climate policy

■ policy analysis

US presidents and the failure to ratify multilateral environmental agreements

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Whereas the US President signed the Kyoto Protocol, the failure of the US Congress to ratify it seriously hampered subsequent international climate cooperation. This recent US trend, of signing environmental treaties but failing to ratify them, could thwart attempts to come to a future climate agreement. Two complementary explanations of this trend are proposed. First, the political system of the US has distinct institutional features that make it difficult for presidents to predict whether the Senate will give its advice and consent to multilateral environmental agreements (MEAs) and whether Congress will pass the required enabling legislation. Second, elected for a fixed term, US presidents might benefit politically from supporting MEAs even when knowing that legislative support is not forthcoming. Four policy implications are explored, concerning the scope for unilateral presidential action, the potential for bipartisan congressional support, the effectiveness of a treaty without the US, and the prospects for a deep, new climate treaty.

Policy relevance

Why does the failure of US ratification of multilateral environmental treaties occur? This article analyses the domestic political mechanisms involved in cases of failed US ratification. US non-participation in global environmental institutions often has serious ramifications. For example, it sharply limited Kyoto's effectiveness and seriously hampered international climate negotiations for years. Although at COP 17 in Durban the parties agreed to negotiate a new agreement by 2015, a new global climate treaty may well trigger a situation resembling the one President Clinton faced in 1997 when he signed Kyoto but never obtained support for it in the Senate. US failure to ratify could thwart future climate agreements.

Keywords: enabling legislation; environmental treaties; Kyoto Protocol; political processes; ratification; United States

Malgré la signature du protocole de Kyoto par le président des Etats-Unis, l'échec du Congrès des Etats-Unis à le ratifier a fait obstacle à une coopération internationale ultérieure. La tendance récente des Etats-Unis à signer des traités sans les ratifier, pourrait bloquer toute tentative d'arriver à un futur accord climatique. Deux explications complémentaires de cette tendance sont proposées. D'abord, le système politique des Etats-Unis a des caractéristiques institutionnelles particulières rendent la tâche difficile aux présidents la tache de prévoir si le sénat donnera son avis et consentement aux accords environnementaux multilatéraux (« multilateral environmental agreements » – MEAs) et si le Congrès passera les lois habilitantes requises. Ensuite, les présidents des Etats-Unis sont élus pour un mandat de durée fixe et peuvent bénéficier politiquement de leur soutien aux MEAs même s'ils savent que le soutien législatif ne viendra pas. D'autre part sont aussi examinés, quatre effets de politiques concernant le champ d'action présidentiel unilatéral, le potentiel de soutien du Congrès bipartisan, l'efficacité d'un traité sans les Etats-Unis, et la prospective pour un nouveau traité climatique solide.

Mots clés: loi habilitante; traités environnementaux; protocole de Kyoto; processus politiques; ratification; Etats-Unis

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1. Introduction

US President Bill Clinton signed the 1997 Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC), but never submitted it for Senate consideration. This example of a failure by the US to ratify an environmental treaty is not exceptional, and could happen in future climate agreements. The non-participation of the US in global environmental institutions often has serious ramifications. For example, it sharply limited the effectiveness of the Kyoto Protocol and seriously hampered international climate negotiations for years. Although the Parties agreed to negotiate a new agreement by 2015 at COP 17 in Durban, any new global climate treaty may trigger a situation resembling the one faced by President Clinton in 1997. Certainly, Senate support for US ratification cannot be taken for granted.

