

THESIS

THE ROLE OF THE UNITED NATIONS GENERAL ASSEMBLY IN THE NORM LIFE  
CYCLE

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## ABSTRACT

### THE ROLE OF THE UNITED NATIONS GENERAL ASSEMBLY IN THE NORM LIFE CYCLE

In the last few decades the study of norms coupled with a constructivist approach has brought new insights into the area of international relations. The UNGA is the premier global IGO making it an important and interesting topic of study in terms of global legislation. This research fills a gap in the literature, which does not sufficiently cover the relationship between norms and the UNGA. The case studies here yield individual and comparative results which may help to answer broader questions dealing with both global governance and international relations. This research finds that the UNGA is able to play an influential role in the norm life cycle, which is expanded from Finnemore and Sikkink's (1998) iteration. The type of issue, the type of promoting state, and the type of state benefiting from the norm all seem to play a role in the level of UNGA participation as well as how and when the UNGA participates in the norm life cycle.

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## **I. Introduction/Argument**

The governance of the international community is a complex and multifaceted problem for international relations scholars. Governance takes place on many different levels and is influenced by many actors, both state and non-state. The United Nations is perhaps one of the most well-known and able international governance providing bodies. Thus, the study of the roles that the United Nations, specifically its most inclusive body, the General Assembly; play in global governance is interesting as well as important in understanding the dynamics of international governance. One of the more common ways for international governance to manifest itself is through norms.

Norms have more than one definition (Kazetstein 1996, Raymond 1997, Finnemore and Sikkink 1998 and 2001, Sills 2004), but the definition I use here is that norms tell actors (states in this research) how they *should* act (Finnemore and Sikkink 1998). Norms are not generally able to attain immediate acceptance and thus follow several steps to reach internalization in the international community. Finnemore and Sikkink (1998) define three steps/phases toward norm acceptance; emergence, cascade, and internalization. In this research I have expanded that life cycle to include five distinct steps/phases on the path toward normative internalization. The first step is entrepreneurship, in which an actor decides that a certain norm should be introduced to the community and attempts to promote the norm in ways that push it forward. The second stage is the organizational foothold, in which an organization includes the norm on their agenda. The third stage is that of the tipping point; during which actors begin to accept the norm. This is followed by the fourth stage, the cascade, in which most actors adopt the norm, at least rhetorically, often due to “peer pressure” and/ or citizen pressure. The final stage is that of internalization; the completion of this stage requires that actors absorb the norm into their identity and rarely, if ever, question it. New norms may eventually be introduced which threaten the existing norm, beginning the process over again. These steps are termed a “life cycle” by Finnemore and Sikkink (1998) as shown in Figure 1 below:

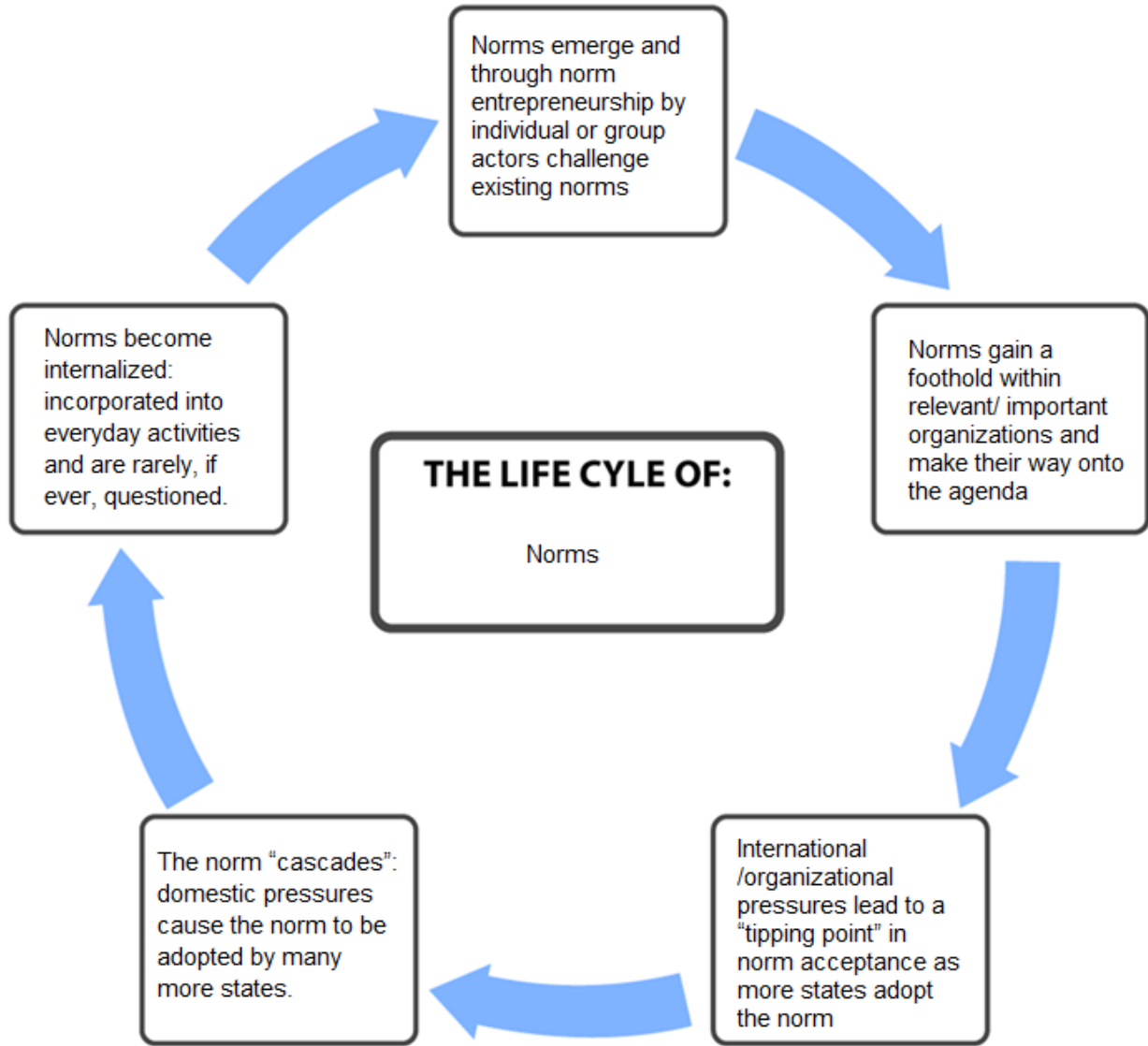


Figure1: Life Cycle Diagram: Detailed Description

This research wishes to combine the governance provided by norms and the roles played by the United Nations General Assembly to discover how they interact. The General Assembly may play a role in each phase of the norm life cycle as shown below in Figure 2.

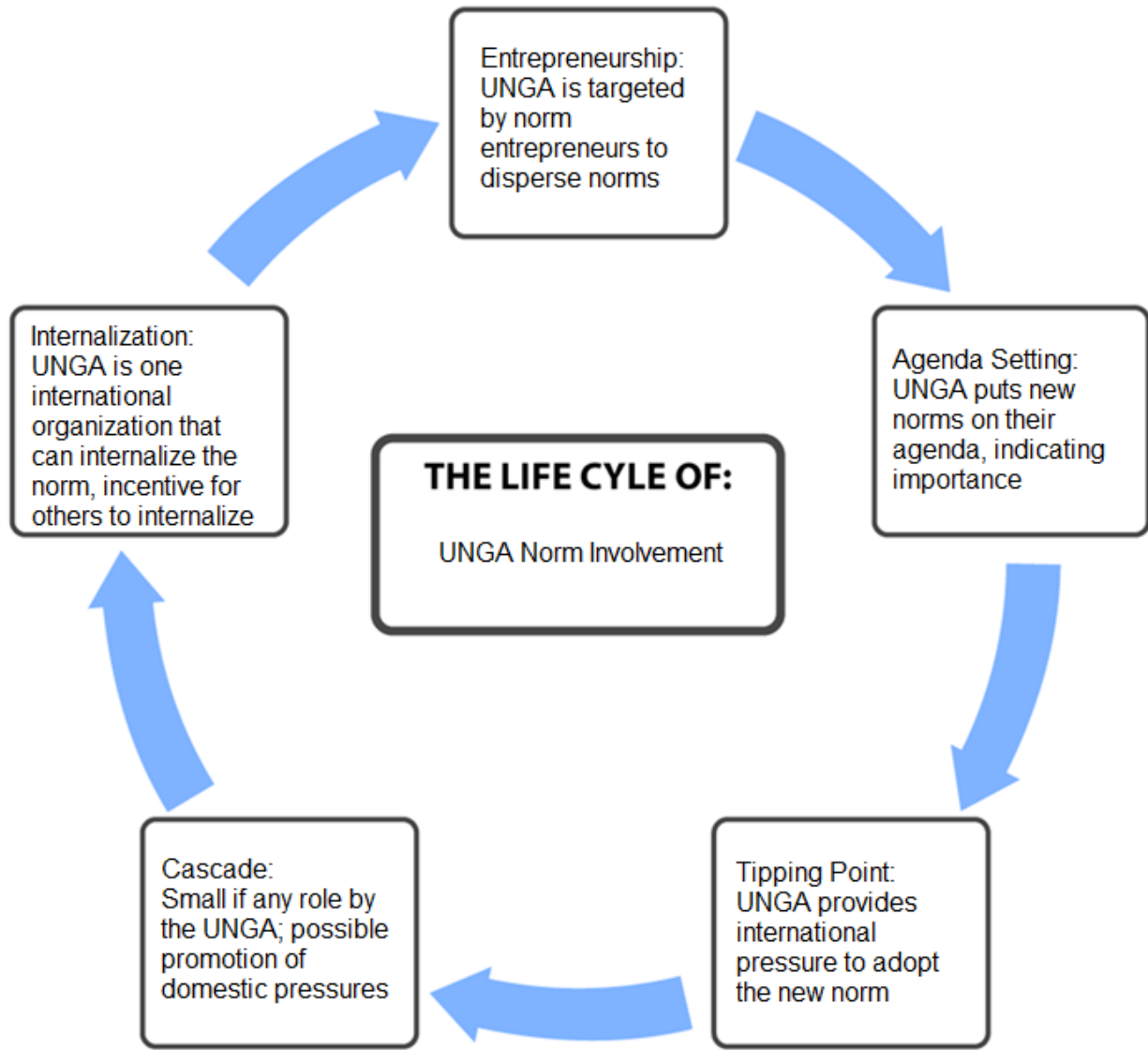


Figure 2: Life Cycle Diagram: UNGA Involvement

Since “norm arguments” are usually not empirically testable, or are at least difficult to test empirically, (Eyre and Suchman 1996) my goal is to offer propositions centered on norm and institutional claims. I propose that the role of the UNGA may be influenced by the type of state (great power or non-great) and the type of issue (i.e.; environmental or weapons) involved in the norm. The juxtaposition of these factors may help to tell a story of when and why the UNGA participates in the norm life cycle. I expect that the involvement of great powers, due to their desire and ability to act unilaterally and/or with forceful persuasion, would decrease the level of participation from the UNGA while norms that benefit non-greats/ developing countries would show increased participation since these states often rely on public

international venues to promote their agendas. I also expect that weapons issues and environmental issues will show different levels of involvement, related to the type of state interested in each issue type. Therefore I would expect to see less UNGA participation in the life cycle of weapons norms, often promoted by great powers, and more UNGA participation in the life cycle of environmental norms which often benefit developing countries.

