



## **Between Effort and Result: Gauging the Activities of Environmental Interest Groups on U.S. Foreign Policy, A Case Study of the NRDC**

*Neena Sethi*

### **Abstract:**

This paper discusses the influence of environmental interest groups on U.S. foreign policy behavior. Environmental interest groups have long been pushing for state-level responses to transnational environmental problems such as climate change and changes to the marine environment. The nature of contemporary environmental problems is forcing states to act both independently and in collaboration with other state and non-state actors. In the U.S. the prominent environmental interest group, the National Resources Defense Council (NRDC), has become a strong voice for environmental issues. Since their inception in 1970, the NRDC boasts several victories, including the passing of U.S. Public Law 99-500, October 18, 1996 requiring the U.S. government to set up an early warning system to prevent federal funding of environmentally harmful multilateral bank projects overseas. My objective is to understand if the activities of the NRDC successfully influence U.S. foreign policy behavior. I identified five case studies from the 2011 NRDC Annual Report and from the NRDC website by applying several filters. I then constructed a timeline and collected information that indicated U.S. foreign policy behavior including press releases, presidential memorandums, directives, congressional hearings, legislation and participation in conventions and treaties. Using a methodology inspired by Porter and Gareth (1996) to categorize my results, I conclude that the NRDC does not consistently influence the U.S. to act as a lead state in solving transnational environmental problems.

### **Résumé :**

Cet essai explore l'influence des groupes d'intérêts environnementaux sur le fonctionnement de la politique étrangère américaine. Les groupes d'intérêts environnementaux ont longtemps lutté pour obtenir des réponses de l'État quant aux problèmes environnementaux transnationaux comme le changement climatique et les changements dans les milieux marins. La nature des problèmes environnementaux contemporains oblige les états à agir indépendamment et en collaborations avec des acteurs étatiques et non-étatiques. Dans les États-Unis, le notable groupe d'intérêts environnementaux *National Resources Defense Council* (NRDC ; "Le conseil national de la défense des ressources") est devenu une voix puissante pour les questions environnementales. Depuis sa création en 1970, le NRDC compte plusieurs victoires, y compris

l'adoption de la loi publique américaine 99-500 le 18 octobre 1996. Cette loi exige que le gouvernement mette en place un système d'alerte précoce afin de prévenir le financement fédéral de projets de banques multilatérales outre-mer préjudiciables à l'environnement. L'objectif de cet essai est de déterminer le degré d'efficacité des activités du NRDC à influencer le comportement de la politique étrangère américaine. J'ai identifié cinq études de cas du rapport annuel de 2011 du NRDC et du site internet du groupe en appliquant plusieurs filtres et j'ai ensuite bâti une chronologie et collecté de l'information qui indiquait le comportement de la politique étrangère (incluant des communiqués de presse, des mémorandums présidentiels, des directives, des auditions du Congrès, des législations et la participation aux conventions et aux traités). En utilisant une méthodologie inspirée de Porter et Gareth (1996) pour catégoriser mes résultats, j'ai conclu que le NRDC ne réussit pas à influencer le fonctionnement de la politique étrangère des États-Unis de façon cohérente, ou de manière à supporter l'idée que les États-Unis devrait devenir le leader en matière de solutions aux problèmes environnementaux transnationaux.

Global environmental problems are truly transnational and thus require transnational solutions. States, large and small, are not beyond the impacts of contemporary environmental problems such as climate change or changes to the marine environment. All states contribute to the problem to some degree. The existence of international conventions and regimes on the environment suggests that states are aware that changes to the environment due to human activity must be addressed *by* states. As with many domains that fall under state jurisdiction, how and why a state decides to address the environment in international society represent questions with complex answers.

One aspect of state behavior in international society examines the role environmental interest groups play in influencing state foreign policy on the environment. This paper intends to understand the influence of environmental interest groups on U.S. foreign policy behavior and more specifically the activities of one particular environmental interest group, the National Resources Defense Council (NRDC). Do the activities of the NRDC push the U.S. government to act as a lead state in the foreign policy environment? I hypothesize that the activities of the NRDC do not consistently push the U.S. government to act as a lead state in the foreign policy environment.

### **NRDC Profile**

The National Resources Defense Council (NRDC) considers itself to be the most effective environmental action organization in the United States.<sup>1</sup> Founded by a group of law students and attorneys in 1970, they currently have 1.4 million members and online activists.<sup>2</sup> Although their membership does not represent a significant or remarkable percentage of the American

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<sup>1</sup> National Resources Defense Council (NRDC), "About", accessed October 8, 2013. <http://www.nrdc.org/about/>.