Between 1989 and 2011, US presidents signed 11 major multilateral environmental agreements (MEAs), all of which have failed to achieve US ratification.[1] Under the US Constitution, two conditions must be met before a treaty can be ratified. First, senators must concur in a Senate floor vote. If the 'resolution of ratification' receives a two-thirds majority, the Senate formally gives its advice and consent (Palmer, 2009). Second, unless a treaty is self-executing, it will require enabling legislation to give appropriate agencies the authority to implement or enforce it as US law. Enabling legislation may amend existing US law or provide new legislation specifically required to implement the treaty concerned. Thus, in addition to the Senate giving its advice and consent, both congressional chambers must agree to the required changes in US domestic law. To become US law, bills must pass many veto points, and few proposed bills survive the US legislative process. O'Connor and Sabato (1995, p. 235) report that fewer than 25% of the several thousand bills that have been introduced in Congress in each past session have been enacted. In recent years, this proportion has decreased even further.[2]

Prior to 1990, the US was often a leader in negotiating and ratifying MEAs, because US environmental laws were more advanced than those of most other industrialized countries. The US could then press for international cooperation based on its own domestic legislation, avoiding difficult domestic debates about new enabling legislation required for treaty implementation (DeSombre, 2000, 2010). Consequently, the MEAs signed by the US before 1990 were often supported by large majorities in both congressional chambers. By contrast, many of the subsequently negotiated MEAs required Congress to pass highly controversial enabling legislation. Given the diminished likelihood of having domestically inspired international leadership after 1990, it is unsurprising that the US tendency to decline the signing and ratification of MEAs began at this time (see Table 1).

The following sections first propose two complementary explanations regarding why MEAs are often signed yet not ratified by the US,[3] and then consider the domestic and international climate policy implications of these explanations.

TABLE 1 Treaties pending in the US Senate (as of 18 May 2012)

Period of concluding the treaty	Non-environmental treaties pending	MEAs pending
Up to and including 1989	10	1
1990 and later	12	9
Total	22	10

Source: www.state.gov/s/l/treaty/pending (accessed 19 June 2012). The table does not include four MEAs that were signed but not submitted to the Senate.

2. Why climate treaties might stall in the US Senate

Suppose for the sake of argument that US presidents are concerned exclusively with policy outcomes (this assumption will be relaxed in Section 3). If presidents had complete information about which agreements the Senate would give advice and consent, and also about whether both congressional chambers would pass the required enabling legislation, they would have the foresight never to sign any MEA that would subsequently fail to obtain US ratification (Putnam, 1988; Milner and Rosendorff, 1997). With incomplete information, however, presidents might overestimate Senate or House support and sign an MEA that would eventually stall in the Senate.

Clearly, *ceteris paribus*, the probability of being mistaken about a few law makers' preferences is greater than that of being mistaken about many (or even most) law makers' preferences. If far fewer than 33 senators support the Senate's advice and consent, or if far fewer than 40 senators support the required enabling legislation, or if far fewer than 218 members of the House of Representatives support such legislation, then overestimating a few law makers' willingness to support ratification will not matter. For such MEAs, a US signature should not be expected.

Similarly, if more than 67 senators support the Senate's advice and consent, more than 60 senators support the required enabling legislation, or more than 218 House members support such legislation, then both US signature and ratification should be expected.

Incomplete information about law makers' preferences should be expected to cause an MEA signed by a US president to eventually stall in the Senate only when slightly fewer than 67 senators (can be persuaded to) support advice and consent, when slightly fewer than 60 senators support the required enabling legislation, or when slightly fewer than 218 members of the House of Representatives support the required enabling legislation. Accordingly, in these cases, an MEA will typically encounter significant (though not massive) opposition in at least one congressional chamber.

MEAs will often fit this last criterion when domestic policy changes are required that create new winners and losers among key constituency groups and states. Hence, when ratifying an MEA, if there are geographical differences in public opinion or in natural resource endowments among states, there is an incentive for distributive politics. The benefits of projects, programmes, and grants, relevant for MEA implementation, are typically concentrated in certain constituencies, but their costs are spread across all constituencies through generalized taxation. Therefore, debate on whether the US should ratify often centres on the allocation of federal subsidies or other benefits among states. Geography is thus essential for distributive politics, just as it is for political organization and representation (Weingast et al., 1981, p. 644; Lee, 2000).

