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**Effectiveness and Success of Human Rights and Environmental Regimes:
Defining the Roles of Organizations, States, and the Hegemon**

By

ANNE L. HAZEL, BAH

A Thesis Submitted to the Faculty of Graduate Studies and Research in partial fulfillment
of the requirements for the degree of

Master of Arts

Department of Political Science

Carleton University
Ottawa, Ontario, Canada

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**Effectiveness and Success of Human Rights and Environmental Regimes: Defining the
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submitted by

Anne Hazel, BAH

in partial fulfilment of the requirements
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A handwritten signature in black ink, appearing to read 'C. Chen', is written above a horizontal line.

Chair
Department of Political Science

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Thesis Supervisor

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April 15, 2003

ABSTRACT

By conducting an analysis of human rights and environmental regimes (landmines, global warming/climate control, and child soldiers), it is argued in this thesis that there are certain roles that international actors can fulfill, which contribute to the most effective regimes. The thesis makes the distinction between the regime formation and regime maintenance phases. International organizations and powerful individuals are most important in the regime formation and implementation phase because they contribute to the social construction of regimes by bringing together commonly-held international values. They are limited in their ability to maintain a regime by monitoring its standards because they lack the characteristics of states. The hegemon, the U.S., plays an important role in monitoring regimes, and has an effect on the ultimate effectiveness of the regimes discussed in this thesis because of its significant involvement in the issues at hand and because of its potential to influence other actors.

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INTRODUCTION

With the sixty-year mark approaching since the end of World War II and the inception of the universal human rights regime, there is still considerable debate about how human rights can be protected internationally. The discourse on human rights is one that has invoked more questions and investigations than answers. Throughout history, there have been waves of varying degrees of emphasis placed on the human rights regime punctuating different points of time. Today, there are many studies of human rights that have attempted to understand, evaluate, and prescribe courses of action for governments and other international actors.

In contrast, the environmental regime is relatively new, with its formation reaching back to only the 1970s. As in the universal human rights regime, there is controversy on how environmental protection can be included in the international agenda in an effective way. There are conflicting ideas on how environmental problems can be solved, and these will be brought out in this thesis.

There is an inherent contradiction that exists in both the human rights and environmental regimes. It seems everyone agrees that everyone else should have rights, yet we hear reports of human rights abuses daily, human rights are still not a major priority on the international agenda, and any attempted projects are still strides away from becoming truly successful. If human rights are something we all agree should be had by everyone, then why is the international human rights regime weak?

The same paradox is manifested in the environmental regime as well. It is widely-accepted that human activity has contributed to global warming, yet there is

extreme difficulty in producing an agreement between states to reduce their greenhouse gas emissions, which contribute to global warming. This is the paradox of regimes that are based on human security and is a general collective action problem, and it has led to the pursuit of the answer to what makes a successful regime. The environmental regime has not been in existence as long as the universal human rights regime, but it has become one of the much-debated areas in the international community. Human rights and the environment are both topics that present new challenges for states because they are not areas where states can receive immediate payoffs if they are active participants in the regimes.

The thesis argues that the U.S. has not been supportive of these non-trade regimes, and it should be noted that the U.S. is not opposed to all types of international regimes. For example, the U.S. has played a significant role in many international regimes, most notably the international trade regime and the nonproliferation regime. One could argue that the U.S. is more likely to support these regimes because the values these regimes encompass coincide with U.S. values. Environmental regimes and human rights regimes often address long-term goals, where the payoff is not as immediate and direct as they are in non-trade regimes. The benefit for a state supporting international trade regimes is quantifiable. The goal of human rights and environmental protection often are lower on a list of priorities in comparison to economics and national security.

Defining success and examining what makes a successful or effective regime is important because the thesis will address why some regimes lack in effectiveness and there need to be definite measures. Success can be gauged in qualitative and quantitative standards. In this thesis, there are three key components of success that are a

combination of those measures. A regime is successful when it has values that are commonly-held; has recognized, accepted, and enforced standards; and when the results and solutions resulting from the regime are not offset by the actions of others. In other words, the perceived positive results of a regime outweigh the perceived negative actions of others. It will be shown throughout the thesis that while the human rights and environmental regimes may have commonly-held values, they do not yet have standards that are widely-accepted and enforced. In the landmine and global warming and climate control regimes, it will be shown how the positive results of the regime are still offset by the negative actions of others, particularly the U.S.

In this thesis, it is contended that these non-trade regimes are weak because organizations are limited to monitor regimes by the principles that sustain the international system, sovereignty and nonintervention, and the hegemon has not fulfilled a monitoring role. The thesis argues that the combination of organizations, individuals, states, and the hegemon fulfilling certain functions will contribute to the effectiveness and success of these non-trade regimes. This thesis does not address other types of regimes, and its argument applies to the international human rights and environmental regimes considered in this thesis. The argument that the international system imposes limits which dictate the capabilities of different international actors will be developed throughout this thesis, and it will be shown how the human rights and environmental regimes have a greater chance at achieving success by organizations fulfilling the role of regime creators and the hegemon fulfilling the role of supporter and monitor of the regime.

This thesis will begin by outlining the theoretical basis of the argument that international organizations play a vital role in articulating the international community's convergent beliefs on areas such as human rights or the environment, yet states, particularly the hegemon, are needed to maintain these beliefs. The theoretical background will focus on the role of organizations and individuals in international relations. It will discuss their assets, which draw from their ability to reach a large membership as well as articulating the values of the international community. In addition, it will discuss the limitations of organizations in international politics, which focus on the international system being comprised of sovereign states. This section will also discuss the role of states as implementers of international human rights or environmental treaties, and argue why it is important for the U.S., as the world's hegemon, to be involved in order for the regimes to be successful.

This thesis will explore the broad universal human rights regime and the environmental regimes in order to understand the evolution of the two regimes and the contributing factors of their development. Chapter II will discuss the general values and standards behind human rights and the environment, while Chapter III will examine area-specific regimes that are auxiliary parts of the broad regimes. Human rights and the environment should be classified as regimes because they are the embodiments of systems with common values and principles supported by international rules and standards.

The focus of the third chapter is on area-specific regimes, which are products of the wide regimes, universal human rights and the environment. Examining these area-specific regimes allows us to look at specific issues that have seemingly accepted values

and standards. The landmine and child soldiers regimes will be studied as subsidiaries, or branches of the universal human rights regime. In addition, a third area-specific regime is a branch of the environmental regime, and that is centered on global warming and climate change control. These three area-specific regimes are all efforts that have been initiated mainly by international organizations, and represent visible initiatives to create international law pertaining to each area. It is the argument of this thesis that the success of regimes is dependent upon the actors in international politics performing certain functions in regime creation and implementation. Specifically, it will be shown how international organizations and individuals have contributed to articulating the values behind landmines, child soldiers, and climate change control. In addition, the third chapter will show that organizations and individuals have increased awareness and lobbied governments to emphasize their cause. Therefore, they are important in the creation of regimes. Also, because the thesis is also arguing that the hegemon plays an important role in regimes, it will be demonstrated through these studies that the U.S. has to be more involved as a monitor of regimes and their treaties in order for them to be the most effective.

The thesis argues that the need for a hegemon is found primarily in the maintenance of the regime's standards and rules. Different treaties will be examined throughout this thesis, and it will be shown that the support of the U.S. would considerably strengthen these efforts to create legislation because it constitutes a two-fold benefit: its leadership ability and its ability to monitor the compliance of a regime's rules. However, the U.S. is very reluctant to agree to most human rights or environmental treaties.

This problem requires recommendations that focus on incorporating human rights into U.S. policy and the possibility of including an ethical dimension, and this will be the focus of the fourth chapter. This thesis will maintain that in order for the U.S. to become more supportive of the regimes and agreements discussed in this thesis, there has to be more interest generated in the American public on these topics and the electorate has to voice these issues to the government. There are two specific recommendations that are being offered in the fourth chapter: the U.S. needs to accept some responsibility for its actions that have negatively impacted others, and the U.S. should frame its attitude on human rights in terms of internationally accepted standards. It is believed that although the U.S. currently operates from a self-interested standpoint, it must take responsibility for its actions. This means accepting that its landmines are deadly and kill many innocent people outside of combat. It also means that it recognizes that it is the largest emitter of greenhouse gases, even though it only has 5 percent of the world's population.

Many people equate ethics-based foreign policy with defending the rights of every human being in every country worldwide, and shy away from this position because they believe it means involvement in another state's affairs and goes against the international principle of non-intervention. They envision U.S. interventions into other countries and aggressive American imperialism. However, including an ethical dimension in foreign policy does not have to imply intervention and imperialism. What is being proposed is that the U.S. start by accepting how its own actions have affected others, which would include participating in negotiations on agreements in areas such as the environment and landmines and possibly others in the future.

Also discussed in this chapter is the idea that a different world hegemon may eventually emerge. It will expand on the idea that a unified Europe or a strong China are two potential future powers. The impact that those possibilities have on human rights and the environment will be addressed.

CHAPTER I:

THEORETICAL FRAMEWORK

INTRODUCTION

Breaking down and clarifying the difference between regime formation and regime monitoring allows for an in-depth analysis into which actors fulfill which roles in non-trade regimes. It should be noted that this thesis is focusing on international human rights and environmental regimes, and does not address the roles of organizations or the hegemon in other types of regimes. My argument, pertaining to non-trade regimes, makes a significant distinction between regime formation and regime monitoring, which is not common in other regime theories. Making this distinction is important because it allows for an encompassing theory that incorporates different actors into regime theory by specifying which functions they could best perform. Specifically, this thesis is based on the argument that creation of an international regime can be initiated by either a state or an organization or a powerful individual, but maintenance of the regime should be carried out by the hegemon in order for it to be the most effective. Creation of a regime means that the actor plays a role in putting together its defining characteristics, principles and values. This is done in conjunction with promoting the values of a regime. Monitoring a regime means that the compliance of a participant is being examined. Monitoring is a more active role and would involve more than simply promoting the regime's values and principles. Specifically, the monitoring role would be fulfilled by creating agreements that would bind parties into following the regime's rules and

standards, by producing incentives for other states to join the regime, and exercising a penalty when the rules are not upheld.

This chapter will provide the theoretical framework for the argument that organizations and individuals and the hegemon play roles in regimes that ultimately determine how successful they will be. The chapter will focus on international regimes in the abstract before moving on to the specific non-trade regimes. It will begin with discussing what a regime is and why it is important. Following that will be an in-depth look into my argument on the role of different actors in regime studies.

INTERNATIONAL REGIMES AND THEIR COMPONENTS

Regime study is important in international politics for two reasons. First, regimes do not arise out of nowhere and they are not ends in themselves.¹ They capture a set of society's convergent beliefs that have been translated into standards supporting these beliefs. The fact that there is something creating them and meeting a demand for these values and standards means there is something worth examining. Second, regimes can have an impact on the behavior of other actors.² Regimes involve an extensive creation of rules and standards, which influence how a state will act.

We can envision regimes as having a few main parts: values and principles; norms, rules, and standards; and supporting organizations. The definition below explains how they are a part of a regime. Stephen Krasner's definition of an international regime is widely-accepted and influential:

¹ Stephen Krasner, ed., International Regimes (Ithaca: Cornell University Press, 1983), 5.

[Regimes contain] implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations. Principles are beliefs of fact, causation, and rectitude. Norms are standards of behavior defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice.³

As can be inferred from the definition, principles and values are the defining characteristics of a regime. They are the underlying beliefs and have converged in the regime's formation. Rules and norms (or standards) embody the values of the regime that are promulgated into the international community. Organizations, although not included in Krasner's definition, also can be seen as a component part of a regime because they are intended to be the embodiments of the values of the regime.⁴

THE ROLE OF INTERNATIONAL ORGANIZATIONS INDIVIDUALS, AND STATES

An analysis of the actors involved in regimes is necessary because it relates to the argument that individuals, organizations, and the hegemon have a specific contribution to a successful regime in relation to regime formation and maintenance. There are a few different ways that one can envision organizations and individuals in regime study: they

² Stephen Haggard and Beth A. Simmons, "Theories of International Regimes," in International Organization (51, 3, Summer 1987), 513.

³ Krasner, 2.

⁴ If a regime is a set of practices and conventions, an organization differs because it is a physical body with budgets, personnel, and equipment. Young gives the example of the Bretton Woods system as being the international regime or institution and its organizations, the International Monetary Fund and the World Bank, as its organizations. Oran Young, "International Regimes: Toward a New Theory of Institutions," in World Politics, 108.

have very little or no importance in regimes; they are of vital importance; or they have an important, but limited capacity. The theory that best explains how individuals and organizations are included in regimes is one that is based on their role as important, but limited actors.

The first theory is based on the idea that organizations and individuals are not important because states are the main actors in regimes. According to this view, the statist, the jurisdiction over the issues in these regimes (human rights and the environment, in particular) lies in the hands of sovereign states and national jurisdiction, not in the international community, which would include organizations and individuals. In addition, no global community exists, and topics such as human rights are of a marginal concern because there is no overarching body that is given the authority to act on the behalf of these issues.

This argument can be discredited because regimes do not arise from nowhere and the values that they are based on come from society. Ignoring or refuting the role of individuals and organizations in regime study is not an accurate assessment of the actors in regimes. The statist theory does not provide explanations of how regimes form. Regimes have a social aspect because the principles and beliefs of a regime come from people. Regimes are institutions that encompass an area of values that society has deemed important. Because regimes represent and categorize norms and values, there is a constructivist component to them.⁵ An underlying assumption of constructivism is that societies can influence the international system. Regimes act as consolidators in that they represent a commitment to furthering existing value.

⁵ More on social theory and constructivism in international politics can be found in Alexander Wendt, Social Theory of International Politics (Cambridge: Cambridge University Press, 1999).

The second position is that individuals and organizations are of extreme importance, and their influence ranges from contributing to the creation of a regime to influencing state opinions on issues. This view is sometimes called the cosmopolitan model.⁶ It focuses on the individual as the most important actor in global politics, and it is represented through international organizations. Cosmopolitans feel that the principles of state sovereignty and nonintervention should be replaced by new principles that represent a global community. According to this argument, an international transformation should occur which would involve the expansion of interdependence, transnationalism, and globalization.⁷ Cosmopolitans question the traditional principles of state sovereignty and nonintervention, which have been pillars of relations between states and urge more action on behalf of morals.

This argument should be refuted as well because it stresses too much importance on organizations, and denies the role of states, which are the basic actors of the international system. In the cases of human rights and environmental regimes, organizations and individuals are not powerful enough either to maintain or deny regime formation because they do not have the power beyond what is given to them.⁸ Organizations are limited because they do not have the ability to sign treaties, they are not responsible for overseeing the actions of a specific territory in most cases, and they are limited by the constraints placed on them by the international system. The cosmopolitan model suggests that a change be made in which the international system is

⁶ Jack Donnelly, International Human Rights (Boulder, CO: Westview Press, 1993), 31.

⁷ Tony Evans, U.S. Hegemony and the Project of Universal Human Rights (London: Macmillan Press Ltd., 1996), 13.

⁸ For international organizations that have member states, power is given to the organization as an entity, but they do not have power beyond what is consented from the member states. In the case of nongovernmental organizations, they do not have power from member states, but from individuals.

drastically changed. For example, it asserts that the principles of sovereignty and nonintervention should be replaced. The likelihood of this occurring is low because the existing international system is upheld by those basic principles. Because these principles are the most central in international politics, there is suggestion that the cosmopolitan discourse has achieved at best a limited impact on traditional thinking.⁹ Every step that was taken in protection of human rights, such as the creation Universal Declaration of Human Rights, the UN Charter, and the International Covenants was done so with those principles remaining a priority.

Since the first two possibilities for the roles of organizations and states have been refuted, this brings us to the theory which asserts that organizations and individuals are neither the most central actor nor are they irrelevant. Organizations and individuals have a limited, but significant role. This is the best one that describes the regimes we are studying and it is the central argument of this thesis.

According to my argument, organizations and individuals have a significant, but restricted role (they are promoters and creators, not enforcers) for three main reasons: organizations and individuals do not have a mechanism for enforcing the principles of a regime; treaties and agreements that are a result of regimes are agreements between states, not organizations; and there is a tension between the universal and international principles that do not favor the role of organizations as more than the creator/promoter position.

Governmental and nongovernmental organizations and individuals can serve to promote a regime by increasing awareness of particular issues, lobbying governments,

⁹ Evans, 14.

and combining the efforts of different group. However, when it comes to protecting and enforcing the principles of that regime, individuals and organizations lack the authority and ability to contribute further. Organizations do not represent a territory; they represent individuals from many areas. An international organization may be a collaboration of member states, and the organization would represent its members. The organization could be a nongovernmental organization (NGO), whose membership can come from people across the globe. Organizations in non-trade regimes do not have an enforcement mechanism of the regime that they support.¹⁰ Organizations do not participate in treaties or other agreements, which means they have limited ability in carrying out the standards of a regime. States are the main actors that can maintain and monitor human rights and environmental regimes for this reason. Specifically, the thesis argument emphasizes the role of the hegemon in the capacity of maintaining a regime. States or the hegemon can maintain the regime through monitoring a state's compliance of the regime's standards and examining a state's commitment to a treaty. An organization could evaluate a state's behavior to determine if it has supported the standards of a regime to which it belongs, but it is the hegemon that has the ability to provide leadership and can compel states to fulfill their commitments, which would include integrating human rights with other areas and introducing incentives to follow the rules of a regime or withhold other benefits when the offender does not comply. An organization or individual has a very limited ability to utilize monitoring tactics.

¹⁰ It should be noted that the roles of organizations vary in different types of regimes. In the human rights and environmental regime, I am arguing that they have a limited role in monitoring the regime's standards. However, in the trade regime, for example, organizations such as the World Trade Organization do address issues of compliance. In addition, in the Non-proliferation regime, the International Atomic Energy Agency verifies through its inspection system that states comply with their commitments under the Non-Proliferation Treaty and other non-proliferation agreements and creates nuclear safety standards.

The second reason that organizations and individuals have a limited capacity is based on the idea that treaties are agreement among states. Treaties are the main way that a regime's values can be realized in the international system. One of the main goals of a regime is to create international legislation (by treaties or agreements) that encompasses the regime's belief system. Again, individuals and organizations are capable of coordinating the basics surrounding an agreement. For example, they can bring states together in conferences and serve as a facilitator for negotiations. However, in the stages of actually agreeing to certain behaviors and standards, it is the states that are the most important actors. They have authority over their domestic population and they are the essential participators in treaties. States are the only actors that have the jurisdiction to participate in treaties that are recognized by the international community.

Evidence for the third reason why organizations, governmental and nongovernmental, have a more limited role than states is found in a discussion of how the international system is a state-centered system, giving sovereignty to nation-states. This argument is based on the idea that there are two competing forces in international relations, universal and international principles. On one hand, universal principles focus on creating a normative dialogue surrounding a regime. Organizations and individuals contribute to the normative dialogue because they aim at advancing universal values, and these values are realized through the creation of standards. On the other hand, international principles focus on the structure of the international system. There are two overarching principles in international relations around which world organization has centered: sovereignty and anarchy. Sovereignty has been the main principle behind the

creation of states, and anarchy has been the defining condition of the international system. The modern state system has been dated to 1648 and the Treaty of Westphalia. Since then, the world has been comprised of individual, sovereign states. A state that is sovereign does not subscribe to a higher authority, believes in its own governance, and offers the same treatment to other states. The principle of non-intervention is based on the idea that issues falling under a state's domestic domain should be left to the jurisdiction of the state, and is therefore connected to sovereignty because a sovereign state is a self-sufficient one.

The argument laid out above is most closely related to what is known as the internationalist model.¹¹ This model represents a middle ground in the debate over states or organizations/individuals being the most central in international regime theory. Internationalists do not deny the authority of states, but they believe that the world community is made up of a society of states and is enhanced by nongovernmental organizations and individuals.

It is evident how the structure of the international system favors states and how this has led to the different roles that organizations and states have in regimes. Some scholars take a strong approach in favor of international principles. Donnelly writes, "...it would be naive, perhaps even irresponsible, to ignore the basic fact of sovereignty and the limit it imposes."¹² This does not mean that organizations and individuals are irrelevant in the international system because of those imposed limits. It simply means that there are certain functions that organizations are more capable of, promoting values and facilitating negotiations between states, and bringing awareness to the general public.

¹¹ Donnelly, 31.

¹² Ibid., 12.

Those limits favor states because decision-making rests with states. States are capable of the same functions of organizations and individuals (promoting values, facilitating negotiations and increasing awareness), but the most important role for states, especially the hegemon, is that of maintainer and monitor. In this role, the functions consist of signing agreements, monitoring the standards of the regime, and putting its values into legislation. Other states (excluding the hegemon) are very important as well because they have to agree to sign treaties and ensure the stipulations are met within their state. Other states serve a support role, and occasionally, as can be demonstrated with Canada in the landmine issue, take on an initiator role. However, when it comes to monitoring the overall compliance of the regime in all areas, support states are bound to their own territory. The hegemon can more actively pursue the monitoring role as well as providing leadership for other states to join and support a regime.

THE HEGEMON

To this point, I have focused on the arguments outlining the roles and functions of organizations and individuals in regime creation. Organizations and individuals are able to play a large role in regime formation because they can reach a wide number of people and they work to bring together common values and principles. Specifically, they lobby governments, hold conferences, and attempt to create an international dialogue surrounding a particular subject. However, as will be shown in the following chapters they are limited in enforcing or monitoring these regimes because they are restricted by the structure of the international system. Intricately connected to the role of

organizations and individuals is the role of states, which was also outlined above. One could argue that organizations and individuals play a secondary or support role to states, and may be content in saying that alone.

My argument goes a step further in asserting that the hegemon is the most vital actor in the monitoring and protecting role. The hegemon is important for three reasons: the effects its involvement would have on the regime by simply including a large power; because international organization are hindered in their ability to enforce standards due to international principles; and because of the hegemon's potential effects on the behavior on other states. There is a great benefit in having the involvement of the hegemon. For example, by having the world's largest emitter of greenhouse gases included in the Kyoto Protocol, the hegemon's support has an effect simply for that reason. There is also a necessity for the U.S. because of its leadership ability. In the child soldiers case, the U.S. has recently ratified the regime's treaty and it could have an impact upon others' attitudes toward the treaty. The hegemon's moral leadership in these humanitarian regimes could have an effect based on its role as the hegemon.

The hegemon could monitor a regime by doing some of the following things. It could offer incentives for states to join, such as increased aid or trade. It could penalize a state that does not comply with a regime's standards, which could include decreasing trade with that country (as we will see was attempted with China because of its poor human rights record). The hegemon has more to offer in monitoring role because of its position in the international system. Organizations and support states have fewer capabilities to exercise clout and use incentives or penalties in order to enforce compliance.

The human rights or environmental regimes will not be as effective as possible if the hegemon is not included in these regimes and is not a leader and a model for other states. It will be shown how regimes that have included organizations in promoting its values and have states that implemented its related treaties, but are not supported and maintained by the hegemon, still lack effectiveness. This assertion will be carried out through the thesis, and it will be the conclusion of the case studies on the landmines, child soldiers, and environmental regimes.

One of the most prevalent theories on the hegemon's role in regime theory is hegemonic stability theory, which was formulated by Charles Kindleberger in his book World in Depression.¹³ My theory differs from hegemonic stability because hegemonic stability overstates the role of the hegemon in forming a regime. It does not believe that international organizations enhance the process of forming a regime because the theory assumes that the hegemon is the key actor in both the regime creation and maintenance phases. The section will explain why hegemonic stability is not entirely adequate for explaining the hegemon's role in regimes, and it will show how this thesis addresses the role of the hegemon in a way that best describes the hegemon's role in regimes.

