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Politics, Practices, Representations

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The photo depicts the Colorado River, which has obtained “legal personhood”
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Global Environmental Citizenship and its Limits: On US Hazardous Waste and the Universalists' Struggle of Framing Environmental Protection, 1988-1992

Simone M. Müller

Introduction

May 31, 1989 – an ordinary Wednesday toward the end of the Congressional calendar – almost became a historic date in US environmental governance. As politicians proposed to alter how US laws framed environmental protection and its reach vis-à-vis planetary environmental concerns, they sought to radically change a key feature of the US environmental state. In a bipartisan move Congressional Representatives Michael Lynn Synar (D-Oklahoma), John Conyers Jr. (D-Michigan), John Porter (R-Illinois), and Howard Wolpe (D-Michigan) introduced a bill “to place strict controls on an activity which [was] quickly becoming a serious international problem: the export of U.S. waste” (United States, Congress 1989: E1940). Already between 1980 and 1988, US hazardous waste export notifications¹ had increased from 12 to over 600, with a rising number of such proposals targeting “developing and underdeveloped nations that may not have the technical or financial resources to adequately handle or dispose of such material” (ibid.). Over the course of the 1980s, what was then called the developing world had become one of the US’ dumping grounds for waste. In 1989, a group of US politicians informed by debates on citizen and human rights whom I call ‘the universalists’ responded to this ill-fated governance situation with the intention to provide equal environmental protection for people around the world (ibid.). Living in a “shrinking global environment,” so Sam Gejdenson (D-Connecticut), the United States could “no longer treat the environment of foreign countries in a cavalier manner, assuming that what happens halfway around the world has no impact on the United States” (United States, Congress, House 1989: 4, Subcommittee on International Economic Policy and Trade).

The reform of US waste regulations in line with cosmopolitan citizen rights was the universalists’ big project between the emergence of the US waste trade as a political problem with global dimensions in 1988 and the time when the United Nations’ Basel Convention on the Transboundary Movement of Hazardous Wastes and Their Disposal went into effect in 1992. Already in July 1988, Michael Synar,

¹ Exporters of hazardous waste in the United States must provide notification in English to US EPA at least 60 days before the first shipment of US waste is expected to leave the United States.

head of the US Subcommittee on Environment, Energy, and Natural Resources, concluded that the US waste export control program was not “adequate to deal with the evolving nature of the waste export business” (United States, Congress 1989: E1940). In response, John Conyers introduced the US Waste Export *Prohibition Act* immediately following the Subcommittee meeting. While this act was killed in the political process somewhere between the Subcommittee discussion and the US Senate’s refusal, it was the first in a series of the universalists’ attempts to reform US waste regulations in line with claims of cosmopolitan citizen rights (United States, Congress 1988). The universalists’ project gained urgency when in March 1989 the United Nations opened the Basel Convention on the Transboundary Movement of Hazardous Wastes and Their Disposal for ratification of its member states. This turned the national debate into an international issue. Now any reform proposal, so Michael Synar, needed to “correct the shortcomings of our current export control program *and* to provide a framework for fulfilling our international agreements and global environmental responsibilities” (United States, Congress 1989: E1940; emphasis mine). Pressure peaked in 1992 when the Basel Convention went into effect; would the United States join or remain outside of the UN framework?

Yet, the universalists’ proposed acts were not only about the rules of governance and how to bring a national and an international political space in accordance. They put the very principles of citizenship at the center of discussions thus taking the waste export issue far beyond its technical and economic implications. Proposals sought to grant rights of environmental protection to people around the world based on their status as persons and members of a universal community, rather than as citizens of a particular state. Importantly, these governance proposals were discussed at a time when the 1989 reforms in Eastern Europe and the democratization in Latin America strongly influenced unfolding international discussions on the meaning of global civil society at large.² In this larger context, some political theorists sought to break citizenship’s traditional nineteenth-century link with the state as a bounded sovereign territory, while moving towards global rules and institutions, such as the United Nations (Kaldor 588).³ Often arguing in the Kantian tradition, others used the idea of world citizenship “to refer to obligations to care about the future of the whole human race” (Linklater 23). Similarly situated between the US nation-state and the new transnational spaces opened up through the trade with US waste, the universalists’ waste reform proposals brought forward between 1988 and 1992 raised questions about the relationship between the particular (as in a specific national and territorially bounded citizenship) and the universal (as in a Kantian sense of cosmopolitan citizenship) when it came to environmental protection at a time of planetary environmental issues.

