

January 2017

Exploring America's Approach on Environmental Issues

Quiwana N. Chaney

Rachel Ronca

Follow this and additional works at: <https://digitalcommons.du.edu/djilp>

Recommended Citation

Quiwana N. Chaney & Rachel Ronca, Book Note, Exploring America's Approach on Environmental Issues, 46 Denv. J. Int'l L. & Pol'y 77 (2017).

This Book Review is brought to you for free and open access by the University of Denver Sturm College of Law at Digital Commons @ DU. It has been accepted for inclusion in Denver Journal of International Law & Policy by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, digitalcommons@du.edu.

Exploring America's Approach on Environmental Issues

Keywords

Climate Change, Politics, Civil Law, Debtors and Creditors, European Union, Obligations, Research

EXPLORING AMERICA'S APPROACH ON ENVIRONMENTAL ISSUES

Reviewed by Quiwana N. Chaney & Rachel Ronca**

PAMELA S. CHASEK, DAVID L. DOWNIE, & JANET WELSH BROWN, GLOBAL ENVIRONMENTAL POLITICS (Worldview Press, 2017)

I. INTRODUCTION

Although the environment, as a concept and an entity to be protected, is well established in America's collective consciousness today, it has not always been so. The United States government began to take resource management seriously in the early 1970s in response to widespread man-made environmental disasters.¹ In his 1970 state of the union address, President Richard Nixon called for "the 1970s [to be] a historic period when, by conscious choice, [we] transform our land into what we want it to become" by protecting and conserving public lands for future generations.² The Environmental Protection Agency (EPA), the Clean Air Act of 1970, and the Clean Water Act of 1972 are often considered cornerstones of environmental law in the US because they conceived a new era of environmental consciousness. Congress passed these laws under its commerce clause power³ with unified and bipartisan support, which is, perhaps, surprising considering the intensely partisan nature of environmental debates today.⁴

The US government also promulgates environmental protection through federal land use laws. The federal government owns an estimated 28% of the US's total surface area, making it the greatest landowner in the United States.⁵ Decades

* Quiwana N. Chaney is a graduate of the University of Alabama and is a Class of 2018 J.D. Candidate at the University of Denver Sturm College of Law. She serves as Editor in Chief of *Denver Journal of International Law and Policy* and Online Editor of *Denver Law Review* for the 2017-18 academic year.

* Rachel Ronca is a third year dual degree student, pursuing a JD and an LLM in International Business Transactions at the University of Denver Sturm College of Law. She is the Managing Editor on the *Denver Journal of International Law and Policy* for the 2017-2018 academic year.

1. Alexis C. Madrigal, *Gallery: Why Nixon Created the EPA*, ATLANTIC (Dec. 2, 2010), <https://www.theatlantic.com/technology/archive/2010/12/gallery-why-nixon-created-the-epa/67351/>.

2. Richard Nixon, Annual Message to the Congress on the State of the Union (Jan. 22, 1970), <http://www.presidency.ucsb.edu/ws/?pid=2921>.

3. U.S. CONST. art. I, § 8, cl. 3.

4. Robinson Meyer, *How the U.S. Protects the Environment, From Nixon to Trump*, ATLANTIC (Mar. 29, 2017), <https://www.theatlantic.com/science/archive/2017/03/how-the-epa-and-us-environmental-law-works-a-civics-guide-pruitt-trump/521001/>.

5. Frank Jacobs, *Just How Much Land Does the Federal Government Own – and Why?*, BIG

of legislation and executive orders on the permitted uses of public lands informs the robust umbrella of environmental law that is separate from the EPA. Notable examples include the National Park Service Organic Act of 1916⁶ and President Barack Obama's moratorium on new leases of federal land for coal mining.⁷ In 1976, Congress passed the Federal Land Policy and Management Act (FLPMA), which created the Bureau of Land Management "to provide for the management, protection, development, and enhancement of the public lands."⁸ The federal government effectuates environmental law within federally owned lands by promoting sustainable land usage and preserving natural resources within its purview.

Nearly fifty years after Nixon's state of the union address, the vast majority of Americans believe the federal government should have some position in protecting the environment: 75% believe the government should have a major role and 22% believe the government should have a minor role in protecting the environment.⁹ In 2015, a Gallup poll reported that 55% of Americans worry a great deal about the pollution of drinking water, and worry least about the destruction of rainforests.¹⁰ Meanwhile, the Nature Conservatory reported in 2017 that scientists and environmentalists find the most pressing environmental concerns to be climate change, unsustainable food production, and rampant city growth to the detriment of surrounding lands and waters.¹¹

Global Environmental Politics has traditionally provided an up-to-date introduction to the world's most pressing environmental issues. This new edition continues that tradition by discussing the big issues and critical new developments in the field of global environmental politics and policy. Though Pamela Chasek, David Downie, and Janet Brown have ambitiously sought to provide readers with a comprehensive overview of contemporary international environmental politics in seven chapters, their work lives up to readers' expectations and adequately informs anyone wishing to understand the current state of the field. As the authors stated, "Today, environmental issues are globally important both in their own right and because they affect other aspects of world politics, including economic

THINK (2016), <http://bigthink.com/strange-maps/291-federal-lands-in-the-us>.

6. Organic Act of 1916, NATIONAL PARK SERVICE, <https://www.nps.gov/grba/learn/management/organic-act-of-1916.htm>.

7. Juliet Eilperin & Joby Warrick, *Obama announces moratorium on new federal coal leases*, WASHINGTON POST (Jan. 15, 2016), https://www.washingtonpost.com/news/energy-environment/wp/2016/01/14/obama-administration-set-to-announce-moratorium-on-some-new-federal-coal-leases/?utm_term=.9a491b602e82.

8. Federal Land Policy and Management Act, 43 U.S.C. 35 (1976).

9. Evaluating the Role of the Federal Government, PEW RESEARCH CENTER (Nov. 20, 2015), <http://www.people-press.org/2015/11/23/3-views-of-governments-performance-and-role-in-specific-areas/role-and-performance-2/#>.

10. Jeffrey M. Jones, *In U.S., Concern About Environmental Threat Eases*, GALLUP NEWS (Mar. 25, 2015), <http://news.gallup.com/poll/182105/concern-environmental-threats-eases.aspx>.