The hegemonic stability theory stems from the definitions of hegemony, where "one state is powerful enough to maintain the essential rules governing interstate relations, and [is] willing to do so."¹⁴ The theory maintains that the rise and fall of international institutions and regimes ride upon the interests and capabilities of the hegemon. The theory connects the effectiveness of regimes to a unipolar system of

¹³ Charles Kindleberger, World in Depression (Berkeley: University of California Press, 1973).

¹⁴ Robert O. Keohane, After Hegemony (Princeton: Princeton University Press, 1984), 34.

power. In addition, the theory asserts that the dominant state uses its power to order the actions of weaker states, or impose cooperative, rule governed institutions.¹⁵

Critics of hegemonic stability theory focus on four main points: its lack of clarity in providing examples of what the hegemon does to create or deny a regime formation; its assumption that collective action in the international system is impossible in the absence of a dominant state; its imagery and ethnocentrism; and a lack of empirical evidence supporting it. The theory is not faulty because it lacks clarity explaining the hegemon's actions or because it is ethnocentric. However, it is deficient because of its implication that cooperation cannot exist without the hegemon and its lack of empirical support. There are many instances, as we will see in the examples to come, where cooperation can exist without the hegemon initiating it.

The first criticism is on the basics of the theory and is articulated by Haggard and Simmons. They believe that the theory is not clear about what the hegemon does to promulgate and maintain a given set of rules.¹⁶ In other words, they believe the theory offers little on the specific actions of a hegemon in carrying out or promoting the rules of a given regime. However, this criticism does not effectively explain why the theory is defective. There are a number of things the hegemon could do in order to get a state to comply with the rules of a regime that it supports or denies. A hegemon may try to convince another state to agree with its values by denying the state benefits they are receiving in an unrelated area. It could stop trade with them if the state did not comply with its rules. In addition, the theory has assumptions about the effects of the attention *and* inattention on regimes. Equally important as what a hegemon does to promote a

¹⁵ Evans, 37.

¹⁶ Haggard and Simmons, 502.

regime is what a hegemon does not do to promote a regime. A hegemon could refuse to join efforts relating to a specific regime's values, which are supported by other states. It could not sign treaties that are produced from these efforts, or simply ignore the issue altogether. Empirical study and research can point to examples of what a hegemon does to promote or weaken a regime, so the idea that the theory does not show what a hegemon might do in support of a regime (or not do to discourage the advancement of a regime) is misleading because it can be taken up in empirical study.

The main flaw in the theory is found in its assumptions about the nature of regime formation and cooperation. Cooperation can exist without the hegemon initiating it, which is counter to what hegemonic stability theory assumes. In the case studies in Chapter III, we will see how the International Campaign to Ban Landmines (ICBL) was an effort put together by six main international organizations and it lobbied governments and increased awareness on the issue and eventually it garnered support from states. It was the main facilitator in the creation of a resulting treaty. The empirical evidence will show the U.S. action to distance itself from these efforts.

Even though cooperation does not hinge upon the involvement of the hegemon, effectiveness does. This is where protection and maintenance are seen as very important roles. Chapter III outlines the importance of the hegemon through its participation alone and for its ability to monitor the standards brought together by other actors. Saying that cooperation is impossible without the hegemon's support is unwarranted because we see how the ICBL was created and it pushed to gain support of states, and now many countries are signatories to or ratifiers of the treaty to ban landmines. It is not the coordination that is impossible without the hegemon, but the effectiveness of the project

that depends upon leadership of the U.S. because of the function it can play in monitoring the rules and maintaining a regime.

In the following chapter on the broad universal human rights and environmental regimes, it will be seen that the U.S. wanted to play an active role in creating the universal human rights regime in the beginning, and, having done very little to maintain the regime, it is in jeopardy. In addition, the U.S. backed out of the regime early on, leaving the United Nations to initiate and create some of the most prominent documents in the field, such as the Universal Declaration of Human Rights and the International Covenants. There is some link between hegemony and success of a regime, but it is not best put forth by hegemonic stability, which understates the role of international organizations and overstates the role of the hegemon. The role of the hegemon is more evident in maintaining and monitoring the standards of a regime. Although a hegemon could play a part and be influential in a role as a creator, this is not something that is observed in the cases of the U.S. and landmines, child soldiers, and global warming.

SUMMARY

Theories that put too much or too little emphasis on the role of organizations and individuals are not adequate in explaining regime study because they have not targeted the proper functions of them in regimes. Likewise, theories that place too much emphasis on the capacity of a state overlook the contributions of organizations and individuals, and are inadequate as well. This has led to the conclusion that organizations and individuals serve the functions of creating and promoting regime values. Also discussed was the part

of the hegemon. The role of the hegemon in regimes is best understood when it is explained in combination with other actors. The hegemon is not able to deny regimes from forming (as hegemonic stability asserts) because organizations have made strides in coordinating value systems and promoting awareness. This will be more evident in the case studies. However, there is a vital role a hegemon can fulfill in the success of a regime, and that is found in the support and maintenance of a regime, which it can do in monitoring and leading other in joining. This combination of actors and their roles are the best components for a successful international regime.

CHAPTER II:

BROAD REGIMES: UNIVERSAL HUMAN RIGHTS AND THE ENVIRONMENT

INTRODUCTION

This thesis seeks to contribute to the study of human rights and the environmental regimes by asserting that the roles various actors play have an impact on the effectiveness of the regime. This chapter will discuss the broad human rights and environmental regimes, their formation and maintenance, and will lead into examining explanations as to what has failed to inspire a strong regime in these areas. The broad regimes refer to general human rights and environmental values, as opposed to the area-specific regimes that will be examined in the next chapter, which focus on particular issues. By examining the roles played by organizations and individuals, states, and the hegemon, this chapter will support the argument that organizations play an important part in creating a regime and the hegemon is ultimately needed for maintaining a successful regime. The conclusion drawn from this chapter is that the U.S. was not required in the creation phase of the universal human rights regime, but its support and maintenance of the regime would have made it more effective. In addition, the environmental regime was mainly created by international organizations and individuals, and relies heavily on the U.S. for maintenance and support. By establishing human rights and the environment as international regimes, as institutions with accepted values and standards in the first part of the chapter, the second part will focus on important actors and their potential influence on the regime. Therefore, the first sections will be based on establishing human

rights and the environment as a regime and why it is beneficial to view the areas in this way. In regarding them as a regime, it will be possible to show how U.S. attitudes can affect the regime.

The next part of the chapter will explore the developments of the regimes and discuss the norms and standards that are a part of them. It is necessary to review these developments because understanding international attitudes about human rights and the environment before and after the regime was created is useful in discerning the dynamics between the regime and different actors involved. The pre-World War II developments in human rights will be briefly discussed, and will be followed by a more in-depth breakdown and discussion of the post-World War II developments. The events and developments shaping the human rights regime that will be discussed are the influence of the United States, the creation of the UN and its Charter, the International Covenants, the Universal Declaration of Human Rights, and the role of international organizations. This section includes a discussion of alternative reasons for the lack of success of the regime. The discussion of the environmental regime will include events that led up to the formation of the regime and how it is becoming more widely recognized as an area of concern.

Organizations, states, and the hegemon are important components of a successful regime. There is a balance that must be struck in order for a successful regime to emerge. Too much or too little emphasis cannot be put on the importance of the hegemon's role, as well as the role of organizations and individuals. Organizations and individuals enhance the international system, which is made up of sovereign states. Organizations and individuals bring together common values, make the issues known, and promote the

values behind them. They are important actors in forming a regime. States are important because they can contribute to the regime by participating in agreements concerning the issue of a regime. The hegemon is fundamental in maintaining the regime and enforcing its rules and standards. If each of these actors is not doing at least those specified functions, then this will lead to the weakness of a regime. Effectiveness and success rely on those actors performing those roles in non-trade regimes.

The following section expands on this claim and will show how the U.S. has chosen to not maintain the two regimes. As discussed in the first chapter, the underlying theoretical basis for these claims focuses on the roles of actors and their assets and limitations, which have an impact on the effectiveness of regimes. In human rights and environmental regimes, international organizations best serve as creators. The U.S. is needed to maintain regimes by monitoring them, and we will see in this chapter that it does not have willingness to support the regimes, which contributes to their weakness.

Alternative Explanations

A few different possible explanations can be studied in trying to figure out why the human rights and environmental regimes are weak, and it is necessary to address the various explanations to determine how the thesis's argument best explains the question of what makes a strong regime. For example, one possible answer is that human rights and the environment are neglected areas because there is a general lack of interest in the subjects. Another might be that there are not enough laws in existence that address some of the topics being discussed. Without strong laws, this could have an effect on how human rights and the environment are protected. Further, it could be hypothesized that

organizations, governmental and/or nongovernmental organizations have not assisted in bringing the two topics to the forefront and that is why the regimes have not been successful.

From what is known about human rights and the environment and as will become evident in our case studies, there is not a general lack of interest in these subjects. There are numerous organizations and people that are dedicated to improving the lot of humanity either through a group or individually. Some organizations focus on creating equality for the world's children, others focus on repairing the environment and improving our health worldwide, while some center on basic needs such as making drinking water available. Every time we turn on the television or open the newspaper, we cannot escape the attention that is placed on creating human rights and environmental protection. There are many international organizations that work in these fields.

Next is the possibility that the regimes are unsuccessful because organizations have not played a strong enough role advocating the issues. It is not that organizations have not tried to promote human rights or environmental protection, but it is an issue of how they are limited in doing so. The argument of this thesis is that organizations can contribute by creating regimes, but they are limited in maintaining them. The section on the United Nations will help support this argument. As we will see, especially in our case study, organizations have been one of the most prominent actors in promoting universal human rights and making them a legitimate concern. However, they are limited in actually defending and protecting rights because of the confines of the principles of the international system. In the two regimes under consideration, it will be shown how international organizations are constrained by the international system in terms of what

they are capable of doing for human rights or the environment. Governments are responsible for what they agree or do not agree to, which has an effect on the influence of international organizations. We can therefore say that lack of participation by organizations is not the primary factor in answering the questions of why these regimes are weak. The regimes are weak because there are limitations imposed on organizations by the principles of the international system, and the U.S. has not picked up where the organizations have left off.

Are the human rights and environmental regimes not strong because there is no international law protecting them? As we will see in the subsequent chapters, there are a number of treaties in these areas that constitute international law, such as the Mine Ban Treaty and the Kyoto Protocol. Therefore, the argument that the regimes are weak because there is no law protecting them is not valid. In this assessment, it is also necessary to look at how influential the law is in these areas. In other words, it can be said that international law protecting human rights and the environment exist, but the fact remains that human rights are still violated and the environment is still damaged because participation in protecting them through law is voluntary. Although international law exists, one of its main downfalls is the lack of enforcement. Participation in creating treaties and universal declarations is voluntary and that has a drastic effect on the influence international law can have over universal human rights and environmental protection. If nation-states can agree or not agree to sign on to on these two areas, then there is no stopping violations within that country. This is why it is important that states support treaties, even if they are not the hegemon. The support of states, excluding the hegemon, play an intricate role in the overall success as well.

THE UNIVERSAL HUMAN RIGHTS REGIME

Background to Human Rights Study

There are three separate, but connected, ways in which human rights are studied: the philosophical debate, the legal debate, and the political debate. This thesis is largely a political and legal debate because it offers insight into the world as it “is,” as opposed to the philosophical debate that tells us what “should” be. Although this thesis is largely a political study, it does not exclude the importance of the other debates in the field. As will be shown, the legal debate is imperative because international law is the way that human rights are manifested in the international system.

It is also necessary to draw from the philosophical debate because it is in this debate that a lot of human rights study is concentrated. The philosophical, or ethical, debate centers on incorporating humanitarianism and morals into a government’s policy. This will be discussed in more detail in the final chapter, which explores the question of what would be needed in order to get the U.S. to support human rights more actively. The ethical debate provides a backdrop for an understanding of the development of the human rights regime because the regime’s standards are based on values and morality. The legal debate provides a backdrop for the study of the specific cases that will be studied because they are based on international law. The political debate provides a context in which the philosophical and legal debates can be realized.¹⁷

¹⁷ Evans, 7.

Why a Human Rights Regime?

A regime approach, that is viewing human rights as a system with accepted values and standards, is beneficial for several reasons. First, it allows for a way in which we can understand human rights as a movement. In the human rights case it is a post-1945 movement. Therefore, if universal human rights are viewed as the broad overarching regime, then it is easier to visualize it as an entity with branches of area-specific regimes, which focus on certain areas of human rights (such as landmines or child soldiers). A movement or entity can rise, fall, or transform and this is precisely what is being contended in this thesis: that the rise and fall of a regime is dependent upon the support or the absence of U.S. support.

Second, studying human rights as a regime also allows for examining how the U.S. was paramount in defining the regime and initially placing human rights on the agenda for the world. This is further emphasized by Tony Evans, who articulates that although human rights have been given more legitimacy and made a concern of the world, they still rely on individual states for implementation.¹⁸ This gives credence to examining the effects of behaviors and attitudes of major states on human rights as a regime.

Finally, a regime approach is also contended to be a way that brings the three debates together. There is still discussion on how the political, ethical, and legal sides of human rights are connected. By viewing human rights as a regime it allows for a more thorough, connected study. Although this thesis is mostly political and explanatory,

¹⁸ Ibid., 8.

bringing the debates together as a whole can give rise to an understanding of why there is a gap between what “is” and “ought” to be.

The Development of the Human Rights Regime

The purpose of this section is to explore the factors that contributed to the formation of the human rights regime. It will discuss how the U.S. lack of support of the regime, as well as a lack of binding laws and principles of sovereignty and nonintervention contributed to the lack of success in the human rights regime. It will analyze different actors’ relationships with the international human rights regime. It will begin by briefly discussing the pre-World War II developments, and will largely focus on the post-World War II developments. By examining how the regime was formed, we will see how the U.S. expressed an interest in the beginning in being involved in the creation of the human rights regime, but it backed out of a leadership role and abandoned the creation of the regime entirely. It will also explain how the U.S. altered its attitude toward the advancement of the regime, which directly ties in with the thesis that the hegemon’s failure to maintain regimes contributes to a regime’s weakness.

Although it is recognized that the human rights regime was consolidated following World War II, there were actually some developments before the war that paved the way for the conception of the regime after 1945. Some scholars in the area of human rights write about human rights experiences, or regional regimes taking place in certain areas of the world. For example, there are English, American, and French experiences, as well as African and other regional area experiences. The development of human rights was taking place in different ways across the globe. These regional

occurrences relate to the equality and rights of man and date back to philosophers in each of these areas.

One of the main pre-World War II developments concerned abolishing slavery. The first step came following World War I, and was seen as one of the large humanitarian developments that began in the early twentieth century. In 1926, the League of Nations adopted the Convention to Suppress the Slave Trade and Slavery which was the fundamental international document prohibiting the practice.¹⁹

The 1919 Treaty of Versailles, which concluded World War I, created the first permanent mechanism for international supervision of human rights violence. For the first time, some nation-states were held accountable for mistreatment of individuals subject to their rule.²⁰ The Treaty of Versailles also created the International Labor Organization (ILO), which sponsors conventions involving work conditions, remuneration, child labor, discrimination, and trade union rights.²¹

Post-WWII Developments

The purpose of exploring post-World War II developments is to make the argument that the U.S. backed away from maintaining the regime and organizations such as the United Nations are hindered in enforcing the regime, which has made for a weak regime. This section will explain how the U.S. and the UN have had influence over the regime since its inception.

¹⁹ Scott Davidson, Human Rights. (Buckingham, England: Open University Press, 1993), 9.

²⁰ Howard Tolley, Jr., The U.N. Commission on Human Rights (Boulder, CO: Westview Press, 1987), 1.

²¹ Davidson, 9.

After the Treaty of Versailles, the next event that caused human rights to earn attention of the world was the conclusion of World War II. The massive genocide of many innocent people in the Holocaust resulted in action in favor of punishing the offenders and protecting the victims. This was articulated in November of 1946 when President Harry Truman asserted, “An undisputed gain coming out of Nuremberg is the formal recognition that there are crimes against humanity.”²² From here the Nuremberg War Crimes Trials, taking place in 1945 and 1946, prosecuted Nazis for crimes against humanity. It marked a step forward in action against violations of human rights, not only in certain parts of the world, but internationally.

There are many hallmark traits that are fundamental to the human rights regime. Included in these are the role of the United States, the creation of the United Nations, the Universal Declaration of Human Rights, the International Covenants, and the rise of international organizations. These will be discussed in detail because they outline the “tensions that existed between the human rights regime and the traditional principles of the international system and those principles associated with the idea of creating universally accepted norms.”²³ Each assisted in consolidating and promoting the international attitudes regarding human rights today.

The United States: Opportunity to Support and Monitor Standards

In this section, the main focus is how the lack of U.S. attention on human rights contributed to the result of a weakened regime. We will see how the U.S. failed to

²² Egon Schwelb, Human Rights and the International Community (Chicago: Quadrangle Books, 1964), 29.

support or maintain the human rights regime by monitoring its rules, and how this had an impact on its effectiveness. Supporters of hegemonic stability theory focus on how a regime is built by a hegemon, and base a regime's success on the role of the hegemon in coercing secondary states to support the regime. However, one thing that is often not addressed is the power to prevent a regime from forming. Although it is not the argument of this thesis that a hegemon can completely prevent a regime from forming (we will see in Chapter III how international organizations contribute to regime creation), the U.S. did not maintain the human rights regime, which is important in uncovering the reasons for its weakness. When a hegemon sees a benefit to a state other than itself or the hegemon's interest is endangered, it does not want its authority to be threatened and it will use its position to try to deny the creation of a regime. The dynamic between the U.S. and the human rights regime is particularly interesting because originally the U.S. did have an interest in building the regime. However, it then later backed out of it because human rights could potentially have given a voice to weaker states and protecting universal human rights would have required commitment and resources that the U.S. did not want to give.²⁴ In digging deeper under the surface, we will see that the U.S. did not initially have the necessary factors, the will and capabilities, to promote the development of the human rights regime at the end of World War II.

As we will see in the environmental regime, international organizations can be very effective in creating a regime. The hegemon could contribute to the formation of a regime (although the function of maintaining the regime is more vital), but it is not a role

²³ Evans, 48.

²⁴ Ibid., 40.

that has been observed of the hegemon in these cases. In all the regimes presented in this thesis, the hegemon has not pursued an active role in establishing any of the regimes.

By exploring the role the U.S. originally played in the formation of the human rights regime, we will see how it went from supporting it to opposing it. In order to better understand how the U.S. influences the regime, this section will expand upon the U.S. role through the regime's formation and maintenance. It will show that the U.S. influenced the regime by expressing which rights it wanted to be protected under the regime and also how its decision to shy away from establishing the regime was a major factor, along with the restrictions imposed by the structure of the international system, in the stunted development of the regime.

Laissez-Faire Human Rights

As mentioned earlier, the Holocaust was an eye opener to many people because it triggered the idea that human rights were in need of attention and protection. International law and diplomacy before the war did not address human rights.²⁵ In accepting that something needed to be done in order to prevent genocides and human rights abuses in the future, most leaders of the world in 1945 accepted that human rights posed a current and legitimate issue that would be reflected in the new post-World War II order. With this in mind, the U.S. took the opportunity to step forward, enabling it to be the primary actor in molding the regime. The regime's creation appeared to be imminent and the U.S., as a victor in the war, wanted to be active in its establishment.

²⁵ Davidson, 7.

The U.S. had the opportunity at the time to take human rights in many directions. In sticking with what was best for itself, the U.S. chose a path that was consistent with its values and interests. The U.S. was not prepared to defend human rights everywhere, so it chose to shape the regime by remaining within the confines of its interest and liberal ideology. It is evident that the U.S. did not have the will to protect human rights worldwide, and this had an impact on what kind of regime resulted.

The U.S. attempted to shape the regime by promoting the rights that are based on liberal ideology and consist of individual freedom. In essence, the U.S. geared human rights in being defined as those that required government abstention from acts that harmed the freedom of the individual.²⁶ Because a laissez-faire style was being applied to human rights, there was an emphasis on acts of omission rather than commission,²⁷ meaning the focus on human rights were being placed on what rights were not being granted to people such as fundamental freedoms. Generally, the laissez-faire application to human rights is viewed as a way of establishing a post-war program of reparation, which the victors placed upon the defeated.

The U.S. did not create a human rights regime that was seriously aimed at a universal application for the protection of human rights. There is further evidence of how the U.S. attempted to steer the direction of human rights. For example, the Nuremberg War Crimes Trials invoked a bias because the losers were punished and there was no inquiry into the actions of the victors. The Allies had a less than exemplary human rights record.²⁸ Evans claims that the rights that were promoted by the victors, such as the right

²⁶ Evans, 39.

²⁷ Ibid.

²⁸ Davidson, 6.

to racial equality and self-determination were not applied universally, but only to those that did not threaten the hegemon's interest.²⁹

What happened that weakened the regime? One contributing factor was that U.S. changed its position on the direction of the regime, which was coupled with the limits that international principles placed on the ability of organizations such as the UN in upholding and maintaining the regime. What the U.S. may not have anticipated was that there would be factors that would later make the U.S. alter its commitment to human rights.

At the time, it was becoming not as easy to keep the human rights debate limited to areas that suited America's interest. The attention to human rights was reduced in an attempt to curb an issue that could go against its interest if it grew in importance. There were three causes for the change in the position of the U.S. on human rights: a lack of domestic support for the human rights regime; less developed countries wanted to exercise their newfound equal sovereign status as members of the UN; and socialist states were encouraging less developed countries to take sovereignty and self determination at face value.³⁰

The first factor, a lack of domestic support, came from within the U.S. There were some groups in the U.S. who were concerned about the attention to human rights and the changes to the American way of life. Specifically, some southern states presented a challenge because they felt a threat to their own racist and discriminatory laws.

²⁹ Evans, 39.

³⁰ Ibid., 40.

These last two factors were external ones that the U.S. did not want to face. The idea that less developed countries were ready to exercise their new found equal sovereign status as members of the UN and that socialist states were urging them to take that status at face value were troubling for the U.S. The U.S. did not want its dedication to human rights to trigger a movement in less developed countries resulting in them having a stronger voice in world politics. As said earlier, the U.S. wanted human rights only to exist within the confines of its interest, therefore, the U.S. changed its attitude toward the human rights regime.

These factors caused the U.S. to moderate its initial postwar enthusiasm for human rights, and the result was that the U.S. would not maintain or monitor the regime standards and it became weak. This was manifested mainly due to the factors mentioned above. The internal and external pressures to back out of the regime presented reason for the U.S. to fail to implement and maintain the regime. Today human rights are one of the world's most heated issues, yet there is now no powerful regime to back it up.

The U.S. undermined the regime by failing to ratify many human rights treaties and covenants and by Washington's reluctance and lack of follow-through on criticizing practices of strategically or commercially important countries.³¹ Although the U.S. played a part in drafting the Universal Declaration of Human Rights and two international covenants, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the U.S. did not ratify the ICCPR until 1992 and to date it has not ratified the ICESCR. They were both opened for signature in 1966.