² See, for instance, Chandler and Baker.

³ See Isin and Wood ch. 5.

In most recent discussions, environmental citizenship is often addressed as an issue on the individual level, rather than the state level, and based on a non-state, border-free expression of a political community. Taking notions of cosmopolitan rights into the more-than-human realm, it is defined as a form of solidarity with other human and more-than-human actors that exhibits principles of care and wardenship.⁴ According to Andrew Dobson, environmental citizenship refers to pro-environmental behavior, in public and in private, driven by a belief in fairness of the distribution of environmental goods, in participation and in the co-creation of sustainability policy. It is about the active participation of citizens in moving towards sustainability, equally on the local, national, and global level (280).⁵ Finally, so Bell, environmental citizenship entails the right to participate in environmental policy making, to choose sustainable personal actions, to obey just environmental laws, and to promote sustainable arrangements (187). Environmental citizenship is what renders the environment political and its politics philosophical. Consequently, environmental citizenship is also about the state and its duties to protect its (or all world?) citizens.

This leads to questions anchored in political philosophy about the nature, scope, and legitimacy of public agents and institutions, and their relationship both with state-bounded and, given the transnational scope of environmental issues, non-state bounded citizens, movements, and activities. More precisely, environmental citizenship studies need to ask how states enable or prohibit environmental participation. What rights and freedoms are protected by the environmental state and what are the territorial limits of such protection? In the face of planetary environmental degradation and challenges ranging from climate change to biodiversity loss, how do states define the basic principles of sovereignty, autonomy, and legality and accordingly negotiate the relationship between the state-bounded particular of *their* citizens and the universally acclaimed citizenship of a cosmopolitan world community? This often involves a tension, a clash even, as this essay describes, between understandings of citizenship focused on (universal) rights or those focused on obligations (Isin and Wood 91).

Historical studies on environmental activism illustrate how this state-citizen environmental relationship is influenced by the kind of government system framing pro-environmental behavior. A common narrative with regard to environmental citizenship within a state-bounded framework is that socialist states have often limited their citizens' opportunities to protest or engage in other forms of civil action, let alone engage in transnational political spaces of environmental action. The literature also shows that this did not hinder the development of environmental citizenship and activism, but often made it either less confrontational towards the state⁶ or, as we see particularly in the contexts of Latin America, much more violent.⁷

⁴ See, e.g., Haraway.

⁵ Similarly European Network for Environmental Citizenship (ENEC).

⁶ See, e.g., Harper; Ho; Ault.

⁷ See, e.g., Latta and Wittman.

Still, notions of environmental citizenship, particularly in the social sciences, seem to presume participatory democracy as the ideal context both for local and global activism.⁸ As political scientist Iris M. Young explains, this ideal is based on the expectation that democracy “requires that citizens of welfare corporate society awake from their privatized consumerist slumbers, challenge the experts who claim the sole right to rule, and collectively take control of their lives and institutions through processes of active discussion that aim at reaching collective decisions” (1989: 252).

In the majority of studies, however, environmental citizenship is largely defined as a response to how humanity has been and still is massively modifying earth on a *planetary* scale.⁹ The European Network of Environmental Citizenship (ENEC) defines environmental citizenship as pro-environmental behavior “on a local, national and global scale” thereby folding the particular and the universal into each other (n.p.). Such multi-scalar and modulated thinking is necessary, so Valencia Sáiz, given that many of today’s environmental problems, ranging from climate change and desertification to contamination and biodiversity loss, are global in scale, but require local action (163). The approach is best represented in campaigns around the slogan “Think global, act local.”¹⁰ Yet while the ideal environmental citizenship, so activists and scholars appear to suggest, is always planetary in mind, but place-based in action, this predicament does have its limits as it evokes a serious, and to this day unresolved, tension between the particular and the universal in the state-citizen relationship, as well as between local action and its trans-local consequences.