Two characteristics of the US political system can make it difficult for US presidents to predict whether sufficient legislative support can be mustered for MEA ratification. First, the US presidential system has relatively low party cohesion and party discipline (see e.g. Huber, 1996; Baron, 1998). Senators often vote to defend constituency interests, even if this requires voting against the party line (e.g. Lee, 2005; Mayhew, 2005). For example, whether a Democrat or a Republican, it is likely that a senator from Wyoming or Ohio will oppose any climate treaty that requires the US to impose carbon pricing. As Senator John Warner (R-VA) said, 'All of us know that fighting for our individual states is that responsibility which is foremost' (US Congressional Record, 1998, S1827). Although majority party leaders command several resources that help secure party members' support, party discipline is generally lower in the Senate than in the House of Representatives. House rules require amendments to be 'germane' (i.e. they must deal with the same subject matter as the bill). Because Senate rules have no such requirement, senators may extract political benefit by opposing the party line, e.g. by insisting on debating a pet issue (Evans and Lipinski, 2005). These rules make Senate legislative outcomes particularly hard to predict.

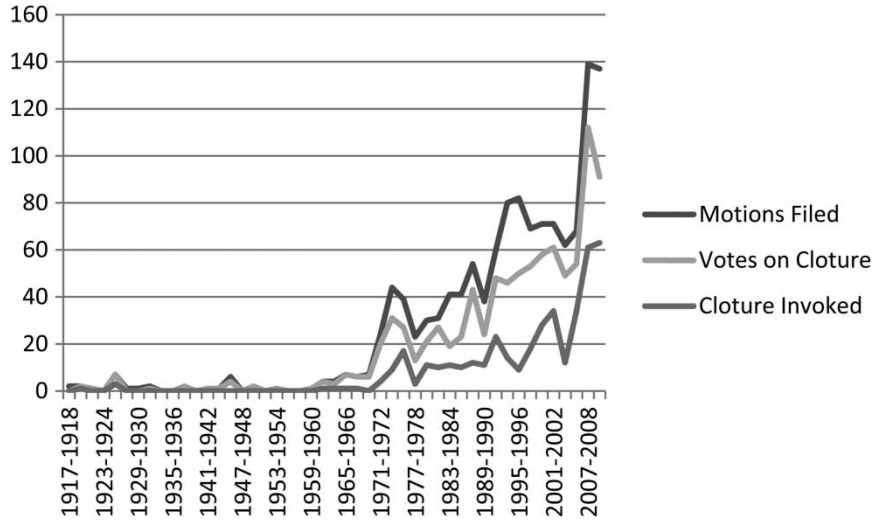

FIGURE 1 Senate action on cloture motions, 1917–2010
Source: US Senate: www.senate.gov/pagelayout/reference/cloture_motions/clotureCounts.htm (accessed 21 May 2012).

Second, Senate rules – especially Rule XXII – afford many opportunities for obstructive tactics because any debated motion before the Senate can be subject to a 'filibuster' (i.e. an attempt to block or delay it by extended debate). For example, in a bill's life, a senator can filibuster a motion during (as many as) six stages (Evans and Lipinski, 2005, p. 229). Another obstructive instrument is the 'hold', an informal practice whereby the majority leader is warned that a senator does not want a particular measure to reach the floor for consideration and hence might filibuster a motion to proceed with it. A hold reduces the chances that a unanimous consent agreement, which is an important party leadership tool to cope with filibuster attempts, will be reached.[4] Obstructive tactics, such as the filibuster and the hold, afford senators ample opportunities to catch the majority leader by surprise, thereby making it difficult to foresee legislative outcomes (Evans and Lipinski, 2005, p. 242). Since the 1980s, the use of obstructive tactics in the Senate has become more widespread and has therefore made the legislative process less predictable (see Figure 1). This helps in understanding why the US tendency to sign MEAs without their eventual ratification is a fairly recent phenomenon.