Through these propositions I argue for an important role for norms, the General Assembly, and state types in international governance. Furthermore, the relationship between these factors is important. Though no set “formula” exists to determine the success or failure of norms at the international level, practitioners may be able to use this information to determine more efficient modes of approach while scholars may use it to understand further the puzzle of international or global governance. The literature suggests the need for this research and the possibility for these types of connections.

This thesis follows a relatively standard format. I first introduce a review of the relevant literature and situate my research within it, as well as develop a conceptual framework within the rest of the thesis rests. The literature review covers bodies of literature such as norms, international organizations, and international law. The second chapter covers the methods I have used in this thesis. It introduces the method of process tracing, explaining why it is an appropriate choice for the type of questions I ask here, as well as explaining how process tracing actually works, and the limitations it has. Furthermore the methods section covers case selection and the issues associated with it. The next two sections are the meat of the thesis, where the process method is actually applied to cases in the weapons and environmental arenas. Three norms (cases) appear in each section. As process tracing is applied I begin to relate the information learned to my propositions to start making tentative conclusions. The final section is conclusions in which all of the cases are brought together and compared and a final assessment of proposition validity is made.



## II. The UNGA and the Norm Life Cycle

The subject matter related to this research and the propositions above cover several separate but related bodies of literature. There are good bodies of literature on norms, international organizations, both hard and soft law, international regimes, international and customary law, international governance, and the United Nations, all well established and frequently studied areas of international relations and governance. Perhaps most important to this research are the three areas of norms, the United Nations, and international organizations.

### *What are Norms: A Definition and a Look at the Life Cycle of Norms*

Norms have several definitions but they all encompass accepted standards that apply to behavior (in this case behavior of states) (Goertz 2003). According to Katzenstein (1996), norms may be defined as appropriate standards of behavior for certain groups of actors (Risse-Kappen 1996), imply what “ought” to be, and often have attached moral assessments (Finnemore and Sikkink 1998). Norms may define what something is, pressure states to act in particular ways, or dis-allow states to act in particular ways (Jepperson et al 1996, Katzenstein 1996, Price and Tannenwald 1996, Raymond 1997, Goertz 2003). International politics is a social activity and takes place within a certain framework which is defined by norms and guidelines (Byers 2008). This means that norms are not born into a vacuum and, when they emerge, must contend with existing acceptable terms of behavior; because of this norms go through a process Finnemore and Sikkink (1998) term a “life cycle” (see Figures 1 and 2 above).

First, norms emerge and are promoted by norm entrepreneurs, who wish the new norm to be successful, through use of language and framing (Finnemore and Sikkink 1998, Payne 2001, Acharya 2004, Santa-Cruz 2005, Okerake 2008). Scandinavian countries frequently act as these entrepreneurs (Ingebritsen 2002) and during this first stage persuasion is the entrepreneur’s main, if not only, way to push the norm forward and onto the “agenda” (Elgstrom 2000). The norm can then gain an “organizational foothold” which allows it to be put on the agenda and strengthens the norm itself (Kingdon 1995, Finnemore 1996). If norm promoters are successful then norms can reach a “tipping

point” at which international pressures serve to cause states to adopt the norm (Finnemore and Sikkink 1998). This can lead to a “norm cascade” in which more and more states adopt the norm (Finnemore and Sikkink 1998) and the norm can be said to have reached “prescriptive status” (Risse and Ropp 1999). When the norm is then used frequently, and is integrated into bureaucratic language, it becomes more firmly established (Risse-Kappen 1996, Santa-Cruz 2005) through repetition and socialization (Payne 2001). Finally, if the norm is successful, it becomes internalized by states until a new norm comes along to challenge it (Finnemore and Sikkink 1998, Byers 2008, Gilligan and Nesbitt 2009) The UN General Assembly can act as a reflection of state acceptance and internalization (Petersen 2007) and may also act as an organizational foothold, among other roles depending on the needs of entrepreneurs/ promoters. These steps grant a good lens through which to review important points of norm development and help determine when and how the UNGA is participating in norm development through the life cycle process.

Goertz generally agrees with this type of life cycle and stresses its non-linearity (Goertz 2003). Norms clearly can and do change (Finnemore 1996, Sills 2004), often shocks are the cause of normative change and, according to Goertz’s punctuated equilibrium model, norms do not receive much attention for most of their life spans (after the internalization stage). There are many reasons norms come into being; goals or problems arise, which may be solved by both adopting new norms at the international level (Goertz 2003) and instituting new regimes to support the new norms (Sills 2004). Problems may be constructed by hegemons, epistemic communities, and other groups or individuals leading to the entrepreneurship stage of the life cycle. Norms, therefore, can be chosen in a self-interested manner (Goertz 2003, Herrell 2007) but can still change the way states view their interests over time (Herman 1996, Risse and Sikkink 1999). This shows that norms are a viable area of study and occur as a regular phenomenon when global changes transpire and new legislation is desired. It makes sense, therefore, that states would attempt to influence the resulting new norms in their favor, perhaps using international institutions as a venue of influence. Prohibitionary, or proscriptive, norms and regimes may come about for a variety of reasons but almost always have a moral component. Global prohibitions regimes exist which have institutionalized the proscriptive norms studied here and may or may not be conditional (Nadelmann 1990). Proscriptive

norms are a good choice for this thesis because proscriptive norms, while less numerous than prescriptive norms, are stronger and less often conditional. This indicates that the internalization phase of the norm life cycle must be more complete because violations are clearer and less justifiable. Furthermore, the link between those ascribing to proscriptive norms is more intense, making for a stronger connection (Jasso and Opp 1997, Shannon 2000). Now that an understanding of norms has been presented the importance of norms may be discussed.

*Norm Importance:*

According to Risse-Kappen norms are “causally consequential in international relations” (p. 365, 1996). Norms describe the boundaries of what can and should be done in various situations and how states should behave (Kowert and Legro 1996, Risse-Kappen 1996, Breitmeier et al. 2006, Hurrell 2007, Byers 2008, Hurd 2008, Lake 2008). State actions influence institutions and norms, which then influence the creation of new institutions and norms, which influence state actions. This is a mutually constitutive process which helps to create state identities and the interpretation of identities and interests (Finnemore 1996, Katzenstein 1996, Price and Tannenwald 1996, Adler 2007, Hurd 2008). It is even suggested that norms help to constitute states themselves to some degree (Jepperson et al. 1996). In this sense proscriptive norms help to create identities and define meanings as well as confining state behavior (Price 1995, Herman 1996, Risse-Kappen 1996, Risse and Sikkink 1999, Adler 2007). However, norms do accept the influence of power and self-interest but once internalized are able to influence the behavior of both strong and weak states (Santa-Cruz 2005). This is reflected in the propositions, where a differentiation of power is a key component. Furthermore, states learn about what their appropriate behavior should be from international organizations, as well as other actors, (Shannon 2000) through the emulation of institutional norms and also by means of socialization (Adler 2007). Without an understanding of state identities state behavior is difficult to predict (Berger 1996). Since norms help to constitute state identities a study of them is warranted if predicting state behavior is desirable. The importance of norms is clear and an understanding of the adoption process is now necessary.

### *Norm Adoption:*

Norms may be viewed on a spectrum from more binding treaties to broad goals (Sills 2004) and also on a scale from strong to weak (easily viewed as more or less internalized) (Jepperson et al 1996, Kowert and Legro 1996). Norms attain legal status and legitimacy when they are internalized by those which are expected to follow them (effected states) (Koh 1997, Sills 2004), this is the “customary” part of international law (Risse and Sikkink 1999). “Norms play a crucial role in international law” (Peterson 2007) because of their relation to customary law which is an important source for determining the rules of international relations. If customary law is the root of international law as Kerwin discusses, General Assembly resolutions can boost the creation of custom (Schwebel 1979, Joyner 1981, Kerwin 1983). In several areas, especially in the environmental and human rights realms, the General Assembly has provided non-binding resolutions which expand customary international law (Sills 2004). “Treaties are a major source of international humanitarian law...Another important source is custom” (p. 276 Thakur and Maley 1999). This quote shows the importance of both treaty law and customary law in the propagation of international norms. Although customary “law” and treaty law are certainly different things, treaties may sometimes be able to act as customary law or be a part of a body of custom supporting a specific norm, even for states that have not signed, ratified, or participated in the treaty. This is because if a large enough consensus of important enough states exists, other nations are compelled to act in certain fashions to maintain their constructed images (Bunn 1999). All of the norms below have been encapsulated within a treaty but also have strong customary and moral components backing them up. Arms control is actually an act of cooperation between two or more entities, such as states, which could be enemies under some future circumstances and usually share some interests (Thakur and Maley 1999). However, to be accepted and effective, norms should be generated using an accepted and appropriate formation process (the middle steps of the norm life cycle) and be logically linked to the goals of regimes (Dworkin 1986), which are essential since regimes encompass bodies organized to enforce norms in a particular issue area (Sills 2004). Impartial and inclusive decision making, which encourages participation, lends legitimacy to

norm creation and enforcement (Tyler 1990, Payne 2001). International organizations provide authority through which legitimate power can reach states (Herman 1996, Byers 2008, Hurd 2008), offering an explanation as to how regimes and international organizations are able to act as efficient norm dispersers (Breitmeier et al. 2006, Adler 2007) and explaining why they are targeted at the organizational foothold stage and do the most work for the norm in the tipping point and cascade phases of the life cycle. The UN is noted as one such body (Hurd 2008). In fact, it has been suggested that UN General Assembly declarations should be binding due to the UNGA's inclusive nature (Peterson 2007). This is an excellent reason to make the focus of my research an international organization, such as the UN, that is able to provide legitimacy.

Many factors can influence norm adoption. Some of the main factors that influence the adoption of a norm are the legitimacy of that norm (where/who did it come from), the forcefulness of its promotion (first four stages of the life cycle), and the general "moral temper" of the potentially adopting states (Okereke 2008). However, even with a relatively high moral temper norms must still be promoted in a convincing manner for adoption to occur (Lake 2008, Okereke 2008). Furthermore, acceptance may depend upon the issue area in which the norm falls; this is the reason for studying both weapons and environmental issues in this thesis. Adoption may be operationalized by measuring degree of internalization, determined by the social "density" of the norm i.e.; the number of institutional devices in which it is called upon, as discussed by Bernstein(2001, Okereke 2008) and the frequency of violations. Okerake also discusses the differentiation between substantive legitimacy (what the norm proposes) and procedural legitimacy (who created and who may interpret). The process of norm adoption now being understood, an exploration of norms and other entities is required.

#### *Norms, Regimes, States, Power and Agenda Setting: Norm Building and Dispersal*

Norms are able to provide order, even without the presence of more formal institutions and rules (Raymond 1997). However, the presence of regimes helps to strengthen norms and order international relations. Regimes are sets of norms, and other directive entities such as rules and procedures, which are

influenced by power and act as points of convergence for actors' expectations (Krasner 1983, 2, Katzenstein 1996). Regimes are noted as being distinct from other international phenomena due to their normative element. In fact, when norms change, a change of regimes and institutions also occurs (Kratochwil and Ruggie 1986, Goertz 2003). Regimes have been conceived as "central elements" to governance, in which states commit to comply with legally binding rules and norms (Breitmeier et al. 2006). International organizations are able to strengthen regimes by enhancing the "normatively stabilized meanings" at their base (Kratochwil and Ruggie 1986), further IOs importance as norm distributors and agents. For these reasons I choose two regimes, weapons and environmental, instead of individual norms scattered over different regimes. Nadelmann (1990) predicted that different types of weapons; nuclear, chemical, etc., and environmental issues; including pollution, species protection, etc. would be some of the future regimes; it appears that his prediction was accurate.

