policy has evolved since Rio. The specific primary questions this book seeks to answer include the following:

- To what extent have the U.S. and other governments accepted international equity as an objective of global environmental policy?
- What explains the U.S. government's acceptance of international equity as an objective of its policy in the global environmental field?
- Why did the U.S. government under President Bush not go further in accepting international equity as an objective of U.S. global environmental policy? Why did the Clinton administration go beyond the Bush administration in accepting international equity as an objective of global environmental policy? Why was the Clinton administration unable to *act* more robustly to promote international environmental equity?

Additional future-oriented questions addressed in this book include these:

- What are the practical policy implications and normative implications of the U.S. government's acceptance of international equity as an objective of its global environmental policy? That is, what effect might the partial U.S. embrace of international equity as an objective of its global environmental policy have on future U.S. definitions of its interests? How might this affect American influence in international environmental politics and international affairs generally?
- Should considerations of international environmental equity figure more prominently in American policymakers' calculations of U.S. national interests and global power?

As a prelude to answering these questions, the next chapter discusses the concept of international equity, which is defined in this book as *a fair and just distribution among countries of benefits, burdens, and decision making authority*. This concept has started to permeate global environmental policy making—including influencing the foreign policy of the United States. In reality, as international environmental deliberations, including UNCED, have shown, various interpretations of equity will be important in the formulation and justification of international agreements depending on the specific environmental issue subject to deliberation. Rarely will considerations of international equity be of *definitive* influence in international environmental negotiations (although from time to time they can be), but they can be very important considerations nonetheless. They have been codified in various international environmental instruments, such as the Montreal Protocol, Agenda 21, the Framework Convention on Climate Change, and the Convention on Biological Diversity.

To be sure, the motivations of diplomats and their governments are rarely based largely on altruism or a desire to promote international equity. However, it is not essential that there be altruistic *motivations* for an outcome to be equitable. Even in their domestic policies some countries provide special benefits to people in order to garner electoral support or to stave off revolution, and not primarily out of altruistic motives. Regardless of the original reasons for decisions to redistribute resources based on need, even when such decisions are based on the *self-interests* of ruling groups, such redistributions are commonly regarded as social justice or equity policies. We should not hold international society to a higher standard in determining whether policies or actions qualify as equitable. Yet, some governments (e.g., the Nordic countries) and individuals in governments (Al Gore, perhaps<sup>10</sup>) *are* sometimes motivated by altruism. Such

governments and individuals try to promote equity norms by building coalitions with others who have different, even cynical, motivations. This process can institutionalize norms of behavior and policy that can affect subsequent policy decisions. Furthermore, as Keohane has observed, "Moralists such as Woodrow Wilson and Jimmy Carter sometimes gain high office; indeed, their moralism may appeal to the electorate. Furthermore, even officials without strong moral principles have to defend their policies, and it is often convenient to do so in moral terms. This requirement may lead them, in order to avoid cognitive dissonance, to take on some of the beliefs that they profess. The act of piety may engender piety itself. . . ."<sup>11</sup>

Diplomats at the Earth Summit and other international environmental negotiations no doubt had different definitions of international equity in their briefing papers and in their heads. Scholars can illuminate these various meanings of equity without arbitrating among the conflicting definitions. We ought to be reminded that international agreements, including those resulting from UNCED, are often vague in their definitions and statements, reflecting the differing values and interests of the signatories. Hence, if the reader is frustrated by a lack of clarity in defining "international equity," it is useful to bear in mind that the diplomats and bureaucrats have been equally frustrated.

### **Practical Significance of this Book**

There are three interrelated practical justifications for undertaking a study of this kind: (1) normative ideas influence the foreign policies of governments; (2) there is an established and ever increasing need for the North to engage in environmental bargaining with the South, which can be facilitated by a sensitivity to the South's concern for equitable arrangements; and (3) how the United States adapts to the new imperatives of environmental diplomacy is likely to have an enormous impact on Earth's ecosystems and on prospects for human health and well-being in years to come, not only in the United States but all around the world.

#### *Normative Ideas Influence International Relations and Foreign Policy*

Ideas like international equity can become rooted and take on a life of their own in international relations, possibly becoming important determinants of—or at least constraints on—state behavior. As in domestic society, international norms may become more influential as a result of power

bargaining, but once they are brought about they can become independent forces. Institutions like the environmental regimes emanating from UNCED can be conducive to this process. "Indeed," as Judith Goldstein and Robert Keohane argue, "one consequence of international institutions is that they provide settings in which governments must provide reasons (whether genuine or not) for their positions. The existence of international institutions gives states greater incentives to make their policies more consistent with one another and with prevailing norms, so that they can be more successfully defended in international forums."<sup>12</sup> Goldstein and Keohane see ideas as playing a role similar to that described by Max Weber. According to Weber: "Not ideas, but material and ideal interests, directly govern men's conduct. Yet very frequently the 'world images' that have been created by ideas have, like switchmen, determined the tracks along which action has been pushed by the dynamic of interest."<sup>13</sup> Ideas help to bring some order to politics and may be influential enough to shape agendas, thereby having a very significant impact on the course of events. Ideas can put "blinders" on people, limiting the number of policy options they have to choose from.<sup>14</sup>

Goldstein and Keohane describe three causal pathways whereby ideas find their way into foreign policy: (1) ideas serve as road maps; (2) ideas contribute to outcomes in the absence of unique equilibria; and (3) ideas embedded in institutions specify policy in the absence of innovation.<sup>15</sup> These pathways suggest ways in which considerations of international equity may influence the creation and operation of international environmental institutions.