This essay uses a historical case to study the tensions between the particular of a state-bounded and territorially defined framework of environmental protection and the universal of a border-free expression of universal environmental rights and the acclaimed duty of a state to protect such cosmopolitan rights. Focused on a key moment in US environmental history, the attempts to modify the US waste transport, disposal, and export regulations between 1988 and 1992 to allow the United States to ratify the Basel Convention, this contribution teases out several points of tension rooted in imaginaries of planetary-scale environmental problems, universality, and national frameworks of governance. First, it shows how initially locally focused environmental citizenship pushed problems outwards towards the universal, rather than solving them; second, it discusses how notions of universality were equally grounded in civil rights and human rights and so mirrored tension between universality and particularity also in its philosophical groundings; and finally, it demonstrates how in the end, any attempts of universalizing clashed with the principle of national sovereignty. Global environmental citizenship, this essay argues, is always in a bind with the state (of any political system), oscillating between transboundary ecological processes and normative notions of universality

⁸ See the survey of the literature in Jorgensen and Jorgensen.

⁹ See Bonneuil and Fressoz.

¹⁰ The term goes back to Grauer; also see Stephen.

on the one side and the judiciary limits of national territoriality, state sovereignty, and autonomy on the other.

1989-1992: The *Khian Sea*, the Transboundary Movement of Waste, and the Basel Convention

When Mike Synar, John Conyers, John Porter, and Howard Wolpe each stepped onto the speaker's podium to rally support for their Waste Export Control Act in the US House of Representatives that particular Wednesday in May 1989, the universalists' political activities had for more than two years been shaped by the story of one particular ship, the *Khian Sea*, set against the backdrop of the US' "garbage crisis" and the dawning age of an international regulatory framework, the UN's Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal. It was a key moment in US environmental history that provided an opportunity to discuss some of its foundational premises: what was the reach of US environmental state governance?

Despite first incidents going back to 1980, the political career of US waste exports is tightly linked to the *Khian Sea*, a waste barge loaded with about 15,000 thousand tons of Philadelphia incinerator ash destined for the Bahamas. The ship was chartered by the Amalgamated Shipping Corporation, a Bahamian company that had a contract with the Philadelphian waste-hauling company Paolino & Sons. Paolino & Sons, in turn, had a multimillion-dollar contract with the city of Philadelphia for the disposal of up to 200,000 tons of incinerator ash for the fiscal year of 1986. The *Khian Sea*'s trip to the Bahamas was part of larger scheme to dispose Philadelphia city waste in the Caribbean after US disposal sites, such as in New Jersey, were no longer available or too expensive. Yet, after the original import plan to unload it in the Bahamas had fallen through, the ship went on a global odyssey. First, its captain had been directed to sail to the port of Gonaïves in politically fractured Haiti, where soldiers, with guns aimed, interrupted the unloading and demanded the ship to pack up and leave. Leaving behind part of their cargo, the *Khian Sea* next attempted unsuccessfully to return to Philadelphia before it commenced a two-year odyssey voyage across the world. The captain next took the ship across the Atlantic to West Africa, the Mediterranean, and Eastern Europe, through the Suez Canal and across the Indian Ocean to Southeast Asia and China, always on the look-out for a new site to unload the remaining cargo. Meanwhile, an international network of environmentalists, US officials, and the media hunted the renegade ship. They managed to see through attempts to disguise the ship's identity, such as changing the ship's name from *Khian Sea* to *Felicia*, *Pelicano*, and *San Antonio* (Müller).

For the universalists, Philadelphia's scheme to dispose US waste in the Bahamas stood exemplary for a national crisis with international implications they sought to rectify through the various waste reform bills, such as Synar et al.'s Waste Export

Control Act of May 1989. The *Khian Sea* thereby symbolized the kind of problematic solutions many an American city had chosen or was considering against what state and local legislators by the late 1980s had come to fear as a “garbage crisis” (Melosi): At a time when US generation of hazardous wastes stood at 250 million tons each year – with a much larger quantity of non-hazardous wastes – the United States Environmental Protection Agency (EPA) rang bells of alarm because landfills in the United States were reaching capacity or closing due to new and stricter regulations. It was the US Resource Conservation and Recovery Act (RCRA) of 1980 in particular that had amended the US Solid Waste Disposal Act and, among other more stringent stipulations, for the first time defined hazardous waste as distinct from municipal solid waste had brought the US’ waste crisis to a new level. Additionally, growing public anxiety about landfill safety, water contamination and air pollution narrowed choices for new disposal places and only half-heartedly discussed schemes for recycling did not expand options. To make matters worse, the ongoing deindustrialization gave municipalities throughout the country little leeway for expansive solutions (United States Environmental Protection Agency 1; Walsh et al. 6).