An illustrative case of an MEA that has stalled in the Senate is the Stockholm Convention, which was signed in 2001 but (as of May 2012) has still not been ratified. Doing so would require amendments to US legislation concerning pesticides and industrial chemicals (CIEL, 2006, p. 1). Since 2002, several bills that have sought such amendments have been introduced, but none of them has yet been passed (Selin, 2010). The Stockholm Convention allows each country to opt in or out of taking action for each new chemical that is added to its toxic chemicals list. A major barrier to US ratification has been the reluctance of senators to adopt a new system that allows the Environmental Protection Agency (EPA) to issue precautionary-based regulation of the chemicals industry once the US has chosen to take action regarding a new chemical that has been added under the treaty (Schafer, 2006; Bang, 2011).

3. Why climate treaties may not even be submitted to the US Senate

A partial explanation was provided in the previous section as to why US presidents have signed MEAs that have eventually stalled in the US Senate. Another explanation is needed for why US presidents

have signed MEAs – such as the Kyoto Protocol – that were not even submitted for Senate consideration.

Such an explanation should identify both the conditions under which presidents have refrained from submitting signed MEAs to the Senate as well as the conditions under which presidents have signed MEAs, despite anticipating that they will eventually not submit them to the Senate.

It is probable that presidents will refrain from submitting a signed MEA to the Senate whenever such a submission is pointless; i.e. when it is clear that nowhere near the required minimum of 67 senators will support the MEA concerned. For example, unanimous adoption of the Byrd–Hagel resolution (by a majority of 95 to 0) in July 1997 signalled overwhelming Senate opposition to any protocol resembling the design of the Kyoto Protocol and essentially made it pointless for President Clinton to submit it for Senate consideration.

Why would US presidents want to sign an MEA when it would be pointless to submit it to the Senate? It is well known that political leaders are concerned not only with policy outcomes but also with other goals such as re-election and a positive political legacy. US presidents have considerably more freedom to pursue such goals than prime ministers in parliamentary systems. Although the president has several unilateral tools at hand to pursue his policy agenda – including executive agreements, executive orders, presidential memoranda, proclamations, and signing statements (Cooper, 2002) – his authority depends on political and institutional contexts. Hence, the president must consider how his opponents might respond to such unilateral action and evaluate the probable degree of compliance and the costs and benefits of acting unilaterally compared to (say) instituting legislation in collaboration with Congress (Mayer, 2001; Shull, 2006).

While prime ministers in parliamentary systems can stay in power only as long as they command a legislative majority (Bräuniger and Debus, 2009, p. 805), US presidents are popularly elected for a fixed term and thus do not risk being removed from office, even when suffering major congressional defeats (Ström, 2000, p. 266). A US president can therefore sign an MEA to demonstrate that he favours environment-friendly policies. Such a demonstration effect is largely independent of whether an MEA will eventually obtain US ratification. Therefore, although it might be anticipated that submitting an MEA for Senate consideration will be pointless, a US president might nevertheless sign one to provide moral support from the highest US official, to leave a visionary legacy for future presidents (Princen, 2009), to advance his environment-friendly credentials with a broader national or international audience, or to gain support from targeted voter groups that care deeply about the issues within the MEA.

In Kyoto, President Clinton and Vice President Al Gore essentially pushed for an agreement that provided their administration with a climate-friendly face, and the US delegation acted on instructions motivated by considerations other than the attractiveness of the agreement to the Senate. Before the arrival of Vice President Gore, the US delegation held out for a US emissions limitation target that would permit yearly US GHG emissions in 2008–2012 equal to 1990 levels. However, Gore subsequently instructed the US delegation to show more flexibility and the US eventually accepted a target that required emissions in 2008–2012 to be 7% less than 1990 levels. This target left little doubt that Kyoto would be unacceptable to the Senate, which had unanimously passed the Byrd–Hagel resolution a few months earlier. Interviews with participants in, and observers to, the Kyoto negotiations provide substantial (although, it should be noted, not unanimous) support for this claim (Hovi et al., 2012). For example, a former US EPA official said:

> Clinton had no intention in the short term of following through with the Kyoto Protocol, although there was a belief in the Administration that having a treaty in place would facilitate a later agreement in the Senate. (Hovi et al., 2012, p. 142)