³¹ Joe Stork, "Human Rights and U.S. Policy." Foreign Policy in Focus. http://www.foreignpolicy-infocus.org/briefs/vol4/v4v08hrts_body.html

Also, the U.S. often exempts its allies from criticism without regard to their human rights abuses, which is also an example of how the U.S. undermines the human rights regime. For example, in 1954 the U.S. overthrew the freely elected Guatemalan government of Jacobo Arbenz Guzmán partly because of its policies to implement better economic and social rights.³² It was also believed that violations by U.S. allies were overlooked, as in the Guatemalan case and with the Nicaraguan contras, and the violations were exaggerated in cases such as the Sandinistas.³³ In addition, the U.S. tolerated blatant human rights violations in anti-communist countries during the Cold War. In the post-Cold War era, the U.S. faces similar challenges with China, a country with a poor human rights record. The U.S. has the opportunity to take on a maintenance role in the human rights regime by being a leader and a monitor. President Clinton made a move in that direction in 1993 when he issued an executive order that linked trade benefits to human rights improvements.³⁴ This is precisely how the U.S. can monitor the regime and make an impact on the effectiveness of the regime. In the case of China, unfortunately the U.S. did not make its intentions clear to China and trade benefits were renewed to China in spite of an improvement in its human rights record. The linkage between trade and human rights was discarded.

The United Nations: Promoter of Human Rights Values

As we have seen, the U.S. was a major contributor to the short success and long-term weakness of the human rights regime. The creation of the United Nations and the

³² Donnelly, 8.

³³ George Kourous and Tom Barry, "Protecting Human Rights." *Foreign Policy in Focus*. <http://www>.

adoption of its Charter are very significant for the human rights regime, and it is in this analysis that it is demonstrated how the international system constrains the UN and its agreements. However, it is necessary to keep in mind that its importance is within the context of the characteristics of the international system. This section will argue that the United Nations, motivated by Western states at the time (mainly the U.S.), has been constrained by those definitions and conceptions of human rights. One could argue that if the U.S. is not a strong defender of human rights and does not promote international human rights agreements, then the UN will step in and take action where the U.S. does not. However, this is not an accurate likelihood because the UN does not have the same capabilities that a state, or hegemon, has. The UN has facilitated the creation of many treaties, but its main human rights component, the Universal Declaration of Human Rights, is not a treaty and above all is not binding.

This section will show how the UN is constrained in its ability to defend human rights, and how that supports the thesis that international organizations are effective at creating regimes, but not maintaining or protecting them. This is the overall argument that is being made in regards to the UN and human rights. The U.S. has weakened the human rights regime by not maintaining it, which is due to its realist notions of self-interest that do not include human rights as a priority, and because of its international values that support non-intervention and sovereignty. In turn, these principles have constrained the UN in defending human rights.

The UN is not wholly effective at protecting human rights because it is confined by its own ambiguity (is it a promoter or protector of values?) and because it is a

representation of the strain between universal and international principles. Universal principles are aimed at creating equality for everyone regardless of where they live, and they are confined by international principles, which support sovereignty of states and non-intervention. Universal principles are aimed at fixing situations where citizens of a country are suffering human rights abuses, but it can be difficult because the international system is based on principles that dictate that problems should be resolved within the borders of that country. The UN is not powerful enough to either support or deny regime formation or destruction because it does not have power beyond what it is given by its members. As we will see, the members of the UN supported human rights within the framework and principles of the international system.

An attempt at looking into postwar order options, which would adhere to those international principles yet also address universal human rights, occurred at the meeting of leaders from the U.S., United Kingdom, USSR, and China at Dumbarton Oaks in 1944. The Dumbarton Oaks Conversations on World Organization was a document produced from the conference, and it was distributed to all states that contributed to the victory of the Allies. It sparked debate by outlining proposals for human rights protection. It proposed that an Economic and Social Council (ECOSOC) be created for facilitating debate on humanitarian problems and promoting respect for human rights.³⁵ However, leaders were already realizing the difficulties in placing human rights at the center of world affairs and the four participants of the conference at Dumbarton Oaks did not consider a major change of the existing principles (meaning a reduction of their sovereignty) in order to accommodate human rights.

³⁵ Evans, 57.

With the creation of the United Nations, the tension between international and universal principles was demonstrated further. By examining the UN Charter, the Universal Declaration of Human Rights, and the International Bill of Human Rights it will be shown how the UN is confined by international principles in monitoring the human rights that it promotes.

The creation of the UN Charter is sometimes viewed as a standard setting in the field of human rights, but that is a misconception. It declares in Chapter XI that the UN “shall promote...universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”³⁶ On the one hand, it could be argued that the Charter has a clear position on human rights, and a state that abuses or denies human rights is therefore neither respecting nor observing human rights that the Charter emphasizes. On the other hand, there is deep ambiguity in the Charter and it is a clear indication of a lack of ability in monitoring and protecting human rights. There is a sharp difference in “promoting” human rights and “defending” or “protecting” human rights. In addition, there is not a clear indication of which rights are to be promoted or protected and it does not reveal any mechanisms for doing so.³⁷

The International Bill of Human Rights is a collection of documents: the Universal Declaration of Human Rights and the International Human Rights Covenants (which has two parts, the International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights). In sum, the International Bill of Human Rights is a statement of the minimum guarantees recognized as necessary for life in the modern world. Included under these covenants, the ICESCR

³⁶ Davidson, 64.

³⁷ Ibid.

and the ICCPR, are the right to self-determination, safe and healthy work conditions, adequate standard of living, accessible education to all, fundamental freedoms of equality, life, liberty, and security of person, right to own property, freedom of opinion and expression, freedom to take part in government. As well, they condemn the practice of slavery, cruel treatment or punishment, arbitrary arrests or detentions.³⁸

How do these fit into the human rights regime and how effective are they for protecting human rights? There are various articles within the ICESCR and the ICCPR that contain regulations on adhering to the freedoms promoted in the covenants. For example, there are sections in the ICESCR on the examination of state reports on the right to adequate food, a stipulation that every state must produce a plan of action relating to the ICESCR's regulations on education, and Article 22 of the ICESCR contains a built-in mechanism by which the Economic and Social Council may bring to the attention of relevant United Nations bodies any matters arising out of reports with affect the implementation of the covenants. In addition, the ICCPR contains similar mechanisms for implementing civil and political rights. Despite containing these mechanisms, the covenants face similar limitations that face the UN and the Universal Declaration of Human Rights. For example, Article 2 in the ICCPR states, "The Committee notes that article 2 of the Covenant generally leaves it to the States parties concerned to choose their method of implementation in their territories within the framework set out in that article."³⁹ The covenants may be a step in the direction of monitoring compliance with its regulations, but is not as effective as the hegemon could be in monitoring. A state can

³⁸ United Nations High Office of the High Commissioner for Human Rights website.
http://www.unhchr.ch/html/menu3/b/a_ceschr.htm

³⁹ United Nations High Office of the High Commissioner for Human Rights website.
[http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CCPR+General+comment+3.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CCPR+General+comment+3.En?OpenDocument)

negotiate, use sanctions, and link human rights to other areas such as trade in order to invoke compliance by other states, while other bodies such as the UN must rely heavily on volunteerism, even with the mechanisms contained in the covenants.

The ambiguity in the UN Charter created the need for a more substantial declaration of the UN attitude towards human rights, and the Universal Declaration of Human Rights was the result in 1948. It is said that The Universal Declaration of Human Rights was created in order to repair the failure of the members of the UN to insert a list of human rights within the UN Charter.⁴⁰ The General Assembly of the United Nations adopted the Universal Declaration of Human Rights, which proclaimed “a common standard of achievement for all peoples and nations” and “development of friendly relations between nations.”⁴¹ The Universal Declaration is viewed as an authoritative proclamation of human rights standards along with the International Covenants, which is not disputed. However, there must be an examination of its actual effectiveness.

In terms of international law, the Universal Declaration is not binding. It is not a treaty, but a resolution of the UN General Assembly. International law is mainly derived from two sources, treaties and customs. The Universal Declaration is not a treaty, and it is debated whether or not it has the status of customary law. It must be asked whether or not the Universal Declaration has retained its initial minimal value today or if it has taken on a more influential role as a general principle recognized by nations. One could argue that it has become a part of international custom. However, even if it is viewed as customary international law, international custom does not automatically establish international legal obligation.

⁴⁰ Davidson, 65.

⁴¹ Clive Archer, *International Organizations*, 2nd Ed. (New York: Routledge, 1992), 164.

In addition, when further examining the norms that the Universal Declaration is said to have set, we must address how far those standards have gone. The UN produced the standards through the Universal Declaration and the International Covenants, but even if the consenting states agreed with those standards, they did not agree to allow the UN to investigate their compliance with the standards.⁴² Therefore, there is no monitoring mechanism that accompanies these standards nor is there a call for one by the member states.

Even if the UN wanted to move towards initiating a mechanism for monitoring, there are still constraints within the international structure, which limit the actions of the UN in this respect. Some go as far as saying, "...it would be naive, perhaps even irresponsible, to ignore the basic fact of sovereignty and the limits it imposes."⁴³ The UN is a governmental organization, and it is made up of members that are sovereign states. One role of an international organization is that of an arena, or forum. An arena provides a place where member states can discuss, argue, cooperate, or disagree on the various issues brought to it. The UN fulfills this role by facilitating the discussion on issues such as human rights, but as an arena or forum it does not serve as an enforcer of these issues.

The international system functions by attempting to meet the demands made upon it. These participants, including governments, multinational corporations, and intergovernmental organizations, make demands on the system such as the redistribution of wealth, a need for peace, cultural requirements, and protection of international human rights. As discussed earlier, the UN has attempted to influence normative activities of the international political system by putting forth a set of values that affirms its "faith in

⁴² Donnelly, 11.

⁴³ Ibid., 12.

fundamental human rights,” “equal rights of men and women and nations large and small,” and “to promote social progress and better standards of life in larger freedom.”⁴⁴

However, the UN is limited in doing so within the confines of the international system.

This is what is meant by the tension between universal and international principles. On the one hand, there is evidence that the UN wants to support universal human rights and it has done so by creating the Universal Declaration, ECOSOC, and the International Covenants. The universal principles debate focuses on the normative dialogue concerning human rights. These rights are to be had by everyone and they are offered to everyone who is a member of humankind.

On the other hand, the UN has been limited by international principles in what it can do beyond promoting human rights. The UN is not a world government, and it relies on rules based on acceptance, common practice, and convention. The UN represents states, not the international community and not individuals whose rights have been abused.⁴⁵ The principles that sustain the international system have taken precedence over all other things. These are the Westphalian principles discussed at the beginning of this chapter: sovereignty, nonintervention, and domestic jurisdiction. When the UN was founded there was the notion that human rights presented a new issue to be contended with in the post-World War II order, and its founders accepted that within the boundaries of the international system.⁴⁶ Therefore, whatever advancements have been made by the UN in the area of human rights have been in the regime creation phase. These are the problems that hinder the UN from being a fully effective active protector and maintainer of human rights.

⁴⁴ Archer, 164.

⁴⁵ Donnelly, 12.

Nongovernmental Organizations

Although the United Nations is seen as the primary international organization to address human rights, there are also other nongovernmental organizations (NGOs) that have tried to influence debate on the subject. The growth in number of NGOs began in the 1970s and has increased since. It was around this time that NGOs joined states and intergovernmental organizations in the mix of actors in world politics. Many international organizations focus on human rights. Two of the most active ones are Human Rights Watch and Amnesty International. The aim of this section is to show that international organizations influence regimes in terms of bringing together values in the regime creation phase.

The main goal of these organizations is to increase awareness of certain issues, and make a difference in policy and alter the actions of states and other organizations through lobbying. Have the human rights organizations been successful in increasing awareness of abuses in the field? Yes. One of the significant contributions of human rights NGOs was making human rights a legitimate concern. For example, the International Campaign to Ban Landmines consisted of six international organizations that went on to lobby governments and assisted in producing the Mine Ban Treaty. Many NGOs work directly with the victims of human rights abuses, and it has been a goal of theirs to increase awareness.

A more relevant question is whether or not they have been able to influence behavior and decisions of states and other actors. In other words, do we accept that

⁴⁶ Evans, 49.

NGOs contribute to the success of the human rights regime? NGOs worked to include human rights into the UN Charter.⁴⁷ However, what we have learned about the UN Charter is that it is very vague in addressing human rights. No specific rights are mentioned and it only declares that the UN seeks to put human rights at the forefront of discussion. Furthermore, NGOs are viewed as being weaker than the weakest states and lack necessary resources. NGOs must appeal to the public to increase awareness on an issue. Therefore, they may be able to assist in bringing human rights to the public's attention, but they are weak in actually going beyond that to implement and fully maintain a regime because they do not have enough resources.

THE ENVIRONMENTAL REGIME

One more regime that is going to be examined more closely in the next chapter is that of the environment. Although the universal human rights regime developed following World War II and the environmental regime was not formed until the late 1970s, they have similarities. The environmental regime and the universal human rights are linked because they are both non-trade related regimes, and they both are seen as weak regimes. In addition, they are both regimes that are not seen as having a direct payoff in complying with the rules of the regimes. They both address long-term projects. Protecting the environment now does not have immediate results, and that makes it a lower priority for some states. In addition, solving humanitarian violations is a long-term project that some states do not deem to be in their immediate self-interest. The movement to protect and preserve the environment is intricately linked with human rights

⁴⁷ Donnelly, 14.

and they are brought together under human security. For the purposes of this thesis, human security will be defined as:

[Having] two main aspects. It means, first, safety from such chronic threats of hunger, disease, and repression. And second, it means protection from sudden and hurtful disruptions of the patterns of daily life—whether in homes, in jobs or in communities.⁴⁸

It is important to discuss the relationship between the international organizations and the environmental regime, as well as the relationship between the U.S. and the environment regime. The environmental regime differs from the human rights regime because the U.S. expressed no interest in developing the environmental regime. We saw that the U.S. did originally have an interest in supporting a regime for universal human rights. International organizations and individuals were the main actors that formed the environmental regime. Scientists were the first people who started to focus on the effects of human activity on the environment. Mainly, they focused on climate control and global warming. The most prominent organizations that got involved in creating awareness and lobbying governments were the UN Environment Program (UNEP), the World Meteorological Organization (WMO), and the International Council of Scientific Unions (ICUN). They worked together to organize conferences, bringing together other organizations and states. In addition, the National Academy of Sciences was also active in the early stages of the regime.

The case studies in the next chapter will analyze two human rights initiatives (the campaigns to ban landmines and the use of child soldiers), and an environmental issue (global warming) will be analyzed with specific evidence of how these organizations

⁴⁸ Roland Paris, "Human Security: Paradigm Shift or Hot Air?" in *International Security* Vol 26, No.2, 89, Fall 2001.

contributed to the formation of the environmental regime and how the U.S. has undermined these efforts. In addition, the UN Framework Convention on Climate Change (UNFCCC), a precursor to the Kyoto Protocol, will be discussed as well.

SUMMARY

This chapter presented the broad human rights and environmental regimes in a way that highlights how they came about and evolved. It described the long-standing and widely-accepted international principles, sovereignty and nonintervention, that created an environment that made and continues to make these two areas difficult to contend with.

In the universal human rights regime, it showed how World War II and the Holocaust contributed to the increased attention to the issue. Most importantly, it exemplified the role of the UN as promoter and creator. It showed how the language of the United Nations is geared towards promoting human rights, but not necessarily at defending rights through active protection. It does not have the capability to support the regime. In addition, the chapter discussed international organizations, both governmental and nongovernmental, are effective at bringing human rights to the attention of the public, but lack needed resources to influence the regime in the way that the world's hegemon does. This was demonstrated in the example of the UN and its desire to promote human rights by facilitating the creation of the Universal Declaration of Human Rights, but its limitations in terms of protecting and monitoring the regime. It also emphasized how the U.S. sought to engineer the direction the regime would take and which rights would be promoted under the regime. We saw how the U.S. decided to change its position on implementing and maintaining the regime and how its decisions to

not support agreements and show ambivalence to countries that had poor human rights records were causal factors in the resulting weakness of the regime.

The case studies of area-specific regimes in the next chapter will analyze two regimes that have stemmed from the universal human rights regime, landmines and child soldiers. The Mine Ban Treaty and the Convention on the Rights of the Child are the treaties that have resulted from these campaigns.

The broad environmental regime was created as a result of the actions of individuals and organizations. This will be further demonstrated in the area-specific regime that will be discussed in the next chapter, global warming. The treaties that will be discussed are the UNFCCC and the Kyoto Protocol.

CHAPTER III:

CASE STUDIES OF NON-TRADE AREA-SPECIFIC REGIMES: LANDMINES, GLOBAL WARMING AND CLIMATE CONTROL, AND CHILD SOLDIERS

INTRODUCTION

The previous chapter provided an analysis of and a background to the broader universal human rights and environmental regimes. Specifically, it examined the relationship between the U.S., the UN, and the human rights regime, and it made the assessment that organizations serve an important role in bringing together and promoting the values of these regime, but are ineffective monitors of those created standards. The chapter gave background information into the human rights regime and the environment, which has led to this chapter, which examines specific cases within those two broader fields. These cases are landmines, global warming/climate control, and child soldiers that are referred to as area-specific or issue-specific regimes. They are regimes that are based on one issue, such as the campaign to ban landmines and the resulting treaty, while the more encompassing universal human rights regime discussed in the previous chapter is a broader regime.

The aim of this chapter is to demonstrate that the role of organizations is bringing together norms and values, and the role of the hegemon lies heavily in enforcing and monitoring the rules on the area-specific regimes. One of the conclusions that will be drawn from the case studies is that there is a significant element of social construction that cannot be overlooked. By taking an internationalist approach, one that embraces

organizations and individuals into the international stage along with states, we will see how both organizations and states have important roles concerning regimes. International organizations enhance the international community, and this will be supported throughout the chapter. It will show how people and organizations were the main initiators of the landmines, global warming and climate control, and child soldier regimes, and how the United States has not participated in these campaigns. In addition, it will show how the U.S. has had an impact on the effectiveness of treaties resulting in these areas. Another conclusion will be that the U.S. is reluctant to participate in the treaties that are a part of the various regimes discussed, but the support of the hegemon is needed in order to make these projects truly effective. In studying these cases, the ultimate goal was to uncover the U.S. relationship with non-trade regimes, and as will be shown in this chapter, the success of these campaigns is linked to U.S. support. As recalled from earlier in the thesis, the parameters for success include clearly recognized, accepted, and enforced standards and the positive results must not be offset by the negative actions of others. It will be shown how landmines and the global warming and climate control regimes do have clear standards that are in need of stronger enforcement, and the negative actions of others is currently offsetting the positive results of the regime. These need to be addressed and solved before there will be ultimate success and effectiveness of these regimes.

International law is the focus of the first section of the chapter because it is the main way in which various human rights and environmental initiatives are realized. It will look into how international law is created, what influence it has in the international community, and how it relates to the three issues at hand.

The case studies follow the discussion of international law. There are three unique single-issue regimes that are being examined in this chapter, and each is very different in terms of how they are accepted by the international community. The first case will begin by analyzing the role of organizations, individuals, and the U.S. in the International Campaign to Ban Landmines. It will show how organizations were the main contributors to the formation of the regime and the U.S. has not been supportive of the treaty to ban landmines. It will be followed by an analysis of the involvement of international organizations and the U.S. in the efforts to protect the environment and control the global climate. Finally, the efforts to rid the world of child soldiers will be discussed. This section will explain how the U.S. had been opposed to the regime's main Protocol because of infringements on its own military recruitment policy, but it recently ratified the regime's treaty after realizing that changes to its own policy would not be severely affected. Each case will be examined based on history, recent developments, key actors, and international action. Each of the three topics will contain a section that focuses on the involvement and the importance of the U.S. in these issues.

INTERNATIONAL LAW

The intent of this section is to lay out the characteristics of the international system, international law, and the implications of them on the advancement of the three issues discussed in this chapter. Because some actors strive for universal agreements on these three subjects, we must study and evaluate how these attempts are potentially

embodied in the world. This section will focus on the “norms” of human rights and how they are manifested in international law through treaties and conventions.

In the daily operations of legislatures within nation-states, laws are created, debated, and amended. Domestic law hinges on the existence of bodies to uphold and enforce the law. A judiciary interprets the law and evaluates cases of infringement of the law. When a law is broken there are repercussions. The system is given legitimacy by the people in that society, and there is a reverence and respect for the law that is created to protect those very people. The entire legal tradition is based on a set of values and norms that are true to that set of people. When a law is broken, societies assess the offender and they also look at the law to ensure it is still in accordance with that set of values and standards to which people are held.

Domestic law works because it creates a sense of order and structure. There is a process to create law and evaluate it when it has been broken. In addition, there is a defined set of rules that include punishment when laws are broken. A democracy functions under the rule of law, meaning that no one individual is above the law. This is a pillar of democratic societies.

The evolution of the international system gave rise to the creation of international law. The United Nations was created on the notion that the world was becoming more connected and that cooperation was a key to ensuring a more peaceful world. Creating a consensus and a multilateral approach were the goals at the time. It was a large step forward in seeing a forum where states could bring their issues to the table, but it is not a world government.

Because there is no world authority or international governing body, the result has been the existence of international law that is found in a variety of sources. Customs, treaties, norms, etc. make up what is considered international law. It rests on the ideas of cooperation and volunteerism, which makes it extremely difficult to enforce when international law has been broken. Where domestic law has an enforcement device, international law has no equivalent device and enforcement is based largely on the notion of collective security and the peaceful settlement of disputes. Because international law is based on these notions, governments must be willing to surrender a degree of their sovereignty in order to create credibility of the international organizations to which their sovereignty is being surrendered.⁴⁹

The effectiveness of international law is the centre of debate. It is contended that states do not really pay heavy consequences when international law is broken. International law is broken frequently perhaps because there is no police force. The UN peacekeeping force is one actor involved, but it is not the duty of the UN to enforce law and the UN is responsible for dealing with other erupting international crises. Coercive tactics provide punishment for illegal behavior, but the question remains as to who is to administer that punishment. The International Court of Justice (the World Court) is used when one state charges another with breaking the law, but parties have to agree to its jurisdiction. Very rarely are states held accountable for their actions when international law is broken.

On the other side of this argument are the Legal Order Thinkers. When looking back at contending approaches to studying human rights (political, philosophical and

⁴⁹ Moses Moskowitz, International Concern With Human Rights (Dobbs Ferry, New York: Oceana Publications, 1976), 64.

legal), there is a vast range of how human rights can be studied. Within that range lie the Legal Order Thinkers, who are fascinated by the evolution of the international system over the past few decades, and believe that the creation of an extensive network of rules through international law is the source of success for human rights. According to this theory, international law has so greatly evolved that it has provided the international system with a system of rules replacing governments in determining state behavior.⁵⁰ This is an extreme position, and it is not credible because international law is not so highly developed that it has taken over the role of governments in determining what they want and what they are able to do. International law is not as well defined as domestic law and it can suffer effectiveness because of the volunteerism issue. The fact that parties have to first agree to the International Criminal Court's jurisdiction before a ruling can even be made is evidence that there is still a long way to go until international law is as highly developed as the Legal Order Thinkers believe. Governments still have leeway in international law because of the absence of a higher authority, and when looking at the U.S. decisions to participate or not to participate in campaigns, it is a decision that comes from its own determinations of what is in its self-interest, not necessarily from what international law dictates.

The subject of volunteerism and enforcement is debated among the varying schools of thought. Liberals believe that cooperation should be a priority and international law is the path to achieving a more stable, peaceful world, while realists believe that only anarchy exists in the world and states will not adhere to international law when it is not in their own interest to do so.

⁵⁰ Michael Ross Fowler, Contending Approaches to Human Rights in U.S. Foreign Policy (Lanham, Maryland: University Press of America, 1987), 34.