In the case of Philadelphia, the city also faced the conundrum of stricter rules and less available disposal space, while dealing with increasing disposal costs and a dwindling city budget. Between 1978 and 1981 alone, fifty waste sites in the Philadelphia area had gone out of business as they were no longer able to meet new, stricter and hence more expensive disposal regulations. Additionally, as the city had met county limits, it simply ran out of space for the disposal. The state of New Jersey, thus far the favorite option, increasingly restricted out-of-state waste. Disposal costs skyrocketed from \$ 19.1 million annually in 1981 to a projected \$ 66 million in 1988. Yet, the city budget was too strained for the respective authorities to consider a different, possibly local option for the disposal of massively growing quantities of municipal waste. In line with similar developments in other industrial cities in the United States, Philadelphia had lost about 44% of its manufacturing employment between 1970 and 1980. In 1986, its municipal budget deficit stood at \$ 9.6 million. Predicting an even larger fiscal gap for the following year, the city government had seen itself forced to lay off nearly 10% of its workforce, sell city property, and borrow money to cover its debts (Müller 19, 27). In an attempt to square the circle, the city had come up with the solution to export Philadelphia waste on board the *Khian Sea* to the Bahamas.

In its global absence, however, the *Khian Sea*, was also metaphoric for the global implications of these waste crises in a highly unequal world and so the *Khian Sea* made it by late 1988 also to the plenaries of the United Nations. There, pressure particularly from receiving countries in the Global South had grown for the United Nations to develop a binding international framework for the trade with hazardous wastes that would protect citizens around the world from the implications of dumping toxic waste. In the late 1980s, the timing was favorable for an international agreement on the global environment. Transboundary environmental issues, such as

acid rain or ozone depletion, increasingly occupied the international community ushering in new levels of participation in environmental citizenship. Environmental activist groups around the world expanded memberships and topics. Greenpeace opened new offices in Argentina, Ireland, Denmark, Germany, Spain, and Sweden and – as a sign of the new political freedom in the Soviet Union – glasnost allowed environmental groups to fight pollution (J. Davis 105-07).

In response to demands from waste-receiving countries in the Global South, the United Nations Environment Program (UNEP) organized five working group meetings on the global trade with waste between early 1988 and 1989 (UNEP 1997, 3-4). Despite massive disagreements, particularly with the Organization of African Unity, the Conference of Plenipotentiaries on the Global Convention on the Control of Transboundary Movements of Hazardous Wastes was successfully convened in Basel, Switzerland, from March 20 to 22, 1989. On March 22, 1989, the Basel Convention was adopted by the consensus of the 116 nations present (*ibid.*). The signatories' next step was the ratification of the convention through their national government bodies, oftentimes – as in the case of the United States – necessitating the adoption of new national regulatory frameworks to align with the Basel Convention. The proposed Waste Export Control Act of May 1989, alongside the series of proposals following it, were meant to pave the way for this ratification.

“Exporting a US Love Canal”: How US Environmentalism Necessitated Universalism

The universalists' idea to reform US waste regulations in line with notions of a state's duty to provide universal protection for people within *and beyond* US state territory preceded the Basel Convention. Their professed necessity to globalize environmental citizenship was intricately connected to developments within the field of environmental activism as well as the emerging dynamics of the waste trade.

Propelled by the rise of modern environmentalism, more and more US citizens had become active in contexts of environmental protection by the 1980s. Diverging from older conservationist campaigns around the protection of certain landscapes and species, a new focus of activists at the time was on pollution, waste incineration and disposal, and legacy sites.¹¹ In the region of greater Philadelphia, where deindustrialization had left behind “a plethora of hazards,” including brownfields, illegal hazardous-waste dumpsites, and toxic chemicals in the sediments of the Schuylkill and Delaware, the issues of toxicity and waste came into the public eye in 1979 (Sicotte 232). Running a series of articles on the topic, the *Philadelphia Inquirer* meticulously detailed dozens of cases of toxic neglect, ranging from arsenic and other substances seeping into the ground to firefighters incapacitated as they battled with a landfill that spontaneously ignited (Nordland and Friedman).

¹¹ See, e.g., Sze; Pellow; Shevory; Walsh et al.