11. Mark Tercek, *The Biggest Environmental Challenges of 2017*, NATURE CONSERVATORY (2017), <https://global.nature.org/content/environment2017>.

development, trade, humanitarian action, social policy, and even security.”¹² *Global Environmental Politics* provides an adequate, concise, and comprehensive overview of the big issues involved in international environmental politics as well as discussions on new developments in the field, helping any reader to understand the current state of the field and make informed decision about environmental policies.

In the beginning pages of this book, the authors provide a chronological list of important events in global environmental politics ranging from the 1800s to 2015.¹³ This list includes events such as: the publishing of papers speculating on and discussing the existence of the natural greenhouse effect and the results of laboratory experiments detailing the greenhouse effect of different gases in the atmosphere; the creation of national parks in the United States and the establishments of groups meant to protect and defend those national parks; the formation of international nongovernmental organizations and the adoption of international treaties focused on environmental issues; and man-made environmental disasters and actions taken by various nations addressing environmental issues.¹⁴ This brief but comprehensive list of international events relating to environmental issues and discoveries throughout history offers readers with limited knowledge in the field of global environmental politics and policy a quick and concise history lesson on the important events in the field before they begin to read the book.

Though, a majority of American support protecting the environment,¹⁵ deep partisan divides on the issue has skewed the information given to the public to support a certain agenda. In this book review, we analyze the authors' presentation of information by considering how this book can be utilized to further the discussion on environmentalism within the current American society, no matter the partisan view.

II. WHAT IS GLOBAL ENVIRONMENTAL POLITICS?

Chapter One of this book is entitled “The Emergence of Global Environmental Politics.”¹⁶ This chapter provides an introduction to the global environmental politics by discussing global demographic, economic, and environmental macro trends; the interactions between economic developments and the complex ecosystems on which those developments depend on; international regimes in global environmental politics; and paradigms in global environmental politics.¹⁷

12. PAMELA CHASEK, DAVID DOWNIE, & JANET BROWN, *GLOBAL ENVIRONMENTAL POLITICS* 1 (7th ed. 2017) [hereinafter *GLOBAL ENVIRONMENTAL POLITICS*]

13. *Id.* at xxi–xxvii.

14. *Id.*

15. Monica Anderson, *For Earth Day, Here's how Americans view environmental issues*, PEW RESEARCH CENTER (Apr. 20, 2017), <http://www.pewresearch.org/fact-tank/2017/04/20/for-earth-day-heres-how-americans-view-environmental-issues/>.

16. *GLOBAL ENVIRONMENTAL POLITICS*, *supra* note 12, at 1.

17. *Id.* at 2–48.

Global environmental politics focus on “efforts to negotiate and implement multilateral agreements or other mechanism for cooperation to protect the environment and natural resources.”¹⁸ However, multilateral agreements and other mechanisms meant to protect the environment and natural resources are difficult to implement because of legitimate differences in economic, political, and environmental interest across states. The authors do a fantastic job of describing the what factors play a significant role in shaping the current field of global environmental politics.

When discussing what factors play a significant role in shaping global environmental politics, the authors examine natural resources and pollution and the relationship between population growth, resource consumption, and waste production.¹⁹ Throughout this section, the authors’ examination of these issues showed that those forces play an important part in shaping global environmental politics because of the negative impact they could have on the environment.

The authors also examined the interactions between economic developments and the ecosystem as well as international regimes and paradigms. International regimes are a “system of principles, norms, rules, operating procedures, and institutions that actors create to regulate and coordinate action in a particular issue area of international relations.”²⁰ Paradigms are sets of beliefs, ideas, and values. In the international setting, the paradigms are influenced by governments’ and institutions’.²¹ The differences in regimes and paradigms, discussed by the authors, make it difficult and challenging to achieve unanimity among states responsible for an environmental problem.

Throughout Chapter One, the authors supply readers with the necessary information to form a foundational level of thinking in regards to what global environmental politics is and what it involves. This chapter could serve as the first stepping stone to understanding environmental politics and why such politics have a global affect for any reader wanting to understand the complex field of environmental politics by discussing the factors involved and the regimes and paradigms that guide the thought processes behind environmental solutions selected by states.

III. WHO ARE THE ACTORS IN GLOBAL ENVIRONMENTAL POLITICS?

Chapter Two of this book is entitled “Actors in the Environmental Arena.”²² This chapter discusses the actors in the environmental arena. Specifically, this chapter provides insight into the roles and interests of nation-state actors, intergovernmental organizations, treaty secretariats, international financial institutions, regional and other multilateral organizations, nongovernmental

18. *Id.* at 12–20, 48.

19. *Id.* at 2–12.

20. *Id.* at 20.

21. *Id.* at 29–48.

22. *Id.* at 51.

organizations, and businesses and industries.²³

When discussing the roles and interests of nation-state actors in the environmental arena, the authors sufficiently explained that “state actors play the primary roles in determining the outcomes of issues at stake in global environmental politics.”²⁴ The authors also discussed the roles and interests of non-state actors such as: intergovernmental organizations, treaty secretariats, international financial institutions, non-governmental organizations, and corporations.

The actions of non-state actors on environmental issues are impactful. Intergovernmental organizations play an important role in environmental regime formation by helping, sponsoring, and shaping international agendas, global environmental regimes, and soft-law norms.²⁵ Treaty secretariats in the environmental arena can influence the behavior of political actors in two ways: by acting as knowledge brokers and through the creation, support, and shaping of intergovernmental negotiations and cooperation.²⁶ International financial institutions are some of the most influential and powerful IGOs, in terms of direct impact, because of the amount of financial resources they give to developing countries in support of particular projects and economic policies.²⁷ Nongovernmental organizations influence environmental regimes by “defining issues, swaying the policies of governments, lobbying at intergovernmental negotiations, providing information and reporting services, proposing convention text, and monitoring the implementation of agreements.”²⁸ Businesses and industries may also influence regime creation and expansion because those groups can utilize technical expertise, privileged access, and political clout to weaken or strengthen aspects of a regime.²⁹

The majority of Americans believe that government action is more efficient at protecting the environment than other mechanisms. For example, in the realm of energy policy, 54% of Americans believe that “government regulations are necessary to encourage businesses and consumers to rely more on renewable energy sources” as opposed to relying solely upon the invisible hand of the market.³⁰ The reality of environmentalism in the United States is not so clear cut; it is partisan-dependent with liberals and conservatives understanding the causes and cures of climate change in disparate ways.³¹ According to a PEW report, this boils

23. *Id.* at 51–102.