International law might have more of a chance of being credible if the world was multi-polar in structure. Instead of having one dominant state, the actors would be forced to cooperate more because none of them are powerful enough individually and in order for one state to achieve a goal, it would benefit from garnering support from other states to make that happen. In a multi-polar system, states might be more willing to cooperate in order to achieve their goals because they need others to support them. A bi-polar system might affect the overall stability of the international system, and one could argue that it is a more stable model because both large powers are checking the other. Both powers are vying for the support of secondary states and the two states may feel compelled to attract the support of other states. In a uni-polar system, the hegemon is unchecked and does not always feel compelled to go along with the consensus, and this can have negative consequences. Human rights and the environment are good examples of a case where the dominant actor does not feel that signing on to some of these treaties are in its interest, and therefore it does not do so. This has a negative impact on the advancements of these campaigns.

There are effects of one dominant actor on the success of international law. There are drastic contrasts between domestic law and international law, which has allowed the U.S. to manipulate the system and choose which laws it will abide by and which ones it will violate. This is a crucial area of analysis in the thesis precisely because we are determining that a hegemon greatly affects the human rights and environmental regimes and the success of their projects, and these projects are upheld through international law.

There are two possible scenarios for how a hegemon could affect international law. In the first scenario, the hegemon, recognizing its influential power in persuading

other states, may use its power to create a system of international law that is a public good and pragmatically and prudently operates through the channels of international law, setting an example for the behavior of other states. The hegemon creates a consensus before acting and multilaterally pursues courses of action. The hegemon is more benevolent and recognizes that long-term goals are the focus of its foreign policy and does not use unilateral means to pursue its material interests.

The second scenario, which is more accurate at describing the international system presently, is a system where the hegemon reluctantly goes along with creating this liberal system of international cooperation at best. Even though the U.S. is committed to liberal economic principles, it has not had the same commitment in other fields, such as human rights or the environment. It has become a member of international organizations, signed on to international treaties, and proclaims itself to be a supporter of issues such as human rights and protection of the environment, but, as will be shown in the sections to come, it has not been involved in many of the efforts to create solutions to these problems. In this scenario where the hegemon is a reluctant supporter of these issues, the hegemon does not set an example to other states by pursuing its interests through consensus and cooperation, but allowing itself to pick and choose which international laws it will obey. It still views its national interest in terms of military and economic strength and, therefore, does not always find it in its interest to operate according to international law. It can do this because of its position where there is no one capable of standing up to the hegemon when it violates an international agreement or international treaty.

One might ask why the hegemon signs on to agreements and treaties that it knows it may break later. That can be answered by saying that a hegemon wants the best of both worlds. It wants to appear that it is involved in areas such as human rights because attention to human rights is viewed by others as important and they are commonly-held values, but it does not want to pay the price when the stipulations of the agreements go against its interest. The hegemon does not carry through with its commitments because other issues such as national security take priority over human rights. The hegemon also does not want to pay the price when it violates the deals it has made.

Even if the U.S. has broken some of its agreements, the support of the U.S. on these issues is imperative. It is a characteristic of the international system that human rights norms are easier to promulgate than enforce.⁵¹ In order for them even to be promulgated and implemented effectively, the U.S. needs to be a supporter because of its influence over international law.

LANDMINES

In the case of landmines, we will be looking at what international organizations did in creating this area-specific regime. This section will also examine the U.S. opposition to the efforts. The landmine case is interesting because it was a highly publicized campaign. For years organizers sought the support of several states, and recently the creation of international law was a result of the efforts. This section will outline the history of the campaign, leading up to the recent creation of conventions and

⁵¹ Daniel Bodansky, "Human Rights and Universal Jurisdiction," in World Justice? U.S. Courts and International Human Rights (Boulder: Westview Press, 1991), 1.

treaties on landmines. It will connect these components with the main argument of the thesis. In doing this, it will be shown how the landmine regime is a social construction and is a creation of the efforts of organizations and individuals. This ties in with the part of the argument that asserts that organizations and individuals can be effective regime creators because they bring together collective beliefs. This section will also show that the regime would be much more effective with the support of the U.S. in monitoring and adhering to the regime. This relates to the part of the argument that believes the hegemon is a necessary actor in implementing the rules and standards of the regime.

According to Roland Paris, human security can come under different forms and can be described as many different things: a rallying cry, a political campaign, a set of beliefs about the sources of violent conflict, a new conceptualization of security, and a guide for policymakers and academic researchers.⁵² The campaign to ban landmines is an example of human security as a political campaign. As a political campaign, it has become one of the most recognized human security efforts.

History

A landmine is a bomb placed in a position underground that can be detonated by contact or electrical impulse. Landmines generally came into use during World War II, and the main areas of use were Russia and North Africa. During World War II, Britain and the United States worked on developing tactics to locate landmines, but they proved to be costly and slow. Even today there is no completely safe way of removing land

⁵² Roland Paris, "Human Security: Paradigm Shift or Hot Air?" in International Security, Vol 26, No 2. Fall 2001, 102.

mines, and once they are laid they can be active for up to fifty years. Anti-personnel mines have been the most controversial type because they are actually designed to kill or injure people rather than to damage buildings or equipment. Anti-tank mines are created to destroy tanks and equipment and are, therefore, not as controversial.

Nongovernmental organizations were the first groups who started to attempt to control the use of landmines. International organizations became aware of the dangers of landmines in the 1970s. The war in Vietnam awoke many people to the injuries and mutilations to civilians and soldiers by chemicals such as napalm and landmines.⁵³ This caused NGOs to pay closer attention to weapons that caused great injury or unnecessary suffering. UNICEF, Amnesty International, and Human Rights Watch were some of the first NGOs to become involved in the landmine issue. In the case of landmines, they were particularly concerned that landmines do not discriminate between weapons and soldiers. In 1946, the United Nations International Children's Emergency Fund (UNICEF) was created as an affiliated agency of the United Nations, and today it is a main actor in the landmine issue. In addition to assisting children in developing countries, it takes on welfare issues concerning international youth. UNICEF also helps malnourished children and assists victims of war. UNICEF has most recently been pushing for an international law to ban landmines and has become one of the most important actors in this area. UNICEF views the landmine as the perfect soldier, one who is "ever courageous, never sleeps, never misses."⁵⁴ Because of these characteristics that were publicized by NGOs, many people started to believe that the landmine is an illegal weapon of war.

⁵³ Jody Williams and Stephen Goose, "The International Campaign to Ban Landmines," in To Walk Without Fear: The Global Movement to Ban Landmines (Toronto: Oxford University Press, 1998), 21.

Landmines are very cheap (they can cost as little as a dollar to make) causing them to be widely used. In Egypt, there are about 23 million mines to be found, and Angola has close to 15 million. In a total of 64 countries, there are 110 million landmines stuck in the ground where people are in danger of setting them off.⁵⁵ In addition, the majority of landmines are found in developing countries, where resources to mend or solve the crisis are even more scarce.

NGOs got involved in part because of the devastation of landmines on the innocent. Children are among the most vulnerable victims of landmines. For the most part they are likely to be too young to read warning signs of suspected sites, or they are illiterate. They are also more likely to die than adults as a result of triggering a landmine. Many blind or limbless children make up those injured by landmines. The countries of Afghanistan, Angola, and Cambodia have collectively 85 percent of the fatalities caused by landmines. In El Salvador, 75 percent of those injured in these accidents were children.⁵⁶ This is not a problem associated with only one part of the world because many countries use landmines and other countries pay the ultimate price. International action must be a collaboration.

Significance

Landmines, like other human security based initiatives, are important because they have dramatic effect on other areas of security. If we recall Roland Paris's definition of human security, there are two aspects to it: safety from such chronic threats

⁵⁴ UNICEF Website. www.unicef.org

⁵⁵ "Land-mines: A Deadly Inheritance." <http://www.unicef.org/graca/mines.htm>

of hunger, disease, and repression; and second, protection from sudden and hurtful disruptions of the patterns of daily life. Landmines can easily fit under the umbrella of things that cause disruption in the lives of people. It is apparent that landmines are physically dangerous to adults and especially children, but they also cause other types of destruction.

Landmines fall under the first part of the definition because they upset food production and distribution. They also disrupt relief efforts in the already distressed countries that are affected by landmines. The injuries suffered by many caused by landmines can overload health facilities, which are undoubtedly overburdened already in these parts of the world. In addition, the environment is harmed as a result. As we can easily see, there are several “overspill” type effects created by landmines.

Efforts to Ban the Use of Landmines and the ICBL

Cleaning the world of land mines is an expensive, slow process. A trained worker can only cover up to 50 square meters a day and each mine can cost up to \$1,000 to clear. The idea of clearing them seems useless if there are new ones being buried everyday. In 1993, about 100,000 were cleared, but another 2 million new ones were used. And there are also mines already manufactured, waiting to be used. Another barrier in banning them is the fact that it is profitable for companies to produce and sell them internationally, added to the fact that there is a military utility in using them.⁵⁷

⁵⁶ Ibid.

⁵⁷ UNICEF website. “UNICEF Calls for an International Law Banning Land-mines.” <http://www.unicef.org/sowc96pk/mines.htm>

Action began with NGOs because they were the ones that had the direct experience working with landmine victims. It was NGO workers who provided relief to war-torn countries, removed the mines from the ground and put prosthetic limbs on the victims.⁵⁸ This first-hand experience led to the creation of the International Campaign to Ban Landmines (ICBL) in October 1992.

The ICBL expanded quickly with many NGOs joining the effort. Six main NGOs were the primary founding organizations of the ICBL: Handicap International (France), Human Rights Watch (U.S.), Medico International (Germany), Mines Advisory Group (UK), Physicians for Human Rights (U.S.), and the Vietnam Veterans of America Foundation (U.S.). Since the ICBL was formed, over 1,200 more NGOs have joined the efforts.⁵⁹

In 1996, the Campaign took a significant turn. This is where we start to see how NGOs became effective in their role of promoting the issue and publicizing it. Because states (particularly the U.S.) are important in implementing the standards of a regime, NGOs knew that governments had to get involved in the process. It was in 1996 that governments started to become more aware of the landmine problem following the Cold War. The ICBL was mainly driven by NGOs, but it was then that negotiations between the ICBL and the Canadian government started taking place. The “Towards a Global Ban on Anti-personnel Landmines” conference was held in Canada in October of 1996, and brought together 50 governments, 24 observer states, and many NGOs.⁶⁰

The steps taken by the Canadian government to get involved with a ban on landmines led to the initiative known as the Ottawa Process, which was the Canadian-led

⁵⁸ Williams and Goose, 21.

⁵⁹ Ibid., 22.

initiative to sign a ban treaty. It consisted of meetings geared toward negotiating the ban Convention. Canada and the ICBL and other pro-ban countries worked together at this time to increase the chances of success for the Ottawa Process. The result was 121 countries signing the Convention, and the ICBL and its coordinator, Jody Williams, receiving the 1997 Nobel Peace Prize for their determined efforts.⁶¹ Official ratifications are being recorded by the United Nations.

A group of twenty-five members of the United States delegation attended the Fourth International NGO Conference on Landmines in Mozambique. The group has called upon the United States federal government to join the campaign to ban immediately the production, stockpile, use and transfer of landmines.

U.S. Opposition

Although the effort was popular, action was slow. The most notable absence on the list of Signatories of the Convention is the U.S. In addition to the U.S., China and Russia are two other major players that have not signed or ratified the Convention. The effect of the U.S. is great because the U.S. continues to use landmines or other indiscriminate weapons, as recently as the 2003 war in Iraq. The United States has been slow to commit to the ban. The most progress made was in January of 1996, when President Clinton signed a one-year halt on the use of anti-personnel landmines by United States forces.

⁶⁰ Ibid., 34.

⁶¹ See Appendix B for a list of the Signatories to and Ratification of the Convention on the Prohibition of Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on Their Destruction.

Because President Clinton only agreed to a one-year halt on only a certain type of landmines, this still gave the United States a lot of room in their decisions to use landmines. In many global issues, the United States is reluctant to commit because of fear of relinquishing sovereignty. This is not a new concept to the United States. The U.S. was the major actor in creating the first attempt at an international organization through the League of Nations, but Congress did not ratify the decision to join. After the United States entered a period of isolationism following the end of World War I, the collapse of the League of Nations began. Lack of U.S. involvement in world affairs dramatically ended the international organization.

The U.S. tried to redefine its anti-personnel mines many times in order to avoid their inclusion in the treaty.⁶² The U.S. eventually withdrew those requests to change parts of the treaty, and did what it felt was the most effective—backing out of the treaty altogether. It is important to ask how that decision has affected the use of landmines in the world today.

The U.S. did not succeed in convincing other powers to back out of the treaty, but that does not mean that the U.S. has lost its influence over the issue. Although restrictions on the use, transfer, and stockpiling of landmines are in effect for the countries adhering to the treaty, the U.S. is not restricted. It is imperative for the U.S. to sign the treaty in order to ensure its total effectiveness because the U.S. is still a major user of landmines, in addition to its potential influence over others in signing the treaty. As recalled earlier in the first chapter, the hegemon's role is important in its leadership and influence over the behavior of other states, and for simply participating and supporting the treaties. For example, U.S. involvement is important because the United

States and its allies used landmines in the 1990 Persian Gulf War. In fact, about one million landmines, including anti-personnel mines, were laid on the Kuwait-Iraq border and in Basra, Iraq.⁶³ According to the General Accounting Office, the George W. Bush Administration is reported to be reviewing current war plans that include the use of mines. Approximately 90,000 anti-personnel mines are stockpiled by the U.S. in the Persian Gulf region in Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and Diego Garcia, a territory of the United Kingdom in the Indian Ocean.⁶⁴ In addition, the U.S. used the controversial cluster bombs in Afghanistan this past year, which are also indiscriminate weapons, meaning they do not differentiate between targeting soldiers or innocent victims.

Banning the use of landmines will not be as effective as it could be if the United States, a major actor in international affairs and the world's most powerful military, is still using and stockpiling them. Even the ICBL admits that the reduction in the number of governments using anti-personnel landmines in the past year has been offset by widespread use by a few others, most notably India and Pakistan. Iran, which had instituted an export moratorium on anti-personnel mines in 1997, is reported to have provided mines to combatants in Afghanistan and elsewhere.⁶⁵ The U.S. can be added to that list of countries offsetting the treaty as well because of its use and stockpiling of the mines.

⁶² Williams and Goose, 44.

⁶³ UNICEF website. <http://www.unicef.org>

⁶⁴ Human Rights Watch. "Landmines in Iraq: Questions and Answers." <http://www.hrw.org/campaigns/iraq/iraqmines1212.htm>

⁶⁵ Human Rights Watch. "Holdout States Undercut Landmine Treaty." <http://hrw.org/press/2002/09/landmine2002.htm>

The leadership of the U.S. is needed in order for the landmine treaty to have a great impact. This thesis is not arguing that cooperation is *impossible* without the hegemon,⁶⁶ but it is saying that these efforts have a much greater chance of success with the support of the hegemon. Even those who believe in the efforts of NGOs agree that the importance, if not outright necessity, of the participation of the hegemonic power significantly increases the chance of success or effectiveness for a regime.⁶⁷ The hegemon's influence makes it a necessary part of a successful regime.

International standards have been established in the landmine regime. My argument claims that international organizations have been successful at defining the values of a regime, and the ICBL showed this in the landmine case. Concerning initiatives in landmines, more non-governmental organizations are playing a much larger role (than any state) in creating legislation. Even though norms are brought together through the work of international organizations and individuals, it is still believed that the implementation of the related treaties which exemplify the regime standards would be significantly enhanced by the active monitoring of the regime by the world's dominant military power.⁶⁸ If the U.S. took an active role in the treaty it could be a monitor of states' usage of mines, including the current situation described with Iran who is reported to be supplying landmines despite the export moratorium.

⁶⁶ Arguing that cooperation would be utterly impossible without the hegemon would be extreme. This section has just shown how 120 states signed the Convention to ban landmines, and it recognizes how cooperation was facilitated between those states. However, the main argument is that these campaigns are simply not as effective as they would be with U.S. support. U.S. leadership is an essential part of creating a strong regime because success of a regime depends on the positive results outweighing the negative actions of other actors.

⁶⁷ Richard Price, "Compliance With International Norms and the Mines Taboo," In To Walk Without Fear: The Global Movement to Ban Landmines (Toronto: Oxford University Press, 1998), 341.

GLOBAL WARMING/CLIMATE CONTROL

Environmental issues are related to landmines and child soldiers because they are all area-specific regimes that are connected by being non-trade regimes. The focus of this section is on the Kyoto Protocol, and the efforts to address the issue of global warming and climate change. In the same way that the International Campaign to Ban Landmines and the Treaty to Ban Child Soldiers exemplifies the ideas in the landmine and child soldier regimes, the Kyoto Protocol illustrates the ideas of the environmental regime.

Global Warming and the Enhanced Greenhouse Effect

Human activity and its effect on climate change are at the heart of the debate over the environment. The widely-accepted idea is that an increase in average global temperature is affected by industrial activity. Another accepted theory is that global warming occurs as a result of human activity. As Ian Whyte explains, the Greenhouse Effect is a perfectly natural phenomenon, where gases in the atmosphere warm it and radiate heat, some of which comes back down to the Earth. The additional heat is called the Greenhouse Effect.⁶⁸

As early as the 1930s, an English chemist, G.S. Callendar, advanced the argument that human activities were the cause of an increase in atmospheric carbon dioxide and

⁶⁸ Ibid.

⁶⁹ Ian Whyte, *Climatic Change and Human Society* (London: Arnold, 1995), 65.

that this was the start of global warming.⁷⁰ The Greenhouse Effect is not problematic in itself, but a problem arises when there is an enhanced Greenhouse Effect. The concern is based on the fact that an increase of the concentration of greenhouse gases is related to man's activities of burning fossil fuels. Some of these gases are carbon dioxide, methane, water vapor and nitrous oxide, but they occur naturally. In addition, Chlorofluorocarbons (CFCs) are completely manmade, and high levels of these gases will raise the temperature in the lower atmosphere and at the Earth's surface. Therefore, global warming is caused by the enhancement of the natural greenhouse effect by humans.⁷¹ In addition, ozone depletion and melting of ice caps are linked to global warming.

The politics of the global warming issue is interesting because any efforts to create a treaty with a binding commitment to reducing carbon dioxide are difficult because the treaty would have a strong economic impact on the participating countries. Burning fossil fuels emits carbon dioxide, and limiting the burning of these fuels is costly since it would involve finding and paying for alternative ways to create the energy produced by them.⁷² In essence, the cost of doing something must be weighed against the cost of doing nothing.

⁷⁰ Donald A. Brown, American Heat: Ethical Problems with the United States' Response to Global Warming (Lanham, Maryland: Rowman and Littlefield Publishers., Inc, 2002), 14.

⁷¹ Ibid., 66.

International Action

By the 1970s concern arose over global warming in the international community. In 1979, we saw the first evidence of international organizations leading the way in the creation of the environmental regime. It was in this year that the First World Climate Conference was held in Geneva, which was sponsored by the UN Environment Program (UNEP), the World Meteorological Organization (WMO), and the International Council of Scientific Unions (ICUN). Then again in 1985, the UNEP and WMO jointly sponsored the Second World Conference in Villach, Austria. In 1988, another joint effort of the two groups produced a report declaring that our natural systems are not able to adapt to the rate at which climate change is occurring. In 1989, the National Academy of Sciences recommended that George Bush should place global warming on his agenda. Also in that year, twenty-two countries⁷³ pushed for creating a treaty to deal with global warming.⁷⁴ In 1992, the Earth Summit (also known as the UN Conference on Environment and Development) took place in Rio de Janeiro following the support of one hundred and fifty-four countries to accept the convention that was being created at the time, the UN Framework Convention on Climate Change (UNFCCC).⁷⁵

⁷² Laura Jones, "The Science and the Politics of Global Warming," in Global Warming: The Science and the Politics (Vancouver: The Fraser Institute, 1997), 4.

⁷³ Most notably, France, Japan, Italy and Canada.

⁷⁴ Brown, 18.

⁷⁵ According to Brown, the most controversial issues brought up in negotiations surrounding the UN Framework Convention on Climate Change were producing targets and timetables to reduce greenhouse gas emissions; the responsibility of the developed nations to take the lead in reducing greenhouse gases; and the responsibility of the developed nations to provide financial assistance to developing countries in reducing their emissions. It should also be noted that the South had the most limited resources and their governments were made to focus on problems regarding development and basic human needs.

The U.S. position on global warming up to this point had been characteristically focused on the drawbacks to supporting conventions on global warming. For example, in the 1980s when European countries were calling for international action to reduce greenhouse gas emissions, the U.S. (under Reagan and under George Bush), were focused on the scientific uncertainty surrounding the issue and on the costs of action.⁷⁶ This fixation continued through the end of the 1980s when other countries pushed for negotiations to begin on a treaty, the U.S. still declared that too little was known about the possible economic consequences.

The U.S. took a stance against the UNFCCC. Its major objections were based on the issue of accepting responsibility for global warming. The U.S. believed that any responsibility to reduce emissions should be based on the ability of each nation to respond, not the proportional responsibility of each for having caused the problem.⁷⁷ This was a contrast to what other developing nations believed, which was that since the developing countries were mainly responsible for the problem, then they should be held accountable for finding a solution. The U.S. opposed any formula that would base responsibility on a nation's share of emissions. In addition, the U.S. was against using any language in texts that discussed the guilt or crimes of the developed nations.

When it appeared that the negotiations were at a standstill and that President Bush would not attend the Earth Summit, there was a breakthrough. The U.S. achieved its goals, and the convention would contain no enforceable timetables or dates for greenhouse gases and make no mention of the responsibility of the U.S. contributing to

⁷⁶ Brown, 16.

⁷⁷ Ibid., 20.

the problem. In addition, the U.S. won out over a finance issue in which it did not want mention of a commitment for new and additional development assistance.⁷⁸

George Bush signed the Convention at the Earth Summit and the U.S. Senate ratified it four months later. The U.S. signed the agreement because its stipulations were not a large infringement on its demands. The U.S. had been the single opponent to the UNFCCC, and it lost a lot of its original content because of U.S. opposition. Today, the U.S. is still focused on its objections to global warming treaties, especially concerning economic consequences, as will we see in its position on the Kyoto Protocol.

The Kyoto Protocol

How does what happened with the UNFCCC relate to what is happening now with the Kyoto Protocol? The U.S. is opposed to Kyoto, as it was with the UNFCCC in its original form. The path leading up to the Kyoto Conference appeared to be different than the earlier controversy leading up to the Earth Summit. When President Clinton announced the U.S. position to be brought to Kyoto, it seemed that the Clinton administration was more concerned than either the previous Bush or Reagan administrations. In Clinton's address to the National Geographic Society in October of 1997, the President had a lot to say in support of placing more attention on global warming and the U.S. commitment.

And on the environment, we made the choice to clean our air, water, and land, to improve our food supply, and to grow the economy...Today we have a clear responsibility and a golden opportunity to conquer one of the most

⁷⁸ Ibid., 25.

important challenges of the 21st century -- the challenge of climate change -- with an environmentally sound and economically strong strategy, to achieve meaningful reductions in greenhouse gases in the United States and throughout the industrialized and the developing world. It is a strategy that, if properly implemented, will create a wealth of new opportunities for entrepreneurs at home, uphold our leadership abroad, and harness the power of free markets to free our planet from an unacceptable risk; a strategy as consistent with our commitment to reject false choices.⁷⁹

In addition, Clinton addressed the U.S. responsibility to support initiatives on climate change.