The *Inquirer's* warning about the omnipresence of toxic sites resonated with Philadelphians who formalized their environmental concern around the topic of pollution through the exercise of what Dobson calls "pro-environmental behavior" (279). In 1967, the Delaware Valley Citizen's Clean Air Council was founded as a non-profit volunteer group and since played an important role in lobbying for tougher environmental laws and litigation (Jaffe). In 1979, the Delaware Valley Toxics Coalition (DVTC) took up its activist work (Cohn 1980). DVTC, a legal nongovernment organization, provided assistance to individuals and organizations who were faced with pollution problems or threatened by proposed facilities which might create such problems (The Public Interest Law Center). One of the institution's biggest successes was the passage of Philadelphia's "right-to-know" legislation, which required companies to publicly disclose any toxic chemicals that they may use, manufacture, store, or emit (Cohn 1981).

Waste and toxicity motivated citizen activism not only in the greater Philadelphia region. Already in 1980, the national government had recognized the political importance of the issue when the US Environmental Protection Agency commenced its Superfund program to manage the clean-up of the country's worst hazardous waste sites (Hagen). Nine years earlier, in 1971, consumers' rights advocate Ralph Nader had founded an advocacy group focused on "too much trash" (*Public Citizen*). In 1988, Nader devoted an entire issue of the magazine *Public Citizen* to the fact that no other concern was "galvanizing the American to greater passion" than waste and contamination (Eberhart 12). Walter Hang, director of the New York Public Interest Research Group, similarly argued that this outburst of citizen activism around waste was "changing the face of the environmental movement" altogether, because it radicalized large numbers of people (cited *ibid.*). At the time of the voyage of the *Khian Sea*, thousands of US citizens took to the streets protesting against incinerators in cities throughout the country, among them prominently New York, Boston, or Chicago (Sze). While in 1990, the United States had 140 trash incinerators, almost twice that number of pending incinerator projects had been cancelled due to citizen protests (Walsh et al. 1).

From a national, state-bounded perspective, the emergence and exercise of environmental citizenship around waste and contamination is a success story. Alerted by the media, people all around the country paid increasing attention to the landfills and waste disposal facilities in their neighborhoods. Environmental activists pushed their municipalities to pay closer attention to following through with the different environmental regulations. At the same time, the exercise of environmental citizenship in the United States, the universalists pointed out in their many talks, proposals, or investigations, came at the costs of people in other parts of the world. Alongside Canada as a major importer, this also concerned the Global South. Starting in the 1970s, but with soaring numbers in the 1980s, the United States had exported its waste to Haiti, Guinea, or Zimbabwe, and planned for major dumpsites in Guinea Bissau, Guyana, Panama, the Congo, Guatemala, Sierra Leone, or the Bahamas. For those debt-ridden countries, the import of waste was tempting. Deals

could attract foreign investments, generate employment, and condition the building of infrastructure. Additionally, corrupt officials were payoff targets for exporters seeking cheap and easy outlets for their toxic wares.¹²

Conceptually, environmental citizenship encompasses both the premise of universality and an internal motivation of what political scientist Bronwyn Hayward calls “embedded ecological justice” (104). Global environmental citizenship is not exercised for notions of pity, for instance for the Caribbean islanders drowning in US waste, but motivated from the recognition that one’s actions “compromises or forecloses the ability of others or future generations to pursue options that are important to them” (105). It is framed around Edolphus Towns’ question, “[a]re we going to let our environmental problems become the problems of others?” (United States, Congress 1991). Iris M. Young pushed this idea of a connection between citizenship, justice, and responsibility to also integrate structural frames. Young argues that all agents, ranging from the individual citizen to communities, companies, shareholders, boards of directors, and nation-states, “who contribute to the structural processes that produce injustice share a political responsibility for remedying that injustice” (1989: 252). As if he had read Young, John Conyers argued that “exporting waste abroad [was] the export of irresponsibility” (United States, Congress 1989: E1949). The state, so the universalists’ opinion, had the *duty* to protect citizens both at home and abroad, who, in turn, had the *right* to be protected. “Without tight controls,” Conyers reminded other Congressional Representatives during a debate in 1988, “it was only a matter of time before US exports became overseas Love Canals” (United States, Congress, House 1988, Subcommittee on Environment, Energy, and Natural Resources: 6).