<sup>2</sup> NRDC, "About NRDC: Who We Are", accessed November 17, 2013 [http://www.nrdc.org/about/who\\_we\\_are.asp](http://www.nrdc.org/about/who_we_are.asp).

population, the NRDC has managed to become a strong voice for environmental issues in the United States. Perhaps one of their most significant victories came in 1986 when they won “passage of legislation requiring the U.S. government to set up ‘early warning system’ to track environmentally harmful multilateral bank projects”<sup>3</sup> This legislation requires that environmental NGOs and representatives from the Treasury, State Department, USAID, and the Environmental Protection Agency review upcoming environmentally controversial loans to Multilateral Development Banks (MDBs) on a monthly basis.<sup>4</sup> The NRDC takes credit for this legislation; it drafted the legislation that was passed in cooperation with the Sierra Club.<sup>5</sup>

The NRDC focuses on creating legislative changes, both federally and at the state level so that state agencies and departments require private industries to take into consideration the long-term health and welfare of present and future generations.<sup>6</sup> In this way, the NRDC works to increase the transparency of practices of private industry as it is the right of all people to have a voice in decisions that affect their environment”.<sup>7</sup> The NRDC focuses its work around six priorities:

1. Curbing Global Warming and Creating the Clean Energy Future
2. Reviving the World's Oceans
3. Defending Endangered Wildlife and Wild Places
4. Protecting Our Health by Preventing Pollution
5. Ensuring Safe and Sufficient Water
6. Fostering Sustainable Communities

Each priority has several different projects and only some projects have an international focus or attempts to influence U.S. foreign policy. In fact, the majority of NRDC projects appear to be focused on domestic issues. The commonality in all of the NRDC’s projects is that they seek to collaborate with government to help create sound environmental policy.

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<sup>3</sup> NRDC, “About NRDC: Victories Archive”, accessed November 18, 2013 <http://www.nrdc.org/about/victories-archive.asp>

<sup>4</sup> Bøås, Morten, “Multilateral Development Banks, Environmental Impact Assessments, and Nongovernmental Organizations in U.S. Foreign Policy” in *The Environment, International Relations, and U.S. Foreign Policy*, Paul G. Harris, ed. (Washington, Georgetown University Press, 2001), 184.

<sup>5</sup> Ibid.

<sup>6</sup> NRDC, “About NRDC: Mission Statement”, accessed November 18, 2013 <http://www.nrdc.org/about/mission.asp>

<sup>7</sup> Ibid.

## **Methodology**

While it may be impossible to definitively say that an interest group influences the foreign policy decision-making of a national government, when undertaking the study of a particular interest group, the evidence can strongly suggest whether this influence exists or not. In the development of a methodology of this research, I looked to connect NRDC activities with U.S. foreign policy behavior by constructing a timeline (from inception to result) in different case studies. These case studies were identified by applying a set of criteria to isolate activities of the NRDC intended to influence U.S. foreign policy behavior. For each case study, I linked official U.S. communications with NRDC communications and created a timeline. An analysis of the communications within the timeline could suggest if U.S foreign policy responded to activities of the NRDC.

## **Independent Variable**

In order to begin my analysis, I first identified appropriate case studies for analysis. I identified two different sources from the NRDC: 1) the 2011 NRDC Annual Report and 2) NRDC “victories” as identified on their website. Annual Reports are an official way in which a private entity communicates its accomplishments to its membership and to the general public; the 2011 Annual Report was the only such report available to the public on the NRDC website. I used the NRDC “Victories” page on the NRDC website as well, as this is also a way in which the organization communicates its accomplishments. Using these two sources, I applied several filters to capture a set of case studies, international in nature, which I could analyze:

1. Time – I opted to review a three-year period so that I could capture a sufficient number of case studies. I used the 2011 Annual Report as my starting point and then included “victories” from 2012 and 2013 as identified on the NRDC website.
2. International Organizations – A case study was considered to be international if the NRDC identified that they were working with an international organization or seeking to influence the decision-making or policy of an international organization.
3. Member of a U.S. Delegation – A case study was considered to be international if the NRDC identified itself as a member of the U.S. delegation to an international organization.

After applying these filters, I identified five NRDC case studies that I could use to conduct my analysis. I relied on NRDC press releases and blog posts from their staff blog, *Switchboard*, to capture additional evidence of their activities to influence U.S. foreign policy behavior for each case study.

### **Dependent Variable**

My dependent variable focused on resulting U.S. foreign policy behavior of the five NRDC case studies. There are several ways a state’s foreign policy behavior can be observed: press releases, as they are addressed to the international and domestic community;<sup>8</sup> other official communications like presidential memorandums and directives; congressional hearings, legislation, and participation in conventions and treaties – these can define the scope of interaction between domestic and foreign entities.

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<sup>8</sup> Mahant, Edelgard, “Post-materialism and Foreign Policy. Diffusion and Evolution”.