But make no mistake, the problem [of global warming] is real. And if we do not change our course now, the consequences sooner or later will be destructive for America and for the world...I'm announcing the instruction I'm giving to our negotiators as they pursue a realistic and effective international climate change treaty. And I'm announcing a far-reaching proposal that provides flexible market-based and cost-effective ways to achieve meaningful reductions here in America. I want to emphasize that we cannot wait until the treaty is negotiated and ratified to act. The United States has less than 5 percent of the world's people, enjoys 22 percent of the world's wealth, but emits more than 25 percent of the world's greenhouse gases. We must begin now to take out our insurance policy on the future... the United States proposes at Kyoto that we commit to the binding and realistic target of returning to emissions of 1990 levels between 2008 and 2012.⁸⁰

The similarity between the UNFCCC and the Kyoto Protocol is that the U.S. did not its responsibility to be included in either. That meant that the U.S. going to Kyoto still had major reservations. In his speech, Clinton acknowledged the U.S.'s responsibility for reducing emissions because it is the largest emitter of greenhouse gases

⁷⁹ Clinton's Speech to the National Geographic Society. Oct. 22, 1997, Washington, D.C. www.usembassy-israel.org. U.S. Embassy in Israel website.

⁸⁰ Ibid.

and it uses 25% of the world's energy. However, he was strongly confined by U.S. Congress, which has not recognized the same U.S. responsibility.⁸¹

The Kyoto Conference, December 1-11, 1997, produced the Kyoto Protocol in which the U.S. agreed to reach a 7% reduction of its emissions below the 1990 levels between 2008-2012. In return for the U.S. promise of that reduction, other states reached a compromise where the European Union would reduce by 8%, Japan by 6%, and 20 other states agreed to reductions that put developed states at a 5.2% reduction.⁸²

However, in March 2001, the U.S. backed out of the Kyoto Protocol. President Bush backed away from his campaign promise to regulate carbon dioxide emissions, and in June of that year he gave an address on the global warming issue summarizing his administration's new policy towards the subject. In that address, Bush called the Kyoto Protocol "fatally flawed in fundamental ways."⁸³ He believes Kyoto is not sound policy. Although he says he recognizes the responsibility of U.S. emissions, Bush remained focused on other countries' emission reductions and said,

We recognize the responsibility to reduce our emissions.
We also recognize the other part of the story -- that the rest
of the world emits 80 percent of all greenhouse gases. And

⁸¹ On July 25, 1997, the 105th Congress passed unanimously (95 vote for, 0 against) a resolution (S. RES 98) sponsored by Senator Robert Byrd of West Virginia and cosponsored by 64 additional senators including Chuck Hagel. The resolution is known as "Expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change," and also known as the Hagel-Byrd Resolution. It declared the United States should not be a signatory to any protocol to, or other agreement regarding, the United Nations Framework Convention on Climate Change of 1992, at negotiations in Kyoto in December 1997 on the bases that it would harm the U.S. economy. In addition, the House of Representatives produced H.R. 3807 which aimed at prohibiting the use of Federal funds to implement the Kyoto Protocol to the United Nations Framework Convention on Climate Change. It was sponsored by Joe Knollenberg in 1998, and was referred to subcommittee on Health and Environment. More information on S. RES. 98 and H.R. 3807 can be found at on the Internet at the Thomas: Legislative Information on the Internet Website, a service of the Library of Congress, at <http://thomas.loc.gov>.

⁸² Brown, 35.

⁸³ White House Press Service. "President Bush Discusses Global Climate Change." June 11, 2001.

many of those emissions come from developing countries. This is a challenge that requires a 100 percent effort; ours, and the rest of the world's. The world's second-largest emitter of greenhouse gases is China. Yet, China was entirely exempted from the requirements of the Kyoto Protocol. India and Germany are among the top emitters. Yet, India was also exempt from Kyoto. These and other developing countries that are experiencing rapid growth face challenges in reducing their emissions without harming their economies. We want to work cooperatively with these countries in their efforts to reduce greenhouse emissions and maintain economic growth.⁸⁴

The case study on the global warming and climate control showed how several international organizations were responsible for making the world aware of the dangers of global warming. They held conferences and explained how an endangered environment was a result of human activity. They brought together nation-states in an attempt to reach an agreement on climate control. The U.S. would not support the UNFCCC unless it contained the U.S. requirements, and the U.S. was not supportive of the Kyoto Protocol. The U.S. is the largest emitter of greenhouse gases, and the Kyoto Protocol will not be effective without U.S. support. The U.S. needs to support the global warming and climate control regime in order for it to be most effective. Both Presidents Clinton and Bush have voiced their concern over the problem, but the U.S. does not want to accept the economic consequences, which would consist of forcing businesses to curb their emissions or find alternative ways to decrease greenhouse gas emissions. The next chapter will discuss some of the ethical and policy debates regarding the inclusion of environmental policy into foreign policy.

⁸⁴ Ibid.

CHILD SOLDIERS

International Impact

Another humanitarian effort that has recently come into the international spotlight is the use child soldiers. The case studies on landmines and global warming were valuable because they provided evidence of the roles of organizations as regime creators and the need for the hegemon to be a regime monitor. The child soldiers case is interesting because it is one that has had many recent developments concerning the involvement of the United States and its recent ratification of the regime's treaty. It represents a case that is useful in its predictive value. As we will see, the U.S. was not involved in its creation, but it has recently signed the regime's main treaty. The advancements made in the future in the child soldiers case will be ones to watch closely because the effects of the hegemon ratifying the treaty should emerge.

The issue of child combatants is not an issue that has received as much attention as the campaign to ban landmines, but the effort to stop the use of child soldiers is also one that is strongly advocated by many nongovernmental and international organizations, including most prominently UNICEF and Human Rights Watch, because of its effects on the innocent. Children as soldiers are seen as a human security issue because it is very disruptive to and repressive of the patterns of life for these children. Child soldiers are part of a widespread problem. Presently, as many as 250,000 children under the age of

18 are serving in government forces or armed rebel groups and an estimated 300,000 are currently serving in armed conflict.⁸⁵

Child soldiers are being used in more than 30 countries worldwide. In Liberia, an estimated 10% of 60,000 combatants in the civil war beginning in 1989 were children. In El Salvador, children composed 20% or more of the Fuerzas Armadas de El Salvador. In Afghanistan, 10% of the Mujahadeen are comprised of children under 16 years old. Countries where illiteracy is high tend to have higher percentages of children fighting in wars. For example, in Afghanistan, it is believed that 90 per cent of the children do not have access to schooling, and recently the number of child soldiers has risen from 30 to 45 per cent.⁸⁶ And most outstandingly, in Palestine, 70% of children are believed to have participated in acts of political violence.⁸⁷

Child soldiers are a matter of personal security. The psychological and physical effects are tremendous and this is what has spurred international action by NGOs on the issue. In addition, many of the children are fighting in opposition groups, but some government militaries consist of child soldiers. Children are easily manipulated and are emotionally immature, and they often find it difficult to understand or resist the situation they are in. In terms of physical effects, the children who resist are often further brutalized. The rationale behind it from the military perspective is to numb the children so they might someday be able to commit the same acts on other humans. The forced recruitment uses brutal methods in order to weaken their resistance.⁸⁸

⁸⁵ Human Rights Watch. <http://www.hrw.org/campaigns/crp>

⁸⁶ Ibid.

⁸⁷ Mike Wessells, "Child Soldiers," in Annual Editions: World Politics 98/99 (Connecticut: Dushkin/McGraw Hill, 98/99), 221.

⁸⁸ Ibid., 222.

In addition to physical effects, psychological effects are often observed in these children. The effects can last a lifetime, with children experiencing nightmares, flashbacks, and suffer from a sense of helplessness.⁸⁹ The healing process is slow and sometimes seen as impossible. People who have been victims of violence often become the ones to perpetrate violence later in life. Some psychologists and psychiatrists have written off groups of traumatized children as “lost generations.”⁹⁰

Many communities that glorify war teach children at an early age to view military activity as glamorous. Wessells addresses the type of society that advocates children soldiers, “A society that mobilizes and trains its young for war weaves violence into the fabric of life, increasing the likelihood that violence and war will be its future.”⁹¹ This offers a prediction of what is likely to happen in a society that endorses the use of child soldiers if the problem is not addressed internationally.

The Convention on the Rights of the Child

There are steps being taken towards eliminating child soldiers. The Convention on the Rights of the Child is the main agreement that has been produced by the regime. Its goal is to take all feasible measures to ensure that children under fifteen do not take a direct part in hostilities. The Convention also prohibits states from recruiting anyone under 15 into their armed forces. This Convention has been signed by 109 states.⁹²

⁸⁹ Ibid., 220.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Human Rights Watch. <http://www.hrw.org/campaigns/crp/ratifications.htm>

There also have been large efforts to raise the minimum age from 15 to 18. An overwhelming number of states would like to make 18 the minimum age, but there is opposition to this new movement. The United States has led the lists of countries opposing this move, followed by Cuba, Israel, Pakistan, and the United Kingdom. However, the United States has been the only nation who did not want to accept an age limit higher than 17.

History of U.S. Opposition

Once again, the United States had been seen as blocking efforts that are generally supported internationally. According to Human Rights Watch, the United States had been “single-handedly” blocking efforts to eliminate child soldiers worldwide.⁹³ The U.S., supported by the UK and the Netherlands, worked to prevent an outright ban on using child soldiers. In addition, many other governments, including Australia, Austria, Belgium, Finland, Germany, Hungary, Ireland, Luxembourg, New Zealand, Portugal, San Marino, Sweden and Turkey, endorsed the U.S. position.⁹⁴

The U.S. did not want an outright ban because the United States accepts 17 year olds as voluntary recruits into the military with parental permission, and it did not want the age to be raised to 18. Essentially, the U.S. has opposed efforts to establish eighteen as the minimum age for military service, citing its own recruitment policies. However, 17 year olds in the United States Army make up less than one half of a percent.⁹⁵

⁹³ Thalif Deen, “U.S. Blocks Move to De-Mob Child Soldiers.” Inter Press Service, 1997.

⁹⁴ Amnesty International. “USA leads in Blocking Efforts to stop use of Child Soldiers” <http://www.web.amnesty.org>. 10/26/01.

⁹⁵ Human Rights Watch. <http://www.hrw.org>

There are several reasons why many countries were pushing for the age to be 18. First, the Convention on the Rights of the Child defines a child as being anyone under age 18. In many countries, being age 18 signifies many rights, such as voting age, purchase of alcohol, and some types of employment. The nations believed that establishing that age as the minimum would be consistent with other norms.

The use of child soldiers violates norms followed by the international community. There is much criticism regarding the question of raising the limit if standards are often ignored anyway. However, the higher limit will at least protect the younger children who are fighting. Because some armies have 13 year olds passing as 15 year olds, the new Protocol will not allow those armies to pass off 13 year old children as 18 year olds as easily. This is why there is a push to raise the age limit from 15 to 18.

Recent Developments

The U.S. had opposed the Optional Protocol to the Convention on the Rights of the Child until July of 2000 when President Clinton agreed to sign it, making the U.S. one of the first countries to do so. The U.S. dropped its objections during the Protocol's final round of negotiations in January of 2000⁹⁶ because under the new Protocol the U.S. recruitment practices will not be affected. The provisions made in the Protocol now allow for the voluntary recruits of children under eighteen years of age. The Optional Protocol:

“establishes eighteen as the minimum age for direct participation in hostilities, for compulsory recruitment, and for any recruitment or use in hostilities by non-governmental armed groups. However, it allows

⁹⁶ Human Rights Watch. “Clinton Hailed for Signing Ban on Child Combatants.” <http://www.hrw.org>

government forces to accept voluntary recruits from the age of sixteen, subject to certain safeguards including parental permission and proof of age.”⁹⁷

However, as of February 2001, the U.S. Senate still had not ratified the Protocol, and President Bush had been urged to show leadership and support the ratification of this Protocol.⁹⁸ The U.S. was one of eighty-seven countries to have signed the Protocol, but the U.S. had not ratified it yet.

The fact that the U.S. had still not yet ratified the Protocol was problematic. The ratification process in the United States had been short-circuited because of hold ups in the U.S. Congress. In the U.S. Congress, Senators were focusing on the fact that the convention outlaws capital punishment for anyone under 18. Because of lack of awareness by Americans on the issue, there had not been very much public debate and discussion about child soldiers. This was seen as one of the biggest obstacles in getting the U.S. to ratify the Protocol.⁹⁹

Over 50 non-governmental organizations, 38 retired army officers, and 63 members of Congress had sent letters to the White House in attempt to urge the U.S. to ratify the Protocol. UNICEF and the UN High Commissioner for Human Rights supported 18 as the minimum as for participation in conflict. Other NGOs such as Amnesty International supported the age stipulation as well. Again, we can see here how NGOs were important in their role as promoter. In this case, lobbying the U.S. government was one way they tried to push the cause.

⁹⁷ Ibid.

⁹⁸ Human Rights Watch. “Bush and Senate Must End the Use of Child Soldiers.” <http://www.hrw.org>

⁹⁹ Wessells, 224.

On December 23, 2002, the U.S. ratified the Treaty to Ban Child Combatants (formerly known as the Optional Protocol). When this occurred, Human Rights Watch's Jo Becker was one of the first to say that the U.S. ratification of the treaty will enable the United States to exert real leadership in ending the use of child soldiers around the world.¹⁰⁰ Becker is quoted as saying, "As the world's major military power, the United States can really make a difference on this issue."¹⁰¹

How is U.S. ratification going to affect the treaty? Because the U.S. ratification is so recent, occurring just in December 2002, it is still too early to see the effects this has on other states, although it is predicted that a lot of countries will now move to ratify as well. The U.S. has the opportunity to take on a leadership role, and it is plausible that more states will join the Treaty also. This is a very significant turn of events because the U.S. is now in a position where it has supported the values of the child soldier regime, and this has a chance at being a truly successful regime if the U.S. maintains the regime. Table 3 below shows the countries that supported the U.S. in its original position of an outright ban on all child soldiers. Now that the U.S. has ratified, these are some of the countries we should be keeping an eye on in order to see what their next move will be.

¹⁰⁰ Human Rights Watch. "U.S. Ratifies Treaty Banning Child Combatant." <http://www.hrw.org>. December 23, 2002.

**Table 1: U.S. Supporter Signatories and Ratifications of the Optional Protocol
As of January 2, 2003¹⁰²**

Country	Signature Date	Ratification Date
U.K.	Sept. 7 2000	No
Netherlands	Sept. 7 2000	No
Australia	Oct. 21 2002	No
Austria	Sept. 6 2000	Feb. 1 2002
Belgium	Sept. 6 2000	May 6 2002
Finland	Sept. 6 2000	April 10 2002
Germany	Sept. 6 2000	No
Hungary	Mar. 11 2002	No
Ireland	Sept. 7 2000	Nov. 18 2002
Luxembourg	Sept. 8 2000	No
New Zealand	Sept. 7 2000	Nov. 12 2001
Portugal	Sept. 6 2000	No
San Marino	June 5 2000	No
Sweden	June 8 2000	No
Turkey	Sept. 8 2000	No
*U.S.	July 5 2000	Dec 23 2002

As demonstrated in other cases as well, the U.S. is often reluctant to participate in human rights treaties. We know that the threat to the U.S.'s own military recruitment policies was the reason why the U.S. did not support the original version of the treaty, which aimed to ban all child soldiers. The U.S. decided to sign the treaty because it was amended to include voluntary recruits. The decision to ratify was largely based on the

¹⁰¹ Ibid.

fact that U.S. recruitment policies would not be compromised as much as they were original thought to be. The treaty bans the use of child soldiers under 18, but it does not establish 18 as the minimum age for voluntary recruits. We can see that the change contributed to the U.S. decision to ratify the treaty. The treaty would not infringe upon the sovereignty of the U.S., and therefore, it chose to endorse it.

Can this be seen as U.S. support towards a human rights regime? On the surface, it is likely that it will be seen this way. Human rights activists have spoken out and said that U.S. ratification will serve as a symbol of U.S. leadership on the issue. The U.S. is in support of the treaty, and I predict that other states will sign in the future as a result. It is the argument of this thesis that U.S. support will strengthen these human rights campaigns. However, the idea that the U.S. will be a leader or initiator of other efforts outside the child soldier regime is unlikely. The child soldier issue is not like landmines where the U.S. is a major user of landmines and is the world's greatest military power and signing the treaty would make a clear difference or like the environment where the U.S. is a major emitter of greenhouse gases. However, it is the only case that the U.S. has now endorsed, and following the future success of the Treaty is necessary in order to track how much U.S. influence will play a part in the decision of other states to join the ban on child soldiers.

¹⁰² Information gathered from the Coalition to Stop the Use of Child Soldiers. <http://www.child-soldiers.org>

CASE EVALUATION

A proper conclusion to this chapter requires an analysis of what the case study means for the overall argument of this thesis. Do the case studies support the theory? What are the implications of the study for the theory? What can be concluded about regimes and cooperation in the international system?

One thing that should be noted outright is that each case is unique. However, there are some general inferences that can be made from the study of the three together. Overall, there are four main conclusions that can be drawn from the evaluation of the cases: organizations and individuals can cooperate to create a regime and promote certain standards and values of an issue, but a hegemon is needed for implementation of these values; cooperation can *exist* without the hegemon facilitating it because states will do what is in their best interest even if it means cooperating in order to do so, but the regime will be weak without the hegemon as a result; the U.S. is very reluctant to support human rights and environmental campaigns; and U.S. support or leadership would strengthen any of these projects considerably. This can be seen in the facts that the U.S. emits 25% of the world's total greenhouse gas emissions. A treaty on global warming would be strengthened if the U.S. was a participant and supporter. In addition, the U.S. has the most powerful military in the world and continues to use landmines. Therefore, a treaty on stopping all usage of landmines should involve the U.S. in order for it to be the most effective.

The first and second conclusions are connected because they address the issue of cooperation and regime formation. This is where my argument differs from hegemonic

stability theory. As recalled from the first chapter on theoretical perspectives, one of the general critiques of hegemonic stability theory is that cooperation is impossible without a hegemon. In light of the case study, it is clear that campaigns, such as the ICBL, were formed from the efforts of individuals and organizations. It was these groups and NGOs that brought issues to governments. Although hegemonic stability is a widely-accepted theory, the case studies showed how the hegemon is not a condition in establishing a regime, although it is an important part of the maintenance phase.

However, after researching human rights and the environment and investigating all of the individual cases, it is my conclusion that there is a significant social element in regimes (that hegemonic stability theory does not address because it is a realist approach, which rejects that organizations and individuals can play an important role in the international system) that cannot be overlooked. Researching the cases was how I came to my conclusion, which has led me to argue that regimes are social institutions, which contributes to their the ability to form the norms of a regime. Organizations and individuals contribute greatly to regimes by working to bring together collectively held values. They consolidate values that are believed to be commonly-held, thus emphasizing a social role in regime formation. The concept of regimes as social institutions is one of the things hegemonic stability theory does not address.

It is also my finding that that the hegemon is necessary for making the regimes ultimately successful, especially in monitoring regime standards and rules through treaties in the international system. This component of the argument is consistent with hegemonic stability theory because the theory asserts that the rise and fall of regimes is dependent upon hegemonic support. When it comes to implementing the rules of a

regime, organizations and individuals are extremely limited because of the environment of the international system. The U.S. is needed in this aspect. For example, when international human rights regime was discussed in Chapter II, it was noted how the UN was important in advancing the idea that human rights are of importance¹⁰³ and how they were effective at promoting human rights, but we also saw how it is limited in the ability to monitor those standards. It is left up to states to do that, and according to my argument, the hegemon.

Recalling the three models of human rights (the cosmopolitan, statist, and internationalist) falling on a continuum ranging from individuals on one end and states on the other end helps conceptualize my argument. The internationalist model claims states only have limited restrictions imposed upon them by other actors. The world community, as internationalists see it, is made up of the society of states and is broadened by the inclusion of nongovernmental organizations and individuals.

By taking an internationalist approach, we can see how individuals and organizations can enhance the international community. Their role should not be understated or overstated. This allows for the argument that organizations and individuals can assist in regime formation through social construction, but they are limited in being effective monitors of a regime. In this case, organizations and individuals were the initiators of the creation of the ICBL, the Treaty to Ban Child Combatants, and the Kyoto Protocol. However, states are vital because it is left up to states to implement and monitor these ideas. This is how we can understand the creation of the ICBL without the hegemon leading the operation. At the same time, we definitely can see the importance of the hegemon in supporting the values and monitoring the

¹⁰³ As shown in the Universal Declaration of Human Rights.

standards put together by other actors. In supporting the human rights and environmental values the U.S. sets an example. The U.S. is already involved in these issues because of its size and position in the world. It emits the most greenhouse gases and uses unethical weapons. In addition, their role in monitoring the regimes is important as well. If the U.S. supported the treaties, then it could also set an example in following the rules that have been set. Saying that cooperation is absolutely impossible is too extreme because we see how the ICBL was created and how many countries have been signatories to or ratifiers of the treaty to ban landmines. It is not the coordination that is impossible without the hegemon, but the implementation and effectiveness of the project that hinges upon leadership of the U.S.

The third conclusion is that the U.S. remains very reluctant to sign treaties concerning human rights or the environment. In the case where the U.S. was a ratifier of the treaty, the child soldiers campaign, there was a strong emphasis on how the treaty would conform to or go against the U.S.'s self-interest. In the end, the U.S. agreed to ratify the Protocol because it would not be a great encroachment on U.S. policy. It is possible that the U.S. will never sign the treaty to ban landmines because there was no change to accommodate U.S. weapons policy. The main question that the next chapter will tackle is how to get the U.S. to see human rights or the environment as a part of its interest. It will be discussing the role of the public and its commonly-held values and the recommendation of a foreign policy that includes human rights. This is an important question because the future of human rights and environmental regimes is dependent upon a U.S. contribution. It addresses the ethical side of foreign policy and examines a possible role for human rights and environmental policy within foreign policy.

Finally, the last conclusion drawn from the case studies is that U.S. involvement would strengthen any one of these campaigns. This is critical to the thesis that success of the human rights campaigns discussed is dependent upon whether or not they are supported by the hegemon. In the example of landmines, if the U.S. were to sign and ratify the treaty to ban landmines, this would have a great impact because the U.S. would agree to stop using anti-personnel landmines. The result would be extremely substantial because the greatest military power in the world would agree to stop using them. Although it could be argued that simply because the U.S. signs an international agreement does not guarantee that the U.S. will abide by the regulations, it would be a step in the right direction if the U.S. did sign. In addition, the goal is to get the U.S. to not only sign them for face value, but to actually get to a point where these goals are a higher priority. This is not the case now because the U.S. does not want to give up the military utility of using these weapons. In the case of child soldiers, the U.S. has signed on and we can speculate how this will have an impact on other countries that are considering ratifying the Protocol. The progress will be followed in the months to come. In the case of the Kyoto Protocol, the effect of the U.S. signing the treaty would be great because the U.S. is a large emitter of greenhouse gases. Influence on other countries' reductions would be possible. We can predict this because we saw that when the U.S. agreed to a 7% reduction, other states were believed to compromise and agreed to reduce their emissions as well. Even though it is not totally certain that their actions were a result of U.S. policy because the deal ultimately failed, the fact that these compromises are possible should be incentive for the U.S. to try to reach them more often. The U.S. does have leadership capabilities and that is what is being tracked in the child soldiers

case. The U.S. has now signed the Protocol and we will be looking closely to see how this has an impact upon the decisions of other states to sign the protocol as well.