“We are all on the same planet”: Civil Rights and Human Rights

With their various waste export reform acts from between 1988 and 1992 – put forth at a time when Young published her “Critique on the Ideal of Universal Citizenship” – the universalists were expanding notions of citizenship to the realm of the planetary basing it on membership in a humanity that had nothing less (or more) in common than sharing the same habitat, planet Earth. As Edolphus Towns explained in 1991 in the context of his Waste Export and Import Prohibition Act, the goal of such governance was “global environmental protection” (United States, Congress 1991).

In the same way that global environmental citizenship emphasizes an interconnection and interdependence on a global scale beyond state boundaries, the universalists emphasized the US’ continuing responsibility of its waste, even if the material had left national territory (Beck). “Our bill,” (meaning the Waste Export Control Act) so Howard Wolpe in 1989, “is based upon the principle that we have a moral responsibility for the waste regenerated from the cradle to the grave. That

¹² See, e.g., United States, Congress 1991.

responsibility does not end simply because our pollution crosses our national borders” (4). John Porter (R-Illinois) explained the intention of the Waste Export Control Act were “to offer people in developing countries *the same protection* that the United States provides for our citizens and our environment” (United States, Congress 1989: E1949; emphasis mine). He was echoed by Mike Synar, who concluded “we cannot justify a dual set of standards which afford less protection to citizens of other nations than we demand for ourselves” (ibid: E1940). John Conyers had a harsher expression of the same sentiment when in July 1988, he bawled at the US EPA’s secretary during the Subcommittee’s meeting in July 1988, “for goodness sake, we are all on the same planet” (United States, Congress, House 1988, Subcommittee on Environment, Energy, and Natural Resources: 310)

In their framing of these different reform acts as an instance of *global* environmental citizenship, the universalists were influenced, albeit to different degrees and scales, by larger discussions that had defined the emancipatory momentum of political life in the United States in the post-War era, that is the Civil Rights Movement of the 1960s and the human rights movement of the 1970s. While both political movements arrived at a claim of universality that today is generally subsumed under the heading of ‘human rights,’ they still brought with them different connotations of what counted as a right.

Under the framing of civil rights, which the field of politics considers a first generation right, multiple advocacy groups had claimed equal rights for previously disadvantaged citizens, such as women, workers, African Americans, or other marginalized populations. In the same instance as modern political theorists asserted the equal worth of all persons, the Civil Rights Movement had taken this to demand the inclusion of all persons in full citizenship status under the equal protection of the law (Young 2011). In the 1980s, John Conyers and Edolphus Wolpe, both long-standing civil rights activists and co-founders of the US Congress’ Black Caucus of 1971, combined civil rights with global environmentalism, emphasizing how race was a marker for disproportionate exposure to toxicants both in the workplace and the home, and both in the United States as well as abroad.¹³ They drew from studies, such as conducted by the US Environmental Protection Agency in 1982 that concluded that African Americans represented a majority of the population in three of the four communities in which off-site hazardous waste landfills were located (United States General Accounting Office). In 1987, the Commission for Racial Justice of the United Church of Christ reported that three of every five black and Hispanic Americans lived in a community with uncontrolled toxic-waste sites.¹⁴ The case of the *Khian Sea* additionally illustrated that this disproportionate exposure to toxicity did not end at US borders. As of 1988, in particular John Conyers had been

¹³ While the majority of the African American civil rights community, as Angela Davis recounts in 2019, made little connection between civil rights and environmental justice, Conyers and Towns belonged to a small cadre of African Americans, alongside Damu Smith or Robert Bullard, who framed environmental discrimination as a civil rights issue (xv).

¹⁴ For more on the history of this movement see MacGurty.

singled out by Afro-Caribbean representatives to convince him to become their spokesperson of a pan-African alliance (United States, Congress, House 1988: 6, Subcommittee on Environment, Energy, and Natural Resources). By 1989 both Conyers and Wolpe argued, in the words of Conyers, that the disproportionate exposure to toxicity was “ultimately the problem [...] of all of us, for the impact of non-enforcement of health and safety laws cannot be confined to any particular group – the spreading danger of contaminated air, water, food and workplace heeds no boundaries” (i).