Norms are operational on a range of levels from individual to global (Price and Tannenwald 1996). However, the norms discussed in this thesis are targeted to the state level, meaning that they are adopted on a state by state basis. States are often placed at the center of international relations theories and it is at the state level that treaties, environmental agreements, etc. are accepted or denied (Lake 2008). Social norms at the international level are dependent upon the actions of individual states (Goertz 2003). No matter how large, active, or persuasive nongovernmental organizations may be they are able only to represent their members and lack the power to force others to action (Lake 2008).

#### *Why the UNGA?*

According to Katharina Coleman (2011) "destination venues", such as conferences with and without UN support, independent commissions, and the UNGA, are often targeted by those who desire to push a norm forward in the life cycle process. Clearly norm entrepreneurs may choose to act in venues other than the UNGA; the WTO, IMF, and other United Nations bodies are all possible avenues, as are regional and local venues, depending on what the entrepreneur wants to achieve. Therefore, it is important to explore why and when entrepreneurs choose to use the UNGA as the venue. Entrepreneurs may choose the UNGA because its resolutions are non-binding, an incentive for state participation. Although this is less

desirable than an arena where both binding decisions and high state participation exist, both may be difficult, if not impossible, to attain simultaneously and the UNGA may be a good launching platform, or place for a venue change when norms stall or fail in other venues depending on how close the norm is to its tipping point (Busch 2007, Coleman 2011). The UNGA also offers high levels of international socialization and issue linkages due to its inclusive nature and wide variety of issues covered also known as a broad venue mandate (Bearce and Bondanella 2007, Coleman 2011). The relative centralization and independence (neutrality) of IOs is also a draw for norm entrepreneurs. The UNGA strives for both of these factors, making it an appealing forum for norm promotion since state interactions may be facilitated along with a reduction of transaction costs. Representation and voting rules, both big parts of the UNGA, are important to states, allowing for balance between states with uneven power levels (Abbott and Snidal 1998). Venues are also selected depending on the entrepreneurs' primary goal(s); persuasion and negotiation are often both important processes at the beginning of the norm life cycle. Small, consensus and deliberation grounded, institutions are generally better for persuasion; while the complexity of norm negotiation lends itself more toward larger institutions, often with different voting procedures. The UNGA is clearly more geared toward the negotiation side of this coin, but also offers a large audience of states which may be persuaded. Legitimacy is likewise a factor when choosing a venue, and established venues certainly take precedence over new ones; this is also linked to the legally or politically binding nature of the agreements reached by a particular forum and the costs of going back on an agreement reached there. The UNGA has a high level of legitimacy, making it a more desirable venue (Coleman 2011).

These factors indicate that the UNGA would be an appropriate venue choice when high levels of state participation, negotiation, and legitimacy are desired. I believe that both environmental and weapons issue area norms often require these assets in a venue to successfully promote new norms due to their often contentious nature. Furthermore, the UNGA could be desirable when issue linkages increase the chances of norm adoption. This literature also indicates that UNGA participation could be expected to occur starting in the second, or organizational foothold phase, of the norm life cycle but may enter later in the

life cycle when a venue change is effected by entrepreneurs or as a bandwagon member. Institutions, such, as the UNGA serve to create a stable environment so that expected results follow interactions between actors (Goertz 2003).

*State Type and Norms:*

Persuasion, socialization, incentives, threats, and force are all mechanisms used by states to promote norm acceptance, the choice of promotional mechanism is influenced by the relationship of the promoter and the promotee. DeNevers (2007) argues that great powers attempt to coerce weaker states (sometimes with force) and persuade stronger states when promoting new norms. This shows the influence that great powers may have on the norm acceptance process for other states (Ropp and Sikkink 1999). Great powers have superior ability to promote norms because of their ability to agenda set in international forums (Nadelmann 1990, Florini 1996, Ingebritson 2002, Barnett and Duvall 2005). Their influence is often instrumental in the success of new norms (Schmitz 1999) and can help norms gain a foothold in the United Nations (Ropp and Sikkink 1999) although not necessarily required (Jetschke 1999, Risse and Ropp 1999).

Great powers have long had exceptional influence in the international political arena due to material abilities and prestige granted them by other nations (Lake 2008). Indeed, the United States is notorious for pushing its policy goals in the UN (Imber 1985). Nonetheless, great states may also be pressured or “shamed” into accepting new norms or pressuring smaller states to follow norms by non-state actors (Risse, Ropp and Sikkink 1999) such as the United Nations. This may not always occur due to “power based” exceptions to norms, in which those with large amounts of power are exempted from at least some of the consequences of norm breaking (Goertz 2003). However, transboundary issues are often more likely to become part of a regime. This explains the need to delineate between norms promoted by great and non-great powers, giving reason to study the influence of each on the norm life cycle.

There is difficulty in determining why nations conform to norms; whether due to belief, pressure or state interests (Nadelmann 1990). Normative elements are held by constructivists to be so strong that they have the potential to keep any state from continually objecting to or disregarding customary international



law (Risse and Sikkink 1999, Byers 2008); this explains why states spend so much effort on influencing institutions (Goertz 2003). It also means that less powerful states are able to use international organizations to unify and magnify their voice, while great states are able to use their power to agenda set within those same institutions. In fact, the group of 77 specifically targeted the General Assembly as a way to influence norms to improve equitable distribution of resources (Joyner 1981). Not much investigation has occurred which looks into how power and persuasion may be strategically used to “construct” norms (Byers 2008) but the relationship between the two seems to be complex (Finnemore 1996). Regardless, general norm based prescriptions and proscriptions are more likely to be well received than specific rules (Okereke 2008). Furthermore, the type of political system within the state may influence how norms are decided upon and/or incorporated (Lake 2008). International law, organizations and institutions also influence the norm life cycle.

*International Law, International Organizations, Institutions and Norms:*

Due to constant normative change international lawmaking is a perpetual process. International law governs many aspects of daily relations between nations and the citizens of nations. Treaties, customs, and precedents define how states and their citizens should act and are often embodied in regimes and international organizations such as the United Nations (Byers 2008). The study of international organizations attempts, in part, to answer how the international sphere is governed. The answer to this question has gone through a lengthy process beginning with the study of formal institutions, followed by a focus on institutional processes, and more recently regimes became the focus of international organization studies (Finnemore and Sikkink 1998, Kratochwil and Ruggie 1986). This research incorporates international organizations by looking at a central United Nations body.

“Institution creation is policy formation at the international level” (Goertz p.169 2003). When states agree to policies which provide regulation an institution is created. Institutions provide services and goods to those that allow their existence (states in this case) (Goertz 2003). Institutions serve to make monitoring easier, decrease uncertainty, increase transparency, and provide more information to policy

makers (Katzenstein 1996). The relationship between norms and institutions is undeniable; according to Goertz (2003) norms are necessary for institutions to exist (he views institutions as structures of norms) and reside in the realm of social context (Finnemore 1996). If regimes are accepted as collections of institutions, or the same as institutions (Goertz 2003), the three are intrinsically linked. This study truly takes into account norm development and the effect of norms and institutions on state behavior. If the development of the norm is not strong enough the norm may not be functional since states will not feel as much pressure or desire to consent (Sills 2004), however; even weak norms may be promoted and accepted if strong international organizations such as the UN are involved.

It is impossible to separate international law from international relations since it is a reflection of social practices which produce norms, rules, and procedures (Byers 2008). Essentially norms are “social prescriptions” which are reflected in laws and customs and in forming international laws which influence international relations and vice versa (Kowert and Legro 1996, Hurrell 2007). International organizations play a role in international law as arbitrators and forums of discussion (Byers 2008). Organizations offer structure and clarity, institutions can produce norms of varying strength which apply to varying situations, or universally. Organizational actions can be understood as making decisions based upon norms. Organizations can be conceived of as unitary actors; although there may not be total agreement in decisions, organizations do make clear choices about which norms/ policies they adopt and utilize (Goertz 2003). Thus the power that organizations such as the UN have is comparatively large, this can be seen when states first resist a norm or law by taking surface action and using rhetoric about integration and acceptance to retain or rise in status internationally, then later concede due to pressure from an international organization and truly internalizing norms (Black 1999, Byers 2008). International institutions are sets of norms followed by states wishing to be included in the set of “civilized” states (Goertz 2003) one example is the differentiation between states willing to use chemical weapons (uncivilized) and those unwilling to do so (civilized) (Nadelmann 1990, Price and Tannenwald 1996) another is the way states treat their citizens (Herman 1996). Standing may be vulnerable if actors are accused of disregarding norms important to the community (Barnett 1996). Because the “community” in

this research is state focused, it is appropriate to select an international organization rather than one at lower levels such as local or regional.

International organizations have a mutually constitutive relationship with state (and actor) preferences. From this statement the conclusion may be drawn that norms move both from states to institutions and from institutions to states (Keohane 1998), an essential part of my argument. This is because ideal institutional function occurs when states follow the institutional norms and receive benefits; when norms are not followed sanctions are often put into place (Goertz 2003). This relationship acts like a conversation between states and institutions. The UN is important in many of the areas discussed above, the further discussion of its involvement is beneficial for this thesis.

*United Nations General Assembly Contributions:*

The very existence of the UN proves the existence of international society (Byers 2008), a society from which norms may be constructed and emerge to affect state behavior. The United Nations makes an optimal case study for looking at the relationship between international organizations and norms. One reason for this is that the UN is possibly the only universal body that is able to set norms which are accepted globally (Sills 2004) another is that the UNGA embodies the idea of international diplomacy, due to its global town hall meeting atmosphere, (Keohane 1998) and diplomatic activities often center around, and are influenced by norms. The UN has many options available when it comes to influencing and dispersing norms; it can support new norms by acting as an organizational foothold, tinker with existing ones, and expand regimes supporting norms (Sills 2004). The difficulty of creating global norms is clear (due, in part, to the influence of individual cultures on norms) putting the UN in a unique position (Sills 2004). Furthermore, the UN is known to assist in lowering transaction costs and making difficult agreements possible (Keohane 1998), this is an important element since weapons and environmental issues are notoriously contentious. It is for these reasons that Joyner (1981) states that the General Assembly has directly influenced international law, in part because states are able to meet and discuss international issues (Joyner 1981, Sills 2004). Also, several norms have been shown to get their push to

acceptance in the General Assembly (Joyner 1981), reflecting the tipping point and cascade phases of the norm life cycle. The General Assembly has a special place in norm creation, the importance of and level of participation in this body indicates that its decisions should be taken as guidelines for state behavior and interaction, even though the resolutions are nonbinding (Sills 2004).

Early in international relations studies it was determined that United Nations activity involved the establishment of norms (Finnemore and Sikkink 1998). Although the UN has had a hand in the formation and signing of many international treaties its influence goes beyond that (Sills 2004), United Nations General Assembly resolutions can serve as a sort of normative international law (Schwebel 1979). In the sixty years after the Second World War the United Nations initiated over 500 multilateral agreements, often dealing with newly recognized and increasingly global problems such as the environment and terrorism (Sills 2004). General Assembly resolutions particularly offer hope in areas that are more difficult to deal with as they offer a soft law option which, although not legally binding, may become internalized (Kerwin 1983). The UN also holds global conferences which bring leaders together to discuss world issues. These conferences can increase the salience of an issue by bringing media attention, and can produce strong norms (Sills 2004). Perhaps these conferences work in tandem with the General Assembly to strengthen and disperse new or struggling norms.