The argument that these treaties can be highly successful without the support of the U.S. is not valid because the impact the U.S. would make upon these issues if it were a leader would undoubtedly be enormous. For example, without the U.S. the Kyoto Protocol includes states with emissions totaling 43.7%.¹⁰⁴ If the U.S., with 25% of the world emissions ratified the Protocol, then a larger majority of the emissions would be targeted for reduction. In addition, the argument that U.S. support would greatly affect a treaty is also especially evident in the literature on the landmine issue. One could argue that the landmine regime can be effective without U.S. support. However, that theory overstates the capabilities and power of organizations and individuals, and underestimates the role of the hegemon. Some activists in the landmine case discussed how a country not bending to the U.S. request to redefine terms in order for them to fit to U.S. standards was a great achievement and success. It is true that the landmine treaty would have not been as encompassing in which weapons it banned and it would have defeated the purpose of banning mines if the U.S. anti-personnel landmines were not included. However, I feel they are missing the overall point, and that is how much more effective the projects would be with U.S. support. That is not to say that the U.S. weapons should have been exempt in order to include the Americans in the treaty, but an important goal should be to find a way get the U.S. policies and the human rights issues integrated. Ninety thousand anti-personnel landmines are being stockpiled by the U.S. in the Persian Gulf region, and if the U.S. agreed to sign the Mine Ban Treaty and actually stopped the use and stockpiling of them, then it would be 90,000 less that would be a

potential threat to the innocent. Organizations and individuals are limited in the progress they can make because it is ultimately left to states to implement the policies, and if the world's hegemon is not implementing them as well, then this is a major factor in their potential success. The question is how to get the U.S. to this point of including human rights and the environment in their policies, and the next chapter will be discussing this idea in detail.

¹⁰⁴ UNFCCC website. <http://www.unfccc.org>

CHAPTER IV:

PROSPECTS FOR FUTURE PROTECTION OF HUMAN RIGHTS AND THE ENVIRONMENT

INTRODUCTION

Up to this point, this thesis has examined theories of the roles of actors in international regimes, the background and developments of the human rights and environmental regimes, and has considered cases that have shown that the U.S. has not been supportive of specific campaigns in the two areas. It had been argued throughout this thesis that U.S. support is needed in order for a regime to be fully effective because of the restrictions placed on organizations, and we clarified that it has a vital function in implementing and maintaining the values of a regime. Specifically, Chapter III showed three current treaties, whose maintenance is much more difficult without the support of the hegemon. Because it is being argued in this thesis that the U.S. is needed to make these projects successful, an appropriate final chapter is one that discusses how the U.S., under the current administration and beyond, can get to a point where it feels human rights and environmental concerns are more important. It will be argued throughout this chapter that the only way the U.S. government will pursue a more active role in human rights and environmental protection is if the electorate becomes more aware of these issues and pressures the government to act ethically and take responsibility for its actions. Public opinion should play an important role in foreign policy because the government leaders may be less likely to pursue a course of ethics based foreign policy without the

support of its citizens. Two recommendations will be made for U.S. foreign policy: the U.S. should express accountability for its actions in issues such as landmines and global warming, which would assist in building credibility behind the U.S. assertion that it is conscious of human rights, and the U.S. should frame its attitudes toward human rights in terms of international law and standards that are universally created. It will also support tools of ensuring compliance of international standards, such as the linking human rights with trade negotiations, which was attempted by President Clinton in trade discussions with China.

This final chapter focuses on two major questions: 1) what would need to be changed in order to get the U.S. to support human rights and develop a strong regime? and 2) how would human rights and the environment likely be protected if the U.S. was not the hegemon? Speculation on these two issues is important because it addresses the future outlook for human rights and the environment. These fields are two of the most debated subjects in international politics, and this chapter serves to explain why it is difficult to solve either of these problems and what would be necessary for them to become a higher priority.

The prospects for human rights and the environment, with things remaining the way they are, are not promising. The U.S. has been focused recently on breaches of its own security and security threats to the international community. Although linking foreign policy with human rights was a cornerstone of the Clinton administration, that was never fully realized. The Bush administration has been seemingly focused on the drawbacks to any agreements on climate change. In addition, the two congressional resolutions examined in the last chapter were against any funding for either the UNFCCC

or the Kyoto Protocol. Now the Bush administration has backed out of the Kyoto Protocol all together. Although the U.S. has ratified the Optional Protocol to the Convention on the Rights of the Child, it has not confronted the Mine Ban Treaty. The argument of this chapter is that it is possible for the U.S. to include a dimension of ethics in its foreign policy. This does not necessarily mean defending human rights everywhere, but it does mean accepting responsibility for some of its actions such as using unethical weapons and contributing to the problem of global warming.

U.S. FOREIGN POLICY AND HUMAN RIGHTS/ENVIRONMENT

As mentioned in previous chapters, the ethical debate surrounding human rights focuses on prescribing a foreign policy in which protecting human rights is a goal. This section will briefly lay out the realist and liberal theories regarding human rights and foreign policy and how states should act. It will also discuss how some theorists have tried to synthesize a realist foreign policy with an ethics-based policy into one, and the discussion that will follow considers how ethics can be incorporated into U.S. foreign policy. It will be argued in this chapter that a change in the U.S. government's attitude towards human rights and environmental protection must come from within. The American people, the electorate, need a unified voice that will urge the government to make serious changes that would involve the U.S. being more supportive of these two areas. Although global public opinion is important, an internal change involving the domestic public would likely produce the best results because governments are responsible to their own citizens primarily. The next section will briefly discuss how

Americans have supported the protection of humanity, and this provides a basis for the argument that Americans do feel a sense of obligation.

One major theme that has permeated American thinking about the world is that the U.S. has an obligation to better the lot of humanity.¹⁰⁵ Although some ethical arguments claim that the U.S. has always been dedicated to protecting humanity, history shows there have been “cyclical romances with the notion of responsibility for the rights of extranationals.”¹⁰⁶ What does that responsibility consist of and how far is America willing to go to protect universal human rights and the environment? There have been varying debates within the U.S. to determine what that obligation consists of. According to Brands, two branches, the exemplarists and the vindicationists, have stemmed from this belief that the U.S. has this obligation to humanity. Both schools of thought support U.S. example-setting in order to promote democracy and freedom world-wide, but the vindicationists believe in taking it a step further and assert that sometimes force must be used to set a good example. These two schools have been competing against each other at different points in U.S. history.

Regardless of which school has been more prevalent in U.S. history, they both have supported promotion of its values abroad, one of which is dedicated to bettering the lot of humanity. There are some things we can point to that show the U.S. conduct that put the idea of human rights into the minds of Americans. For example, as we know from the chapter on the U.S. and the human rights regime, the U.S. was originally involved with the creation of the regime following World War II. Also, U.S. conduct

¹⁰⁵ H.W. Brands, What America Owes the World: The Struggle for the Soul of Foreign Policy (Cambridge: Cambridge University Press, 1998), vii.

¹⁰⁶ Jack Donnelly, Universal Human Rights in Theory and Practice (Ithaca, NY: Cornell University Press, 1989), 236.

abroad put human rights into the mind of Americans at home. Holsti contends that the Vietnam War had a significant impact on how Americans thought about foreign policy.¹⁰⁷ It contributed to a heightened interest in the role that human rights values should play in America's relations with its allies and its adversaries. In more recent times, Americans have been more affected by the U.S.'s humanitarian interventions into Somalia, Bosnia, Kosovo, and Haiti. Many questions have arisen from these attempts. They lead us to wonder how public opinion can influence U.S. foreign policy, if public opinion can make a difference in policy, and if human security will ever constitute a direct interest of the U.S.

In order to decipher what role human rights can play in foreign policy we need to look at the theoretical debates. It may appear that addressing the issue of human rights and foreign policy is really two distinct issues: the role of public opinion in foreign policy making and human rights as a foreign policy goal. But as Holsti argues, these are really two linked issues. The amount of attention placed on human rights by the public could have an effect on foreign policy. Both schools of thought hold divergent views of the appropriate role of public opinion and the weight that should be placed on human rights in relations with foreign policy.

Public Opinion and Foreign Policy

Public opinion should have effect on foreign policy decision-making. This is supported by the liberal tradition (going back to Immanuel Kant and Jeremy Bentham

¹⁰⁷ Ole Holsti, "Public Opinion on Human Rights in American Foreign Policy." In The United States and Human Rights: Looking Inward and Outward, ed. David P. Forsythe (Lincoln, Nebraska: University of Nebraska Press, 2000), 131.

which was furthered by Woodrow Wilson), which asserts that democracies are more peaceful, in part, because the public can play a role in constraining policy makers. It is difficult for the U.S. government to ignore the concerns of its citizens, and if human rights are one of the concerns, then they have a greater chance of being included in decision-making. The argument is based on the idea that if the people are united and a belief is popular, then it could have a potential impact upon foreign policy.¹⁰⁸ According to the paradigm of liberalism, what the people want as objectives could have a great impact upon foreign policy aims. For example, if the U.S. electorate were to voice its collective concerns about human rights (regarding either landmines or child soldiers) or the environment (the UNFCCC or the Kyoto Protocol), then the government could be convinced that it needed to do something in order to appease the public.

Public Opinion and Human Rights/Environment

Continuing with this related line of inquiry, a correlation between public opinion and human rights must be made. Realists fear the public being volatile, and they also fear that the public, aroused by vivid television presentations about gross human rights violations in some country of no vital national interest, will press Washington to

¹⁰⁸ Examining theories on national values and ideology offers a related dialogue regarding the public and foreign policy. Articles such as Samuel Huntington's "American Ideals versus American Institutions" emphasize the existing gap between what the American people want and what American Institutions actually reflect. Another essay is Tony Smith's "National Security Liberalism and American Foreign Policy," in which Smith argues that the ethical roots of national security liberalism is found in political and religious beliefs, but is also a doctrine of self-interest. This article is discussed in more detail in this chapter when addressing possible ways of incorporating the ethical dimension of human rights with foreign policy. Tony Smith, "National Security Liberalism and American Foreign Policy," In American Foreign Policy: Theoretical Essays 4th Edition, ed. G. John Ikenberry (New York: Longman, 2002). Samuel

undertake a costly and ill-fated intervention at the risk of major losses. Although this thesis does not directly address interventions, many equate an ethics-based foreign policy with humanitarian interventions. Because realists believe short-term interests and emotions often drive the public, they advocate the public play a limited role in considerations when creating foreign policy. In addition, some realists are reluctant to believe that a consensus could be reached on human rights and a regime would not be possible. Others believe that a regime does not have an influence in international affairs.

However, it must be acknowledged that there is a consensus on the definition of human rights. The Universal Declaration of Human Rights, the International Covenants, and other treaties and institutions have produced international standards supporting the commonly-held values on human rights. Even though this thesis has argued that the Universal Declaration has only a promotional value, it is true that it has helped put together the idea that human rights are a justifiable concern for the international community. A consensus has been created in the international community in the area-specific regimes that were examined. There is a large consensus on the Mine Ban Treaty, and the great majority of the world's nations are supporters of the Treaty. In the environment regime, we saw the number of states that started supporting a treaty for climate change control growing in the 1980s and in the 1990s with the Earth Summit and the UNFCCC and now with the Kyoto Protocol.

In addition, evidence of public opinion regarding human rights and environmental protection must be examined. According to Holsti, the high point for the public in prioritizing human rights as a foreign policy goal occurred in 1990, just a year after the

Huntington, "American Ideals Versus American Institutions," in American Foreign Policy: Theoretical Essays 4th Edition, ed. G. John Ikenberry (New York: Longman, 2002).

Berlin Wall had come down, when 58 percent of the general public rated human rights abroad as a “very important” goal.¹⁰⁹ However, human rights as a goal was rated behind other objectives regarding national security. In a study conducted in 1996, only 25% of respondents said the U.S. should avoid using economic sanctions to promote and defend human rights.¹¹⁰ According to Holsti, the general public has remained consistent in rating environmental protection as “very important,” but the view among leaders has been inconsistent.¹¹¹

To this point, domestic public opinion has been addressed, but also global opinion could have an impact upon U.S. policy. The issue of credibility has been raised earlier, and it is important in this discussion. The U.S. has been better at producing human rights rhetoric than implementing meaningful human rights policies. This has affected the credibility of U.S. human rights policy.¹¹² The pressure of the global public is important because it could play a part in pressuring the hegemon to act ethically.

Human Rights/Environment and Foreign Policy Objectives

It will always be difficult to get the U.S. to view human rights as a proper objective for foreign policy, as was demonstrated in Holsti’s analysis of studies on human rights as a foreign policy objective. Other states sign human rights and environmental agreements because they may have different foreign policy objectives than the U.S. This may be due to the fact that the public plays more of a role in those states and the public

¹⁰⁹ Hosti, 141.

¹¹⁰ Ibid., 169.

¹¹¹ Ibid., 145.

¹¹² Stork.

urges the government to take action. It could also be due to the fact that different states pursue different foreign policies because governments have different degrees of insulation, thus affecting how public opinion could potentially have an impact upon government decisions. In the case of the U.S., even though human rights promotion reached a high in the early 1990s, it still came behind other security issues. U.S. reluctance to fully support human rights is due to two related things: the realist concept of self-interest and the possible limits on sovereignty that signing treaties can impose.

The U.S. reason for not signing the Mine Ban Treaty is based on the idea of self-interest. Because the Treaty bans weapons that the U.S. military uses and receives utility from, the U.S. does not want to give up its right to use them. In addition, the U.S. does not want to sign the Kyoto Protocol because of the effects it could have on its economy. Reducing its greenhouse gases to curb global warming is costly and creating a solution to climate change control takes a back seat to economics for the U.S. self-interest.

For realists, effective foreign policy should be focused on the tasks of influencing the international behavior of other states, without taking on the added burden of judging and seeking to reform domestic institutions and practices as well. The self-interest for realists is solely based on power. Although classical realism did contain the conception that it was moral to carry out the national interest, ethics-based foreign policy today means doing “the right thing” to protect humanity even when it may not be in the immediate interest for one to do so. The principles of state sovereignty and noninterference in the internal affairs of other countries are pillars in the realist argument against human rights in foreign policy. This reflects exemplarists,¹¹³ who believe that in the long run, every nation has to solve its own problems itself. In addition, realists

believe there is an absence of accepted standards in human rights. They do not believe that common international values exist in the area of human rights, and therefore, it is not appropriate for one country to impose its rules on other countries. Realists suggest that there is an obligation to protect the people at home first and that is the immediate national interest.

Liberals believe the principles of sovereignty and noninterference are not absolute barriers when it comes to violations of human rights. In addition, neoliberal institutionalism stresses pursuing rational self-interest through cooperating within international institutions for mutual gain. The liberal argument focuses less on sovereignty and non-intervention and more on doing what is they believe is right through multilateralism. For liberals, human rights constitutes “the right thing to do” and is consistent with basic American values.¹¹⁴

The reality is that the U.S. has become increasingly focused on issues of national security under the current Bush administration, and the prospects for foreign policy including human rights and environmental protection in foreign policy is dismal. The U.S. has been pursuing foreign policy that is based more on the tenets of realism.

Integrating Human Rights and Foreign Policy

Because the U.S. has neglected areas of human rights and environmental concern and has been pursuing a more power and security based foreign policy, it is necessary to look at theories that try to integrate ethics and foreign policy. This section will address

¹¹³ Brands, vii.

¹¹⁴ Holsti, 135.

an existing theory that asserts realism can be combined with ethics. It will be concluded that realism and ethics are not a natural, but possible, combination. However, we will see that there are some benefits the U.S. will receive from including human rights and environmental considerations in its foreign policy.

The concept of national security liberalism is an attempt at synthesizing realism with moralism.¹¹⁵ In essence, it asserts that human security is a vital interest to which the U.S. should pay closer attention. It contends that self-interest and the morally correct thing to do (in this case a foreign policy supporting human rights and democratic governments abroad) may serve one another more often than most believe. Because national security liberalism (and other ideas on linking human rights and foreign policy) is based on the “morally correct thing to do,” it is an ethical argument. Ethical arguments are based on the idea that people have rights because they are human, and they are rights of all humans.¹¹⁶

The concept of national security liberalism is interesting, but it does not present an entirely persuasive and sound argument. National security liberalism is a set of ideas reflecting the values and interests of individuals and groups predominant over a series of generations in the U.S. The whole idea of national security liberalism is very tempting to accept, in part because its prospects are appealing. It would be ideal if the U.S. had a foreign policy that went after its goals and at the same time was dedicated to protecting every human’s rights everywhere. However, before this synthesized theory is accepted, there are some issues to contend with.

¹¹⁵ Tony Smith, “National Security Liberalism and American Foreign Policy,” In American Foreign Policy: Theoretical Essays 4th Edition, ed. G. John Ikenberry (New York: Longman, 2002), 258.

¹¹⁶ Donnelly, 235.

Because the U.S. is needed in order for human rights and environmental projects to be successful, it is being argued that the U.S. needs to adopt a policy that accepts some responsibility for its actions and addresses some need for ethics in its foreign policy. In order for the projects and agreements that have been discussed in this thesis to be successful the support of the U.S. is needed, and in order for the U.S. to support these agreements there must be an ethical dimension introduced into its foreign policy. This thesis is not advocating an ethical policy that is an all-encompassing ideology, which is the idea behind national security liberalism. For instance, a priority solely on human rights may not always be desirable because it may run counter to more compelling national interests as well as the principles of sovereignty and non-interference in the internal affairs of other states. In other words, it is not likely that self-interests and human rights are *always* compatible. In addition, it is not feasible to extend effective American protection to victims of human rights violations everywhere. In addition to accepting an ethical dimension to its policies, the U.S. should also frame its human rights policy in terms of international law and universally created rules, not solely on American values.¹¹⁷ The U.S. has not formally supported the universal standards (as they are not still have not ratified some primary human rights international covenants), and it is also seen as taking an exceptionalist attitude when it comes to human rights and international law. In order to curb that belief, the U.S. should adopt a policy that is more in tune with the universally accepted standards.

Holsti discusses the promotion of human rights in foreign policy as it is often embedded within a broader cluster of policy preferences, an ideology. Because human rights are a universal right rather than an instrumental tool, meaning that concern for such

¹¹⁷ Stork.

values should be circumscribed by neither politics nor geography, the implication is that the U.S. could get itself caught in areas that it does not want to be caught in if it adopts the ideology that human rights comes with.¹¹⁸ No matter which endeavors the U.S. pursues on an ethical basis, this thesis advocates that the U.S. take responsibility for its actions and start including an ethical dimension in its policy. This does not mean the U.S. should fight everyone's battles and address every single human rights abuse everywhere. The U.S. does not have the will or capability to do that. However, it is capable of accepting some agreements such as landmines and global warming treaties where its actions have caused detriment and responsibility should be accepted. It is also capable of adhering to and promoting the universal human rights standards in which it expressed interest in supporting post-World War II.

In the case of child soldiers, the U.S. did not have a large responsibility for the problem. The environment presents a more clear case for why the U.S. could get involved. The fact that the U.S. has 5 percent of the world's population, but emits over 22 percent of the world's greenhouse gas emissions,¹¹⁹ requires that the U.S. look more closely at its commitment to climate control. The Bush administration claims that it accepts its duty and its part in the problem, yet it does not want to suffer any of the drawbacks. What Bush is not looking at is the possibility of other benefits resulting from signing the Kyoto Protocol. The U.S. is not trusted in areas of human rights or the environment. Countries view the U.S. as using its power to avoid its obligation as the greatest contributor of greenhouse gas emissions.¹²⁰ The U.S. has the opportunity to make a great impact on the regime and influence other countries to follow suit. It could

¹¹⁸ Holsti, 139.

¹¹⁹ Brown, 68.

create a system based on its moral power and would have the ability to influence other countries, and according to Holsti's analysis the general public has remained consistent in its attitudes toward protecting the environment.

Feasibility

Finally, the role of public opinion is very important in how the U.S. reacts towards human rights and environmental concerns. However, sometimes there can be a clash between what leaders want and what the public wants, as was seen in Holsti's analysis on the environment. The general public, when compared to leaders, can be more likely to assign a higher priority to human rights in the conduct of U.S. foreign affairs, especially when the media attention surrounding an issue is high.¹²¹ Public opinion would support some degree of these ethical areas in its policy. As we have seen throughout history, the U.S. does feel it has an obligation to humanity and although this attitude may waver between example setting and force, there is an underlying morality. In addition, Holsti's analysis shows that the U.S. rated promotion of human rights abroad as a "very important" foreign policy goal, even if it came behind other objectives.¹²²

The debate over human rights and foreign policy was more alive during the Clinton administration because Clinton campaigned on the promise that human rights would be a cornerstone of U.S. foreign policy. As an individual, he supported action on climate control. Madeleine Albright, Clinton's Secretary of State, commented, "It is not

¹²⁰ Ibid., 71.

¹²¹ Holsti, 137.

¹²² Holsti, 141.

only the right thing to do, it is the smart thing to do,”¹²³ when discussing trade, human rights, and democracy on a trip to Africa. At the beginning of Clinton’s presidency, there was still time to chart a new direction in foreign policy following the end of containment as a main foreign policy goal after the Cold War. The focus of foreign conflict following the Gulf War moved away from areas of clear U.S. material interest to areas of non-interest.¹²⁴ Instead of pursuing areas that posed a direct interest for the U.S., it got involved in areas where there seemed to be a humanitarian aspect to them as well.

However, the U.S. learned great lessons about humanitarian interventions following Somalia, when the death of its Marines could no longer justify a fight for humanitarian interests. Americans may believe that protecting human rights is a good thing, but Somalia made it rethink its position of defending human rights. The U.S. cannot expect to defend human rights everywhere. The commitment needs to be collective. In doing this, realism and moralism can sometimes be compatible. Realism does not automatically exclude human rights because they are based on ethics, but because they can go against the national interest. In cases where the national interest and the morally correct thing to do coincide, realists are not opposed to pursuing a course of action.

It does not immediately seem plausible for the U.S. to become a full supporter of human rights in all aspects, such as interventions in every human rights abuse case. The change would mean that the public urges the U.S. to accept responsibility for areas such as landmines or the environment. This requires a lot of work for the American public. If an ethical dimension is not included in the way America conducts its foreign affairs, then

¹²³ Smith, 258.

¹²⁴ Brands, 310.

the outlook for the projects discussed in this thesis are bleak. However, it is not an impossible feat to increase awareness on these issues and begin action from within. Organizations such as Human Rights Watch and Amnesty International have reached out to many people and the Internet has provided an easier means of communication between these organizations and the general public.

Another recommendation can be made that would make it more feasible for the U.S. to integrate human rights into its existing foreign policy. Three quarters of the U.S. population is not opposed to using economic sanctions to improve human rights.¹²⁵ The U.S. needs to follow through on the idea to incorporate human rights into trade negotiations. This idea was up raised Chapter III, which emphasized the way in which the U.S. could take on a monitoring role in regime maintenance. It discussed how President Clinton, in 1993, made an effort to link trade benefits to human rights improvements. This is a concept that needs to be used more and followed through on more often. This would also increase the U.S.'s credibility on adherence to human rights standards because the U.S. would not exclude strategically or politically important countries from scrutiny, which has been an area of controversy in the past.¹²⁶ In addition, it would encourage countries with poor human rights records such as China to improve human rights standards to continue trade negotiations with the U.S. There is also the belief that abusive governments will be made to do something about human rights if they are not be "compartmentalized" as such.¹²⁷

¹²⁵ Holsti, 169.

¹²⁶ Stork.