A former State Department official of the Clinton Administration said that 'it was better [for President Clinton] to sign the Kyoto Protocol even if he knew that it was not going to be ratified', and indeed that the Clinton Administration had 'no strategy to move the Kyoto Protocol through the Senate' (Hovi et al., 2012, p. 143). Finally, another former State Department official of the Clinton Administration went even further and said:

> 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 et al., 2012, p. 142)

4. Domestic and international climate policy implications

There are at least four policy implications of the two explanations provided in Sections 2 and 3. First, the president could respond to the next climate accord through an executive agreement. Executive agreements have a strength similar to treaties under international law and to federal statutes under domestic law. Although sole executive agreements are both controversial and rare, congressional-executive agreements are made quite frequently but require support from a majority in both houses of Congress under the same rules as regular legislation (Purvis, 2008). Given the recent difficulties of Congress in reaching the Senate's 60-vote threshold for passing domestic legislation, it is questionable whether a congressional-executive agreement would be politically feasible. Furthermore, a congressional-executive climate agreement would require the Senate to surrender the two-thirds majority threshold, which is a sensitive political question there. Thus, testing the Senate by submitting a congressional-executive climate agreement would require a political calculation by the president (Chang, 2010).

Second, US participation in a new climate treaty will require broad congressional support for a more ambitious federal climate policy. When evaluating policy change, law makers respond primarily to the cost of regulation and to the level of their constituents' concerns. Previous climate policy debates have shown that increasing the energy costs of either consumers or key industry (or both) is politically toxic, especially when it is concentrated on politically well-organized groups (Victor, 2011). Furthermore, US public opinion surveys show that belief in the existence, immediacy, and seriousness of climate change has deteriorated in recent years (McCright and Dunlap, 2011; Weber and Stern, 2011), although such belief could rebound if employment and other economic conditions improve (Scruggs and Benegal, 2012). US GHG emissions were roughly the same in 2011 as they were in 2005, more due to the economic downturn and shifting energy prices than any of the Obama Administration's policy initiatives (Purvis, 2012). Low shale-gas prices, which make natural gas competitive with coal for utilities, will probably reduce US GHG emission levels more than congressional politics in the coming years. Low public opinion pressure, distributional politics problems, increased partisanship in Congress, and polarization on climate change issues since the rise of the Tea Party movement, make bipartisan consensus on an ambitious federal climate policy unlikely in the near future.

Third, other countries and international advocates may be tempted to forget the US when pursuing a post-Kyoto agreement. In Durban, the EU persuaded other countries to commit to negotiation for a 'protocol, legal instrument or agreed outcome with legal force' by 2015 (UNFCCC, 2011). Should the US reject this new protocol (or similar) at the end of this process, the EU may face two alternatives: to abandon international climate cooperation in favour of unilateral policies, or to opt for international cooperation without the US. Both alternatives would be sub-optimal and would entail concerns about carbon leakage and competitiveness. It is unlikely that a new cooperative effort without the US – the world's largest economy and second-largest GHG emitter – will be able to fulfil the

UNFCCC's stated objective of stabilizing GHG concentrations at a level that prevents dangerous climate change (UN, 1992, Article 2).

Finally, under today's gridlock conditions in the US Senate, congressional support for US ratification of a new climate treaty can only arise in two ways: treaty shallowness or enhanced US competitiveness. First, if a proposed new climate treaty were to entail no legally binding US commitments or only vague obligations to cooperate internationally, US law makers would – regardless of party affiliation – have little reason to resist ratification. For example, the US ratified the UNFCCC in 1992 and the Desertification Convention in 2000. Second, bipartisan support might, in principle, arise even for a deep new climate treaty if the US could act first at home, and then build on its domestic approach internationally (Purvis, 2004, p. 175; Paterson, 2009; see also DeSombre, 2000). A climate treaty along these lines would both signal US leadership and enhance US competitiveness by imposing regulations on foreign companies similar to those already faced by US companies. Unfortunately, neither of these two options offers much promise for a deep climate treaty with US participation. The first works only for shallow treaties that are acceptable to other countries, and the second not only presupposes the existence of US domestic climate legislation, but also presupposes that the other main actors in the climate policy arena (e.g. the EU, China, and India) will eventually accept a new treaty based on US domestic legislation. It is not likely that these two presuppositions will be fulfilled in the foreseeable future. In the absence of a Schumpeterian technological revolution in the US, it is not likely that a deep new climate treaty will obtain sufficient legislative support to permit US ratification. Thus, the Kyoto experience of US non-ratification could easily be repeated, even if a new climate treaty were to obtain a US signature.