While the first pathway does not account for how certain ideas become salient, it does limit choice of policy by "excluding other interpretations of reality or at least suggests that such interpretations are not worthy of sustained exploration."<sup>16</sup> Although exceptions abound, it seems that states face difficulty if they attempt to negotiate agreements that are blatantly unfair to other participants. International environmental agreements such as those seeking to limit global climate change can be successfully negotiated only with the participation of many developing countries (e.g., China, India, Brazil) whose negotiating power has increased in proportion to the importance of their participation. The developing countries must think they are getting a fair deal if they are to sign on to these agreements and undertake genuine fulfillment of them. This fact has contributed to considerations of equity becoming an important part of nascent and established international environmental institutions, including the amended Montreal Protocol and the agreements and conventions signed at the Earth Summit. Equity has become one of the guidelines for

negotiators. To be sure, each diplomat at international forums will try to promote his own state's interests, but he will do so in the context of treating other states—including those weaker than his own—fairly. Equity does not dictate the progress and outcomes of international environmental negotiations, but it does seem to act as an important *restraint* or *guideline*, at the very least turning states away from blatantly unfair choices.

Normative ideas may be especially useful as guidelines in situations of uncertainty. International bargaining directed toward international environmental change are characterized by uncertainty. Especially when the science is murky (as it has been on the issue of climate change, for example), actors have some difficulty identifying their long-term interests. They seek guidelines within which their various conceptions of the future can operate. Goldstein and Keohane contend that "Ideas serve the purpose of guiding behavior under conditions of uncertainty by stipulating causal patterns or by providing compelling ethical or moral motivations for action. . . . Causal ideas respond directly to uncertainty by reducing it, whereas principled ideas enable people to behave decisively despite causal uncertainty. Principled ideas can shift the focus of attention to moral issues and away from purely instrumental ones focused on material interests and power."<sup>17</sup> Equity is one such compelling idea that can serve to move deliberations away from narrow discussions of self-interest.

The second pathway described by Goldstein and Keohane suggests that ideas act as "focal points" or "glue." By their account, "change can occur when perceptions of new benefits to be realized from cooperation give coordination problems new salience and lead actors to search for ideas that will enable them to cooperate."<sup>18</sup> The developed states want and need the participation of several developing states to make environmental institutions (such as the Climate Change Convention) work. Developing states want financial aid to at least cover their incremental costs of participation. Equity provides a focal point around which their expectations can converge. The related notions of "environment and development" and "sustainable development" emphasized at the Earth Summit can serve as a "conceptual bridge" between the environmental goals of the developed countries and the economic development objectives of the developing world.<sup>19</sup>

Finally, and perhaps most important for the promotion of international equity in the long term, is what happens once a distributional principle becomes institutionalized. Once an idea becomes a component part of institutional rules and norms its initial basis (whether self-interest or temporary altruism) may no longer be salient. Such principles often remain to structure subsequent political debates and institutional deliberations, and

thus continue to affect the evaluation of policy choices by those who use the institutions. As put by Goldstein and Keohane, "the interests that promoted some statute may fade over time while the ideas encased in that statute nevertheless continue to influence politics. Thus at a later time, these institutionalized ideas continue to exert an effect: it is no longer possible to understand policy outcomes on the basis of contemporary configurations of interest and power alone."<sup>20</sup>

Thus, even if equity components in the Montreal Protocol, the UNCED agreements and conventions, or other international environmental instruments were a disingenuous ploy by representatives of developed states to garner signatures from developing countries, and even if incorporation of the equity provisions were mostly rhetorical wrapping for agreements based essentially on self-interest, in the long-run such equity provisions may very well prove to be influential. They may yet be important in the workings of the implementation regimes and may bring substantial economic benefits to people in many developing countries, while simultaneously limiting global environmental changes that may adversely affect all people.

What is being suggested here is that where ideas like international equity can play a role in the formation of international environmental institutions, even if other factors (such as power and material self-interest) are important, normative ideas are likely to become embedded in these institutions—and in international politics generally—and thus continue to affect policy choices. They may even increase in salience over time, to become relatively more determinative of policy outcomes.