NEW WORLD HEGEMON AND PROSPECTS FOR HUMAN RIGHTS/ENVIRONMENT

This leads to our next question regarding the future of universal human rights. The strength and the power of the U.S. are not everlasting. Even today, we see the emergence of other countries that could be the next hegemon. Although this thesis is not aimed at speculating when the U.S. will decline in power, it acknowledges that it may happen and the future of human rights and environmental protection would be significantly different under a different hegemon. If the U.S. declined in power and another country or bloc of countries were to emerge as more powerful, what would the future look like for human rights? Since it is the argument of this thesis that successful human rights and environmental projects depend on the support of the hegemon in implementing treaties and agreements, it is necessary to look at some of the possible future hegemonic powers. This section sets out to consider China and Western Europe as possible future world powers and infer what kind of impact it would have on these two areas.

The European Union

The idea that the European Union is rising and has the potential to become a world power is based on two factors: its economy and its united voice. The Euro is believed to be threatening the dollar's global dominance, and the EU's annual economic

¹²⁷ Ibid.

output of \$8 trillion was close to the U.S.'s \$10 trillion.¹²⁸ In addition, the united voice of Europe is becoming a stronger voice. With debate on creating a constitution and talk of the possibility of an EU military, the EU is thriving as a whole and is believed to be presenting a potential threat to U.S. hegemony. Human rights and environmental projects would have a greater chance of success under a powerful European Union for a few reasons. The EU has a regional foundation in protecting domestic human rights, it is supportive of international treaties on the areas discussed in this thesis, and it has been an initiator in environmental protection.

First, the EU has attempted to address human rights issues for the citizens of its member states. In recognizing that capitalism and the Internal Market has created some social disparities in its society, in 1989 the EU adopted the Community Charter of the Fundamental Social Rights of Workers (also known as the Social Charter). According to the Preamble, "the same importance must be attached to the social aspects as to the economic aspects" of the single market.¹²⁹ Member states recognize that inequalities are created out of the creation of the Internal Market, and along with the Social Charter the EU has also created the Social Protocol in 1991, which allows the Union to come to "grips with wider ranging problems such as the changes caused by new ways of organising production and work."¹³⁰ Although some believe the Social Charter is not a perfect protection of the rights of workers,¹³¹ it is a substantial step in recognizing the human rights of the citizens of the member states.

¹²⁸ Charles A. Kupchan, "The End of the West," in Atlantic Monthly Online. November 2002. <http://www.theatlantic.com>

¹²⁹ European Union Website. http://europa.eu.int/comm/employment_social/h&s/intro/socchart_en.htm

¹³⁰ Ibid.

¹³¹ The Social Charter did not contain specific legislative proposals for the application of the Charter, although it has acted as a reference point for future development of a social dimension in the EU. In addition, one could argue that the Social Charter has no binding force.

Second, the member states of the EU have also been supporters of international human rights, as demonstrated signature and ratifications of the treaties that were discussed. And third, the EU has been supportive of environmental campaigns. The table below shows the fifteen EU member states and their positions on the Mine Ban Treaty, Optional Protocol to Ban Child Soldiers, the UNFCCC, and the Kyoto Protocol.

Table 2: European Union Member-States and Human Rights and Environmental Treaty Support¹³²

S = Signature
 R = Ratification
 AP = Approval
 AC = Accession

Austria	9/6/00 (S) 2/1/02 (R)	12/3/97 (S) 6/29/98 (R)	6/8/92 (S) 2/28/94 (R)	4/29/98 (S) 5/31/02 (R)
Denmark	9/7/00 (S) 8/27/02 (R)	12/4/97 (S) 6/8/98 (R)	6/9/92 (S) 12/21/93 (R)	4/29/98 (S) 5/31/02 (R)
France	9/6/00 (S) -	12/3/97 (S) 7/23/98 (R)	6/13/92 (S) 3/25/94 (R)	4/29/98 (S) 5/31/02 (AP)
Greece	9/7/00 (S) -	12/3/97 (S) -	6/12/92 (S) 8/4/94 (R)	4/29/98 (S) 5/31/02 (R)
Italy	9/6/00 (S) 6/9/02 (R)	12/3/97 (S) 4/23/99 (R)	6/5/92 (S) 4/15/94 (R)	4/29/98 (S) 5/31/02 (R)

¹³² Information from table gathered from the Appendices and <http://www.unfccc.int>

The Netherlands	9/7/00 (S)	12/3/97 (S)	6/4/92 (S)	4/29/98 (S)
	- - -	4/12/99 (R)	12/20/93 (AT)	5/31/02 (AG)
Spain	9/6/00 (S)	12/3/96 (S)	6/13/92 (S)	4/29/98 (S)
	3/8/02 (R)	1/19/99 (R)	12/21/93 (R)	5/31/02 (R)
United Kingdom	9/7/00 (S)	12/3/92 (S)	6/12/92 (S)	4/29/98 (S)
	- - -	7/31/98 (R)	12/8/93 (R)	5/31/02 (R)

As can be seen in Table 3, the EU stands very united on its stance on environmental policies, reflected by its signatures and ratification of the UNFCCC and the Kyoto Protocol. On child soldiers and landmines, all the member states signed both treaties, but some have not ratified it yet. In addition, it was European countries that initiated negotiation on a global warming treaty. For these reasons, the EU seems to be a power that would be more supportive of human rights and environmental projects and more supportive of the regime in general. Is there reason to believe the EU would change its stance on human rights if it were the hegemon? Currently, it appears that the European Community is moving together as a whole on its policies towards supporting human rights and the environment and there would not be any expected abrupt changes from this policy if the EU became the world power. The EU has issued collective statements on its policies. For example, in the Kyoto Protocol, the European Community issued a collective declaration stating that it will contribute to pursuing the following objectives:

Preserving, protecting and improving the quality of the environment; protecting human health; prudent and rational utilisation of natural resources; promoting measures at international level to deal with regional or world wide

environmental problems.

The European Community declares that its quantified emission reduction commitment under the Protocol will be fulfilled through action by the Community and its Member States within the respective competence of each and that it has already adopted legal instruments, binding on its Member States, covering matters governed by the Protocol.¹³³

China

The U.S. views China as being a possible rising power. During the Cold war it was viewed as a “sleeping dragon” or aspiring “superpower candidate.”¹³⁴ In addition, it is believed that China is not satisfied with the status quo. Because this thesis argues that the hegemon must be involved in human rights initiatives in order for them to be fully effective, we must look at how a powerful China would contribute to the human rights and environmental regimes.

China’s human rights record is often seen as a major concern. China’s relations with the international community took a significant turn with China’s crackdown on its Democracy Movement in June 1989.¹³⁵ Sanctions were implemented to punish China for its gross violations of human rights and the Tiananmen Square events. China’s human rights abuses target four main groups: democracy advocates, labor organizers, religious groups, and members of movements for self-determination.¹³⁶ Since 1990, China has been seen to take more positive actions with the government decision to engage in the

¹³³ Kyoto Protocol list of Signatures and Ratifications. <http://www.unfccc.org>

¹³⁴ Samuel S. Kim, “China as a Great Power,” in Annual Additions: World Politics 98/99 (Guildford, Connecticut: Dushkin/McGraw Hill, 1998), 112.

¹³⁵ Ann Kent, China, the United Nations, and Human Rights: The Limits of Compliance (Philadelphia: University of Pennsylvania Press, 1999), 233.

international human rights debate. China's membership in the UN Human Rights Commission and Sub-Commission subjected China to the human rights regime's standards and it was forced to adapt, however, since 1997 it is believed that the Commissions have become less effective in dealing with China.¹³⁷ In 1998, a group of political activists tried to establish an opposition party, the China Democratic Party, which resulted in arrests of 98 people, and prison terms up to 13 years for 34 activists.¹³⁸

Even with only a basic knowledge of China's human rights history, we can see how difficult it would be to implement universal human rights or human rights treaties if China was the world's superpower. The table below reflects China's participation in the regimes studied in this thesis. The table shows its signature and ratification status for four treaties discussed.

Table 3: China's Status on Human Rights and Environmental Regime Treaties¹³⁹

China	3/15/01 (S)	11/06/92 (S)	1/5/93 (R)
			3/30/02 (AC)

China has not ratified the Optional Protocol to the Convention on the Rights of the Child in the areas of child soldiers. China is neither a signatory nor a ratifier of the Mine Ban Treaty. In addition, China has not ratified either the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social, and

¹³⁶ Margaret Huang, "U.S. Human Rights Policy Toward China." Foreign Policy In Focus. <http://www.foreignpolicy-infocus.org/briefs/vol6/v6n08chinahr.html>. March 2001.

¹³⁷ Kent, 250.

¹³⁸ Huang.

¹³⁹ Information gathered from Appendices and <http://www.unfccc.int>

Cultural Rights. Although China is starting to take on a participatory role in some human rights projects and environmental treaties, such as being an observer state in the Mine Ban Treaty and ratifying the UNFCCC, we can see how making advancements in human rights would be difficult if China was the hegemon.

SUMMARY

The argument of this chapter has been that in order for human rights and environmental projects to be more successful, the regimes need a hegemon that supports the various treaties and can implement the values of the regime. The chapter explored the role of ethics in foreign policy and concluded that the U.S. needs to begin by taking responsibility for its actions. That would involve accepting its role as the largest emitter of greenhouse gases and accepting the damage done to the innocent by its military use of landmines. In addition, we looked at how human rights and the environment would be protected under potential rising powers. The two possibilities discussed in this chapter were the European Union and China. Although China has begun participating in some treaties and has observer status in others, it would be clear that human rights would not advance under China as the world hegemon. The EU, on the other hand, has a more developed regional human rights regime focusing on labor issues and domestic human rights, and it has a greater participation in the treaties discussed in the chapter. The EU was also an initiator in increasing awareness on climate change and wanted to see to a treaty on global warming before the UNFCCC was created. Under the current conditions

of U.S. hegemony, some action needs to be taken in order to for the human rights regime to become stronger.

CONCLUSION

Over the course of the thesis, the material discussed has covered a range of information on the human rights and environmental regimes. It began with the theoretical background of the study of different actors in regime creation and maintenance. It moved on to discuss the broad human rights and environmental regimes, and it culminated with case studies on three area specific regimes: landmines, global warming/climate control, and child soldiers. The last chapter offered a discussion of the future of these regimes.

There is a need for future research on the topic of regimes and international actors because all the specific issues discussed in this thesis are current. Since the U.S. has recently ratified the Optional Protocol to the treaty on child combatants, it is necessary to examine the effects of U.S. ratification on other states. If the U.S. participates in the landmines treaty in the future, it will be essential to look at how the regime has changed as a result and re-evaluate the success of the regime. Global warming is a problem that must be addressed by all states, and the solution must be one that encompasses the majority of greenhouse gas emissions.

The argument of this thesis has two main components: organizations and individuals play a fundamental role in the convergence of norms and values brought together in a regime; and the hegemon plays an important role in maintaining a regime by implementing its rules and standards. Specifically, we saw how organizations contribute to forming regimes by doing things such as lobbying governments, increasing awareness on the issue, and bringing together various actors by sponsoring global conferences. The

hegemon could maintain and monitor a regime by supporting the regime's treaties and encouraging states to comply. The argument was supported throughout the thesis, and this was seen in the second chapter, which focused on the creation of the broad-based universal human rights and environmental regimes.

Organizations were vital in creating the two regimes. In the human rights regime, the United Nations served to promote the values of the regime and create worldwide awareness of human rights issues. The environmental regime was developed through dedicated individuals and organizations, such as the UN Environment Program, the World Meteorological Organization, and the International Council of Scientific Unions. Support was provided to the thesis that individuals and organizations are not wholly sufficient at monitoring and maintaining regimes. It did this by discussing the role of the UN as a promoter of values, but its lack in authority and power to monitor a regime.

Further evidence was given to the argument through case studies for area-specific regimes (landmines, global warming/climate control, and child soldiers). The case studies allowed for a more in-depth look at specific regimes that have stemmed from the broad regimes. In this examination, we saw how the actions of organizations and individuals worked to form the regimes. For example, the landmines regime is a social construction, meaning that it was the contribution of individuals and organizations that were key in creating it. Six international organizations were the founding members of the International Campaign to Ban Landmines, which was the fundamental actor in lobbying governments to create a Mine Ban Treaty. In the global warming/climate control regime, the enhanced greenhouse effect was observed by scientists who advanced the idea that human activity affects the environment negatively. In addition, organizations worked to

bring together the World Climate Conferences of 1979 and 1985. In addition, organizations produced reports to draw attention to the advancing problem. Other organizations worked toward including governments and leaders into creating a solution. For example, the National Academy of Scientists urged President Bush to put global warming on his agenda. The child soldiers case provided further evidence of the role of organizations because it was an issue that was made aware by organizations that were working directly with children who were the innocent victims of war. UNICEF, Human Rights Watch, and Amnesty International were the main organizations that brought this issue to the international community.

The second part of the argument was based on the role of the hegemon in regime formation and maintenance. This was brought out in the thesis by examining how the U.S. contributed to the regimes discussed throughout. Although the U.S. originally expressed interest in advancing universal human rights following World War II, it never came to the playing field because it realized that supporting human rights would have negative effects on its own policy. For example, it was shown how less developed countries would want to express their newfound freedoms of sovereignty and self-determination in the United Nations, and the U.S. at the time was not prepared to embrace that possibility. The U.S. did not take a leadership role in creating the universal human rights regime. In addition, the U.S. did not take an active part in forming the environmental regime.

The case studies, as well as showing how organizations were important in forming the three area-specific regimes, also demonstrated how the U.S. went as far as hindering the implementation of the regimes by attempting to change parts of regime

treaties or not supporting the treaties at all. In the landmine and global warming/climate change regimes, the U.S. distanced itself from the issues as much as possible. In the case of landmines, the U.S. is a glaring exception to the list of ratifiers and signatories to the Mine Ban Treaty. When its proposed changes to the Mine Ban Treaty were not incorporated into the agreement, the U.S. made the decision not to sign or ratify the treaty. In the global warming and climate change regime, the U.S. recently changed its position on the Kyoto Protocol under the Bush administration and has decided to back out of the treaty altogether. The child soldiers case is one that we can watch in the future because the U.S. ratified it in December 2002. In all three of the area-specific regimes, the U.S. remained focused throughout the various treaty negotiations on how the treaty would negatively impact its self interest. For instance, if it signed the landmines treaty it would not be able to continue using anti-personnel mines in combat, which it has enjoyed in the past (as recently as the Gulf War). If the U.S. signed the Kyoto Protocol, it could have negative economic consequences. When deciding whether or not it should sign the child combatants protocol, it was focused on its own military recruitment policies. Only when a change to the Protocol was made that accommodated those U.S. policies did the U.S. consider signing it.

There are implications of this study on the way human rights and environmental issues are operationalized by states, especially the U.S. For instance, the thesis is arguing for an increased role by the U.S. in order for these regimes to be successful. Realizing that the U.S. is important in maintaining the regime by supporting treaties and influencing others' signatures and ratifications of treaties means that in order for these regimes to be entirely successful there has to be a change in U.S. policy.

Currently, the U.S. does not support of the regimes discussed, and changes would be necessary in order for the U.S. to become a monitor and leader of the regimes. Shortly after George W. Bush became President, the decision to abandon the Kyoto Protocol was made. The types of changes needed in order for the U.S. to become more conscious of human rights and the environment would have to start with the electorate. Judging from Bush's speech on the Kyoto Protocol and global warming in general, the administration is not likely to change its positions on these issues on its own accord.

NGOs have made great advances because of the new technology in communication and have been able to reach more people on a wide range of issues. The American public needs to be aware of the issues in order for changes to be made. In addition, accountability and responsibility need to be addressed. The U.S. has the most powerful military in the world, and it is one of the only countries that has not signed or ratified the Mine Ban Treaty. The fact that the U.S. has not supported the treaty and is able to and is using and stockpiling landmines has a detrimental effect on success of the treaty. The ban by other states on their landmine use is offset by the current use of landmines by some countries, mainly the U.S. Landmines are seen as an illegal weapon of war because of the serious and devastating effects on the innocent, and while other nations have begun accepting responsibility and have chosen not to use them, the U.S. has not. In addition, the U.S. is the largest emitter of greenhouse gases, which contribute to the enhanced greenhouse effect and global warming. It does not support the Kyoto Protocol. While other countries may curb their emissions, if the U.S. does not support it, then it impacts the effectiveness of the treaty. In order for the current administration to

accept its responsibility of the problem, the electorate needs to make it a priority and voice its concerns.

The U.S. has the opportunity to shape and strengthen these regimes. They are not strong enough to stand on the legs of organizations and individuals and less powerful states. Organizations can do their part in creating regimes based on convergent ideas and values, states can do their role in participating in agreements, but the world's remaining superpower and hegemon must complete the circle by monitoring and supporting the regimes.

APPENDIX A**Compilation of States and Treaties**

Country	Mine Ban Treaty		Kyoto Protocol		Optional Protocol	
	Signed	Ratification, Acceptance, Accession, Approval	Signed	Ratification, Acceptance, Accession, Approval	Signed	Ratification, Acceptance, Accession, Approval
Afghanistan		✓				
Albania	✓	✓				
Algeria	✓	✓				
Andorra	✓	✓			✓	✓
Angola	✓	✓				
Antigua and Barbuda	✓	✓	✓	✓		
Argentina	✓	✓	✓	✓	✓	✓
Australia	✓	✓	✓		✓	
Austria	✓	✓	✓	✓	✓	✓
Azerbaijan				✓	✓	✓
Bahamas	✓	✓		✓		
Bangladesh	✓	✓		✓	✓	✓
Barbados	✓	✓		✓		
Belgium	✓	✓	✓	✓	✓	✓
Belize	✓	✓			✓	
Benin	✓	✓		✓	✓	
Bhutan				✓		
Bolivia	✓	✓	✓	✓		
Bosnia and Herzegovina	✓	✓			✓	
Botswana	✓	✓				
Brazil	✓	✓	✓	✓	✓	
Brunei Darussalam	✓		✓	✓		
Bulgaria	✓	✓	✓	✓	✓	✓
Burkina Faso	✓	✓			✓	
Burundi	✓			✓	✓	
Cambodia	✓	✓		✓	✓	
Cameroon	✓	✓		✓	✓	

Canada	✓	✓	✓	✓	✓	✓
Cape Verde	✓	✓				✓
Central African Republic		✓				
Chad	✓	✓			✓	
Chile	✓	✓	✓	✓	✓	
China			✓	✓	✓	
Colombia	✓	✓		✓	✓	
Comoros		✓				
Cook Islands	✓		✓	✓		
Congo Brazzaville		✓				
Costa Rica	✓	✓	✓	✓	✓	
Côte d'Ivoire	✓	✓				
Croatia	✓	✓	✓		✓	✓
Cuba			✓	✓	✓	
Cyprus	✓	✓		✓		
Czech Republic	✓	✓	✓	✓	✓	✓
Democratic Republic of the Congo		✓			✓	✓
Denmark	✓	✓	✓	✓	✓	✓
Djibouti	✓	✓		✓		
Dominica	✓	✓				✓
Dominican Republic	✓	✓		✓	✓	
Ecuador	✓	✓	✓	✓	✓	
Egypt			✓			
El Salvador	✓	✓	✓	✓	✓	✓
Equatorial Guinea		✓		✓		
Eritrea		✓				
Ethiopia	✓					
Estonia			✓	✓		
European Community			✓	✓		
Fiji	✓	✓		✓	✓	✓
Finland			✓	✓	✓	✓
France	✓	✓	✓	✓	✓	
Gabon	✓	✓			✓	
Gambia	✓	✓		✓	✓	
Georgia				✓		
Germany	✓	✓	✓	✓	✓	

Ghana	✓	✓				
Greece	✓		✓	✓	✓	
Grenada				✓		
Guatemala	✓	✓	✓	✓	✓	✓
Guinea	✓	✓		✓	✓	
Guinea-Bissau	✓	✓			✓	
Guyana	✓					
Haiti	✓				✓	
Holy See	✓	✓			✓	✓
Honduras	✓	✓	✓	✓		✓
Hungary	✓	✓		✓	✓	
Iceland	✓	✓		✓	✓	✓
India				✓		
Indonesia	✓		✓		✓	
Ireland	✓	✓	✓	✓	✓	✓
Israel			✓		✓	
Italy	✓	✓	✓	✓	✓	✓
Jamaica	✓	✓		✓	✓	✓
Japan	✓	✓	✓	✓	✓	
Jordan	✓	✓		✓	✓	
Kazakhstan	✓		✓		✓	
Kenya	✓	✓			✓	✓
Kiribati		✓		✓		
Lao Democratic People's Republic				✓		
Latvia			✓	✓	✓	
Lebanon					✓	
Lesotho	✓	✓		✓	✓	
Liberia				✓		
Liechtenstein	✓	✓	✓		✓	
Lithuania	✓		✓	✓	✓	
Luxembourg	✓	✓	✓	✓	✓	
Macedonia, FYR		✓			✓	
Madagascar	✓	✓			✓	
Malawi	✓	✓		✓	✓	
Malaysia			✓	✓		
Maldives	✓	✓	✓	✓	✓	
Mali	✓	✓	✓	✓	✓	✓

Malta	✓	✓	✓	✓	✓	✓
Marshall Islands	✓		✓			
Mauritania	✓	✓				
Mauritius	✓	✓		✓	✓	
Mexico	✓	✓	✓	✓	✓	✓
Micronesia			✓	✓	✓	
Monaco	✓	✓	✓		✓	✓
Moldova, Republic of	✓	✓				
Mozambique	✓	✓				
Mongolia				✓	✓	
Morocco				✓	✓	✓
Namibia					✓	✓
Nauru		✓		✓	✓	
Namibia	✓	✓				
Nepal					✓	
Netherlands	✓	✓	✓	✓	✓	
New Zealand	✓	✓	✓	✓	✓	✓
Nicaragua	✓	✓	✓	✓		
Niger	✓	✓	✓			
Nigeria		✓			✓	
Niue	✓	✓	✓	✓		
Norway	✓	✓	✓	✓	✓	
Palau				✓		
Pakistan					✓	
Panama	✓	✓	✓	✓	✓	✓
Papua New Guinea			✓	✓		
Paraguay	✓	✓	✓	✓	✓	✓
Peru	✓	✓	✓	✓	✓	✓
Philippines	✓	✓	✓		✓	
Poland	✓		✓	✓	✓	
Portugal	✓	✓	✓	✓	✓	
Qatar	✓	✓				✓
Republic of Korea			✓	✓	✓	
Republic of Moldova					✓	
Romania	✓	✓	✓	✓	✓	✓
Russian Federation			✓			
Rwanda	✓	✓			✓	

Saint Kitts and Nevis	✓	✓				
Saint Lucia	✓	✓	✓			
Saint Vincent and the Grenadines	✓	✓	✓			
Samoa	✓	✓	✓	✓		
San Marino	✓	✓			✓	
São Tomé e Príncipe	✓					
Senegal	✓	✓		✓	✓	
Seychelles	✓	✓	✓	✓	✓	
Sierra Leone	✓	✓			✓	✓
Singapore					✓	
Slovakia	✓	✓	✓	✓	✓	
Slovenia	✓	✓	✓	✓	✓	
Solomon Islands			✓			
South Africa	✓	✓		✓	✓	
Spain	✓	✓	✓	✓	✓	✓
Sri Lanka				✓	✓	✓
Sudan	✓				✓	
Suriname	✓	✓			✓	
Swaziland	✓	✓				
Sweden	✓	✓	✓	✓	✓	
Switzerland	✓	✓	✓		✓	✓
Tajikistan		✓				✓
Tanzania	✓	✓		✓		
Thailand	✓	✓	✓	✓		
Togo	✓	✓			✓	
Trinidad and Tobago	✓	✓	✓	✓		
Tunisia	✓	✓		✓	✓	
Turkmenistan	✓	✓	✓	✓		
Turkey					✓	
Tuvalu			✓	✓		
Uganda	✓	✓		✓		✓
Ukraine	✓		✓		✓	
United Kingdom of Great Britain and Northern Ireland	✓	✓	✓	✓	✓	
United States of America			✓		✓	✓
Uruguay	✓	✓	✓	✓	✓	