24. *Id.* at 103.

25. *Id.*

26. *Id.*

27. *Id.* at 78–85.

28. *Id.* at 103.

29. *Id.*

30. Cary Funk & Brian Kennedy, *Public Divides Over Environmental Regulation and Energy Policy*, PEW RESEARCH CENTER (May 16, 2017), <http://www.pewinternet.org/2017/05/16/public-divides-over-environmental-regulation-and-energy-policy/>.

31. *The Partisan Divide on Political Values Grows Even Wider*, PEW RESEARCH CENTER (Oct. 5, 2017), <http://www.people-press.org/2017/10/05/7-global-warming-and-environmental-regulation-personal-environmentalism/>.

down to people's subjective confidence in the veracity of climate scientists and the information that they disseminate.³² While 70% of Democrats trust climate scientists to a high degree, only 15% of Republicans trust climate change scientists and consider their reports to be truthful.³³ Right-wing media continues to reinforce public mistrust of climate scientists, who an estimated 57% of Republicans believe are influenced by a desire to advance their careers and 54% believe are influenced by their political leanings.³⁴

The strong bipartisan support of President Nixon's environmental policies has become a relic of a bygone society that prioritized environmental protection above partisan politics. The trend away from this began during the Reagan-era, when businesses and coal companies began to lobby against conservationist government actions that detrimentally affected profits.³⁵ Lobbyists and executives cited the longstanding Republican platform of a free market economy and deregulation as incompatible with government-promulgated environmental protection and regulation. The oil and gas industry quickly became one of the Republican party's greatest patrons, donating significantly to conservative elections over the decades.³⁶ The exchange of campaign contributions for legislative protection permits industries like coal, oil, and gas to maintain their affluent status in the US at the expense of environmental regulations.³⁷ With so many conservative politicians in the figurative pocket of oil and gas companies and the majority of Republican voters convinced that environmental harms are concocted by ladder-climbing, liberal scientists, the onus of environmental protection in the US falls primarily upon liberal politicians and activists. While these groups are generally strong advocates of environmental protection, it remains extremely difficult to effectuate legislation without bipartisan support.

This book does a great job of introducing impactful actors in the environmental arena to the readers. The authors take the necessary time to thoroughly discuss the importance and impact of all actors involved as well as the role those actors play within the environmental arena. This chapter sufficiently and without bias informs readers of the most impactful actors on environmental issues; which would be a refreshing read and take for Americans looking to inform themselves on the actors involved in environmental policies.

32. Cary Funk & Brian Kennedy, *The Politics of Climate*, PEW RESEARCH CENTER (Oct. 4, 2016), <http://www.pewinternet.org/2016/10/04/the-politics-of-climate/>.

33. *Id.*

34. *Id.*

35. Jaime Fuller, *Environmental policy is partisan. It wasn't always.*, WASHINGTON POST (June 2, 2014), https://www.washingtonpost.com/news/the-fix/wp/2014/06/02/support-for-the-clean-air-act-has-changed-a-lot-since-1970/?utm_term=.60af03e8ed99.

36. *Oil and Gas*, OPENSECRETS, <https://www.opensecrets.org/industries/indus.php?ind=E01> (last visited Dec. 18, 2017).

37. Fuller, *supra* note 35.

IV. WHAT ARE GLOBAL ENVIRONMENTAL REGIMES AND HOW DO THEY DEVELOP?

Chapter Three of this book is entitled “The Development of Environmental Regimes: Stratospheric Ozone, Hazardous Waste, Toxic Chemicals, and Climate Change.”³⁸ This chapter provides a brief discussion on the five interrelated stages involved in the development of global environmental regimes.³⁹

The first stage discussed is agenda setting and issue definition, which involves “bringing the issue to the attention of the international community and identifying the scope and magnitude of the environmental threat, its primary causes, and the type of the international action required to address the issue.”⁴⁰ The second stage discussed is fact finding, which “involves studying the science, economics, policy, and ethics surrounding the issue” to improve understanding of the issue and to build a consensus of the problem and the most appropriate action to address it.⁴¹ The third stage discussed is bargaining on regime creation, which involves bargaining among nation-states on the goals and content of global policy to address the issue.⁴² The fourth and fifth stages discussed are regime implementation and regime review and strengthening, which involves parties reviewing and if necessary strengthening the regime before implementation.⁴³ These stages provide the framework needed to reduce the complexities of multilateral negotiations to an understandable level.

Additionally, Chapters Three and Four, combined, describes a total of 10 environmental regimes. Chapter Three discusses the ozone, hazardous waste, toxic chemicals, and climate regimes, which all can be consider pollution- control regimes because they “seek to prevent the production, use, emission, and/or improper managements of specific substances that endanger the environment and human health”.⁴⁴ Chapter Four of this book, entitled “The Development of Environmental Regimes: Natural Resources, Species, and Habitats”,⁴⁵ discusses regimes that address shared natural resources. Specifically, Chapter Four discusses the biodiversity loss, international trade in endangered species, forests, desertification and land degradation, fisheries depletion, and whaling regimes.⁴⁶

When discussing the pollution- control regimes, the authors thoroughly examine how these regimes demonstrate that unified actions between actors in the environmental arena may address transboundary and atmospheric pollution problems. When discussing the regimes that address shared natural resources, the authors thoroughly examined why those regimes “must overcome conflicts among

38. GLOBAL ENVIRONMENTAL POLITICS, *supra* note 12, at 105.

39. *Id.* at 105–109

40. *Id.* at 105.

41. *Id.* at 106.

42. *Id.*

43. *Id.* at 107.

44. *Id.* at 109.

45. *Id.* at 187.