### *The Need to Bargain with the South*

Global environmental issues are becoming increasingly salient in international relations. For example, climate change, caused by the introduction of greenhouse gases (GHGs) into the atmosphere, is perhaps the greatest long-term threat to the global environment on which humankind depends for its prosperity and survival. In the coming decades, climate change may result in dramatic changes in sea level, ocean currents, and weather patterns, with consequences ranging from more frequent and severe floods and droughts to the spread of pests and the submergence of some island countries.<sup>21</sup> Indeed, climate change poses such potentially unprecedented challenges to the international community that we can expect the negotiations on climate change to last well into and perhaps throughout this century, much as the General Agreement on Tariffs and Trade (GATT) and subsequent World Trade Organization (WTO) talks

have been ongoing for over half a century. Several developed country diplomats involved in the United Nations climate change negotiations conceded that equity considerations are a crucial component of successful negotiations and agreements meant to limit climate change.<sup>22</sup>

Consequences of transboundary environmental pollution, such as stratospheric ozone depletion, ocean pollution, and climate change, can be limited or prevented only if both economically developed and the large developing countries reduce their polluting emissions. Unilateral efforts by the developed industrialized countries, while essential as a first step, will be overwhelmed as the large developing countries use more energy and produce more environmental pollutants. If China burns its vast coal reserves and Brazil cuts its expansive rain forests, greenhouse gas levels will increase beyond the potential control of the industrialized countries. The developed countries must do much more to reduce their own emissions of greenhouse gases. But the developing countries must also be persuaded that they should forgo the energy-intensive industrialization enjoyed by the developed countries, instead developing in a manner that does not rely as heavily on fossil fuels. Such persuasion will require substantial concessions on the part of the developed countries, involving major transfers of funds and new, more environmentally benign technologies. In other words, the extent to which there is sustainable development in the developing world is a *global* concern that will require more serious attention from the South—and this will be more true as the South grows and adopts consumption patterns analogous to those in the profligate North.

Maldistribution of social, economic, political and environmental resources is often synonymous with unsustainable development. The poor are concerned about fulfilling their basic needs and, once that is accomplished, raising their standards of living. They are unlikely to be concerned with environmental changes whose adverse effects will be experienced or suffered in the relatively distant future, especially when those problems are largely caused by (and concern) the wealthy people of the world who the poor often blame for much of their suffering. The people of the developing world believe that it is unfair for the citizens of the developed countries to ask the poor to forgo development so that the North can continue to consume as it has so far. Only if the poor are treated fairly by the rich will they genuinely join in efforts to protect the global environment. They cannot be expected to participate in international environmental agreements if such agreements are perceived as being unfair. As Oran Young points out:

Those who believe that they have been treated fairly and that their core

demands have been addressed will voluntarily endeavor to make regimes work. Those who lack any sense of ownership regarding the arrangements because they have been pressured into pro forma participation, on the other hand, can be counted on to drag their feet in fulfilling the requirements of governance systems. It follows that even great powers have a stake in the development of international institutions that meet reasonable standards of equity.<sup>23</sup>

Environmental changes create a situation in which considerations of equity at the international level have greater importance than they might have without that environmental change. In contrast to other issues, questions of whether and how much the developed countries should aid the developing countries are unavoidable in the global environmental policy arena. What is more, with the end of the cold war there are potentially new sources of aid (e.g., the illusive, almost forgotten "peace dividend") and, paradoxically, new justifications for discontinuing aid (it is no longer essential for opposing superpowers to garner friends through international aid). While the *old* North-South debate is still salient, the world has changed enough to require a *new* debate about aid from developed to developing countries.<sup>24</sup>

Climate change demonstrates how environmental issues can foster the salience of equity in international politics. The continuing climate change negotiations are substantially different than past experiences with the UNCE, the NIEO, and the Law of the Sea. As Shue has argued:

A political decision to adopt a global ceiling on GHG emissions has implications for equity that are far more radical than has so far been recognized. A serious decision to deal with the natural limit on the planet's capacity to dispose of GHG emissions by imposing a political limit on the emissions produced by humans totally transforms the international situation. The reason is simple: imposition of an emissions ceiling makes emissions, as the economists like to say, zero-sum. For equity this change has powerful implications.<sup>25</sup>

Because equity fundamentally requires that one do no harm, according to Shue, "The adoption of a ceiling on total emissions moves the consumption of more than one's share of allowable emissions into a new category of equity, the category of rock-bottom prohibited wrong."<sup>26</sup>

Furthermore, the uncertainty associated with international environmental issues (noted above) can have important influences on international bargaining. It can be an instrument for the creation of international environmental institutions that are more equitable. Young has suggested that:



Uncertainty may also play a constructive role in making it difficult for participants in institutional bargaining regarding climate change to make confident predictions about the distributive consequences of alternative institutional arrangements under consideration for inclusion in a climate regime. The resultant veil of uncertainty has the effect of increasing interest in the formation of arrangements that can be justified on grounds that they are fair in procedural terms, whatever substantive outcomes they produce. Coupled with the operation of the consensus rule characteristic of institutional bargaining, this has led some analysts to argue that effective international agreement to limit [greenhouse gas emissions] will not be undertaken unless the agreement is seen by the participants as fair.<sup>27</sup>