## Categorization of Results

Evidence of state behavior can be indicative of a certain role that a state plays in international society. Porter and Brown describe the roles and interests of state actors relating to the process of environmental regime formation;<sup>9</sup> in negotiations, a state actor may play one of four possible roles: lead state, supporting state, swing state, or veto or blocking state.

ROLE	DEFINITION
<b>Lead State</b>	<b>Strong commitment to effective international action on an issue, moves the process of negotiation forward, attempts to get the support of other states</b>
<b>Supporting State</b>	<b>Speaks in favor of the proposal of a lead state in negotiations</b>
<b>Swing State</b>	<b>Demands significant concessions to its interests as a price for going along with an agreement</b>
<b>Blocking State</b>	<b>Opposes a proposed regime outright or tries to weaken it to the point that it cannot be effective</b>

When a big power like the United States takes a lead role, it helps to sway states that do not otherwise have clearly defined interests on an issue.

Bøås attempted to understand the influence of the NGO community on United States environmental foreign policy.<sup>10</sup> Using the roles, as described by Porter and Brown,<sup>11</sup> Bøås sought to determine if the NGO community could push the United States to act as a lead state instead of as a swing state or veto/blocking state in its foreign policy environment. Specifically, Bøås traced the NGOs' path to influence through various branches of government and directly through

<sup>9</sup> Porter, Gareth and Janet Welsh Brown, *Global Environmental Politics*, 32-33.

<sup>10</sup> Bøås, Morten, "Multilateral Development Banks", 182.

<sup>11</sup> Porter, Gareth and Janet Welsh Brown, *Global Environmental Politics*.

multilateral development banks (MDBs).<sup>12</sup> Building on what is presented by Porter and Brown and Bøås,<sup>13</sup> I decided to categorize my results based on whether the U.S. acted as a Lead State, Supporting State, Swing State or Blocking State for each of the five NRDC case studies.

### Summary of Results

A summary of my results precedes a detailed description of each case study that led to the conclusion of the U.S. role in the foreign policy environment described below. Each case study is affiliated with an international organization and a policy outcome.

<b>CASE STUDY</b>	<b>INTERNATIONAL ORGANIZATION</b>	<b>POLICY OUTCOME</b>	<b>U.S. ROLE</b>
1	<b>International Whaling Commission (IWC)</b>	Strengthen transparency and overall effectiveness of IWC	Supporting State
2	<b>United Nations (UN)</b>	Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean	Lead State
3	<b>United Nations Environment Program (UNEP)</b>	Elimination of lead gasoline globally	Supporting State
4	<b>International Maritime Organization (IMO)</b>	Global GHG reduction regime for the shipping industry	Blocking State
5	<b>World Bank</b>	No funding for coal power projects	Lead State

<sup>12</sup> Bøås, Morten, “Multilateral Development Banks”, 182.

<sup>13</sup> Porter, Gareth and Janet Welsh Brown, *Global Environmental Politics*; Bøås, Morten, “Multilateral Development Banks”.



### **Case One: International Whaling Commission (IWC) and Commercial Whaling**

In 1986, the IWC imposed a moratorium in commercial whaling; a moratorium which is binding on its member states.<sup>14</sup> Although Iceland and Norway are member states of the IWC, they both engage in commercial whaling, either under objection to the moratorium decision or under reservation to it.<sup>15</sup> Iceland specifically resumed its commercial whaling in 2006;<sup>16</sup> at that time, the NRDC began to campaign the U.S. government to pressure Iceland into abandoning its commercial whaling industry.

The first evidence of U.S. foreign policy behavior in regards to Iceland's commercial whaling appeared in 2009, when the U.S. Department of State issued a press release in opposition of Iceland's decision to establish a large commercial whaling quota. The release announced that the United States was deeply concerned that whale stocks were not adequate to support the harvest proposed by Iceland.<sup>17</sup> The press release further called upon the Government of Iceland to rescind its decision and focus on long-term conservation of whale stocks thereby not undermining the ongoing efforts of the IWC.<sup>18</sup> By 2010, the U.S. Government changed its position by voicing support for proposal to overturn the international moratorium in favor of introducing regulation such as setting catch limits.<sup>19</sup> The NRDC quickly mobilized and filed a petition with the U.S. Department of Commerce and Department of Interior to impose trade sanctions against Iceland and to invoke the Pelly Amendment of the Fisherman's Protective Act.<sup>20</sup> The Pelly Amendment "authorizes the President to impose trade sanctions against another country for 'diminishing the effectiveness' of conservation agreements: in Iceland's case, the

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<sup>14</sup> International Whaling Commission (IWC).

<sup>15</sup> Ibid.

<sup>16</sup> Kiekow, Taryn, "Groups Work to Stop Iceland's Illegal Whaling".

<sup>17</sup> U.S. Department of State. 2009, February 27. U.S. Opposes Iceland's Decision To Establish Large Commercial Whaling Quota. <[www.state.gov/r/pa/prs/ps/2009/02/11874.htm](http://www.state.gov/r/pa/prs/ps/2009/02/11874.htm)> (2013, October 31).