46. *Id.* at 189–252.

states' economic and political interests, concerns for protecting state sovereignty and different opinions." The authors' discussions of case studies regarding all ten of these regimes show that the negotiations of a strong global environment regime "depends on inducing one or more key veto states to go along with one or more proposed provisions of the regime."⁴⁷

American concern for environmental harms appears to focus on those issues perceived as having an immediate impact on daily life. A 2015 Gallup poll indicated that Americans are far more concerned with proximate environmental concerns, such as pollution of drinking water and freshwater sources, than they are with environmental issues perceived as distant, such the destruction of rainforests.⁴⁸ In 2017, however, Gallup reported that an estimated 47% of Americans, a record high, "worry a great deal about climate change."⁴⁹ Furthermore, 62% of Americans believe that "the effects of global warming have already begun to happen."⁵⁰

Although an estimated 53% of Americans live within three miles of a hazardous waste site – containing the poisonous byproducts of manufacturing, farming, city septic systems, construction, and other normative activities⁵¹ – the level of public concern in this field appears to be unmeasured.⁵² Americans are apparently concerned with toxic chemicals, including asbestos, refrigerants, and certain plastics.⁵³ In 2013, just one in five Americans gave the chemicals industry a positive rating.⁵⁴

The authors' thorough discussion and introduction to the environmental regimes help readers to understand how each of these regimes are viewed by varying nations. This chapter may be of particular interest to those Americans searching for answers in regards to how their treatment of the environment affects others.

V. SUPPORTING EFFECTIVE ENVIRONMENTAL REGIMES AND SUSTAINABLE DEVELOPMENT

Chapter Five of this book is entitled "Effective Environmental Regimes: Obstacles and Opportunities."⁵⁵ The authors state, "Environmental issues are an

47. *Id.* at 252.

48. Jones, *supra* note 10.

49. Lydia Saad, *Global Warming Concern at Three-Decade High in the US*, GALLUP NEWS (Mar. 14, 2017), <http://news.gallup.com/poll/206030/global-warming-concern-three-decade-high.aspx>.

50. *Id.*

51. *Toxic Waste*, NATIONAL GEOGRAPHIC, <https://www.nationalgeographic.com/environment/global-warming/toxic-waste/> (last visited Dec. 18, 2017).

52. American Society of Civil Engineers, *2017 Infrastructure Report Card* (2017), <https://www.infrastructurereportcard.org/wp-content/uploads/2017/01/Hazardous-Waste-Final.pdf>.

53. Eric Lipton, *The E.P.A.'s Top Ten Toxic Threats, and Industry Pushback*, N.Y. TIMES (Oct. 21, 2017), <https://www.nytimes.com/2017/10/21/us/epa-toxic-chemicals.html>.

54. *Public Opinion: Americans Want More Protection from Toxic Chemicals*, SAFER CHEMICALS (2013), <http://saferchemicals.org/get-the-facts/public-opinion-americans-want-more-protection-from-toxic-chemicals/>.

55. GLOBAL ENVIRONMENTAL POLITICS, *supra* note 12, at 257.

important part of international relations.”⁵⁶ Therefore, it is fitting, that this chapter “examines some of the factors that inhibit or promote effective international environmental regimes.”⁵⁷ This chapter discusses obstacles that can make it difficult to create and implement effect regimes, variables that inhibit effective environmental regimes, and options for increasing financing for the implementation of global environmental regimes.⁵⁸

Throughout Chapter Five, the authors thoroughly discuss the three factors essential to the effectiveness of an environmental regime. The authors next examine eight major categories of obstacles that can inhibit creation of effective global environmental regimes. While the categories may be interrelated, they do not prevent effective policy.⁵⁹ There is also an examination of eight available options for increasing financing for the implementation of global environmental regimes.

The authors’ discussion on the factors necessary for effective environmental regimes adequately informs readers of the process actors the environmental arena go through when measuring the extent to which the regime produces improvements in the environment. The authors’ discussion on the categories of obstacles that affect effective regimes alerts readers to the most common factors that hinder the progress of global instruments aimed at environmental changes. The authors’ thorough discussion on the finance situation involved in the implementation of environmental regimes also adequately informs readers of the difficulty involved in securing funds necessary for the implementation of environmental regimes. This chapter does a terrific job of identifying the thought behind environmental regimes and the difficulties behind efforts in implementing environmental regimes.

Advocates of environmental protection and regulation promote their views in the US through an array of mediums. The most direct example of this commenting on proposed EPA regulations and publicizing the environmental threats associated with proposed regulations. Many long-standing non-profits like the Environmental Law Institute and the National Resources Defense Council are dedicated to environmental advocacy.⁶⁰ They primarily engage through the bringing lawsuits against corporations and government entities, lobbying politicians, organizing activist movements, and disseminating information to the public. A recent resurgence of environmental activism, similar to that experienced in the 1970s, is evident in movements like the 2016 protest of the Dakota Access Pipeline through Sioux tribe lands.⁶¹

Opponents of environmental protection come in many forms, ranging from oil

56. *Id.*

57. *Id.*

58. *Id.* at 257–307.

59. *Id.* at 258.

60. Jedediah Purdy, *Environmentalism Was Once a Social Justice Movement: It Can Be Again*, ATLANTIC (Dec. 7, 2016), <https://www.theatlantic.com/science/archive/2016/12/how-the-environmental-movement-can-recover-its-soul/509831/>.

61. *Id.*

and gas industry executives, rural farmers and devout conservatives. As discussed above, corporations often contribute significantly to conservative campaigns and engage in lobbying to ensure that their views translate into industry-benefitting legislation. Other sorts of anti-environmentalists are typically staunch supporters of the free market and business deregulation. The Wise Use Movement of 1988 – a “loose-knit, coalition” of farmers, business owners, and conservatives⁶² – determined that the more the government regulates the environment, the more average, hardworking Americans will be harmed through profit loss and bureaucratic red tape. These groups banded together to advocate for pro-development policies at the expense of environmental conservation, and they are most effective in organizing protests and turning out voters at key elections.⁶³

Chapter Six of this book is entitled “Environmental Politics and Sustainable Development.”⁶⁴ This chapter examines global environmental politics within the context of sustainable development, specifically focusing on north-south relations and sustainable development, the social development pillar of sustainable development, and economic development and trade.⁶⁵ Moreover, this chapter concludes with a discussion on the United Nation’s new sustainable development agenda and the Sustainable Development Goals, “which attempt to bring the global environment and development agendas together and operationalize the concept of sustainable development.”⁶⁶ This chapter gives readers a basis foundation in regards to the relationship between sustainable development and environmental politics.