Importantly, international environmental institutions help protect the global environment and may help prevent violent conflict that can result from environmental degradation.<sup>28</sup> We can define international institutions (often referred to as "regimes") as recurring sets of principles, norms, rules, and decision making procedures that act as guidelines for how states behave toward one another.<sup>29</sup> International institutions usually coincide with formal international treaties or "soft law" agreements, and often have accompanying organizations. Several international institutions have been created that attempt to deal with adverse global environmental changes. One of the best known and most successful is the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer (as amended).<sup>30</sup> The Protocol has led to major reductions in gases that harm the stratospheric ozone layer. Other international environmental institutions have contributed to the protection of the global environment. As the distribution of power in the international system becomes more diffuse in many issue areas, the effectiveness of many international institutions (notably those that had limited effectiveness during the U.S.'s postwar hegemony, including those addressing environmental concerns) may increase. We may be entering a period in which international institutions generally will be more important to the successful conduct of interstate relations.<sup>31</sup>

However, there is no certainty that institutions will form, and once formed there is no certainty that they will be successful. It is therefore important and worthwhile to explore all factors that may increase the likelihood of institutional formation and effectiveness. We already know that equity considerations are important for the creation and effectiveness of international environmental institutions.<sup>32</sup> Countries are more likely to participate in international environmental institutions if associated arrangements are seen as fair and just. International equity considerations are therefore increasingly a prominent component of international

environmental institutions, most notably the nascent institutions created during UNCED. Hence, a focus on equity considerations is a useful undertaking, even apart from the many important ethical considerations. As Oran Young tells it, "The study of governance systems in international society cannot prosper in the absence of a better understanding of the determinants of effectiveness. Those responsible for designing governance systems to cope with growing threats to the earth's habitability demand knowledge that they can use to devise regimes that will prove effective."<sup>33</sup> The upshot is that if we are to protect the global environment we need to better understand the processes by which international environmental institutions can be made to appear equitable in the eyes of important parties.

A research project directed by Oran Young and Gail Osherenko brought together scholars from several countries to examine the following question: What are the determinants of success or failure in efforts to form regimes dealing with specific environmental and resource issues?<sup>34</sup> To answer this question they examined several institutional arrangements geared toward protecting polar ecosystems. They grouped their hypotheses and ultimate explanatory arguments into four categories: power-based hypotheses, interest-based hypotheses, knowledge-based hypotheses, and contextual arguments.<sup>35</sup> Of the twelve interest-based hypotheses examined across five case studies, with the exception of individual leadership no explanation was found to be more important than equity in explaining the successful formation of international environmental regimes.<sup>36</sup> Young and Osherenko found that "institutional bargaining cannot succeed unless it produces an outcome that participants can accept as equitable, even when the adoption of equitable formulas requires some sacrifice in efficiency."<sup>37</sup>

States usually do not comply with international environmental standards (or most other international standards) because they are forced to do so. Instead, they comply with more subtle pressures coming from "a combination of binding international law and public exposure of noncompliance (often by less inhibited nongovernmental organizations [NGOs]), normative persuasion, scientific argument, technical assistance, and investment."<sup>38</sup> Institutions can facilitate cooperation and compliance with international environmental agreements by linking the agendas of those institutions with issues of greater concern to governments. Material incentives in international institutions, such as financial aid and technology transfer to developing countries and the new democracies of Eastern Europe, and the trade sanctions found in the Montreal Protocol, are examples of how such direct linkages can be made. Such factors can be entirely consistent with equity considerations in international

environmental agreements.<sup>39</sup>

In addition to fostering institutional formation, international equity is an important contributor to the effectiveness of international environmental institutions.<sup>40</sup> Effectiveness can be defined as changes in state behavior that would not occur without the institution, and which help limit or prevent damage to the natural environment.<sup>41</sup> In one of his own case studies analyzing management of Arctic shared natural resources, Young found that effectiveness is enhanced if negotiators devise arrangements that all actors can accept as being equitable and legitimate in the long-term.<sup>42</sup> While such legitimacy may be unnecessary for narrow, short-term arrangements, it is critical in situations where continuing conformity to agreements is necessary over an extended period, which is the case with most global environmental problems.

The progression of equity considerations through two decades of international environmental negotiations demonstrates that countries are at least beginning to recognize the importance of considering equity. At the 1972 UN Conference on the Human Environment, international equity considerations played a minor role. As with the NIEO, demands by developing countries for technology transfers, new funding and adjustments to the world economy were largely ignored by the developed countries. International equity considerations were more prominent in the Law of the Sea Convention, and the 1987 Montreal Protocol included some provisions for equity. But it was the amendments to the Montreal Protocol agreed at London in 1990 that were permeated with considerations of international equity. In contrast to 1987 when parties to the Montreal Protocol sought only a reduction in ozone-destroying chemicals, the 1990 meeting sought to eliminate them altogether. Parties realized that this objective could only be achieved with the participation of the developing countries. Hence, international equity considerations became a central, almost predominant, component of the ozone treaty. It was against this backdrop that UNCED negotiations were conducted.