<sup>18</sup> Ibid.

<sup>19</sup> NRDC, "Proposal to Legalize Commercial Whale Hunting Released".

<sup>20</sup> Kiekow, Taryn, "Groups Work to Stop Iceland's Illegal Whaling".

International Convention for the Regulation of Whaling” that bans commercial whaling.<sup>21</sup> Once the amendment is invoked by the Department of Commerce or Department of Interior, the President has sixty days to decide whether or not to impose sanctions.<sup>22</sup> Neither was the Pelly Amendment invoked nor did the U.S. Government impose sanctions; the proposal to overturn the moratorium was not passed either.

In their 2011 Annual Report, the NRDC reported that they were invited to be a member of the U.S. delegation at the 2011 annual meeting of the International Whaling Commission and represented the interests of NGOs at that meeting.<sup>23</sup> According to the report, prior to that IWC meeting, the NRDC mobilized its members to escalate pressure on the Obama Administration. The report suggests that NRDC pressure resulted in diplomatic sanctions imposed by the U.S. on Iceland,<sup>24</sup> although this conclusion is not precise.<sup>25</sup> The NRDC aimed to influence the U.S. to impose *economic* sanctions on Iceland so that the activities of Icelandic seafood companies with direct ties to the whaling industry would be hindered,<sup>26</sup> and Iceland would be forced to abandon commercial whaling. This objective was not reached as the U.S. did not recommend economic sanctions at that meeting, but rather, took on the role of a supporting state to pass a U.K. sponsored resolution “aimed at strengthening transparency and the overall effectiveness of the IWC”.<sup>27</sup> Immediately following IWC annual meeting, the Secretary of Commerce, Gary Locke, did invoke the Pelly Amendment recommending several possible actions that the President could take.<sup>28</sup> The NRDC suggests that Locke’s declaration was in direct response to the petition from

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<sup>21</sup> Ibid.

<sup>22</sup> Katie Maroney, email message to author, November 1, 2013.

<sup>23</sup> NRDC, 2011 Annual Report, 11.

<sup>24</sup> Ibid.

<sup>25</sup> See Obama, Barack, Message from the President to Congress, September 15, 2011. <http://www.whitehouse.gov/the-press-office/2011/09/15/message-president-congress>

<sup>26</sup> NRDC, 2011 Annual Report, 11.

<sup>27</sup> Ibid.

<sup>28</sup> Locke, Gary, *Official Letter to President July 19, 2011*.

2010.<sup>29</sup> But Locke's recommendations did not suggest that the President pursue economic sanctions but rather recommended that the President continue with diplomatic pressure and sanctions. The President received Locke's recommendations and, in September, issued a Memorandum to all Departments with Locke's recommendations and further directed the Departments to "keep the situation under review and to continue to urge Iceland to cease its commercial whaling activities".<sup>30</sup>

The available evidence suggests that the U.S. did not act as a lead state to stop commercial whaling in Iceland; instead, they acted as a supporting state of U.K. resolution to increase the transparency and effectiveness of the IWC. The actual situation of Icelandic commercial whaling did not change. The NRDC did not achieve their objective of ending commercial whaling and the NRDC was unable to influence the U.S. to impose economic sanctions on Iceland.

### **Case Two: United Nations and Bottom Trawling**

In April 2013, President Obama presented the *Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean* to the United States Senate for ratification. The treaty creates a Commission with a mandate to implement, monitor and enforce restrictions on fisheries in the North Pacific Ocean. In their 2011 Annual Report, the NRDC credited itself as "laying the ground work for this historic victory back in 2006 when, armed with the best available scientific evidence, we helped convince the U.N. to pass a resolution calling on fishing nations to stop unregulated bottom trawling".<sup>31</sup> This was UN G.A Resolution A/RES/61/105 on sustainable fisheries. After the passing of the resolution, the NRDC suggested

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<sup>29</sup> Kiekow, Taryn, "U.S. Censures Iceland for Killing Whales".

<sup>30</sup> Obama, Barack, *Memorandum regarding Pelly Certification and Icelandic Whaling*, September 15, 2011.

<sup>31</sup> NRDC, *2011 Annual Report*, 8.

that with “steady pressure and rigorous oversight by NRDC and our partners, the world’s leading fishing nations signed a landmark treaty to protect more than 16 million square miles of the Pacific Ocean from unregulated, destructive, bottom trawling”.<sup>32</sup> The steady pressure occurred over the period of 2007-2011.