The majority of Americans remain uninformed and immobilized in the realm of sustainable development. The authors’ utilize the Brundtland Commission’s definition of sustainable development, which provides that sustainable development is “development that meets the need of the present without compromising the ability of future generations to meet their own needs”.⁶⁷ Sustainable development formally entered the US purview in September 2015, when UN member-states ratified “a set of [17] goals to end poverty, protect the planet and ensure prosperity for all as part of a new sustainable development agenda.”⁶⁸ After two years in effect, the Sustainable Development Solutions Network (SDSN) reviewed the progress of each member-state in achieving the ratified and agreed upon goals. The US ranked 25th in achievement out of the 83 member-states, which is notable considering the US is the wealthiest nation in the world.⁶⁹ The US “scored in the red, meaning ‘seriously far from achievement as of

62. Sharon Beder, *Anti-Environmentalism*, in INTERNATIONAL ENCYCLOPEDIA OF ENVIRONMENTAL POLITICS (edited by John Barry and E. Gene Frankland, 2001).

63. *Id.*

64. GLOBAL ENVIRONMENTAL POLITICS, *supra* note 12, at 309.

65. *Id.* at 310–343.

66. *Id.* at 310, 343–350.

67. *Id.* at 32.

68. Sustainable Development Goals: 17 Goals to Transform Our World, UNITED NATIONS, <http://www.un.org/sustainabledevelopment/sustainable-development-goals/> (last visited Dec. 18, 2017).

69. Nika Knight, *US Failing Dismally on Sustainable Development, Despite Vast Wealth*,

2015,' for 12 out of 17 of the sustainable development goals" including "affordable and clean energy," "decent work and economic growth," "responsible consumption and production," "climate action," "life below water," "life on land."⁷⁰ While most of these goals receive various levels of legislative attention, the average American is removed from the global discourse in sustainable development.

Notwithstanding this insulation of sorts, Americans generally believe that the future of sustainable energy is dependent upon the development of renewable resources such as wind, solar, and hydropower. A 2017 PEW survey found "that 65% of Americans give priority to developing alternative energy sources, compared with 27% who would emphasize expanded production of fossil fuel sources."⁷¹ Also, "seven in 10 Americans support regulating carbon pollution from coal-fired power plants – and 75 percent support regulating CO₂ as a pollutant more generally."⁷² Staunch environmentalists, however, will point out that the meat industry's affluence in America – despite its massive contribution to global greenhouse gas emissions and wasteful water and land usage – demonstrates a culture of severely unsustainable resource management.⁷³ The proximate effect of global climate change upon the average American's life continues to increase. Eventually, this will force the public to reckon with the nation's failure to promulgate sustainable development practices. In turn, the public will begin to hold the federal government accountable to international obligations and sustainability standards.

These chapters may be very informative to any American wanting a broad explanation of the government's role in helping to create and establish an effective global regime. Moreover, the authors' discussion on the relationship between environmental politics and sustainable development may help provide readers with broad knowledge of the role the government and other international actors play in sustainable development.

VI. WHAT IS THE FUTURE OF GLOBAL ENVIRONMENTAL POLITICS?

Chapter Seven of this book is entitled "The Future of Global Environmental

COMMON DREAMS (July 22, 2016), <https://www.commondreams.org/news/2016/07/22/us-failing-dismally-sustainable-development-despite-vast-wealth>.

70. Chris Mooney, *A New Report Rated Countries on 'Sustainable Development.'* *The U.S. Did Horribly*, WASHINGTON POST (July 21, 2016), https://www.washingtonpost.com/news/energy-environment/wp/2016/07/21/a-new-report-rated-countries-on-sustainable-development-and-the-u-s-did-horribly/?utm_term=.7691c94e09b2.

71. Brian Kennedy, *Two-thirds of Americans give priority to developing alternative energy over fossil fuels*, PEW RESEARCH (Jan. 23, 2017), <http://www.pewresearch.org/fact-tank/2017/01/23/two-thirds-of-americans-give-priority-to-developing-alternative-energy-over-fossil-fuels/>.

72. Nadja Popovich, John Schwartz, & Tatiana Schlossberg, *How Americans Think About Climate Change, in Six Maps*, N.Y. TIMES (Mar. 21, 2017), <https://www.nytimes.com/interactive/2017/03/21/climate/how-americans-think-about-climate-change-in-six-maps.html?mtrref=www.google.com>.

73. *Meat and the Environment*, PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS, <https://www.peta.org/issues/animals-used-for-food/meat-environment/> (last visited Dec. 20, 2017).

Politics.”⁷⁴ This chapter discusses some of the challenges of global environmental governance in a changing international system and the continuing evolution of institutional structures to meet the challenges involved in the evolution of global environmental politics.⁷⁵ Moreover, this chapter concludes by discussing the prospects for global environmental politics.⁷⁶ The authors’ attempt to end the book on a positive note was successful because it helps to put an end to the question of whether the international community can successfully develop effective cooperative efforts to address major global environmental problems through the use of case studies. However, the authors were sure to emphasize that, “The need for innovative and creative global solutions is greater than ever.”⁷⁷ This chapter can be particularly enlightening to readers because it highlights the complex realities that global environmental politics have to intersect with in this modern society.

The future of environmental legislation in the United States remains uncertain under the Trump administration. With climate change denier Scott Pruitt as head of the EPA and a Republican majority in Congress, environmental protection regulations instated during the Obama-era are already being slashed.⁷⁸ In March 2017, the Interior Department nullified Obama’s moratorium on federal coal mining leases.⁷⁹ On August 4, 2017, the US State Department withdrew from the UN Paris Climate Agreement, which implores member states to regulate carbon emissions and pollution.⁸⁰ Americans are increasingly concerned with climate change, leading pollsters to believe that the majority of Americans disagree with the US withdrawal from the Paris Agreement.⁸¹ Additionally, many state entities and private actors have committed to sustainable resource use and management independent of the federal government.⁸² For instance, a coalition of cities, states, and corporations have pledged to conduct their activities as though the US had not withdrawn from the Paris Agreement.⁸³ The coalition intends to “meet the United States’ greenhouse gas emissions targets under the Paris climate accord, despite

74. GLOBAL ENVIRONMENTAL POLITICS, *supra* note 12, at 353.

75. *Id.* at 355–369.