How can we explain this growing prominence of international equity in the environmental field? Traditional evaluations of state power based on economic and military resources are not sufficient. If the distribution of power is the best explanation for the shape of international environmental institutions,

how can we explain cases such as the bargaining over the deep seabed mining provisions of the 1982 Convention on the Law of the Sea or the interactive process eventuating in the collapse of the 1988 Convention on the Regulation of Antarctic Mineral Resource Activities, in which acknowledged great powers—the United States in the law of the sea case

and the United States and Great Britain in the Antarctic minerals case—are unable to prevail on others to accept their preferred arrangements? And what are we to make of cases such as the negotiations that produced the 1990 London Amendments to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer or the 1991 Environment Protocol to the Antarctic Treaty, in which others are able to pressure a great power—the United States again—into accepting provisions it initially opposes?<sup>43</sup>

Sometimes otherwise powerful countries are hamstrung by internal debates over specific foreign policies, thereby limiting their power to influence the policies of other countries and the shape of international institutions. During UNCED negotiations on the Biodiversity and Climate Change Conventions, the United States experienced internal dissension over appropriate policy, manifested most notably by embarrassing press disclosures of significant differences between the head of the Environmental Protection Agency (EPA) and White House personnel.<sup>44</sup> The United States failed to demonstrate strong leadership and the conventions were signed despite U.S. objections. Subsequent negotiations have been permeated by discussions of international equity, due in part to the Bush administration's failure to lead in another direction, which has helped set (or at least not prevent) a modest precedent for greater consideration of equity in international bargaining on global environmental issues.

As Young points out, theoretical perspectives that emphasize the role of state power may be inadequate:

Those who emphasize the role of power in international affairs are apt to dismiss considerations of equity as normative concerns that have little bearing on the course of events. In institutional bargaining, however, there are good reasons for participants to take a genuine interest in matters of equity, even if they possess abundant sources of structural power. Partly, this is because institutional bargaining at the international level—unlike legislative bargaining in most domestic arenas—proceeds under a consensus rule. Such bargaining can succeed only when it yields contractual formulas acceptable to all the relevant parties or coalitions of parties. Of course, those with structural power may be able to buy acquiescence from others by providing them with compensation. This is exactly what happened in the case of ozone and what must happen if continuing climate change negotiations are to produce an effective governance system. But such arrangements already constitute a move in the direction of equity in the sense that they involve a departure from the image of great powers simply calling the shots without any concern for

the interests of others.<sup>45</sup>

Influential members of the international community, rather than relying on their traditional power resources (e.g., military strength), may be more successful if they use their capacities to provide economic and technological incentives to developing countries whose participation is essential to efforts to protect the global environment. It is seldom possible to force developing countries to participate. Efforts to address transboundary air pollution, deforestation, and other environmental problems have shown that powerful countries can obtain the greatest level of compliance by helping poor countries overcome the technological and financial hurdles associated with implementation of international environmental agreements. Threats or sanctions geared toward forcing compliance may have some efficacy, but will not be as reliable as capacity building and financial aid.<sup>46</sup> Thus equity is a key component of efforts to bring the South on board international environmental agreements.

#### *The Crucial Role of the United States*

The rest of the world expects the United States to be a leader on global environment and development.<sup>47</sup> According to one observer of the UNCED process, the United States "is looked at by the rest of the world as the logical leader on these kinds of issues, because of our size and weight in the world economy, because we still have the world's greatest scientific and technological capability, because we still have the world's greatest diplomatic influence of any single country, because we have the longest experience in managing the environment. They do look to us for leadership. . . ."<sup>48</sup> As the most powerful country in the world by most measures, including military, political and economic, U.S. policies and behavior have an inordinate impact on other countries in most issue areas, especially the environmental area.

It is not possible to effectively address the most pressing global environmental problems without U.S. participation because the United States is one of the largest polluters—per capita and in aggregate—of global environmental commons. The average American uses many times the amount of energy, and produces many times as much pollution and waste, than do people in most other countries. Furthermore, U.S. businesses are busy producing goods for the American and world markets. In so doing they produce prodigious amounts of waste and pollution. They are still often inefficient and dirty relative to firms in other highly industrialized countries, but what matters the most is the utter scale of their economic

output. Even though the United States has been quite successful in reducing pollution *within* its borders, overall it produces more *global* pollution than any other country. Thus, if it continues to pollute, the global environment will continue to suffer greatly.

Moreover, the United States has weighty influence in international efforts to address global environment and development issues. As the world's largest economy, the United States is the world's largest foreign aid donor (although on a per capita basis it falls behind other developed countries and even in aggregate it was edged out by Japan). What is more, the United States provides the guarantees for massive amounts of funds provided by the world's international financial institutions, and as the largest donor to many of these institutions it generally has extraordinary influence in decisions about how they (notably the World Bank and International Monetary Fund) administer those funds. The United States is also the largest financial supporter of basic UN operations (when it pays up, which it does for the most part after much complaining). Despite the grudging nature of this assistance, it is essential to UN efforts in most areas, including environmental protection and economic development. Moreover, a huge portion of global private investment comes from U.S.-based or U.S.-affiliated corporations, and how these multinationals invest and operate can have profound effects on environment and development where they operate. In short, the United States has the cash that is needed to help promote *environmentally sustainable* development.