The UN is also able to act as a legitimate norm originator because it is seen as a relatively authoritative and impartial body (Ropp and Sikkink 1999, Okerake 2008), factors which enhance norm legitimacy (Franck 1988). Also, the UN may sometimes be seen as more legitimate than other norm promoting actors including other international governmental organizations (IGO's) (Jetschke 1999). This explains why resolutions often lead to conventions and treaties which are more binding (Sills 2004). The UN has the unique body of the International Law Commission (ILC), which is charged with the creation of draft treaties in subject areas deemed important by the UNGA or the ILC. When draft treaties are completed the General Assembly convenes member states to sign the treaty. Several treaties and conventions which were once General Assembly resolutions have come into being, some examples include; the Universal Declaration of Human Rights, treaties covering the use of outer space and the sea bed, and nuclear non-

proliferation (Sills 2004). The Declaration of Human Rights actually achieved normative status as part of the General Assembly's incorporation of it into other declarations (Thomas 1999). Due to the role the UN plays as a global organization and its organizational culture (norms, values, knowledge, etc.) the UN has influence on member states' perceptions and actions (Kier 1996), making it an ideal target for norm focused research.

The United Nations has actually undertaken the study of norms for the Common Heritage of Mankind (CHM) in which the UN formed a committee to discover which norms may help promote seabed endeavors to reflect CHM (Okereke 2008). The UN often mediates normative claims and structures discourse (Finnemore 1996). This literature can help gain understanding of what norms are and how they are built and dispersed through international organizations. Since the United Nations acts as both a significant disperser and receptacle of norms, it seems appropriate to use its deliberative body, the General Assembly, as a model for studying this phenomenon. I hope to discover what roles the General Assembly plays in the norm life-cycle. This discovery can be but a small step in answering the age old question of international relations scholar's; how does governance occur at the international level?

*Conclusion:*

The fact that ideas matter in international and global politics is no longer a cutting-edge idea, research now needs to discern how and why ideas are important and what causal mechanisms can help norms change state practices and identities (Risse and Ropp 1999). This research seeks to find some links in the causal chain, specifically what role the United Nations General Assembly can play in bringing norms to states. The approaches to finding an answer to the question of how norms, international organizations, and states are related are as numerous and potentially contentious as the views on the importance of norms. This task is not be easy for as Petersen (2007) states that there are no clear guidelines to help researchers identify customary norms, perhaps the methods section can help to untangle some of the procedural questions for this thesis.

### **III. Methods**

For this research I use the general idea of the case comparative model which identifies the presence or absence of conditions which may account for the relationship between norms, the General Assembly, and states, to attempt to identify possible conditions that account for the phenomenon so that the selected variable can be determined as necessary, sufficient, or neither for the occurrence of the relationship (Lofland et al 2006, Roselle and Spray 2007). In looking at a specific institution some causes may be neither necessary nor sufficient but instead offer possibilities for phenomena to occur, as is consistent with constructivist research. Weiss (1994) states that “the demonstration of causation rests heavily on the description of a visualizable sequence of events, each event flowing into the next”, I rely heavily upon this statement in answering my research questions, especially since I am using process tracing in an attempt to understand the causality of this process. As with many governance processes there is no assumption of linearity, cases are presented in this way to preserve clarity. I desire to find the causal “chain” and “mechanism” linking the independent variables to the outcome or dependent variables (George and Bennett 2005, Steinberg 2007).

Process tracing is appropriate for this thesis because I ask how something occurs. Looking at the history of a norm, which can be accomplished through process tracing, can be an effective way to overcome the shortcomings of deductive approaches (Price 1995). Perhaps more importantly process tracing may be the only method of use in moving past covariation to determine causal processes (George and Bennett 2005). Process tracing allows for full description and analysis which is not possible with quantitative methods (Steinberg 2007) by using inferences, something which quantitative research often lacks (Bennett and George 1997, Collier 2011). One of the major reasons I am using process tracing in this thesis is to bolster causal conjectures for my small n study (Collier 2011) which is allowed through in depth study and inferences it allows.

*What is Process Tracing?:*

Process tracing is a multi-functional approach which can offer insight into many areas of research such as confirming or discovering new hypotheses, identifying and describing new phenomena (social

and political), understanding and assessing causal mechanisms, and acting as an alternative to attacking difficult problems (Bennett and George 1997, George and Bennett 2005, Collier 2011). Process tracing may be explained as a historical approach to looking at the development of frames used to interpret actions and potential actions, in this thesis those related to norms (Jepperson et al. 1996). For example, the norm life cycle, developed by Finnemore and Sikkink (1998), may be used as a frame to explore the process of norm development for the chemical weapons norm and to look at what role the UNGA plays. In short process tracing is a type of “analytic narrative” which usually stresses the temporal aspect of events (Collier 2011) in order to fully grasp what actors/actions are important and when. This fits with, and provides a strong methodological base for, the case study approach and many theoretical approaches, including constructivism (Bennett and George 1997, Snidal 2007, Steinberg 2007).

Process tracing may also be viewed as an “operational procedure” used to analyze and discover causal mechanisms (Bennett and George 1997, George and Bennett 2005, Steinberg 2007) and may help determine whether correlations are causal by linking outcomes with causal mechanisms. More than one possible causal path or indeterminate theories lead to trouble with process tracing, making theory confirmation provisional at best (Bennett and George 1997), but it is an apt method for the development of conditional generalizations about the circumstances under which specific causal paths are followed (George and Bennett 2005). Causal mechanisms are unobservable causal processes and variables through which causal or explanatory variables produce causal effects in an attempt to change some entity, and should follow a continual path from cause to effect (Bennett and George 1997, George and Bennett 2005) making them required but not always adequate to explain phenomena. Process tracing allows the analysis of causal claims through an examination and description of historical events and political phenomena, including intervening variables (Bennett and George 1997, Collier 2011).

#### *Process Tracing in this Thesis:*

The methods of this thesis are aimed toward a general explanation of the role that the UNGA plays in the norm life cycle. This is appropriate due to the nature of the propositions and the desire to produce some generalizability. I use process tracing as a verification method (Bennett and George 1997), applying

Finnemore and Sikkink's (1998) norm life cycle and assessing my own theories dealing with the role of the United Nations' General Assembly in shaping that process. This type of question clearly invites a more qualitative, rather than quantitative approach as do many of the more amorphous concepts international relations studies. For this reason I focus on explaining the qualitative methods which would best lend themselves to the questions posed in this thesis.

Since norms can be assessed only in relation to human minds it is difficult to "measure" them in any precise manner, such as with an index (Nadelmann 1990, Kowert and Legro 1996, Raymond 1997). To overcome some of these obstacles Raymond (1997) recommends using public documents, legal treatises, and behavioral events as data sources when studying norms. The sources I use are document based; including the treaties which encapsulate the norms studied here, time lines and histories put together by supporting organizations, and many secondary sources. I believe the research is viable if only document sources are utilized, especially since the treaty texts reference previous documents influencing the norms such as other treaties, agreements, and decisions. This offers insight into the norms beyond the treaty itself. However, the research would be enriched by the inclusion of interviews and observations which could be undertaken in a future research project.

If institutions are collections of norms and decision making procedures then norms included in the institution are also explicitly accepted when treaties are signed. I limited my research to norms formalized in institutions through treaties or conventions, which helps establish clearer, easier to analyze cases (Goertz 2003), therefore; the norms are the individual cases, however; each is encapsulated within a treaty or convention. Institutions are created when policy agreements between states are explicit. Goertz indicates that an appropriate measure of explicitness would be the signing of a treaty. Sills agrees that treaties are important calling them both "concrete" and "understandable" compared to other forms of norm embodiment (2004). A treaty must be signed by a "significant proportion" of affected states. This makes it clear that usually several, but not all states must participate in a treaty for norms to be considered valid. This does not mean that treaty signing must occur for a norm to be considered effective; only that if treaties which encapsulate said norm do not have a relatively high rate of participation then the likelihood



is that the norm is not accepted or internalized by many state actors. This is important since the United States is notorious both as a hegemonic actor and one who often refuses or refrains from signing treaties creating new institutions.

Collier (2011) stresses the need for accurate description of the process at specific points which is facilitated by the norm life cycle due to its indication of key points which merit this type of careful description. I use the norm life cycle as diagnostic evidence to pinpoint which specific points of the cases should be analyzed, and make causal inferences such as the role of the UNGA in norm propagation. Diagnostic evidence relies on prior knowledge, in this case, that of recurring empirical regularities described by the stages of the norm life cycle (Finnemore and Sikkink 1998, Collier 2011). Tables have been created indicating key points in the norm life cycle, the points at which the UNGA is involved, the issues involved, and the type of state involved. Then a comparison of this information is undertaken in an attempt to provide information on each case to analyze my propositions. The propositions may be strengthened if UNGA involvement in the norm life cycle is influenced by state type and/or issue type. For example, if great state participation is high and UNGA participation is low this would support my expectations. Furthermore, if the issue is weapons based I expect a different level of involvement from the UNGA than for environmental issues.

*Variables/Operationalization:*

Process tracing is an appropriate tool for the study of a minimal number of variables and can help determine if a singular variable may or may not be excluded from the causal chain by determining its necessity in the stated outcome. Types of states are divided into two categories; great powers, as defined by Handel (1990) to be a combination of nuclear, military, economic, technical, resources and other types of power as well as large populations and territory such as the United States, the EU, China, and Russia and less powerful, non-great powers such as Algeria, Cambodia, and Lebanon; these distinctions are usually discussed in the literature. General Assembly participation is matched with the each stage of the norm life cycle in which it appears (Finnemore and Sikkink 1998). In dealing with alternative explanations I try to exclude the possibility of intervening variables by making every effort to recognize

them and discredit them as part of the process (Lofland et al. 2006) and using a form of covariation to decrease the likelihood that intervening variables are causing the phenomena suggested by my propositions (Bennett and George 1997, Steinberg 2007, Collier 2011). Thus, the theory or proposition becomes more developed as the research proceeds (George and Bennett 2005) and the understanding of the phenomenon may change (George and Bennett 2005).

For the purposes of this thesis the stages of the norm life cycle are operationalized as follows: During the *entrepreneurial stage* an actor is promoting the norm. Promotion is occurring when the entrepreneur is attempting to raise awareness of an issue, especially by getting it on organizations' agendas, often with the use of persuasive techniques. This stage occurs before or simultaneously with the organizational foothold stage. During the *organizational foothold* stage the norm is put on the agenda of an organization/ organizations. It is evident that this has occurred when organizations speak on the subject/ make statements about the norm, often with the UNGA this is most easily seen through resolutions. During the *tipping point* either great states, states impacted by the norm, or a few states are promoting and/or have adopted the norm. This is the least defined period by Finnemore and Sikkink and they state that it is difficult to determine that this stage is occurring until after the cascade stage is reached. This stage must occur prior to the cascade phase and may overlap with the organizational foothold stage. During the *cascade phase* most or all of impacted states are on board/ have adopted the norm. This is most easily characterized by the signing and ratification of a treaty in my cases. During the *internalization stage* few, if any, violations of the norm occur; those that do offer justification for actions. By this point violations of the norm are seen as poor or unacceptable behavior by other actors. Table 1 below shows the operationalization of the norm life cycles and the thresholds for UNGA participation at each phase. These stages may be applied to specific cases, using a case comparative method, the explanation of comparative methods and case selection follows.