The NRDC first reported its involvement in the campaign to eliminate bottom trawling in 2007. The NRDC reported that it, along with other environmental groups, were “pressing the United Nations General Assembly and international fisheries management authorities to adopt an immediate moratorium on unregulated trawling in international waters”.<sup>33</sup> The NRDC were able to address the General Assembly due to their consultative status at the United Nations (granted in 1973); this status permits the NRDC and other NGOs to make occasional and useful contributions to the Economic and Social Council (ECOSOC) at the U.N..<sup>34</sup> It also provides an NGO access to the General Assembly. Consultative Status establishes a working relationship between an NGO and the U.N. Secretariat who often work in tandem to persuade governments on policy formulation priorities.<sup>35</sup> Willetts (1996) suggests that:

The best situation for an NGO can be to find a delegation [...] work together on drafting proposals which are tabled by the government. Intergovernmental negotiations will usually be dominated by official delegations, but that does not exclude the possibility of significant NGO influence behind the scenes.

In addition to their address to the General Assembly, in their 2011 Annual Report, the NRDC identified itself as a part of the U.S. delegation involved in drafting the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean. “We worked closely with the State Department and other conservations groups [...] gradually, a

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<sup>32</sup> Ibid.

<sup>33</sup> NRDC, “Protecting Ocean Habitat”

<sup>34</sup> United Nations (UN) Department of Economic and Social Affairs, “Introduction to ECOSOC Consultative Status”.

<sup>35</sup> Willetts, Peter, *Consultative Status for NGO's at the UN*.

strongly worded treat began to take shape”.<sup>36</sup> In 2012 the U.S. signed the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean.

The presentation by Obama of a signed treaty to the U.S. Senate for ratification in 2013 suggests that the U.S. did take the role of the Lead State in this case study. The NRDC’s inclusion as a member of the U.S. delegation that participated in the writing of the convention suggests the NRDC influence on U.S. foreign policy.

### **Case Three: United Nations Environment Program (UNEP) and Leaded Gasoline**

The campaign to phase out leaded gasoline was one of the first causes the NRDC undertook. This campaign started out as a domestic undertaking, challenging the inaction of the U.S. Environmental Protection Agency (EPA) “when the EPA stalled on regulating lead emissions, a very young NRDC took up the cause. In 1973, an NRDC lawsuit resulted in the first EPA rules to regulate lead in gasoline. By 1978, after several years of battling in the courts and fighting pushback from industry, the phase-out of lead from vehicle fuel in the United States had begun.”<sup>37</sup> This case study became international in 1992, when the NRDC began to push for a global phase-out of leaded gasoline. After surveying nations around the world about leaded gas use, the NRDC presented its findings to the United Nations Commission on Sustainable Development that agreed to call for a global phase-out.<sup>38</sup>

U.S. Foreign Policy behavior on this issue is low-key; their support of this initiative is evidenced in their membership in the 2002 Partnership for Clean Fuels and Vehicles under the UNEP. However, the lack of foreign policy evidence in the form of signed treaties or press releases suggests that they did not do anything to move the process forward. The NRDC is one of

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<sup>36</sup> NRDC, *2011 Annual Report*, 8.

<sup>37</sup> Lehner, Peter, “Global Phase-out of Lead Gasoline Succeeds”.

<sup>38</sup> *Ibid.*

the founding members of the Partnership for Clean Fuels and Vehicles and worked with several governments, industry leaders and environmental organizations from all over the world.<sup>39</sup> A 99% global phase out of leaded gasoline was announced by the NRDC in 2011.<sup>40</sup> There were no press releases, declarations or announcements found from the State Department or the EPA to suggest that the U.S. government took a leadership role in the global phase out of leaded gasoline.

Based on the lack of official U.S. state and state agency communications, it is reasonable to conclude that the U.S. played the role of a supporting state in this case study. In other words, the U.S. did not oppose the global phase out of leaded gasoline; they simply supported the effort of other states.

#### **Case Four: International Maritime Organization (IMO), Emission Control Areas (ECA) and Greenhouse Gases (GHG)**

In October of 2008, the member states of the IMO adopted new standards to control exhaust emissions from ocean vessel engines.<sup>41</sup> From the beginning, the U.S. took a leadership role to implement these standards; “The United States Environmental Protection Agency (EPA), in partnership with the Coast Guard, Navy, National Oceanic and Atmospheric Administration, Maritime Administration and State Department, played a significant role in the complex negotiations leading up to this agreement”.<sup>42</sup> The agreement focused on controlling emissions of ocean vessels within Emission Control Areas (ECAs), where the ECAs represent zones within 200 nautical miles of a coast.<sup>43</sup> Upon entering an ECA, an ocean vessel would be required to use

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<sup>39</sup> Lehner, Peter, “Global Phase-out of Lead Gasoline Succeeds”.

<sup>40</sup> Ibid.

<sup>41</sup> United States Environmental Protection Agency (EPA), “International Maritime Organization Adopts Program to Control Air Emissions from Oceangoing Vessels”.