While also some of the white universalists, such as Howard Wolpe, had marched for Civil Rights in the 1960s, by the late 1980s they were also heavily influenced from a different political tradition, that of human rights. ‘Human rights’ is the idea that humans have inherent rights. By 1988, notions of human rights had seen a stunning national and international career. Already at the conclusion of the UN Conference on the Human Environment in Stockholm in 1972, the conference proclaimed that “[humanity] has the fundamental right to freedom, equality and adequate conditions of life in an environment of a quality that permits a life of dignity and well-being” (Olowu 200). In 1989, a UN subcommission recommended that the UN Commission on Human Rights “should adopt a resolution relating to the movement and dumping of hazardous, toxic and dangerous products and waste” (qtd. in Gwam 127). For the US context, President Jimmy Carter had brought human rights into the center of US foreign policy as of his inauguration in 1977. By the late 1980s, human rights were hugely popular both among the US public and US politicians; this was, according to historian Barbara Keys, because human rights as political and activist framework “shifted attention and blame away from Vietnam and the embarrassment and self-criticism of the civil rights movement and Watergate” (3).

Among the politicians rallying for the Waste Export Control Act of 1989, for instance, Howard Wolpe, “the tireless peacemaker,” and John E. Porter, in turn, had joined in specifically as experts on human rights and Africa respectively (McDonald). Wolpe, a former professor of African political studies at the University of Michigan, joined the House of Representatives in 1978. In his political projects, Wolpe was influenced both by his mother’s strong involvement in the US Civil Rights Movement and a two-year research stay in Port Harcourt, Nigeria. He supported the US involvement for ending apartheid in South Africa and chaired the Africa Subcommittee in the US House of Representatives since 1981 (McDonald). Porter was founder and co-chair of the Congressional Human Rights Caucus – a voluntary group that worked to identify, track, and end human rights violations all over the world – and married to Kathryn Porter, an outspoken human rights activist (NIH Records).

The distinction whether universalists came to their claims of a global environmental citizenship from the Civil Rights or the Human Rights tradition was one of nuances and yet important. The paradigm of human rights allowed to shift the focus from problems at home to those abroad – or from the particular to the

universal – while the tradition of civil rights saw the particular and the universal as intricately connected.

Universal Environmental Citizenship and the Failure of Global Governance

Environmental citizenship for everyone, and everyone equal qua citizenship – the universalists’ reform proposals put forth between 1988, ranging from Conyers’ Waste Export Prohibition Act to Synar et al.’s Waste Export Control Act, assumed the universality of citizenship in the sense that citizenship status transcended particularity, difference, and nation-state borders. Still, the proposed Waste Export Control Act failed, as had Conyers’ US Waste Export Prohibition Act of 1988 and as would the other of the universalists’ waste reform acts until 1992. In their quest for global environmental citizenship, the universalists were up against an argument that even at a time when notions of global civil society gained unprecedented power still held preeminence: the dangers of infringing upon another nation’s sovereignty should US regulation be expanded to be valid also abroad.

The power of the sovereignty framework became obvious already in July 1989 when the Waste Export Control Act came before the Subcommittee on Human Rights and International Organizations charged to take a closer look both at the UN accords of the Basel Convention as well as the Waste Export Control Act to “clarify US policy with respect to hazardous waste exports.” The key question at the meeting was if the United States “should be responsible for insuring that its hazardous wastes is properly disposed of no matter where the disposal takes place” (Subcommittee on Human Rights and International Organizations: 1, 2). Almost from the beginning of the hour-long hearing, the discussion circled around the international law dilemma created through the state-centric nature of the environmental governance in the face of universalist claims. The Waste Export Control Act would ensure this by controlling that waste exports from the United States would be managed in a manner no less strict than required in the United States; that the same standard would be applied to all other countries receiving US waste.

Already since the late 1970s, US politicians had been discussing if their environmental protection laws should also count for the rest of the world. Yet even the Natural Resource Defense Council concluded in 1979 that US environmental and health standards should not be forced on other nations as “each nation ha[d] the primary duty to protect the health and safety of its people” (Scherr qtd. in United States, Congress, House 1978: 33, Committee on Government Operations).¹⁵ Hiding behind such notions of infringing on other countries’ sovereignty were powerful economic interests, as became clear during the discussions. The Waste Export Control Act represented a “restriction on the American exporter,” since no

¹⁵ Also see Azevedo 145.