Table 1: Operationalization of Norm Life Cycle Stages and UNGA Involvement Thresholds

<u>Stages and Definitions</u>	<u>Phase Evidence</u>	<u>UNGA Involvement Possibilities</u>	<u>UNGA Involvement Evidence</u>
<b>Entrepreneurship:</b> Norm entrepreneurs arise	Promotion is occurring when the entrepreneur is attempting to raise awareness of an issue,	The UNGA would be involved if it was the entrepreneur.	Evidence would consist of the UNGA being the first actor to promote the norm.
<b>Organizational Foothold:</b> In this stage an organization (or organizations) become "second stage" norm entrepreneurs, promoting the norm and placing it on their agenda.	It is evident that this has occurred when organizations speak on the subject/ make statements about the norm, or when discussion of the subject occurs in the organization.	The UNGA would be involved in this stage if it acted as the (or one of the) organizational footholds for the norm.	The norm is on the agenda of the UNGA. The UNGA is discussing issues related to the norm; they may also produce a resolution or declaration as a result.
<b>Tipping Point:</b> This stage is reached when enough states have joined to push the norm toward the cascade stage.	Empirically about 1/3 of states constitutes a tipping point. However, this is not always the case.	The UNGA would encourage state participation prior to the cascade phase.	This may be clear if states start adopting the norm in close juxtaposition with a UNGA resolution or declaration.
<b>Cascade Phase:</b> More states begin to join, including those with little or no domestic pressure to do so.	Most or all states have adopted the norm, at least on the surface. This is most easily seen by the signing of a treaty (or later ascension).	Same as above but occurring during the cascade phase.	Treaties with high participative percentages, or which gain significant numbers after UNGA involvement are good indicators.
<b>Internalization:</b> Norms are incorporated into everyday activities, procedures, and interactions. They are "taken for granted" at this point.	Violations of the norm are not acceptable to the broader international community and often bring repercussions. Also, actors who break the norm offer justifications.	The UNGA is the cause of states internalizing the norm.	The UNGA may pressure states with incentives or disincentives such as embargos, blockades, or developmental help.

### *Comparative Methods and Case Selection:*

Comparative methods represent a non-statistical study of a small number of cases and may be supplemented by or supplement process tracing methods very successfully (George and Bennett 2005). The process tracing approach generally takes place within one case but may be multi-case if specific points are analyzed (Bennett and George 1997, George and Bennett 2005, Steinberg 2007, Collier 2011). Odell (2001) indicates that dividing a process into steps and then applying it to a particular case (or set of cases) could add extra discipline and more “convincing” case comparison could result, allowing more generalizable patterns. An increased number of cases can help to determine singular or varying causal paths for the phenomena under examination (Bennett and George 1997). Goertz insists upon tracking policies from infancy for a “significant period”, preferably the entire life cycle of the policy/ norm (2003), indicating the need for in-depth study of a small number of cases. A case study is an example of a specific type of event or phenomenon (George and Bennett 2005); in my thesis this type of event is the process of norm development. As already stated case selection is essential to case study and process tracing methods. In this thesis I chose six cases that are instances of the prohibition norms and apply the norm life cycle described by Finnemore and Sikkink (1998). In this way I can discover if the activities of the General Assembly are important to states (and their representatives, or leaders) in terms of norm promotion and how involvement may be influenced.

Three cases from the environmental area and three from the weapons area were chosen to give a more comprehensive look at the two areas of interest and represent several different weapons and environmental issues over a span of several decades. I chose several cases in the selection process varying on the spectrum of most likely (chemical weapons norm) with great powers interested and benefiting, with little participation from UNGA; to least likely (oil pollution at sea norm) with a great power promoting but beneficiary states of both types, which demonstrated UNGA involvement and the entrepreneurship and engagement of different types of countries at different stages of the norm life cycle.

I focus on one type of norm to decrease the number of variables and chose to study proscriptive norms, which prevent states from taking certain types of actions, for example, the use of chemical weapons or the

release of oil at sea are prohibited by norms. The focus on proscriptive norms was chosen because proscription seems to require more governance than norms which allow state actions, since state behavior is expected to change. Two sub categories of proscriptive norms were chosen, those which confine weapons use and those which deal with environmental issues. These two selections were made since weapons and environmental issues affect most if not all states in the UN system and are often contested issues within that system, making instances of UNGA involvement more likely, since the UN often deals with these types of issues. The UNGA has specific bodies that deal with weapons and environmental issues, the First and Second Committees, respectively (UN News Center 2012). Furthermore I selected issues I believed would be “vulnerable” to normative pressures, the actions associated with these issues are difficult to conceal, require difficult to get and/or expensive materials, or require some expertise, although the oil pollution norm probably fits these qualities the least. However, all of the norms selected here arguably have some type of moral/ethical or emotional component making them more likely to receive support (Nadelmann 1990). Although this process may seem clear there are some issues with this approach, and area of study.

*Opposing/ Alternative Arguments and Limitations:*

Of course all scholars do not agree on these matters and there are several views on the importance of norms and the role of the General Assembly. Keohane (1988) makes it clear that norms are not necessary for international cooperation to take place. However, this is not in direct conflict with my argument since my interest is in discovering the connection between the General Assembly and norms, not arguing that norms are necessary and/or sufficient for international cooperation. Others argue that the breaking of norms devalues them (Sills 2004) but the action of states breaking norms does not mean that they do not exist (Goertz 2003). Still other critics posit that constructivists put too much of their argument on changing identities that do not change often (Adler 2007). Even if this is true it does not detract from my argument which states that the UN General Assembly may have a role when norms do change or new norms are introduced.

There is no clear agreement on how norms should be detected, measured, or even studied (Jepperson et al 1996). It is important to remember that norms can be found by looking at the consistent behavior of states (Hurrell 2007). Norms may at times be thought weak because they are non-binding; however, that does not make them unimportant (Joyner 1981). Indeed, IR scholars accept that binding obligations are not enough on their own to explain state behavior (Finnemore and Toope 2001). Fault can be found with previous studies on norms, especially due to case selection bias of positive cases by scholars (Legro 1997); furthermore there are arguments that not enough attention is given to “norm-takers” and too much to “norm-makers”. (Kowert and Legro 1996, Checkel 1999). Another possible issue is the UN’s reluctance to become involved with “domestic” issues but Santa-Cruz (2005) shows if there is enough interest then it can be persuaded to do so. Of course criticism goes even deeper than these examples, as some scholars argue against the idea of a national interest existing at all since politics affect groups differently; even if this criticism is accepted, state-centric theories are useful when understanding international relations. Additionally the concept of “freeriding” occurs with normative efforts (environmental initiatives such as greenhouse gas emissions for example) (Lake 2008).

Qualitative methods showed general decline in use after the Second World War but have picked up again over the past few years due to a strengthening in structure and a systematic, rigorous approach to qualitative methods such as process tracing used in conjunction with case studies. The same can be said for case study methods which have gone in and out of favor but are more rigorous when coupled with process tracing and may allow for narrow to mid-level generalizations (George and Bennett 2005). Case studies may suffer from a lack of indeterminacy and shaky conclusions. Although selection bias may be a problem for case study methods, it has less impact than bias in statistical methods and case studies selected upon the dependent variable may provide valid and important information on the necessity and sufficiency of variables. Furthermore, selections made with prior knowledge of cases allow for stronger research design and process tracing can help guard against the issues connected with selection bias; over confirmation of propositions is still a possibility and cases with more easily accessible evidence are also a source of selection bias (George and Bennett 2005).

Process tracing is an extremely useful method but cannot be seen as a panacea for theory testing and development. It may generate data and prove spuriousness as well as discover unaccounted for variables but suffers greatly when data is lacking or misinterpreted. It may only reach full predictive capacity if every step in the causal chain is studied and an uninterrupted path is both observed and proven. When process tracing only looks at a smaller number of variables, only provisional conclusions may be reached. Furthermore, when turning historical narratives into analytical ones some richness and uniqueness of cases may be lost (George and Bennett 2005), this is an acceptable trade off which allows for generalization (Roselle and Spray 2011). I attempt to overcome bias by including primary documents, allowing me to draw my own conclusions and verify the claims of some secondary documents. I know that the bias of interest still remains, if the authors who wrote the secondary sources I used were not interested there would likely be no correlating document, but hope that the well rounded selections decrease other forms of bias. In doing this I also hope to minimize my personal bias by exposing myself to varied opinions and perspectives, process tracing itself also lends a hand in minimizing personal bias since it is difficult to force history into a certain shape or path (George and Bennett 2005).

The United Nations, especially the UNGA, has been instrumental in promoting, adopting, and placing weapons norms at the forefront. This involvement varies from norm to norm on a continuum from very little involvement, to extremely involved. The timing of the UNGA's participation also varies, as may be seen from the cases below. I expect to see General Assembly involvement in each norm in varying degrees depending on who is promoting the norm and what type of issue it is. I also expect that involvement is related to the success of the norms in that they move forward in the norm life cycle after involvement occurs. Now that the methods of assessment have been discussed the next two sections will apply the process tracing method and case comparative approach to the specific cases selected.

#### IV. Process Tracing Norms Through Weapons Treaties

“[T]he cause of the origin of a thing and its eventual utility, its actual employment and place in a system of purposes, lie worlds apart; whatever exists, having somehow come into being, is again and again reinterpreted to new ends, taken over, transformed, and redirected by some power superior to it... However well one has understood the *utility* of a physiological organ (or of a legal institution, a social custom, a political usage, a form in art or in a religious cult), this means nothing regarding its origin... the entire history of a "thing," an organ, a custom, can in this way be a continuous sign- chain of ever new interpretations and adaptations whose causes do not even have to be related to one another ... The form is fluid, but the "meaning" is even more so” (Nietzsche 1887).

In the first part of this chapter each selected weapons norm is evaluated on an individual basis, investigating the process by which the specific prohibitory norm came about, and was encapsulated in treaty form. This individual analysis pays close attention to the role of the United Nations General Assembly in the life cycle of each norm. After the three weapons norms have been explored and analyzed individually, in the next section, they are searched for similarities and differences in the role of the UNGA and state types in the norm life cycle which may help to draw conclusions about the norms as a group and allow for predictions relating to the broader group of weapons norms and or treaties.

In this section I look at three prominent and relatively successful norms focused on weapons bans. The first is the anti-landmine norm, encapsulated within the Ottawa Treaty, an important weapons norm treaty, especially since it was the first in over one hundred years to ban a major weapons system, which had widespread use by many countries, outright, instead of just regulating it, and also has high levels of state participation (Conference Statements 1997, Thakur and Maley 1999, Anderson 2000). The Ottawa Treaty, fully titled the *Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on Their Destruction*, was signed by one hundred twenty-two states on December, 3<sup>rd</sup> and 4<sup>th</sup> 1997 (Mine Ban Treaty Text 1997, Ottawa Landmines Convention 1997, Thankur and Maley 1999). The second norm is that opposing the use of chemical weapons and is encapsulated in the Chemical Weapons Convention, fully titled *The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons, and on Their Destruction*, also offers a proscriptive norm to study. This treaty focuses on the banishment of chemical weapons and is built around strong norms which proscribe the use of such weapons. The final norm in this section is the



nuclear test-ban norm, captured within the Comprehensive Nuclear Test-Ban Treaty which seeks to end the use of Nuclear weapons. All three of these norms are part of a larger disarmament regime which has been instrumental since the height of the Cold War. These norms have various rates of participation from great powers, especially the United States, making them interesting in terms of my propositions.

### **Anti-Personnel Land Mines**

The Ottawa Treaty encapsulates a norm that prohibits the use, stockpiling, production, and transfer of anti-personnel land mines; the treaty also provides guidelines on the destruction of these mines. The treaty defines an anti-personnel land mine as being “designed to be exploded by the presence, proximity, or contact, of a person” and is intended to “incapacitate, injure or kill one or more persons” (Ottawa Treaty Text 1997). Other norms are also included within the Ottawa Treaty; there is a strong general norm present of not accepting civilian targeting weapons. The Ottawa Conference also recognizes that anti-personnel landmines could negatively affect economic development and the repatriation and aid to refugees, both of which are hindrances to norms which promote economic development and protection of refugee groups (Conference Statements 1997).