<sup>42</sup> EPA, “International Maritime Organization Adopts Program to Control Air Emissions from Oceangoing Vessels”.

<sup>43</sup> Kassel, Rich, “US/Canadian Proposal for Cleaner Ships Enters Final Stage Next Week”.

fuel that emitted 98% less sulfur than current ship fuel and 80% nitrogen oxide.<sup>44</sup> The regulations for the emission controls were defined at the IMO by July 2010; the NRDC identified itself as a member of the 2010 U.S. delegation to the IMO that pushed for the adoption of this program in their 2011 Annual Report.<sup>45</sup>

Initially, the EPA and the NRDC were on the same page with the outcome of this proposal. All ocean vessels were to reduce their engine emissions in a phase out approach. Some of the highest emissions of ocean vessels contain up to 45,000 parts-per-million (ppm) of sulfur.<sup>46</sup> Within ECAs, ocean vessels were to emit no more than 10,000 ppm of sulfur as of July 2010; by January 2015, ocean vessels were to emit no more than 1,000 ppm of sulfur; by January 2016, there should be an 80% reduction in nitrogen oxide emissions.<sup>47</sup> The EPA viewed this as a way to control the emissions of foreign-flagged vessels that outnumbered U.S. flagged vessels in U.S. Ports.<sup>48</sup> Essentially, the EPA attributed U.S. air quality problems, especially in port cities, to the emissions from foreign-flagged vessels; the healthcare and welfare related costs were billions of dollars.<sup>49</sup> The NRDC applauded U.S. leadership to implement ECAs and viewed this as a significant environmental victory.<sup>50</sup>

By September 2010, the U.S. position had significantly changed. The NRDC reported that the U.S. put forth a proposal to exempt all steamships from emission controls with ECAs.<sup>51</sup> In addition to compromising the vision of the original ECA proposal, the NRDC said that steamship exemption would provide a competitive advantage to the companies that use the

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<sup>44</sup> Ibid.

<sup>45</sup> NRDC, *2011 Annual Report*, 5.

<sup>46</sup> Kassel, Rich, "US/Canadian Proposal for Cleaner Ships Enters Final Stage Next Week".

<sup>47</sup> EPA, "International Maritime Organization".

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Kassel, "US/Canadian Proposal for Cleaner Ships Enters Final Stage Next Week".

<sup>51</sup> Kassel, Rich, "IMO Alert: Proposal to Exempt Steamships Needs to be changed".

oldest, dirtiest ships.<sup>52</sup> The U.S. change of position was attributed to economics: retrofitting ships takes time, equipment, money and training of ship workers.<sup>53</sup> The NRDC reported that the steamship exemption was spearheaded by the cruise line industry that lobbied to convince Congress to weaken the program.<sup>54</sup> Ultimately, steamships were granted an exemption until 2020.<sup>55</sup>

It is clear that initially, the U.S. took the role of the lead state. ECAs were a U.S. idea that was introduced to the IMO via a U.S. proposal. By the time the ECAs were implemented, the U.S. took the role of a blocking state, pushing for the exemption of steamships from ECA regulations. This served to weaken their original proposal. Despite being a member of the U.S. delegation to the IMO, the NRDC was unable to influence the decision to include steamships in ECA regulation.

### **Case Five: World Bank and Coal Power Plants**

In June 2013, President Obama unveiled his Climate Action Plan, a road map to cut carbon pollution in America, prepare the United States for the impacts of climate change, and lead international efforts to combat global climate change and prepare for its impacts.<sup>56</sup> This historic announcement left no doubt that the United States intended to take the lead role internationally. The plan also included the end to U.S. government support for public financing of new coal plants overseas;<sup>57</sup> U.S. public credit agencies such as the Export-Import Bank of the United States (Ex-Im Bank) halted funding immediately. The Ex-Im Bank assists in financing the export

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<sup>52</sup> Ibid.

<sup>53</sup> Kassel, Rich, "IMO News: Steamships to be exempted from the North American Emissions Control Act".

<sup>54</sup> Kassel, Rich, "House vote today could cost up to 31,000 lives per year" and Kassel, "North American Emission Control Area goes into effect today".

<sup>55</sup> Kassel, Rich, "IMO News: Steamships to be exempted from the North American Emissions Control Act".

<sup>56</sup> Executive Office of the President, "The President's Climate Action Plan", 5.