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Notes

1. Seven of these MEAs stalled in the Senate, and four were not even submitted for Senate consideration. See the US Department of State (www.state.gov/s/l/treaty/pending/index.htm) and Schreurs et al. (2009, pp. 8–9).
2. See www.huffingtonpost.com/wires/2009/08/25/the-vast-majority-of-bill_ws_268630.html.
3. Other explanations have been proposed: e.g. that the US, in effect, ratifies treaties only when it sees itself as a leader (e.g. Paterson, 2009), that party realignment in the US in general has caused more gridlock and less legislative bipartisanship (e.g. Theriault, 2008), or that non-ratification is related to broader patterns in US politics such as shifts in corporate strategy regarding environmental politics (e.g. Newell, 2008). Given space limitations, a full account of alternative explanations is not provided here.
4. Another such tool is the cloture rule, whereby the Senate may, by a vote of three-fifths of the full Senate (normally at least 60 senators), limit consideration of a pending matter to 30 additional hours, thereby ending a filibuster.

References

Bang, G., 2011, 'Signed but not ratified: limits to US participation in international environmental agreements', *Review of Policy Research* 28, 65–81.

Baron, D.P., 1998, 'Comparative dynamics of parliamentary governments', *American Political Science Review* 92, 593–609.

Bräuniger, T., Debus, M., 2009, 'Legislative agenda-setting in parliamentary democracies', *European Journal of Political Research* 48, 804–839.
Chang, H., 2010, 'International executive agreements on climate change', *Columbia Journal of Environmental Law* 35, 337–371.
CIEL, 2006, US ratification of the Stockholm Convention: analysis of pending POPs legislation, Policy Brief, Center for International Environmental Law, Washington, DC.
Cooper, P.J., 2002, *By Order of the President: The Use and Abuse of Executive Direct Action*, University of Kansas Press, Lawrence, KS.
DeSombre, E., 2000, *Domestic Sources of International Environmental Policy: Industry, Environmentalists, and U.S. Power*, MIT Press, Cambridge, MA.
DeSombre, E., 2010, 'The United States and global environmental politics: domestic sources of U.S. unilateralism', in: R.A. Axelrod, S.D. VanDeveer, D.L. Brownie (eds), *The Global Environment: Institutions, Law, and Policy* (3rd Edn), CQ Press, Washington, DC, 192–212.
Evans, C.L., Lipinski, D., 2005, 'Obstruction and leadership in the U.S. Senate', in: L.C. Dodd, B.I. Oppenheimer (eds), *Congress Revisited* (8th Edn), CQ Press, Washington, DC, 227–248.
Hovi, J., Sprinz, D., 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.
Huber, J.D., 1996, *Rationalizing Parliament*, Cambridge University Press, Cambridge, UK.
Lee, F.E., 2000, 'Senate representation and coalition building in distributive politics', *American Political Science Review* 94, 59–72.
Lee, F.E., 2005, 'Interests, constituencies, and policy making', in: P.J. Quirk, S.A. Binder (eds), *Institutions of American Democracy: The Legislative Branch*, Oxford University Press, Oxford, UK, 281–313.
Mayer, K., 2001, *With the Stroke of a Pen: Executive Orders and Presidential Power*, Princeton University Press, Princeton, NJ.
Mayhew, D.R., 2005, *Divided We Govern. Party Control, Lawmaking, and Investigations, 1946–2002* (2nd Edn), Yale University Press, New Haven, CT.
McCright, A., Dunlap, R., 2011, 'The politicization of climate change and polarization in the American public's views of global warming, 2001–2010', *The Sociological Quarterly* 52, 155–194.