US company could export waste to a facility that did not meet US standards (Gejdenson qtd. in United States, Congress, House 1989, Subcommittee on International Economic Policy and Trade 19). This rhetoric revealed the environmental privilege held by powerful nations, centering on the idea that there are some places on this planet that could function as sanctuaries from contamination and pollution, where some citizens were worth more than others. The universality proclaimed in global environmental citizenship did not exist in the end.

In the early 1990s, US representatives did not reach a joint position. Still, they decided that it would be more of a benefit than a hindrance for the United States to join the Basel Convention. In August 1992, the US Senate agreed to ratify the Basel Convention (United States, Congress, House 1992, Committee on Foreign Relations). It was a decision with no implications, however, as the implementing legislation necessary for any US President to act upon the Senate's agreement to make ratification happen was never put in place. None of the universalist' bills were ever passed, and later efforts, such as Edolphus Towns's Bill H.R. 360 in 1997, also went nowhere (United States, Congress, House 1997). The political process still stalled over two issues. First, for the United States to become a member of any international convention a concerted agreement needed to exist between both US Senate and US President. Second, changes to the national waste legislation were needed to be made prior to the official ratification of the Basel Convention through the US President if the government wanted to avoid (which it did) that the Basel Convention would overwrite existing US laws. To this day, the United States is not a member of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Clapp 55).

Conclusion

Between 1989 and 1992, the universalists, a bipartisan group of US congressional members, joined in on the political project to fundamentally overhaul the principles of US environmental governance. Environmental protection derived from the US state should no longer be limited by the borders of the nation-state and exclusive to US citizens, so their reasoning, but universalized to people all around the world sharing the same habitat of planet Earth. The universalists' proposals ranged from a US Waste Export Prohibition Act from 1988 to a U.S. Waste Control Act of 1989 to a Waste Export and Import Prohibition Act of 1991. Not all proposals were the same in how they intended to regulate US waste exports, nor did all universalists always join in on all these bills. The universalists should not be taken as a well-defined and formalized group within the US Congress, such as the Black Caucus or the Human Rights Caucus. Yet, they all shared in on the same political principle of universalism and their claim that it was the duty of the US state to universalize environmental protection; that in a world of transboundary environmental issues the US state had a responsibility towards the world community. Informed by their activities within the

Civil Rights Movement and human rights activism, the universalists understood the environmental states entangled within a framework of international responsibility and its citizenship as universal.

In their political activism, the universalists were oscillating between political demands of particularity and universality, both in what brought them to propose the universalization of US environmental protection and how they wanted to rectify the situation. At the center of the universalists' campaign stood the case of the *Khian Sea*, a waste barge loaded with municipal incinerator ash from Philadelphia originally destined for the Bahamas. Nationally, the universalists' actions were thus embedded in the dynamics of the US 'waste crisis.' During this crisis increasing amounts of waste met squarely with diminishing disposal options and the pitfalls of a US national governance system, that is the inability to stop environmental protection at the state border and to protect citizens from other countries, particularly from what was then the developing world with little to no legislation and technical disposal infrastructure. Internationally, the universalists faced the emerging pressure from newly forming transnational political frameworks in form of the Basel Convention on the Transboundary Movement of Hazardous Waste and their Disposal. The success of national environmental protection in the United States, i.e. the particular, necessitated the universalization of US environmental protection, as national wastes were brought beyond borders; the success of transnational environmental protection, as in the United Nations framework of the Basel Convention, in turn, necessitated the adaption and reform of national regulations, the particular. The particular and the universal were always tightly connected, as changes in one necessitated changes on the other. Still, their relationship was highly contentious.

At a time when the 1989 revolutions of Eastern Europe and the democratization processes in Latin America gave new meaning to notions of global civil society at large, the debates and discussions centering around the universalists' different reform bills illustrated how the crux of the matter was the relationship between citizens and the state and how to frame global environmental citizenship in the first place. Notions of universal rights seriously challenged the national paradigm of the so far existing environmental state based on sovereignty, territory, and autonomy. At the same time, the argument of the importance of national sovereignty overrode any claims derived from ideas of universal, non-state bounded rights. In the end, the particular of the nation-state beat the universal of cosmopolitan citizenship. To this day, global environmental citizenship in practice feeds on the imaginary of a universal humankind bound together by planetary environmental concerns and yet falls short off the *Realpolitik* created from the opportunities and pitfalls of fundamental differences among states and humankind all along.

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