<sup>57</sup> Ibid., 20.



of U.S. goods and services to international markets.<sup>58</sup> In addition, the Climate Action Plan also outlined that the U.S. would “work actively to secure the agreement of other countries and the multilateral development banks to adopt similar policies as soon as possible”.<sup>59</sup> The agreement from one multilateral development bank (MDB), the World Bank, came quickly. By July 2013, the World Bank stated that it would support interventions that reduce GHG emissions associated with coal-combustion plants and that it would only provide financial support for a coal power plant project in rare circumstances.<sup>60</sup> By November 20, 2013, the U.K. government issued a press release announcing that

the U.K. will join the United States in agreeing to end support for public financing of new coal-fired power plants overseas, except in rare circumstances in which the poorest countries have no feasible alternative. The two governments will work together to secure the support of other countries and Multilateral Development Banks to adopt similar policies.<sup>61</sup>

The evidence in this case study can suggest the NRDC may have had some influence on U.S. foreign policy behavior, albeit limited. The NRDC has actively campaigned to shut down existing coal power plants domestically and to halt the development of any new coal power plants domestically and abroad for several years. Their 1986 victory of the “passage of legislation requiring the U.S. government to set up an ‘early warning’ system to track environmentally harmful multilateral bank projects” in part addressed the continuing financing of coal energy abroad.<sup>62</sup> The NRDC has steadily released policy papers since 2006 about GHG emissions from coal and their contribution to climate change.<sup>63</sup> In 2010, the NRDC submitted

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<sup>58</sup> Ex-Im Bank, “About/Who We Are”, accessed November 25, 2013. <<http://www.exim.gov/about/whoweare/>>

<sup>59</sup> Executive Office of the President, “The President’s Climate Action Plan”, 20.

<sup>60</sup> World Bank Group, “Toward a Sustainable Future for All”, 25.

<sup>61</sup> Department of Energy and Climate Change, “UK urges the world to prepare for action on climate change and puts brakes on coal fired power plants”.

<sup>62</sup> NRDC, “About/Victories Archive”.

<sup>63</sup> NRDC, “Global Warming: coal in a changing climate”.

detailed recommendations to the World Bank and the U.S. Government on developing its energy sector strategy that included the phase-out of high-GHG emitting fossil fuel lending in all client countries by 2015.<sup>64</sup> Notwithstanding the above, the NRDC has not claimed Obama's Climate Action Plan and the decision to stop funding coal power projects as their own victory. The NRDC's communication about MDBs and coal power projects simply applauds the steps taken by the U.S. government and MDBs to tackle climate change.<sup>65</sup>

In this case, the U.S. clearly took the role of a lead state. The U.S. explicitly stated its intended actions and foreign policy within the Climate Action Plan. NRDC's communications regarding coal power plants, policy advice on climate change to the World Bank and the U.S. government (in advance of the release of the Climate Action Plan) suggest that the NRDC was able to influence the U.S. government in some capacity.

## **Discussion**

Academic literature provides some insight to understand how environmental interest groups influence state behavior. Bøås suggests that NGOs cannot dictate terms to anyone;<sup>66</sup> rather, an NGO such as the NRDC can only attempt to influence various branches of governments and thereby international organizations. Bøås also indicates that environmental interest groups influence U.S. foreign policy by "linking different policy levels—local to the international, the national to the international and the national to the local, and so on".<sup>67</sup> As subjects of municipal law, interest groups like the NRDC must work by linking different policy levels if their objective is to influence state behavior in the foreign policy environment. U.S. Public Law 99-500, Oct.

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<sup>64</sup> Schmidt, Jake, "It's time for the World Bank to marshal all of its energy resources to address climate change".

<sup>65</sup> Beinecke, Frances, "Obama's Climate Action Plan will protect our health and our communities"; Schmidt "Time for World Bank to stop funding climate change"; Schmidt "World Bank to stop funding coal projects"; Schmidt "Treasury Department to stop supporting U.S. funding for overseas coal projects".

<sup>66</sup> Bøås, Morten, "Multilateral Development Banks", 182-183.

<sup>67</sup> *Ibid.*, 183.

18, 1986 (legislation that the NRDC drafted) provides NGOs in the U.S. with the means to link different policy levels. In addition to the infamous ‘early warning system’, this legislation requires that the Treasury Department compile and make available “a list of projects that may adversely affect the environment to interested members of the public semiannually”.<sup>68</sup> The release of this list provides civil society organizations a link from local to national, and national to international.

In the fifth case study examined in this paper, despite the lack of hard evidence linking the NRDC to the U.S. decision to stop funding coal power plants in developing countries, it can be assumed that the NRDC did exert some influence to force institutional change. Recall that U.S. Public Law 99-500 provides NGOs with a list of funding requests by MDBs for coal power plants abroad six months in advance and regular access to U.S. decision makers at monthly meetings to review controversial overseas funding requests. This empowers the NRDC with the competency to regularly voice their objections and views to U.S. decision makers. The decision to stop funding overseas coal power plant projects was in alignment with NRDC priorities and historical policy recommendations and campaigns. Aufderheide and Rich discussed in detail the strategy that an environmental interest group can take to force institutional change: “U.S. environmental organizations understood early on that the multilateral development banks would never take their suggestions for environmental reform seriously [...] so they directed their attention to the major donor nations, on which the development banks depend for their funds”.<sup>69</sup> Aufderheide and Rich rightly conclude that how funds are appropriated to MDBs is a source of great leverage for U.S. environmental organizations.<sup>70</sup> For its part, Bøås hints that this leverage

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<sup>68</sup>U.S. Public Law 99-500, Oct. 18, 1986, 235.