In addition, the United States has much of the knowledge, expertise, and technologies needed to move the world into a "greener" future. Problems of global environmental change are intimately tied up with economic development. Responsible governments everywhere will try to improve the well-being of their citizens. This is an unavoidable (and generally laudable) goal. If this economic development is not to cause severe and sometimes devastating environmental harm, however, it must be done in a way that minimizes pollution and use of natural resources. This requires the deployment of energy-efficient and "environmentally-friendly" technologies. As one of the world's technological powers, and a source of much of the innovation in this area, the United States has a central role to play. It has, or will develop, many of the technologies that will make economies more efficient and the world less polluting. The U.S. government and industry must of course deploy these technologies at home, but they also can share them with the rest of the world, possibly allowing developing countries to leapfrog some of the damaging industrialization practiced in developed countries. Especially if it does so on concessional terms, this has the potential to avoid untold harm to the

natural environment and to improve the lives of vast numbers of people.

We should also bear in mind that the United States normally wields exceptional diplomatic and political influence in the world. By setting an example in its use of energy, levels of pollution, and assistance to the developing world, it can lead other wealthy countries into cooperative endeavors to protect the global environment and promote environmentally sustainable development. There have been occasions when it has done this to a great effect, showing the potential of its leadership.<sup>49</sup> Having said this, while the United States is essential to successful efforts to address global environmental problems, it cannot easily "get its way" in global environmental politics. Indeed, other countries—clearly weaker in all traditional measures of international power—have been able to prevent it from doing just that. This was evident during the UNCED process. While the U.S. government did have its usual inordinate influence in shaping the outcomes of negotiations, it failed to achieve many of its goals. It failed in its attempt to get the Rio Declaration on Environment and Development called the "Earth Charter" (which would have lessened the visibility of the developing countries developmental goals at the conference); it failed miserably in its efforts to negotiate a forest convention, instead agreeing to a feeble statement on forest principles; it failed to prevent the signing of the Biodiversity Convention, and it failed in most cases to limit the setting of precedents in the UNCED agreements that might promote international equity and thereby increase U.S. obligations to other countries (among other failures).

We should not overstate these failures, but they do show that the United States could not easily push other countries around, including many of the traditionally weak developing countries. It needed to consider other countries demands for fair consideration of their own interests and priorities. (The inability of the United States to shape the UNCED process to its liking arguably challenges the assumptions of "realist" thinkers about the role of power, at least in its traditional forms, in international relations.) What this shows is the importance of U.S. *leadership* and *cooperation* with other countries, and it suggests that U.S. efforts to push its weight around, at least in this issue area, can be ineffectual and even counterproductive.

### Conclusion

The U.S. government has come to see environmental changes as important subjects of concern, and it has started to realize that they must be higher on the global political agenda. Furthermore, it has come to join an emerging

international consensus that supports concrete efforts to incorporate equity into global environmental politics. These changes in official attitudes are extremely important, not only because global environmental problems increasingly threaten the world but also because U.S. pollution, economic and technological resources, and political power in the world bear directly on these problems. However, the U.S. government has come only so far. While the Clinton administration did more than its predecessors to make equity a part of U.S. global environmental policy, it could have done much more. After looking at the evolution of international equity in global environmental politics, the final chapters of this book examine and explain this limited change in U.S. policy.

### Notes

- 1 Timothy Wirth, "World Conference on Human Rights," press briefing, Washington, DC, 2 June 1993, *U.S. Department of State Dispatch* 4, 23 (7 June 1993).
- 2 Albert Gore, "U.S. Support for Global Commitment to Sustainable Development," address to the Commission on Sustainable Development, United Nations, New York City, 14 June 1993, *U.S. Department of State Dispatch* 4, 24 (14 June 1993).
- 3 William J. Clinton, "Advancing a Vision of Sustainable Development," address to the National Academy of Sciences, Washington, DC, 29 June 1994, *U.S. Department of State Dispatch* 5, 29 (18 July 1994).
- 4 Warren Christopher, "Overview of 1995 Foreign Policy Agenda and the Clinton Administration's Proposed Budget," statement before the Senate Foreign Relations Committee, Washington, DC, 14 February 1995, *U.S. Department of State Dispatch* 6, 8 (20 February 1995).
- 5 Warren Christopher, "Foreign Affairs Budget that Promotes U.S. Interests," statement before the Subcommittee on Foreign Operations of the Senate Appropriations Committee, Washington, DC, 2 March 1994, *U.S. Department of State Dispatch* 5, 11 (14 March 1994).
- 6 Madeleine K. Albright, "Secretary of State Albright's Remarks to the National Association for the Advancement of Colored People (NAACP) in New York, 13 July 1999," *Environmental Change and Security Project Report* 6 (Summer 2000), p. 122.
- 7 Madeleine K. Albright, "An Alliance for Global Water Security in the 21st Century," Earth Day speech, Washington, D.C., as released by the Office of the Spokesman, U.S. Department of State, 10 April 2000, <<http://secretary.state.gov/www/statements/2000/000410.html>>.
- 8 William J. Clinton, "President Clinton's Remarks to the People of New Zealand, Antarctic Centre, Christchurch, New Zealand, 19 September 1999," *Environmental Change and Security Project Report* 6 (Summer 2000), p. 119.
- 9 This book went to press as the administration of Bush's son, George W. Bush, was taking office. References are to the senior Bush and his administration.
- 10 At least that is the perception that one can get from reading his book, *Earth in the Balance* (New York: Houghton Mifflin, 1992). His statements as vice president, if not all the Clinton administration's policies, seem to bolster this view.