The Geneva Conventions of 1929 and 1949 are at the core of many arms reduction and control measures and focus on the effects war has on both soldiers and civilians, such as the effect of landmines on civilians. Anti-personnel landmines are a prime target for proscriptive norms since they affect civilians so broadly and indiscriminately, killing more civilians than soldiers (80-90% of anti-personnel landmine fatalities are civilians), and often killing innocents long after the end of the conflict (Thakur and Maley 1999, UN News Center 2007). The number of deaths caused by landmines is estimated to be up to 20,000 plus yearly. With only one mine cleared for every twenty laid during several years of conflict (post world War Two throughout the 1990s) the numbers of potentially deadly or maiming mines were increasing at a staggering rate. These reasons are some of the many that the plethora of participating governments gave for their support of the Ottawa Treaty (Conference Statements 1997, UN News Center 2007).

Furthermore, a study conducted by the International Red Cross found that anti-personnel land mines rarely, if ever, affect the ultimate outcome of a conflict (Thakur and Maley 1999).

The treaty also recognizes the independent actions of states which had already taken unilateral, bilateral, and multilateral steps toward the eradication of anti-personnel mines, and particularly the work of NGOs, such as the International Red Cross and Red Crescent and the International Campaign to Ban Landmines (ICBL), which acted as entrepreneurs and organizational footholds; as well as Princess Diana and Kofi Annan who also acted as norm entrepreneurs, subsequently leading to the involvement of the UN (Ottawa Treaty Text 1997, Conference Statements 1997). Anderson (2000) echoes the importance of these groups, even stating that NGOs, such as the Red Cross and Crescent organizations, were entirely responsible for beginning this effort to ban land mines and influential in its ultimate success. He also states that although the International Committee of the Red Cross (ICRC) was the true entrepreneur of the effort, marking the first stage of the norm life cycle (Finnemore and Sikkink 1998), the International Campaign to Ban Landmines (made up of various other NGOs) and its citizen's campaign really helped bring the issue to center stage (Thakur and Maley 1999, ICBL Website 2012). The Ottawa Treaty text also names the United Nations and the Conference on Disarmament as especially important in the quest to end the threat of anti-personnel mines (Ottawa Treaty Text 1997). Anderson, (2000), argues that global transnational elites also had a large role in bringing this norm to legislation.

The preamble of the treaty recognizes several preceding documents which played a part in the culmination of the anti-personnel land mine norm being captured within the treaty; several parts of the weapons regime played a part in the norm life cycle. One early version of this norm recognized by the Treaty is the *Protocol on Prohibitions of Restrictions on the Use of Mines, Booby-Traps and Other Devices* which was amended May 3<sup>rd</sup> 1996 and annexed to the more inclusive *Convention on the Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects* (Ottawa Treaty Text 1997). The Ottawa Treaty text also welcomes United Nations General Assembly resolution 51/45 S which came during the cascade phase between the May 3<sup>rd</sup> 1996 Protocol and the treaty signing in December 1997, and urges states to take steps toward the creation of an international agreement to ban anti-personnel land mines which is effective and binding (Conference Statements 1997, Ottawa Treaty Text 1997).

The United States has chosen not to participate in the Ottawa Treaty, partially due to dissatisfaction with authentication measures which are not independently verifiable, (Thakur and Maley 1999), despite promises to join by 2006. Neither Russia or China, two other great states, are signatories; yet, the treaty is still deemed successful. This could be puzzling, as the United States is often thought to bring legitimacy, to international treaties (Anderson 2000). However, according to my expectations, the norm life cycle does not necessitate the cooperation or participation of great powers. This is reinforced by Thakur and Maley's (1999) discussion on state's fear of disapprobation, even for states who do not formally participate in the Ottawa Treaty. It is also of note that, at the beginning of this process (entrepreneurship and organizational foothold stages); governments were generally uninterested in participation and unconvinced of the viability of a universal ban. However, some governments were sympathetic to the issue and passed unilateral measures designed to decrease landmine threat leading to the tipping point. The importance of states acting unilaterally or in small groups before the norm became encapsulated in the treaty, during the tipping point and beginning of the cascade phases, was clear in this process. In 1995 Austria was one of the first countries to seriously pursue a total ban on anti-personnel landmines and destroy all of its stock, it was also the state which provided the treaty draft. In 1996 Australia also committed to a total anti-personnel landmine ban and explicitly suspended the use of landmines, shortly thereafter several other eastern European states such as Bulgaria and Croatia as well as African states such as Mozambique made similar commitments to the campaign. It was beneficial to the movement that the effort to ban landmines did not pose a threat to the economic viability of arms manufacturing companies, avoiding a potentially adverse movement from such powerful entities (Conference Statements 1997, Anderson, 2000).

The pressure of NGOs during the tipping point and cascade phases, especially the ICBL, led a sufficient group of significant states to endorse the norm/ treaty, therefore, the core principles of the ban did not have to be compromised to achieve some measure of success and the participating entities chose to adopt a policy of little to no compromise when gaining more members/ supporters (Conference Statements 1997, Anderson 2000). The thinking in taking this approach was that only including "like-

minded” states in the treaty would build a stronger norm and still eventually lead to more states joining as their opinions changed over time due to the influence of norms and the pressure of participating states and NGOs (Conference Statements 1997, Anderson, 2000); something that has proven true so far. These actions convinced states to begin passing measures and led to the cascade phase of the norm life cycle (Finnemore and Sikkink 1998). Thakur and Maley (1999) emphasize the ability of humanitarian inspired international law to “evolve” through the participation and consensus of the adherent states while not requiring the consent of every state. In 1997 several conferences were held relating to the draft treaty. As states agreed to the text of the treaty other states that might not have initially been seen as “like minded” also begin to warm to the treaty, causing a cascade of supporting states, an important step in the norm life cycle (Finnemore and Sikkink 1998).

The ICBL statement made at the Ottawa Conference makes clear the importance of state support and the leadership of states such as Canada, Belgium, Norway, Austria and others (Conference Statements 1997). Therefore, the lack of US participation is no great loss to the treaty since its values would have to be overly compromised to meet US demands and garner American participation. It is interesting to note that the majority of the permanent members of the UN Security Council, the US, Russia and China, have not signed the treaty (ICBL Website 2012) which could indicate an aversion to signing the Ottawa Treaty or possibly an effort to balance each other in terms of power.

Non-signatories such as Cuba, Finland, and Israel made statements recognizing the importance of banning anti-personnel land mines and offered varied reasons for their decision not to sign the treaty, indicating that the norm was relatively strong and at least partially internalized since non-participants felt compelled to explain their lack of involvement (Conference Statements 1997). In 1997 the UNGA adopted a resolution proposed by the Ottawa Conference with 156 positive votes, no negative votes and ten abstaining votes (Thakur and Maley 1999). Aside from its original resolution 51/45 the UNGA also has yearly resolutions supporting the Ottawa Treaty, supporting the norm in its internalization phase. It is interesting to note that China has voted in favor several times in the last decade indicating a chance for further internalization (Finnemore and Sikkink 1998, Landmine Monitor Report 2009). The cascade of

the norm has grown and now includes most states recognized by the United Nations; as of September 2011 one hundred fifty-nine states were party to the Ottawa Treaty while two more had signed but had not yet ratified, thirty-five further UN recognized states were non-signatories meaning that 82% of UN recognized states had signed the treaty (ICBL Website, 2012). The Ottawa Treaty entered into force in 1999 after the required forty state ratifications was reached.

The Ottawa Treaty on Land Mines is an effort to encapsulate and promote the norm proscribing the use of anti-personnel land mines. The anti-personnel land mine norm provided interesting results when process tracing methods were applied. While this case is based on a security/ weapons issue non-governmental organizations played a large role in bringing it to the forefront. States in general were uninterested before the tipping point but mostly non-great states participated during or before that stage. The primary benefiting state type is non-greats since most landmines are found in developing countries which lack the resources to remove them effectively. The proscriptive landmine norm was influenced by the UNGA in several phases of the norm life cycle as described by Finnemore and Sikkink (1998). The General Assembly played a significant role as an organizational foothold for the norm, picking up the cause of its entrepreneurs and helping to give the problem an international forum. The UNGA also played roles in the cascade portion of the life cycle by passing resolutions and keeping the issue at the forefront. It is not surprising that the General Assembly did not play a role in the entrepreneur stage since that is usually the role of more narrowly focused groups or people. The UNGA has played a role in the final phase with yearly resolutions which indicate a desire to increase norm internalization. In this case non-great states are the primary beneficiaries of the norm and both state types and NGOs participated before the tipping point.

For this norm great powers are markedly uninvolved and the norm clearly benefits less developed states which suffer from land mine casualties far more often than great powers. This norm is defined as a weapons issue by this thesis and the lack of involvement of great powers is interesting for this reason and will be investigated further in the analysis of the cases. Overall the propositions seem to fit well with this case since the involvement of the UNGA was significant and the involvement of great powers was minor.

## **Chemical Weapons**

The Chemical Weapons Convention (CWC) is another example of a proscriptive norm encapsulated within a treaty. The Chemical Weapons Convention promotes the more general norm of disarmament and recalls the General Assembly's commitment to severely judging actions divergent from those of the 1925 Geneva Protocol, which is specifically directed at prohibiting the use of gases and biological warfare which may asphyxiate or poison the target of the weapon (CWC Treaty Text 1993). Parties to the CWC are required not to have any chemical weapons in their possession or plan to acquire such weapons, not to use chemical weapons or prepare for their use, and to not help any other entity to acquire, use, or prepare to acquire or use chemical weapons (Text of the Chemical Weapons Convention 1993, Inventory of International Nonproliferation Organizations and Regimes 2011). The treaty does not ban targeted chemicals altogether but focuses on use; toxic chemicals may still be used for purposes not connected to chemical weapons use (CWC Treaty Text 1993).

Although several studies have been conducted on the non-use of chemical weapons, none of the major ones has discounted the strength of the prohibitory norm and its relevance in preventing the use of chemical weapons. I argue that there is a prohibitory norm in play and that a normative stigma against chemical weapons played a role in the choice of states not to use them, as it raised the difficulty in providing justification for their use and essentially limited the circumstances of use to desperation (Price 1995). The norm against chemical weapons cannot be explained by it being militarily ineffective or because of its unique characteristics according to Price (1995) which invites investigation into the normative reasons for the nonuse of chemical weapons. The CWC text states that the purpose of the treaty is to benefit mankind, as well as to promote free trade and cooperation at the international level for the scientific community, and to promote the use of science for good and not harm. Furthermore, the CWC strives not to hinder states' development technologically or economically in the implementation of the treaty (CWC Treaty Text 1993).

Chemical weapons have many sources of stigma. Chemical weapons are feared because they cause unnecessary suffering, are indiscriminate, and often cannot be seen before effects are felt; humans have

intrinsic fears of suffocating or choking which chemical weapons prey upon. However, less condemned weapons share many similar characteristics so these alone are not enough to determine why chemical weapons are so highly stigmatized. Chemical weapons are part of the poisonous weapons stigma, documented as early as 1589 when their prohibition was promoted by Alberico Gentili; this effectively marks the emergence of a non-poisoning norm. The spuriousness of poison has become normative for most people, partly because of the inability to protect oneself against its use. Part of this deligitimation process was that the Hague Peace Conferences in 1899 and 1907 began to take up the issue of banning chemical weapons which were seen as a threat to civilian populations and were not seen as militarily important since the device had not yet come into being (Price 1995, Szinicz 2005). These conferences mark the true emergence of a norm against chemical weapons use, the beginning of the norm life cycle.