<sup>69</sup> Aufderheide, Pat and Bruce Rich. 1988. “Environmental Reform and the Multilateral Banks”. *World Policy Journal*, 308.

<sup>70</sup> Ibid

cannot be used directly: “the NGOs’ main path to influence is therefore to press their governments to express certain positions through the EDs<sup>71</sup>”.<sup>72</sup> Nelson (2012) offers a slightly different path of influence suggesting that because funds to MDBs are appropriated annually; withholding funding from an MDB or attaching stipulations can influence policy.<sup>73</sup> As Porter and Brown (1996) iterate, “primarily because of the importance of the U.S. Congress in approving funding for multilateral development banks, U.S. NGOs have been effective in forcing some changes in the lending of MDBs”.<sup>74</sup> Case study five (World Bank) strongly suggests that the NRDC was able to influence how the U.S. government decides to appropriate funds and under which circumstances. International organizations like MDBs work on a weighted voting system, whereby countries that contribute more have a greater share of votes. Bøås observes that a strong link exists between the access NGOs have to U.S. decision makers and the position the U.S. occupies in most MDBs as the major donor.<sup>75</sup> The NGOs seek to influence the decision maker who, in turn, influences the appropriation of funds to an MDB.

Other international organizations like the IMO and IWC operate under a different structure: one vote for each member state. The structural difference in the way an international organization operates may also be a consideration in a NGOs ability to influence a state to assume the lead role for a given issue. In case studies one and four of this paper, the NRDC was a member of the U.S. delegation to meetings at the IWC and IMO. The success or failure of the NRDC’s objectives relied on their ability to influence the U.S. member to the NRDC’s preferred position and subsequently the ability of the U.S. to corral the support of other nations for a

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<sup>71</sup> Executive Directors

<sup>72</sup> Bøås, Morten, “Multilateral Development Banks”, 182.

<sup>73</sup> Nelson, Rebecca, “Multilateral Development Banks: Overview and Issues for Congress”, 19. <<http://www.fas.org/sgp/crs/row/R41170.pdf>>

<sup>74</sup> Porter, Gareth and Janet Welsh Brown. 1996. *Global Environmental Politics*, 2<sup>nd</sup> ed., 57.

<sup>75</sup> Bøås, Morten, “Multilateral Development Banks”, 191.

resolution to pass. In both case studies, the U.S. took a position that was not in alignment with NRDC objectives and priorities.

It can also be argued that the motivations for the U.S. to take a particular role in some cases have more to do with economics than concerns for the environment. In the first case study with the IWC, the U.S. government contributed very little to the IWC annually. In 2011, the IWC only received \$144,640 from the U.S. government.<sup>76</sup> If the size of this contribution can be a strong indication as to U.S. government inaction or indifference, this can explain why the U.S. government has not pressed for coordinated economic sanctions against Iceland- there is simply no incentive for them to do so. In the fourth case study with the IMO, monetary concerns over the cost to retrofit steamships swayed the U.S. to change its role against its own original proposal! Finally, in the fifth case study, although the U.S. ended the funding of coal power plants, the Climate Action plan called for American leadership and the export of American technology in natural gas exploration and gas plants to the international community.<sup>77</sup>

## **Conclusion**

Based on the five case studies and the categorization of the results, my hypothesis is valid: the activities of the NRDC do not consistently push the U.S. government to act as a lead state in the foreign policy environment.

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<sup>76</sup> U.S. Department of State. 2011. United States Department of State Sixtieth Annual Report –United States Contributions to International Organizations Report to Congress for Fiscal Year 2011. <[www.state.gov/documents/organization/198906.pdf](http://www.state.gov/documents/organization/198906.pdf)> (2013, October 31).

<sup>77</sup> Executive Office of the President, “The President’s Climate Action Plan”, 18-19.

<b>LEAD STATE</b>	<b>SUPPORTING STATE</b>	<b>SWING STATE</b>	<b>BLOCKING STATE</b>
2	2	0	1

In only two of the five cases did the U.S. take a lead role in the foreign policy environment: the United Nations Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean and the case study of the World Bank. Within these two case studies, it cannot be conclusively stated that U.S. leadership was linked solely to NRDC influence.

For scholars and students, it is a useful exercise to examine and suggest how interests groups can influence a state's foreign policy behavior because it provides an intimate understanding on how the political process works in a given country. The United States is a complex country that has complex bilateral and multilateral relationships. The examination of this environmental interest group's attempts to influence U.S. foreign policy behavior sheds some light on how civil society works to ensure its voice is heard.

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