- 11 Robert Keohane, *After Hegemony* (Princeton: Princeton University Press, 1984), p. 127.
- 12 Judith Goldstein and Robert Keohane, *Ideas and Foreign Policy* (Ithaca: Cornell University Press, 1993), p. 24.
- 13 Max Weber, "The Social Psychology of the World Religions," in H.H. Gerth and C. Wright Mills (eds.), *From Max Weber: Essays in Sociology* (New York: Oxford University Press, 1946), p. 280.
- 14 Goldstein and Keohane, p. 12.
- 15 Albert Yee describes three general ways by which ideas can affect policies through institutions: (1) the bureaucratic power of "epistemic communities"; (2) ideas "encased" within institutions and policy-making bearers of ideas; and (3) institutional constraints on the access, flow, and impact of ideas within the policy-making process. Albert S. Yee, "The Causal Effects of Ideas on Policies," *International Organization* 50, 1 (1996), pp. 69-108. Epistemic communities are networks of knowledge-based experts "with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area." They help states identify their interests, frame the issues for collective debate, propose specific policies, and identify salient points for negotiation. Peter M. Haas, "Introduction: Epistemic Communities and International Policy Coordination," *International Organization* 46, 1 (1992), p. 3.
- 16 Goldstein and Keohane, p. 12.
- 17 *Ibid.*, p. 16-17.
- 18 *Ibid.*, p. 25.
- 19 Cf. Marvin Soroos, "From Stockholm to Rio: The Evolution of Global Environmental Governance," in Norman J. Vig and Michael E. Kraft, eds., *Environmental Policy in the 1990s* (Washington: CQ Press, 1994), pp. 299-321.
- 20 Goldstein and Keohane, p. 21.
- 21 Intergovernmental Panel on Climate Change (IPCC), "IPCC Working Group I 1995 Summary for Policymakers," fifth Working Group I session, Madrid, 27-29 November 1995; J.J. Houghton et al., eds., *Climate Change 1995: The Science of Climate Change* (New York: Cambridge University Press, 1996); R.T. Watson et al., eds., *Climate Change 1995: Impacts, Adaptations and Mitigation of Climate Change* (New York: Cambridge University Press, 1996).
- 22 I base this on, among other things, discussions with several delegates and their deputies involved in the United Nations Intergovernmental Negotiating Committee (INC) on Climate Change, New York, 9-10 February 1995, including Rafe Pomerance, U.S. Deputy Assistant Secretary of State for Environment and Development, interview by author, New York, 10 February 1995.
- 23 Oran R. Young, *International Governance* (Ithaca: Cornell University Press, 1994), p. 134.
- 24 The "new" North-South debate is characterized by, for example, more reasonable demands from the poor countries and a clear emphasis on using official development assistance in more environmentally friendly ways or for projects designed specifically to protect the local, regional, and/or global environment. For respected characterizations of the "old" North-South debate, see Willy Brandt et al., eds., *North-South: A Programme for Survival* (Cambridge, MA: MIT Press, 1980) and *Common Crisis North-South: Cooperation for World Recovery* (Cambridge, MA: MIT Press, 1983).
- 25 Henry Shue, "Equity in an International Agreement on Climate Change," paper prepared for the IPCC Working Group III, draft of 15 July 1995, mimeo, pp. 2-3.
- 26 *Ibid.*, p. 7.
- 27 Young, *International Governance*, p. 43-44. Young notes that Brennan and Buchanan observe in a discussion directed toward municipal institutions that "to the extent that a person faced with constitutional choice remains uncertain as to what his position will be under separate choice options, he will tend to agree on arrangements that might be called 'fair' in the sense that patterns of outcomes generated under such arrangements will be broadly acceptable, regardless of where the participant might be allocated in such outcomes." *Ibid.*, pp. 101-102.
- 28 On institutional effectiveness, see, for example, Peter M. Haas, Robert O. Keohane, and Marc A. Levy, eds., *Institutions for the Earth: Sources of International Environmental Protection* (Cambridge: MIT Press, 1993); and Oran Young, "The Effectiveness of International Institutions: Hard Cases and Critical Variables," in James N. Rosenau and Ernst-Otto Czempiel, eds., *Governance Without Government: Order and Change in World Politics* (Cambridge, England: Cambridge University Press, 1992). On environment and conflict, see, for example, Thomas Homer-Dixon, "On the Threshold: Environmental Changes as Causes of Acute Conflict," *International Security* 16, 2 (1991), pp. 76-116; Norman Myers, *Ultimate Security: The Environmental Basis of Political Stability* (New York: W.W. Norton, 1993); and Woodrow Wilson Center, *Environmental Change and Security Project Report, 1* (1995), special issue dedicated to "Environment and Security Debates."
- 29 Stephen D. Krasner, ed., *International Regimes* (Ithaca: Cornell University Press, 1983). As John Mearsheimer, "The False Promise of International Institutions," *International Security* 19, 3 (1995), pp. 3-49, points out, there is no common definition of international institutions. For discussions of international institutions as they relate to international environmental issues, see Haas, Keohane and Levy; Oran R. Young and Gail Osherenko, *Polar Politics: Creating International Environmental Institutions* (Ithaca: Cornell University Press, 1993); Young, *International Governance*; Seyom Brown et al., *Regimes for the Ocean, Outer Space, and Weather* (Washington: Brookings Institution, 1977); and Ken Conca et al., eds., *Green Planet Blues: Environmental Politics from Stockholm to Rio* (Boulder: Westview Press, 1995), pp. 165-203.
- 30 Richard Benedict, *Ozone Diplomacy* (Cambridge: Harvard University Press, 1998).
- 31 Young, "Effectiveness of International Institutions," p. 187. See generally Oran R. Young, *Governance in World Affairs* (Ithaca: Cornell University Press, 1999).
- 32 See, for example, Young and Osherenko, and Young, *International Governance*.
- 33 Young, *International Governance*, p. 160.
- 34 Young and Osherenko. Rather than examine the factors leading to both regime formation and effectiveness, their project focused on the former.
- 35 *Ibid.*, pp. 8-21, 263-66.
- 36 Of the twelve interest-based hypotheses, "individual leadership" was confirmed by all five cases and "salient solutions" and "integrative bargaining" were confirmed as often as the "equity" hypothesis (each was confirmed by four of the cases, with mixed results on one other case). Only the "values/ideas matter" hypothesis in the knowledge-based category proved to be nearly as powerful (confirmed by four of the case studies). See Young and Osherenko, chapter seven.
- 37 *Ibid.*, p. 235.
- 38 Haas, Keohane and Levy, p. 17.