76. *Id.* at 369–375.

77. *Id.* at 375.

78. Doina Chiacu & Valerie Volcovici, *EPA Chief Pruitt Refuses to Link CO2 and Global Warming*, SCIENTIFIC AMERICAN, <https://www.scientificamerican.com/article/epa-chief-pruitt-refuses-to-link-co2-and-global-warming/> (last visited Dec. 18, 2017) (stating “Pruitt, 48, is a climate change denier who sued the agency he now leads more than a dozen times” and that Congress is Republican controlled).

79. Devin Henry, *Trump Administration Ends Obama’s Coal-Leasing Freeze*, HILL (Mar. 29, 2017), <http://thehill.com/policy/energy-environment/326375-interior-department-ends-obamas-coal-leasing-freeze>.

80. Frank Newport, *Public Opinion and Trump’s Decision on the Paris Agreement*, GALLUP NEWS (June 2, 2017), <http://news.gallup.com/opinion/polling-matters/211682/public-opinion-trump-decision-paris-agreement.aspx>.

81. *Id.*

82. Hiroko Tabuchi & Henry Fountain, *Bucking Trump, These Cities, States and Companies Commit to Paris Accord*, N.Y. TIMES (June 1, 2017), <https://www.nytimes.com/2017/06/01/climate/american-cities-climate-standards.html>.

83. *Id.*

President Trump's decision to withdraw from the agreement."⁸⁴ Despite, or perhaps, in spite of, the federal government's anti-environmentalist agenda, it is reassuring to know that the American public intends to engage in environmental sustainability and adhere to internationally ratified achievement standards.

VII. CONCLUSION

The state of the environment is a worldwide problem because the state of the environment has the potential to impact the lives of citizens in all corners of the globe. Therefore, laws, treaties, and regulations regarding environmental issues have dominated the news as of late. In the U.S., the government continues to debate the causes of environmental issues, overlooking scientific evidence, scholarly articles, and centuries of research. Moreover, there is a significant chance that the average American, who has to vote on environmental policies, laws, and regulations, finds the current field of environmental issues too complex or lacks the information necessary to make an informed decision given that there seems to be no middle ground in the debate. In order to form a proper opinion on a subject and make an informed decision, it is important to have sufficient information.

This book provides the information one needs to render a proper opinion on the current field of global environmental politics as well as the information one may need to make informed decisions about environmental policies. With up-to-date discussion on the adoption of the Sustainable Development Goals, the 2030 Agenda for Sustainable Development, and the December 2015 Paris Climate Change conference, the authors provide information that empowers readers to formulate their own opinions as to solutions of environmental issues and global environmental politics. This is of utmost importance given that, in America, views about environmental regulations are more partisan today than they were a decade ago⁸⁵ and the information found on media outlets can be skewed. Thanks to this book, anyone who wishes to understand global environmental politics can gain valuable knowledge while forming their own opinion given the unbiased approach of the authors.

84. *Id.*

85. Anderson, *supra* note 15.

The Denver Journal of International Law and Policy

welcomes the submission of articles of timely interest to the international legal community. Manuscripts should be in duplicate, double-spaced, and should contain footnotes. Style and grammar should correspond to *The Chicago Manual of Style* (16th ed. 2015). Footnotes should comply with the twentieth edition of The Harvard Law Review Association, A Uniform System of Citation (20th ed. 2015). Please include an abstract of not more than 150 words and a statement of academic and professional affiliations. Manuscripts should be submitted in Microsoft Word 97-2003 for Windows. Submitted manuscripts will not be returned unless requested.

Manuscripts may be submitted to:

Senior Managing Editor
Denver Journal of International Law and Policy
University of Denver College of Law
2255 East Evans Avenue, Suite 449
Denver, CO 80208 USA
ilj@law.du.edu

DJILP Alumni Subscriptions

The DJILP offers you a special Alumni subscription rate which will bring our in-depth and thought provoking articles to your mailbox at an unbeatable price. At the same time, your new subscription will help support an important DU Law program that encourages students to use their skills where they can make the most difference – the public sector.

You continue to be integral to DJILP's success, and we offer you a unique opportunity with this special rate. We have crunched the numbers and determined it costs \$25.00 to print and mail four issues annually to each subscriber. We partnered with the Alumni Development Office to include a \$5.00 donation to the Loan Repayment Assistance Program Fund (LRAP) with each new subscription. Established in 2003, this endowed fund provides support assisting with loan repayment for Sturm College of Law graduates who enter public interest positions. DJILP alumni have already benefited from this important program, and LRAP will encourage many future DJILP members to employ their talents in the public arena.

To take advantage of this superb deal, please include a note to this effect when mailing your subscription payment to DJILP.

(Please see attached Subscription form)

Business Editor
Denver Journal of International Law and Policy
University of Denver Sturm College of Law
2255 East Evans Avenue, Suite 449
Denver, CO 80208 USA
ilj@law.du.edu



DENVER JOURNAL
OF INTERNATIONAL
LAW & POLICY

SUBSCRIPTION FORM

Name _____ Email _____

SHIPPING ADDRESS

Address _____ City _____

State _____ Zip _____ Country _____

BILLING ADDRESS (if applicable)

Name _____

Address _____ City _____

State _____ Zip _____ Country _____

RATE INFORMATION

Domestic Rate (Mailings to Addresses within the United States): \$40.00 USD/ volume
Foreign Rate (Mailings to Addresses outside the United States): \$45.00 USD/ volume
Alumni Rate (Mailings to Address within the United States): \$30.00 USD/ volume

Current Volume: 46 Current Year: 2017-2018

SUBSCRIPTION INSTRUCTIONS

Mail this form and payment by check to:

Denver Journal of International Law & Policy
ATTN: Business Editor
University of Denver, Sturm College of Law
2255 East Evans Avenue, Room 449
Denver, Colorado 80208 USA

Please make checks payable to the Denver Journal of International Law and Policy. We will gladly accept new subscribers in the middle of a publication cycle. Please pay the full subscription price and we will mail any back issues to you.