A push for the chemical weapons norm was the assertion of the Hague Conference that defines gas shells as a separate category of weapon, making it easy to denounce chemical weapons without tarnishing the names of other weapons, even those with similar features and consequences. A breach of a norm important enough to predate the weapon associated with it would surely impact the status of a state willing to violate it. This did not stop some states from using chemical weapons during the First World War (Szinicz 2005); instead of weakening the norm it strengthened it since use of chemical weapons allowed other states to strongly object and truly showed the horrors of chemical weapons use. This is partly what successfully led to the 1925 Geneva Convention which used the proscriptive chemical weapons norm as its base and acted as an organizational foothold (Price 1995, Szinicz 2005).

The limited use of chemical weapons during the Second World War is a good place to continue looking for norm development, because non-use is somewhat surprising during this conflict, and can be explained with three elements; both sides had warned the other against chemical weapons use; governments and public opinion showed a strong repugnance toward the use of chemical and biological weapons, and neither side was militarily prepared to use such weapons (they lacked sufficient numbers, a plan for use, or appropriate delivery systems). The British considered the using the weapons if German invasion became a reality but decided against it since the use was not consistent with British moralities

(Price 1995). This may show that the British, at least, had internalized the proscriptive chemical weapons norm as early as the Second World War. Deterrence cannot act as the sole explanation of this instance of non-use, especially because there were often times when chemical weapons offered a significant military advantage and little or no threat of retaliation (Price 1995, Szinicz 2005). This indicates that the norm started early and has lasted throughout major conflicts, demonstrating stability.

There are several other agreements and organizations in place which relate to the CWC. For example the Australia Group (est. 1985), provides coordination for chemical weapons export controls among thirty- two member countries and takes its job so seriously that the group has been accused of trade restrictions in non-weapon commodities. The Organization for the Prohibition of Chemical Weapons, formed in 1997, has the charge of implementing the CWC and can recommend penalties if noncompliance is found and in particularly serious cases can bring the issue before the UN Security Council or the UNGA (Arms Control Association 2012). Also, the Proliferation Security Initiative, which was launched in 2003, works to stop the transfer of all weapons capable of mass destruction, including chemical weapons. The UN Security Council produced Resolution 1540 in April of 2004, requiring member states to take all possible actions to prevent proliferation of these weapons, (Inventory of International Nonproliferation Organizations and Regimes 2011).

In this case two superpowers effectively acted as entrepreneurs for the proscriptive norm on chemical weapons by reintroducing it. The norm had long been left by the side without a binding instrument to support it. As early as 1962, while still in the thick of the Cold War, the United States and Russia were making steps toward general disarmament, including specific measures targeted at chemical and biological weapons. By 1968 chemical weapons were placed on the agenda of the Conference of the Committee on Disarmament (CCD), giving the norm a strong and persistent organizational foothold (Sikkink 1996), and by 1974 the US and the Soviet Union agreed to discuss the chemical weapons issue in an effort to create a joint proposal for submission to the CCD (CWC Chronology 2012) as well as signing the Threshold Test Ban Treaty limiting yields to one hundred fifty kilotons (Comprehensive Test



Ban Treaty Organization 2012, CWC Chronology 2012). Work toward a chemical weapons ban continued throughout the Cold War.

In 1980 an ad-hoc working group on chemical weapons was established in the Committee on Disarmament (CD), the successor to the CCD, and began working toward a chemical weapons solution in the form of a treaty. Following this significant step, in 1983 Vice President Bush announced the US conditions for creating an acceptable (to the United States) prohibition on chemical weapons. Later that year the US held a workshop on the topic in Utah, an invitation to which was not accepted by The Soviet Union or those participating in the Warsaw Pact, with the exception of Romania. However, the Utah workshop did garner the participation of thirty countries who were members of the CD; this participation may be seen as the tipping point for this norm. The following year, 1984, the United States presented a draft treaty which was quickly dismissed by the Soviet Union but was strong enough to become the center point of reference for the Ad Hoc Working Group of the CD. After that no significant progress was made until August of 1987 when the Soviet Union moved the process forward by accepting the standard of mandatory on-site inspections without the right to refuse, and invited delegates to inspect a Soviet selected military facility. This signifies another tipping point since the participation of the Soviet Union was essential for the progression of the norm. Further progress was made in the areas of disclosure and inspection, with the United States and the Soviet Union leading the charge into the next decade (FAS CWC Chronology 2012). The accumulated progress between 1984 and 1989 mark the tipping point in the norm life cycle (Finnemore and Sikkink 1998) with the most important point being the acceptance of the draft treaty by the Soviet Union.

The 1990s was a decade of much progress toward a chemical weapons treaty. In early 1990 the US and the Soviet Union settled on a framework for a Chemical Weapons Convention. In mid-1990 significant steps were taken when Presidents George Bush and Mikhail Gorbachev signed an agreement on the *Destruction and Non-Production of Chemical Weapons* which called for the cessation of chemical weapons production, mandatory onsite inspections, and environmentally safe destruction methods. In

1991 President Bush declared that the United States would take steps to bring a swift and effective conclusion to the Chemical Weapons Convention.

In March of 1992, Australia presented a draft treaty offering compromises on some of the more contentious issues; the US praised the effort, committed to working toward solutions, and reaffirmed their desire to successfully conclude the CWC in 1992. Later that year the chairman of the Ad Hoc Committee on Chemical Weapons at the CD released a “final text” draft which contained compromises; the United States accepted the draft proposal which was then revised, and was shortly thereafter supported again by the US. The United States also stated its desire to be one of the original members of the treaty and made an impassioned call for other states to follow suit. On January twelfth, 1993 one hundred thirty countries signed the Chemical Weapons Convention, marking the end of the cascade point of the norm life cycle (Finnemore and Sikkink 1998). The US signed the next day and the treaty was presented to the US Congress for ratification later that year. On April twenty-fifth 1997 the United States ratified the treaty and on April 29<sup>th</sup> of the same year the treaty successfully accumulated the 65 required state ratifications and entered into force (FAS CWC Chronology 2012). Internalization was largely already achieved at the signing, as it had been spreading since restraint of chemical weapons use during the Second World War. By August of 2010 one hundred eighty-eight countries were parties to the treaty. Two other states had signed but not ratified the Chemical Weapons Convention and five had not signed; those five included Angola, North Korea, Egypt, Somalia and Syria (United Nations Treaty Collection 2012) this indicates a successful norm with a strong international presence, however; the news is not all good.

As late as July 2011, there were still concerns about the proliferation and presence of chemical weapons. The destruction schedule for the CWC is percentage based; states are required to destroy one percent in the first three years (by 2000), twenty percent after five years (2002), forty- five percent after seven years (2004), and one hundred percent after ten years (April, 29, 2007) (Arms Control Association 2012). States are struggling to complete dismantlement of their chemical weapons stockpiles on time, the US and Russia will likely both fail to meet their extended deadlines and few states are meeting their original deadlines. These countries were the center of concern due mainly to their large chemical weapons

stockpiles and their role as international leaders, especially during the process leading to the CWC. Some estimates of the final United States dismantlement date stretch into 2021, fourteen years past the original goal date, and more than twice as long as called for by the treaty (Inventory of International Nonproliferation Organizations and Regimes 2011).

The Chemical Weapons Convention encapsulates a norm which proscribes the use of chemical weapons in any circumstance. This norm was one of the original cases selected for this thesis since the issue type so clearly fits the weapons/security category and its success over time proves interesting. Great powers seem to be the beneficiaries of this norm when the life cycle began since they were more likely to use or be the target of these weapons at that time. Great states were also the entrepreneurs of this norm, primarily the United States and Russia who were interested in this issue for disarmament reasons. Australia and Germany also played significant roles in the norm life cycle before the tipping point. The UNGA played a moderate role the norm life cycle for the chemical weapons norm but of the weapons cases studied here the General Assembly was least involved in terms of the life cycle phases. The General Assembly acted as an organizational foothold, taking up the issue of chemical weapons and pushing for a solution, however this role as an organizational foothold occurred later in that phase. The UNGA also played a role in the internalization phase of norm life cycle for the chemical weapons norm, by admonishing states who violated the norm and encouraging participation.

My propositions seem to fit well with this case since the norm affected and was promoted by great states and the role of the UNGA was later and less than in the land mines case above. Furthermore, the involvement of great powers fits my expectations since this is clearly a weapons/ security issue. This norm also has an impact on non-greats and the non-conformity of some states such as North Korea and Egypt shows that the power of these weapons is alluring despite the presence of the proscriptive norm.

### **Nuclear Test-Ban**

The Comprehensive Nuclear Test-Ban Treaty contains the final norm to be investigated in my weapons case studies. The treaty strives to create a regime based around the proscriptive norm against

nuclear weapon usage and desires to strengthen that norm to the point that no testing of nuclear weapons is acceptable. These desires are encapsulated within the Comprehensive Nuclear Test-Ban Treaty. This treaty is part of a greater effort to remove the threat of nuclear weapons and to eliminate or destroy them as part of general disarmament and obligates participants to not carry out any type of nuclear explosions, and to forbid nuclear explosions from occurring in any area they control. Furthermore, the treaty bans any encouragement of, participation in, or the causing of any type of nuclear explosion, including test explosions (Comprehensive Nuclear Test-Ban Treaty Text 1996). The Test-Ban Treaty incorporates several norms besides the one of nuclear non-use; it is also sensitive to norms related to matters of developed versus undeveloped concerns, being careful to split both responsibilities and control, as well as stating the desire to not harm economic or technological development of the countries involved (Comprehensive Nuclear Test-Ban Treaty Text 1996).

The text of the treaty recognizes previous efforts and measures; including disarmament talks, reduction in nuclear arsenals, and the prevention of nuclear weapons proliferation. The text also recognizes the ban on tests as an effective way to slow, and hopefully stop, advancements in nuclear weapons and stopping the development of novel weapons. The treaty further recognizes the importance of the 1963 Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space, and Under Water; which seeks to stop nuclear test explosions. It is noted that the Comprehensive Nuclear Test-Ban Treaty further serves to protect the environment from the consequences of such explosions, as well as promoting peace and security in the international sphere (Comprehensive Nuclear Test-Ban Treaty Text 1996). The treaty also provides an organizational link; cooperating with the IAEA links the norm to a stable and important organization (Comprehensive Nuclear Test-Ban Treaty Text 1996) as well as granting it a double “organizational foothold” (Sikkink 1996), one with the IAEA and one with the United Nations; in fact, the United Nations, and the General Assembly specifically, acted as primary or early organizational footholds (Sikkink 1996). The General Assembly is specifically included in the treaty text, which grants the UNGA the authority to allow the International Court of Justice to offer advice on any legal questions

relating to the treaty, an uncommon, but not unheard of, practice in international law (Comprehensive Nuclear Test-Ban Treaty Text 1996).

The non-testing norm can be traced back to the 1950s with the test of a hydrogen bomb conducted by the United States. In early 1954 the United States inadvertently took the first steps toward a nuclear non-testing norm when a bomb tested on the Bikini Atoll had yield far beyond expectations and exposed over two hundred fifty people to fallout (Bunn 1999, Pant, 2002, Comprehensive Test Ban Treaty Organization 2012). Twenty-three Japanese fishermen suffered from radiation sickness as a result and one fatality occurred, prompting India's Prime Minister Jawaharlal Nehru to ask for a ban on such testing as the United Nations worked toward a more general and comprehensive disarmament agreement (Bunn 1999, Comprehensive Test Ban Treaty Organization 2012). Nehru acted as the entrepreneur for this norm (Finnemore and Sikkink 1998) and called for total cessation of nuclear testing, repeating this desire at the General Assembly in December of 1954 (Pant, 2002, Comprehensive Test Ban Treaty Organization 2012). In 1955 President Eisenhower stated that participation in a test ban treaty would not benefit the United States' national security; in 1958 he concluded that nuclear tests could be conducted underground and thus kept secret from other states, therefore making verification impossible. Progress was made in 1959 with US propositions of test bans in the atmosphere, space, and underwater followed by the Antarctic Treaty in 1961, but onsite inspections remained a problem.