Milner, H.V., Rosendorff, B.P., 1997, 'Democratic politics and international trade negotiations: elections and divided governments as constraints on trade liberalization', *Journal of Conflict Resolution* 41, 117–146.
Newell, P., 2008, 'The political economy of global environmental governance', *Review of International Studies* 34, 507–529.
O'Connor, K., Sabato, L.J., 1995, *American Government. Roots and Reform*, Allyn and Bacon, Boston, MA.
Palmer, B., 2009, *Senate Consideration of Treaties*, Report 7–5700, Congressional Research Service, Washington, DC.
Paterson, M., 2009, 'Post-hegemonic climate politics?', *British Journal of Politics and International Relations* 11, 140–158.
Princen, T., 2009, 'Long-term decision-making: biological and psychological evidence', *Global Environmental Politics* 9, 9–19.
Purvis, N., 2004, 'The perspective of the United States on climate change and the Kyoto Protocol', *International Review for Environmental Strategies* 5(1), 169–178.
Purvis, N., 2008, Paving the way for U.S. climate leadership: the case for executive agreements and climate protection authority, Discussion Paper 08–09, Resources for the Future, Washington, DC.
Purvis, N., 2012, Climate of despair: the future of US climate policy and global negotiations, Climate and Energy Paper Series, German Marshall Fund of the United States, Washington, DC.
Putnam, R., 1988, 'Diplomacy and domestic politics: the logic of two-level games', *International Organization* 42, 427–460.
Schafer, K.F., 2006, One more failed US environmental policy, Policy Brief, Foreign Policy in Focus (FPIF), Washington, DC.
Schreurs, M.A., Selin, H., VanDeveer, S.D., 2009, 'Expanding transatlantic relations: implications for environment and energy politics', in: M.A. Schreurs, H. Selin, S.D. VanDeveer (eds), *Trans-Atlantic Environment and Energy Politics: Comparative and International Perspectives*, Ashgate Publishers, Aldershot, UK, 1–20.
Scruggs, L., Benegal, S., 2012, 'Declining public concern about climate change: can we blame the great recession?', *Global Environmental Change* 22(2), 505–515.

Selin, H., 2010, *Global Governance of Hazardous Chemicals: Challenges of Multilevel Management*, MIT Press, Cambridge, MA.

Shull, S.A., 2006, *Policy by Other Means: Alternative Adoption by Presidents*, Texas A&M University Press, College Station, TX.

Ström, K., 2000, 'Delegation and accountability in parliamentary democracies', *European Journal of Political Research* 37, 261–289.

Theriault, S., 2008, *Party Polarization in Congress*, Cambridge University Press, Cambridge, UK.

UN, 1992, *United Nations Framework Convention on Climate Change*, FCCC/INFORMAL/84, United Nations, New York.

UNFCCC, 2011, 'Establishment of an ad hoc working group on the Durban Platform for enhanced action' [available at http://unfccc.int/files/meetings/durban_nov_2011/decisions/application/pdf/cop17_durbanplatform.pdf].

US Congressional Record, 1998, 105th Congress, 2nd session, vol. 144, Library of Congress, Washington, DC.

Victor, D.G., 2011, *Global Warming Gridlock: Creating More Effective Strategies for Protecting the Planet*, Cambridge University Press, Cambridge, UK.

Weber, E.U., Stern, P.C., 2011, 'Public understanding of climate change in the United States', *American Psychologist* 66, 315–328.

Weingast, B.R., Shepsle, K.A., Johnsen, C., 1981, 'The political economy of benefits and costs: a neoclassical approach to distributive politics', *Journal of Political Economy* 89, 642–664.