QUESTIONS?

If you have any questions, please contact our Business Editor (ilj@law.du.edu).

Thank you for your support!

DJILP
Denver Journal of Int'l Law and Policy

The
Ved
Nanda
Center
for International &
Comparative Law


UNIVERSITY OF
DENVER
1964


THE VIEW FROM ABOVE
International Law at 8,280 Feet



In the world of international law, there's a new game in town.

The View From Above: International Law at 5,280 Feet is an online publication working with 50 students and over a dozen professional contributors to bring a more timely sensibility to the discussion of international law and policy. Join our online community of students, professors, and practitioners at:

www.TheViewFromAbove.org

The Denver Journal of International Law and Policy

is online with Hein Online, LEXIS®, and WESTLAW®; and is indexed and abstracted in Current Index to Legal Periodicals, Environmental Abstracts, ICEL References, Index to Federal Legal Periodicals, Index to Legal Periodicals, LegalTrac, and Shepard's Law Review Citations.

Cite as: DENV. J. INT'L L. & POL'Y

The *Journal* welcomes inquiries concerning its tax deductible donor program.



Denver Journal

of International Law and Policy

VOLUME 46

NUMBER 2

WINTER-2018

BOARD OF EDITORS 2017-2018

QUIWANA CHANEY
Editor in Chief

RACHEL RONCA
Managing Editor

HANNAH MITCHELL
Online Editor in Chief

JANE RUGG
Candidacy Editor

SHIRIN LAKHANI
Business & Events Editor

STAFF EDITORS

KEVIN SLEMBOSKI
MALLORY MILLER
SAMANTHA BLOCH

KRISTI ENGLEKIRK
MEERA NAYAK
AMY JONES
CHRISTOPHER BARBERA

ALEX MANCERO
MELODY FIELDS
ALISON SHEETS

FACULTY ADVISOR VED P. NANDA

ADVISORY BOARD

THEODORE L. BANKS
M. CHERIF BASSIOUNI
UPENDRA BAXI
IAN B. BIRD
SHERRY B. BRODER
SID BROOKS
EDWARD GORDON

LARRY JOHNSON
FREDERIC L. KIRGIS
RALPH B. LAKE
JOHN NORTON MOORE
EKKEHART MÜLLER-RAPPARD
JAMES A.R. NAFZIGER
JAMES A. NELSON

BRUCE PLOTKIN
GILBERT D. PORTER
WILLIAM M. REISMAN
DANIEL L. RITCHIE
DOUGLAS G. SCRIVNER
DAVID P. STEWART
CHARLES C. TURNER

UNIVERSITY OF DENVER STURM COLLEGE OF LAW

ADMINISTRATIVE OFFICERS

Rebecca Chopp, Ph.D., *Chancellor*
Gregg Kvistad, B.A., M.A., Ph.D., *Provost and Executive Vice Chancellor*
Craig Woody, B.B.A., M.Acc., *Vice Chancellor for Business & Financial Affairs*
Renell Wynn, B.A., *Vice Chancellor of Communications & Marketing*
Barbara J. Wilcots, B.A., M.A., M.A., Ph.D., *Associate Provost for Graduate Studies*
Paul H. Chan, B.A., J.D., *University Counsel*
Bruce P. Smith, B.A., M.A., J.D., Ph.D., *Dean of the Sturm College of Law*
Viva Moffat, B.A., M.A., J.D., *Associate Dean of Academic Affairs and Professor of Law*
Joyce S. Sterling, B.A., M.A., Ph.D., *Associate Dean of Faculty Development and Professor of Law*
Catherine E. Smith, B.A., M.A., J.D., *Associate Dean for Institutional Diversity and Inclusiveness and Professor of Law*
Eric Bono, B.A., J.D., *Assistant Dean for Career Opportunities*
Jessica Boynton, B.S., J.D., *Assistant Dean for Student Affairs*
Iain Davis, M.S., *Assistant Dean of Student Financial Management and Admissions*
Laura E. Dean, B.A., M.S., *Assistant Dean of Alumni Relations*
Clinton R. Emmerich, B.S., M.B.A., *Assistant Dean of Finance and Administration*
Meghan S. Howes, B.A., B.F.A., *Assistant Dean of Communications*
Ricki Kelly, B.S., J.D., *Assistant Dean of Development*

FACULTY

Robert Anderson, B.A., J.D., *Professor of the Practice*
Rachel S. Arnow-Richman, B.A., J.D., LL.M., *Director, Workplace Law Program and Chauncey Wilson Memorial Research Professor*
Debra Austin, B.M.E., J.D., Ph.D., *Professor of the Practice*
Rebecca Aviel, B.A., J.D., *Associate Professor of Law*
Tanya Bartholomew, B.A., J.D., *Associate Professor of the Practice*
Brad Bartlett, B.A., J.D., *Visiting Assistant Professor*
Arthur Best, A.B., J.D., *Professor of Law*
Jerome Borison, B.S., J.D., LL.M., *Associate Professor of Law*
Stacey Bowers, B.S., J.D., MLIS, Ph.D., *Associate Professor of the Practice*
J. Robert Brown, Jr., B.A., M.A., Ph.D., J.D., *Director, Business & Commercial Law Program and Professor of Law*
Phoenix Cai, B.A., J.D., *Director, Roche International Business LLM Program and Associate Professor of Law*
John Campbell, B.A., J.D., *Assistant Professor of the Practice*
Bernard Chao, B.S., J.D., *Associate Professor of Law*
Federico Cheever, B.A., M.A., J.D., *Co-Director, Environmental and National Resources Law Program and Professor of Law*
Alan K. Chen, B.A., J.D., *William M. Beaney Memorial Research Chair and Professor*
Roberto L. Corrada, B.A., J.D., *Mulligan Burluson Chair in Modern Learning and Professor of Law*
Courtney K. Cross, B.A., J.D., LL.M., *Visiting Assistant Professor*
Patience Crowder, B.A., J.D., *Associate Professor of Law*
Susan D. Daggett, B.A., J.D., *Executive Director, Rocky Mountain Land Use Institute and Assistant Professor of the Practice*
Denise DeForest, B.A., J.D., *Visiting Assistant Professor of the Practice*
K.K. DuVivier, B.A., J.D., *Professor of Law*
Nancy S. Ehrenreich, B.A., J.D., LL.M., *Professor of Law*
Ian Farrell, L.L.B., L.L.M., *Associate Professor of Law*
Alexi Freeman, B.A., J.D., *Director, Externships and Public Interest Initiatives and Associate Professor of the Practice*
Samantha Galvin, B.A., J.D., LL.M., *Assistant Professor of the Practice of Taxation*
César Cuauhtémoc García Hernández, A.B., J.D., *Assistant Professor of Law*
Rashmi Goel, B.A., LL.B., J.S.M., J.S.D candidate, *Associate Professor of Law*
Robert M. Hardaway, B.A., J.D., *Professor of Law*
Gregory J. Hobbs, Jr., B.A., J.D., *Co-Director, Environmental and National Resources Law Program and Distinguished Jurist in Residence*
Mark Hughes, A.B., J.D., *Assistant Teaching Professor*