Uzbekistan			✓	✓		
Vanuatu	✓			✓		
Venezuela	✓	✓			✓	
Viet Nam			✓	✓	✓	✓
Yemen	✓	✓				
Yugoslavia					✓	
Zambia	✓	✓	✓			
Zimbabwe	✓	✓				

APPENDIX B**Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of
Anti-Personnel Mines and on their Destruction (The Mine Ban Treaty)**

As of January 20, 2002

Country	Signature	Ratification Accessions (a) Approvals (AA)
Afghanistan		11 Sep 2002 (a)
Albania	8 Sep 1998	29 Feb 2000
Algeria	3 Dec 1997	9 Oct 2001
Andorra	3 Dec 1997	29 Jun 1998
Angola	4 Dec 1997	5 July 2002
Antigua and Barbuda	3 Dec 1997	3 May 1999
Argentina	4 Dec 1997	14 Sep 1999
Australia	3 Dec 1997	14 Jan 1999
Austria	3 Dec 1997	29 Jun 1998
Bahamas	3 Dec 1997	31 Jul 1998
Bangladesh	7 May 1998	6 Sep 2000
Barbados	3 Dec 1997	26 Jan 1999
Belgium	3 Dec 1997	4 Sep 1998
Belize	27 Feb 1998	23 Apr 1998
Benin	3 Dec 1997	25 Sept 1998
Bolivia	3 Dec 1997	9 Jun 1998
Bosnia and Herzegovina	3 Dec 1997	8 Sep 1998
Botswana	3 Dec 1997	1 Mar 2000

Country	Signature	Ratification Accessions (a) Approvals (AA)
Brazil	3 Dec 1997	30 Apr 1999
Brunei Darussalam	4 Dec 1997	
Bulgaria	3 Dec 1997	4 Sep 1998
Burkina Faso	3 Dec 1997	16 Sep 1998
Burundi	3 Dec 1997	
Cambodia	3 Dec 1997	28 July 1999
Cameroon	3 Dec 1997	19 Sep 2002
Canada	3 Dec 1997	3 Dec 1997
Cape Verde	4 Dec 1997	14 May 2001
Central African Republic		8 Nov 2002 (a)
Chad	6 Jul 1998	6 May 1999
Chile	3 Dec 1997	10 Sep 2001
Colombia	3 Dec 1997	6 Sep 2000
Comoros		19 Sep 2002 (a)
Cook Islands	3 Dec 1997	
Congo Brazzaville		4 May 2001 (a)
Democratic Republic of the Congo		2 May 2002 (a)
Costa Rica	3 Dec 1997	17 Mar 1999
Côte d'Ivoire	3 Dec 1997	30 June 2000
Croatia	4 Dec 1997	20 May 1998
Cyprus	4 Dec 1997	17 Jan 2003
Czech Republic	3 Dec 1997	26 Oct. 1999
Denmark	4 Dec 1997	8 Jun 1998

Country	Signature	Ratification Accessions (a) Approvals(AA)
Djibouti	3 Dec 1997	18 May 1998
Dominica	3 Dec 1997	26 March 1999
Dominican Republic	3 Dec 1997	30 June 2000
Ecuador	4 Dec 1997	29 Apr 1999
El Salvador	4 Dec 1997	27 Jan 1999
Equatorial Guinea		16 Sep 1998 (a)
Eritrea		27 Aug 2001 (a)
Ethiopia	3 Dec 1997	
Fiji	3 Dec 1997	10 Jun 1998
France	3 Dec 1997	23 Jul 1998
Gabon	3 Dec 1997	8 Sep 2000
Gambia	4 Dec 1997	23 Sep 2002
Germany	3 Dec 1997	23 Jul 1998
Ghana	4 Dec 1997	30 June 2000
Greece	3 Dec 1997	
Grenada	3 Dec 1997	19 Aug 1998
Guatemala	3 Dec 1997	26 March 1999
Guinea	4 Dec 1997	8 Oct 1998
Guinea-Bissau	3 Dec 1997	22 May 2001
Guyana	4 Dec 1997	
Haiti	3 Dec 1997	
Holy See	4 Dec 1997	17 Feb 1998
Honduras	3 Dec 1997	24 Sept 1998
Hungary	3 Dec 1997	6 Apr 1998

Country	Signature	Ratification Accessions (a) Approvals (AA)
Iceland	4 Dec 1997	5 May 1999
Indonesia	4 Dec 1997	
Ireland	3 Dec 1997	3 Dec 1997
Italy	3 Dec 1997	23 Apr 1999
Jamaica	3 Dec 1997	17 Jul 1998
Japan	3 Dec 1997	30 Sept 1998
Jordan	11 Aug 1998	13 Nov 1998
Kenya	5 Dec 1997	23 Jan 2001
Kiribati		7 Sep 2000 (a)
Lesotho	4 Dec 1997	2 Dec 1998
Liberia		23 Dec 1999 (a)
Liechtenstein	3 Dec 1997	5 Oct 1999
Lithuania	26 Feb 1999	
Luxembourg	4 Dec 1997	14 June 1999
Macedonia, FYR		9 Sep 1998 (a)
Madagascar	4 Dec 1997	16 Sept. 1999
Maldives	1 Oct 1998	7 Sep 2000
Malaysia	3 Dec 1997	22 April 1999
Malawi	4 Dec 1997	13 Aug 1998
Mali	3 Dec 1997	2 Jun 1998
Malta	4 Dec 1997	7 May 2001
Marshall Islands	4 Dec 1997	
Mauritania	3 Dec 1997	21 July 2000

Country	Signature	Ratification Accessions (a) Approvals (AA)
Mauritius	3 Dec 1997	3 Dec 1997
México	3 Dec 1997	9 Jun 1998
Moldova, Republic of	3 Dec 1997	8 Sep 2000
Monaco	4 Dec 1997	17 Nov 1998
Mozambique	3 Dec 1997	25 Aug 1998
Nauru		7 Aug 2000 (a)
Namibia	3 Dec 1997	21 Sep 1998
Netherlands	3 Dec 1997	12 April 1999
New Zealand	3 Dec 1997	27 Jan 1999
Nicaragua	4 Dec 1997	30 Nov 1998
Niger	4 Dec 1997	23 March 1999
Nigeria		27 Sep 2001 (a)
Niue	3 Dec 1997	15 Apr 1998
Norway	3 Dec 1997	9 Jul 1998
Panamá	4 Dec 1997	7 Oct 1998
Paraguay	3 Dec 1997	13 Nov 1998
Perú	3 Dec 1997	17 Jun 1998
Philippines	3 Dec 1997	15 Feb 2000
Poland	4 Dec 1997	
Portugal	3 Dec 1997	19 Feb 1999
Qatar	4 Dec 1997	13 Oct 1998
Romania	3 Dec 1997	30 Nov 2000
Rwanda	3 Dec 1997	8 June 2000
Saint Kitts and Nevis	3 Dec 1997	2 Dec 1998

Country	Signature	Ratification Accessions (a) Approvals (AA)
Saint Lucia	3 Dec 1997	13 April 1999
Saint Vincent and the Grenadines	3 Dec 1997	1 Aug 2001
Samoa	3 Dec 1997	23 Jul 1998
San Marino	3 Dec 1997	18 Mar 1998
São Tomé e Príncipe	30 Apr 1998	
Senegal	3 Dec 1997	24 Sept 1998
Seychelles	4 Dec 1997	2 June 2000
Sierra Leone	29 Jul 1998	25 April 2001
Slovakia	3 Dec 1997	25 Feb 1999 (AA)
Slovenia	3 Dec 1997	27 Oct 1998
Solomon Islands	4 Dec 1997	26 Jan 1999
South Africa	3 Dec 1997	26 Jun 1998
Spain	3 Dec 1997	19 Jan 1999
Sudan	4 Dec 1997	
Suriname	4 Dec 1997	23 May 2002
Swaziland	4 Dec 1997	22 Dec 1998
Sweden	4 Dec 1997	30 Nov 1998
Switzerland	3 Dec 1997	24 Mar 1998
Tajikistan		12 Oct 1999 (a)
Tanzania	3 Dec 1997	13 Nov 2000
Thailand	3 Dec 1997	27 Nov 1998
Togo	4 Dec 1997	9 Mar 2000
Trinidad and Tobago	4 Dec 1997	27 Apr 1998

Country	Signature	Ratification Accessions (a) Approvals (AA)
Tunisia	4 Dec 1997	9 July 1999
Turkmenistan	3 Dec 1997	19 Jan 1998
Uganda	3 Dec 1997	25 Feb 1999
Ukraine	24 Feb 1999	
United Kingdom	3 Dec 1997	31 Jul 1998
Uruguay	3 Dec 1997	7 June 2001
Vanuatu	4 Dec 1997	
Venezuela	3 Dec 1997	14 Apr 1999
Yemen	4 Dec 1997	1 Sep 1998
Zambia	12 Dec 1997	23 Feb 2001
Zimbabwe	3 Dec 1997	18 Jun 1998

Information Obtained from the ICBL Website. <http://www.icbl.org>

APPENDIX C**KYOTO PROTOCOL
STATUS OF RATIFICATION**

As of February 24, 2003

Notes:**R = Ratification****At = Acceptance****Ap = Approval****Ac = Accession**

*indicates an Annex I Party to the United Nations Framework Convention on Climate Change.

COUNTRY	SIGNATURE	RATIFICATION ACCEPTANCE ACCESSION APPROVAL	% of EMISSIONS
1. ANTIGUA AND BARBUDA	16/03/98	03/11/98 (R)	
2. ARGENTINA	16/03/98	28/09/01 (R)	
3. AUSTRALIA*	29/04/98		
4. AUSTRIA*	29/04/98	31/05/02 (R)	0.4%
5. AZERBAIJAN		28/09/00 (Ac)	
6. BAHAMAS		09/04/99 (Ac)	
7. BANGLADESH		22/10/01 (Ac)	
8. BARBADOS		07/08/00 (Ac)	
9. BELGIUM*	29/04/98	31/05/02 (R)	0.8%
10. BENIN		25/02/02 (Ac)	
11. BHUTAN		26/08/02 (Ac)	
12. BOLIVIA	09/07/98	30/11/99 (R)	
13. BRAZIL	29/04/98	23/08/02 (R)	
14. BULGARIA*	18/09/98	15/08/02 (R)	0.6%
15. BURUNDI		18/10/01 (Ac)	
16. CAMBODIA		22/08/02 (Ac)	
17. CAMEROON		28/08/02 (Ac)	
18. CANADA*	29/04/98	17/12/02 (R)	3.3%

COUNTRY	SIGNATURE	RATIFICATION ACCEPTANCE ACCESSION APPROVAL	% of EMISSIONS
19. CHILE	17/06/98	26/08/02 (R)	
20. CHINA	29/05/98	30/08/02 (Ap)	
21. COLOMBIA		30/11/01 (Ac)	
22. COOK ISLANDS	6/09/98	27/08/01 (R)	
23. COSTA RICA	27/04/98	09/08/02 (R)	
24. CROATIA*	11/03/99		
25. CUBA	15/03/99	30/04/02 (R)	
26. CYPRUS		16/07/99 (Ac)	
27. CZECH REPUBLIC*	23/11/98	15/11/01 (Ap)	1.2%
28. DENMARK*	29/04/98	31/05/02 (R)	0.4%
29. DJIBOUTI		12/03/02 (Ac)	
30. DOMINICAN REPUBLIC		12/02/02 (Ac)	
31. ECUADOR	15/01/99	13/01/00 (R)	
32. EGYPT	15/03/99		
33. EL SALVADOR	08/06/98	30/11/98 (R)	
34. EQUATORIAL GUINEA		16/08/00 (Ac)	
35. ESTONIA*	03/12/98	14/10/02 (R)	0.3%
36. EUROPEAN COMMUNITY*	29/04/98	31/05/02 (Ap)	
37. FIJI 17/09/98	17/09/98 (R)		
38. FINLAND*	29/04/98	31/05/02 (R)	0.4%
39. FRANCE*	29/04/98	31/05/02 (Ap)	2.7%
40. GAMBIA		01/06/01 (Ac)	
41. GEORGIA		16/06/99 (Ac)	
42. GERMANY*	29/04/98	31/05/02 (R)	7.4%
43. GREECE*	29/04/98	31/05/02 (R)	0.6%

COUNTRY	SIGNATURE	RATIFICATION ACCEPTANCE ACCESSION APPROVAL	% of EMISSIONS
44. GRENADA		06/08/02 (Ac)	
45. GUATEMALA	10/07/98	05/10/99 (R)	
46. GUINEA		07/09/00 (Ac)	
47. HONDURAS	25/02/99	19/07/00 (R)	
48. HUNGARY*		21/08/02 (Ac)	0.5%
49. ICELAND*		23/05/02 (Ac)	
50. INDIA		26/08/02 (Ac)	
51. INDONESIA	13/07/98		
52. IRELAND*	29/04/98	31/05/02 (R)	0.2%
53. ISRAEL	16/12/98		
54. ITALY*	9/04/98	31/05/02 (R)	3.1%
55. JAMAICA		28/06/99 (Ac)	
56. JAPAN*	28/04/98	04/06/02 (At)	8.5%
57. JORDAN		17/01/03 (Ac)	
58. KAZAKHSTAN	12/03/99		
59. KIRIBATI		07/09/00 (Ac)	
60. LAO DEMOCRATIC PEOPLE'S REPUBLIC		06/02/03 (Ac)	
61. LATVIA*	14/12/98	05/07/02 (R)	0.2%
62. LESOTHO		06/09/00 (Ac)	
63. LIBERIA		05/11/02 (Ac)	
64. LIECHTENSTEIN*	29/06/98		
65. LITHUANIA*	21/09/98	03/01/03 (R)	
66. LUXEMBOURG*	29/04/98	31/05/02 (R)	0.1%
67. MALAWI		26/10/01 (Ac)	
68. MALAYSIA	12/03/99	04/09/02 (R)	
69. MALDIVES	16/03/98	30/12/98 (R)	
70. MALI	27/01/99	28/03/02 (R)	

COUNTRY	SIGNATURE	RATIFICATION ACCEPTANCE ACCESSION APPROVAL	% of EMISSIONS
71. MALTA	17/04/98	11/11/01 (R)	
72. MARSHALL ISLANDS	7/03/98		
73. MAURITIUS		09/05/01 (Ac)	
74. MEXICO	09/06/98	07/09/00 (R)	
75. MICRONESIA (FEDERATED STATES OF)	17/03/98	21/06/99 (R)	
76. MONACO*	29/04/98		
77. MONGOLIA		15/12/99 (Ac)	
78. MOROCCO		25/01/02 (Ac)	
79. NAURU		16/08/01 (R)	
80. NETHERLANDS*	29/04/98	31/05/02 (Ac)	1.2%
81. NEW ZEALAND*	22/05/98	19/12/02 (R)	0.2%
82. NICARAGUA	07/07/98	18/11/99 (R)	
83. NIGER	23/10/98		
84. NIUE	08/12/98	06/05/99 (R)	
85. NORWAY*	29/04/98	30/05/02 (R)	0.3%
86. PALAU		10/12/99 (Ac)	
87. PANAMA	08/06/98	05/03/99 (R)	
88. PAPUA NEW GUINEA	02/03/99	28/03/02 (R)	
89. PARAGUAY	25/08/98	27/8/99 (R)	
90. PERU	13/11/98	12/09/02 (R)	
91. PHILIPPINES	15/04/98		
92. POLAND*	15/07/98	13/12/02 (R)	3.0%
93. PORTUGAL*	29/04/98	31/05/02 (Ap)	0.3%
94. REPUBLIC OF KOREA	25/09/98	08/11/02 (R)	
95. ROMANIA*	05/01/99	19/03/01 (R)	1.2%
96. RUSSIAN FEDERATION*	11/03/99		

COUNTRY	SIGNATURE	RATIFICATION ACCEPTANCE ACCESSION APPROVAL	% of EMISSIONS
97. SAINT LUCIA	16/03/98		
98. SAINT VINCENT AND THE GRENADINES	19/03/98		
99. SAMOA	16/03/98	27/11/00 (R)	
100. SENEGAL		20/07/01 (Ac)	
101. SEYCHELLES	20/03/98	22/07/02 (R)	
102. SLOVAKIA*	26/02/99	31/05/02 (R)	0.4%
103. SLOVENIA*	21/10/98	02/08/02 (R)	
104. SOLOMON ISLANDS	9/09/98		
105. SOUTH AFRICA		31/07/02 (Ac)	
106. SPAIN*	29/04/98	31/05/02 (R)	1.9%
107. SRI LANKA		3/09/02 (Ac)	
108. SWEDEN*	29/04/98	31/05/02 (R)	0.4%
109. SWITZERLAND*	16/03/98		
110. THAILAND	02/02/99	28/08/02 (R)	
111. TRINIDAD ANDO TOBAGO	7/01/99	28/01/99 (R)	
112. TUNISIA		22/01/03 (Ac)	
113. TURKMENISTAN	28/09/98	11/01/99 (R)	
114. TUVALU	16/11/98	16/11/98 (R)	
115. UGANDA		25/03/02 (Ac)	
116. UKRAINE*	15/03/99		
117. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND*	29/04/98	31/05/02(R)	4.3%
118. UNITED REPUBLIC OF TANZANIA		26/08/02 (Ac)	
119. UNITED STATES OF AMERICA*	12/11/98		

COUNTRY	SIGNATURE	RATIFICATION ACCEPTANCE ACCESSION APPROVAL	% of EMISSIONS
120. URUGUAY	29/07/98	05/02/01 (R)	
121. UZBEKISTAN	20/11/98	12/10/99 (R)	
122. VANUATU		17/07/01 (Ac)	
123. VIET NAM	03/12/98	25/09/02 (R)	
124. ZAMBIA	05/08/98		

TOTAL	84	105	43.9%
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*Information Obtained from the UNFCCC Website. <http://www.unfccc.org>

APPENDIX D**Optional Protocol to the Convention on the Rights of the Child on the Involvement
of Children in Armed Conflict**

As of January 2, 2003

Country	Signed	Ratified
Andorra	7-Sep-00	30-Apr-01
Argentina	15-Jun-00	10-Sep-02
Australia	21-Oct-02	
Austria	6-Sep-00	1-Feb-02
Azerbaijan	8-Sep-00	3-Jul-02
Bangladesh	6-Sep-00	6-Sep-00
Belgium	6-Sep-00	6-May-02
Belize	6-Sep-00	
Benin	22-Feb-01	
Bosnia and Herzegovina	7-Sep-00	
Brazil	6-Sep-00	
Bulgaria	8-Jun-01	12-Feb-02
Burkina Faso	16-Nov-01	
Burundi	13-Nov-01	
Cambodia	27-Jun-00	
Cameroon	5-Oct-01	
Canada	5-Jun-00	7-Jul-00
Cape Verde		10 May 2002
Chad	3-May-02	
Chile	15-Nov-01	
China	15-Mar-01	
Colombia	6-Sep-00	
Costa Rica	7-Sep-00	
Croatia	8-May-02	1-Nov-02
Cuba	13-Nov-00	
Czech Republic	6-Sep-00	30-Nov-01
Democratic Republic of the Congo	8-Sep-00	11-Nov-01
Denmark	7-Sep-00	27-Aug-02
Dominica		20 Sep 2002
Dominican Republic	9-May-02	
Ecuador	6-Sep-00	
El Salvador	18-Sep-00	18-Apr-02
Finland	7-Sep-00	10-Apr-02
France	6-Sep-00	
Gabon	8-Sep-00	

Gambia	21-Dec-00	
Germany	6-Sep-00	
Greece	7-Sep-00	
Guatemala	7-Sep-00	9-May-02
Guinea-Bissau	8-Sep-00	
Haiti	15-Aug-02	
Holy See	10-Oct-00	24-Oct-01
Honduras		14 Aug 2002
Hungary	11-Mar-02	
Iceland	7-Sep-00	2-Oct-01
Indonesia	24-Sep-01	
Ireland	7-Sep-00	18-Nov-02
Israel	14-Nov-01	
Italy	6-Sep-00	9-May-02
Jamaica	8-Sep-00	9-May-02
Japan	10-May-02	
Jordan	6-Sep-00	
Kazakhstan	6-Sep-00	
Kenya	8-Sep-00	28-Jan-02
Latvia	1-Feb-02	
Lebanon	11-Feb-02	
Lesotho	6-Sep-00	
Liechtenstein	8-Sep-00	
Lithuania	13-Feb-02	
Luxembourg	8-Sep-00	
Madagascar	7-Sep-00	
Malawi	7-Sep-00	
Maldives	10-May-02	
Mali	8-Sep-00	16-May-02
Malta	7-Sep-00	9-May-02
Mauritius	11-Nov-01	
Mexico	7-Sep-00	15-Mar-02
Micronesia	8-May-02	
Monaco	26-Jun-00	13-Nov-01
Mongolia	12-Nov-01	
Morocco	8-Sep-00	22-May-02
Namibia	8-Sep-00	16-Apr-02
Nauru	8-Sep-00	
Nepal	8-Sep-00	
Netherlands	7-Sep-00	
New Zealand	7-Sep-00	12-Nov-01
Nigeria	8-Sep-00	
Norway	13-Jun-00	
Pakistan	26-Sep-01	
Panama	31-Oct-00	8-Aug-01
Paraguay	13-Sep-00	27-Sep-02
Peru	1-Nov-00	8-May-02
Philippines	8-Sep-00	

Poland	13-Feb-02	
Portugal	6-Sep-00	
Qatar		25 Jul 2002
Republic of Korea	6-Sep-00	
Republic of Moldova	8-Feb-02	
Romania	6-Sep-00	10-Nov-01
Russian Federation	15-Feb-01	
Rwanda		23 Apr 2002
San Marino	5-Jun-00	
Senegal	8-Sep-00	
Seychelles	23-Jan-01	
Sierra Leone	8-Sep-00	15-May-02
Singapore	7-Sep-00	
Slovakia	30-Nov-01	
Slovenia	8-Sep-00	
South Africa	8-Feb-02	
Spain	6-Sep-00	8-Mar-02
Sri Lanka	21-Aug-00	8-Sep-00
Sudan	9-May-02	
Suriname	10-May-02	
Sweden	8-Jun-00	
Switzerland	7-Sep-00	26-Jun-02
Tajikistan		5 Aug 2002
The Former Yugoslav Republic of Macedonia	17-Jul-01	
Togo	15-Nov-01	
Tunisia	22-Apr-02	
Turkey	8-Sep-00	
Uganda		6 May 2002
Ukraine	7-Sep-00	
United Kingdom of Great Britain and Northern Ireland	7-Sep-00	
United States of America	5-Jul-00	23-Dec-02
Uruguay	7-Sep-00	
Venezuela	7-Sep-00	
Viet Nam	8-Sep-00	20-Dec-01
Yugoslavia	8-Oct-01	

Source: Coalition to Stop the Use of Child Soldiers website
<http://www.child-soldiers.org>

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