- 39 Ibid., p. 400-401.
- 40 See, for example, Richard L. Hembra, *International Environment: Options for Strengthening Environmental Agreements* (Washington, DC: General Accounting Office, July 1992).
- 41 Success may also depend, according to some measures, on the degree to which poverty is reduced in the process of environmental protection.
- 42 Young, *International Governance*, p. 62.
- 43 Ibid., p. 117.
- 44 James Brooke, "U.S. Has a Starring Role at Rio Summit as Villain," *New York Times* (2 June 1992), p. A11. The EPA/White House brouhaha was but the tip of an iceberg. Several U.S. diplomats involved in shaping the UNCED agreements were sympathetic to many of the equity demands of developing countries. Interviews by author with former U.S. delegates to UNCED negotiations, November 1995 and January 1996, cited below, *passim* (see especially chapters 6-8).
- 45 Young, *International Governance*, p. 133.
- 46 Oran Young, "International Regime Initiation," *International Studies Notes* 19, 3 (1994), p. 45.
- 47 I summarize U.S. international environmental diplomacy in Paul G. Harris, "International Environmental Affairs and U.S. Foreign Policy," in Paul G. Harris, ed., *The Environment, International Relations, and U.S. Foreign Policy* (Washington, DC: Georgetown University Press, 2001), pp. 3-42.
- 48 U.S., Congress, Committee on Foreign Affairs, Subcommittee on Western Hemisphere Affairs, testimony of Gareth Porter, Director, International Program, Environmental and Energy Study Institute, *The United Nations Conference on Environment and Development*, 102nd Cong. (4 February 1992), 1993, p. 53.
- 49 See, for example, John Barkdull, "American Foreign Policy and the Ocean Environment: A Case of Executive Branch Dominance," in Paul G. Harris, ed., *The Environment, International Relations, and U.S. Foreign Policy* (Washington: Georgetown University Press, 2001).

## 2 Defining International Environmental Equity

The following chapters will show that international equity has become an important consideration in global environmental politics and in U.S. international environmental policy. They will also illuminate possible explanations for this process. This chapter endeavors to start defining the notion of international environmental equity.<sup>1</sup> By "equity" I mean "fairness" or social and distributive "justice." Philosophers will not like this lumping together of these terms. However, in the real world—including international environmental negotiations—they are routinely used interchangeably. I define "international environmental equity" as *a fair and just distribution among countries of benefits, burdens, and decision-making authority associated with international environmental relations*. This definition captures most of the various interpretations of equity (and related terms) used in international environmental deliberations and agreements.<sup>2</sup>

Global environmental change has a profound effect on interpretations of equity, justice and fairness. David Miller points out that for a state of affairs to be unjust it must result from the actions of persons, or at least be capable of being changed by human actions. He goes on to illustrate this point by example:

Thus although we generally regard rain as burdensome and sunshine as beneficial, a state of affairs in which half of England is drenched by rain while the other half is bathed in sunshine cannot be discussed (except metaphorically) in terms of justice—unless we happen to believe that Divine intervention has caused this state of affairs, or that meteorologists could alter it.<sup>3</sup>

It is ironic indeed that such a discussion would be hardly metaphorical today, barely more than two decades after Miller's writing! To put it bluntly, today we *can* alter the weather due to our contributions to global warming and resulting climate change. In other words, industry and over-consumption on this side of the world causes foul weather on that side of the world.<sup>4</sup> Climate change (global warming) and international collaboration to deal with it and other environmental changes pose profound burdens and potential benefits for almost all countries, thus