Sheila K. Hyatt, B.A., J.D., *Professor of Law*
Danielle Jefferis, B.A., J.D., *Visiting Assistant Professor of the Practice*
Scott Johns, B.A., J.D., *Director, Bar Passage Program and Professor of the Practice*
José Roberto Juárez, Jr., A.B., J.D., *Professor of Law*
Sam Kamin, B.A., J.D., Ph.D., *Vicente Sederberg Professor of Marijuana Law and Policy*
Martin Katz, A.B., J.D., *Professor of Law*
Michael Kovaka, B.A., J.D., *Visiting Assistant Professor of the Practice*
Tamara L. Kuennen, B.A., J.D., LL.M., *Professor of Law*
Margaret Kwoka, B.A., J.D., *Associate Professor of Law*
Jan G. Laitos, B.A., J.D., S.J.D., *John A. Carver, Jr. Professor of Law*
Christopher Lasch, B.A., J.D., *Associate Professor of Law*
Nancy Leong, B.A., B.Mus., J.D., *Associate Professor of Law*
Isaac Lodico, B.A., J.D., LL.M., *Assistant Professor of the Practice of Taxation*
Kevin Lynch, B.A., J.D., *Assistant Professor of Law*
Justin Marceau, B.A., J.D., *Animal Legal Defense Fund Professor of Law*
Lucy A. Marsh, B.A., J.D., *Professor of Law*
G. Kristian McDaniel-Miccio, B.A., M.A., J.D., LL. M., J.S.D., *Professor of Law*
Amy McLellan, B.A., J.D., LL.M., *Director, Graduate Tax Online Program and Visiting Assistant Professor of the Practice of Taxation*
Viva Moffat, B.A., M.A., J.D., *Associate Dean of Academic Affairs and Professor of Law*
Suzanna Moran, B.A., M.S., J.D., *Associate Professor of the Practice*
Ved P. Nanda, B.A., M.A., LL.B., LL.M., *Thompson G. Marsh Professor of Law*
Colleen O'Laughlin, B.S., B.A., J.D., *Visiting Assistant Professor of the Practice*
Lucas Osborn, B.S., J.D., *Visiting Associate Professor*
Stephen L. Pepper, A.B., J.D., *Professor of Law*
Justin Pidot, B.A., J.D., *Associate Professor of Law*
Patty Powell, B.A., J.D., *Director, Academic Achievement Program and Assistant Professor of the Practice*
Randy Robinson, B.S., J.D., *Visiting Assistant Professor of the Practice*
Edward J. Roche, Jr., B.B.A., J.D., *Professor of Law*
Tom I. Romero, II, B.A., J.D., Ph.D., *Assistant Provost of IE Research and Curriculum Initiatives and Associate Professor of Law*
Laura L. Rovner, B.A., J.D., LL.M., *Ronald V. Yegge Clinical Director and Professor of Law*
Nantiya Ruan, B.A., J.D., *Hartje & Reese LP Chair and Professor of the Practice of Law*
Thomas Russell, B.A., M.A., J.D., Ph.D., *Professor of Law*
David Schott, B.S., J.D., *Director, Trial Advocacy Program and Professor of the Practice*
Michael Siebecker, B.A., J.D., LL.M., M.Phil., Ph.D., *Professor of Law*
Catherine E. Smith, B.A., M.A., J.D., *Associate Dean for Institutional Diversity and Inclusiveness and Professor of Law*
Don C. Smith, B.S., J.D., LL.M., *Associate Professor of the Practice*
Michael Sousa, B.A., J.D., *Associate Professor of Law*
Erin Stearns, B.A., M.P.H., J.D., LL.M., *Assistant Professor of the Practice of Taxation*
Mary Steefel, B.A., J.D., LL.M., *Professor of the Practice*
Joyce S. Sterling, B.A., M.A., Ph.D., *Associate Dean of Faculty Development and Professor of Law*
Kathryn Stoker, B.A., J.D., *Associate Professor of the Practice*
Celia R. Taylor, B.A., J.D., *Director, International Legal Studies Program, Professor of Law and Nanda Chair*
David I. C. Thomson, B.A., J.D., *Professor of the Practice and John C. Dwan Professor for Online Learning*
Ann Vessels, B.A., J.D., *Director, Veterans Advocacy Project and Professor of the Practice*
Robin Walker Sterling, B.A., J.D., LL.M., *Associate Professor of Law*
Eli Wald, B.A., LL.B., LL.M., S.J.D., *Charles W. Delaney, Jr. Professor of Law*
Lindsey Webb, B.A., J.D., LL.M., *Assistant Professor of Law*
Annecoo Wiersema, B.A., LL.B., LL.M., S.J.D., *Professor of Law*
John R. Wilson, B.S., J.D., *Director, Graduate Tax Program and Professor of the Practice of Taxation*