The 1962 Cuban Missile Crisis raised concerns about nuclear proliferation globally, bringing nuclear issues back to the forefront; the General Assembly called for support and ongoing negotiations working toward a test ban treaty, acting as an organizational foothold. Onsite inspections continued to pose a problem in completing a treaty, but the Swedes offered several solutions with some success (Comprehensive Test Ban Treaty Organization 2012). In 1962, with the encouragement of India, the United Nations General Assembly adopted a resolution condemning nuclear tests by all states and for any reason. This resolution was supported by a large majority of member states, representing the tipping point of the norm life cycle (Finnemore and Sikkink 1998), however; the US, the USSR, and some others abstained. Although these great states abstained from voting, the presence of a norm can still be seen,

although it was not yet very politically binding and certainly not considered legally binding (Bunn 1999, Comprehensive Test Ban Treaty Organization 2012). Further progress was made in 1963 with the signing of the Partial Test-Ban Treaty (PTBT) by all three of the nuclear powers at the time (the US, UK, and Soviet Union); the treaty stated that nuclear arms would only be maintained for deterrence practices but conceded that periodic testing was necessary to ensure the effectiveness of the arsenals. However, China became the fifth state to test a nuclear weapon in 1964 representing a setback (Pant, 2002, Comprehensive Test Ban Treaty Organization 2012). Still, the norm grew in strength and acceptance as many non-nuclear powers joined the crusade representing the cascade phase, and signed the Non-Proliferation Treaty in 1968 (Bunn 1999, Comprehensive Test Ban Treaty Organization 2012); coincidentally the five named nuclear weapons states signed the Comprehensive Nuclear Test-Ban Treaty.

Two further treaties were signed in the 1970s; the Threshold Test Ban Treaty, which limited nuclear yield of underground tests, and the Peaceful Nuclear Explosion Treaty, which limited the total yield of all nuclear explosions (Pant 2002). When India conducted its own nuclear test in 1974 many thought that the non-testing norm would be threatened. This was not the case, however, because India's justification acknowledged the norm and the UNGA resolution, indicating that the norm was becoming internalized. Also, the indignation of other nations ran high, partly because India had supported non-testing in the past. Later that year both India and Pakistan affirmed their commitment to the non-testing ban and, after the French and Chinese tests, supported another General Assembly resolution "strongly deploring" the act of nuclear testing by those, and any other, states (Bunn 1999, Comprehensive Test Ban Treaty Organization 2012). In 1976 the CCD convened an Ad-Hoc Group of Scientific Experts which determined that determining when seismic events, indicating the conducting of underground tests, occurred was possible, opening the path to a verifiable test ban treaty. The Disarmament Convention, the CD, and the UNGA all began to bring this issue into the spotlight and the UNGA passed a series of related resolutions. However, the escalation of the Cold War prevented further progress on the norm until the 1990s (Pant 2002, Comprehensive Test Ban Treaty Organization 2012).

In 1993, at the six hundred fifty-ninth plenary meeting of the CD, member states agreed to start negotiations for a Comprehensive Nuclear Test-Ban Treaty, to be conducted by the Ad Hoc Committee on a Nuclear Test Ban. Also in 1993, the United States, along with India and several others, called for a resolution in the General Assembly supporting the multilateral negotiation of a Comprehensive Nuclear Test-Ban Treaty, which was endorsed unanimously and led to the beginning of negotiations on the treaty in January of 1994, this further cemented the internalization of the norm. Consultations on the structure of said negotiations were to be held between September of that year and January of 1994. Actual negotiations began in early February, 1994 (Comprehensive Test Ban Treaty Organization 2012). In 1994 the UNGA passed another resolution confirming its support for multilateral negotiations working toward a comprehensive treaty (FAS Nuclear Chronology 2012). The negotiations were quite protracted and concluded with the adoption of the treaty on September 10, 1996 by the UNGA, most states signed the treaty although India rejected it forthright (Pant 2002, FAS Nuclear Chronology 2012). One probable reason for India's rejection of the treaty is that during the Test-Ban Treaty negotiations India was especially persistent that the treaty be anchored in the more general disarmament regime to improve its effectiveness (Pant 2002) and this was not achieved to the level desired.

Although the US had not, and still has not, ratified the Comprehensive Nuclear Test-Ban Treaty President Bill Clinton supported a ban on US nuclear tests after 1996, as long as other states did not test. The tests of India and Pakistan in 1998 essentially lifted this ban but the international norm on nuclear testing has proved strong enough to prevent further tests by the US. This norm was shown to be internalized due to the lack of testing, the justifications given when states did break or test the norm, and the decisions made by states in joining both the Non-Proliferation Treaty and the Test-Ban Treaty, confirming their belief in the non-testing norm. The existence of the norm is also supported because of its recognition by international lawyers (Bunn 1999) showing that internalization is substantial.

To enter into force the treaty requires ratification by 44 specifically named states. So far, most of the named states have signed and ratified the treaty but there are several notable exceptions which prevent the treaty from entering into force. India, Pakistan, and North Korea have yet to sign the Test-Ban Treaty and

China, Egypt, Iran, Israel, and the United States have signed but failed to ratify the treaty, although the Obama Administration has indicated that ratification may be pursued (The Acronym Institute 2009). Although some states have “cheated” such as Iraq, Iran, and North Korea the norm of non-testing is still relatively strong, this is proven by the failure of rogue states to have much success at building or testing nuclear weapons as well as the number of states who have started but chosen not to pursue nuclear weapons programs (Hafemeister 2008). The UNGA continued to push the nuclear test-ban norm by passing a resolution calling for the CD to act expediently in order for the treaty to be ready to be put to vote at the fifty-first session of the UNGA. In September of 1996 the General Assembly voted one hundred fifty-eight to three with five abstentions to adopt the treaty and open it for signature (FAS Nuclear Chronology 2012). The General Assembly has been very supportive of the non-testing norm, producing four resolutions encouraging states to continue the moratorium on testing, to sign the treaty, and to ratify the treaty with expediency, each of these had overwhelming affirmative votes and showing the UNGAs involvement in the internalization phase (Hafemeister 2008).

Four decades of norm building and negotiations led to the signing of the Comprehensive Nuclear Test-Ban Treaty and its subsequent adoption by the United Nations General Assembly through an overwhelmingly supporting vote on September 10, 1996. The reason the Test-Ban Treaty has not entered into force is due to the lack of required ratifications including those by the United States, China, and others which appear or claim to be waiting for US and/ or Chinese ratification before committing; (Bunn 1999). Proscriptive norms indicate that there would be widespread denunciation and moderate to severe consequences if nuclear testing were to be pursued by *any* state, including great states, since *all* states seem to be bound by at least some type of anti-testing norm. For example, India and Pakistan are bound more by the potential political consequences of conducting nuclear tests, while Israel, the United States, Russia, and China are more legally bound to the norm due to participation in other measures, specifically the Non-Proliferation Treaty (Bunn 1999).

The final weapons/security norm that I covered was that of nuclear testing. The Comprehensive Nuclear Test-Ban Treaty encapsulates the norm proscribing the testing of nuclear weapons. This treaty is



one of the premiere pieces of global legislation in the twentieth century; it effectively bans testing by any state for any reason, making steps toward increased global safety. India, classified in this thesis as a non-great state was the entrepreneur of this norm. This is the weapons case in which the General Assembly had a hand in the most phases of the life cycle. In the entrepreneurship stage the General Assembly was used as a platform only and did not take action itself. This involvement naturally led to the UNGA being the primary organizational foothold for this norm. This participation led to contributions toward the tipping point, including the production of several resolutions. Also, the UNGA is involved in the internalization of this norm through its continued resolutions and support of the norm.

This is clearly a case dealing with weapons use, however; the regionally great state of India promoted the norm with little to no participation from other important players such as the United States, China, Iran, etc. This thesis only makes a distinction between great and non-great making the identification of India difficult. India's ranking as a great state at this time is questionable and terming it a regional great state is a better assessment of India's actual power, not able to dominate world politics but still having influence over them. This has especially been true due to the support of India in this position of power by the United States (Nayar and Paul 2003, Wholforth 2009). The propositions in this thesis do not account for the importance of regional greats such as India in connection with the involvement of the UNGA; it is clear that in *this* case UNGA involvement was relatively high and strong. Furthermore the norm here benefits both state type since the use of nuclear weapons would affect everyone although great states are the primary owners of nuclear weapons. This case is also interesting because the norm itself, while suffering several blows over the years such as the tests conducted by India, Pakistan, and France, and without the participation of important states, has remained intact and those who have violated the norm have been on the receiving end of admonishments and sanctions from the UNGA, the general public and other states. Showing high internalization and the impact that NGOs and the UNGA can have even when no binding agreement is in force.

*Conclusions on Weapons Norms:*

Richard Price (1995) argues that chemical weapons are one of the few weapons whose use is actually perceived as morally illegitimate; while that may be true to a degree, the other two cases used in this section: nuclear weapons and anti-personnel landmines norms, also reflect moral disapprobation toward them. This seems to indicate an overall trend toward the success of disarmament norms and anti-weapons norms. The UNGA seems to play a role in the success of these norms and is generally involved in several stages of the norm life cycle when it comes to these types of norms; depicted in Table 2 below:

Table 2: UNGA Involvement in Life Cycle Phases-Weapons Norms

<b>Norm</b>	<b>Entrepreneurship</b>	<b>Organizational Foothold</b>	<b>Tipping Point</b>	<b>Cascade</b>	<b>Internalization</b>
Chemical Weapons	No	Yes	No	No	Weakly
Nuclear Test-Ban	As a platform but not an instigator	Yes	Some	Yes	Yes
Land Mines	No	Yes, Later	No	Yes	Yes

In the entrepreneurship stage the General Assembly's role appears to be limited to rarely serving as a platform for the introduction of new norms. This is unsurprising due to the very nature of norm entrepreneurship as understood by Finnemore and Sikkink (1998) who indicate that this stage is often a grassroots type of effort limited to individuals or groups who face a problem directly. The UNGA plays a more active role in the other stages of the life cycle beginning with acting as an organizational foothold. This may be one of the most important roles the General Assembly plays since it is able to promote its agenda on a global scale, helping to move the norm forward. The UNGA plays a minor role in the tipping point stage. However, the General Assembly has an increasing role during the cascade stage in the nuclear test-ban and land mine norms by pressuring non-participating countries. However, it is often the case that

participating countries also take up a large role during the cascade stage and the importance of the General Assembly's involvement begins to wane. The UNGA tries to participate in the final stage of the norm life cycle, the internalization stage in all three norms, passing resolutions and encouraging participation.

The role of state types in these cases is also interesting. In each case the type of positively affected state differs; in the landmine case it is non-greats, in the chemical weapons case it is great states, and in the nuclear test ban case it is both state types. Overall state participation is stronger than that with the environmental norms cases which follow, indicating that higher state participation may decrease UNGA participation. In the landmines case participation is mainly from non-greats, in the chemical weapons case, primarily greats, and in the nuclear test-ban case, the regionally great state of India plays a large role. As this thesis moves to look at the norm life cycle for environmental norms it is interesting to look for comparisons between those norms and the ones described in this section.

## **V. Process Tracing Environmental Norms**

The norms which follow fall into the category of environmental protection. As with the weapons norms, these are proscriptive norms, banning certain actions. The process tracing of these norms closely follows the norm life cycle and the involvement of the United Nations General Assembly in that process. The norms I look at in this section are; the prohibition of transboundary waste transportation, preventing the use and production of persistent organic pollutants, and the proscription of dumping waste at sea, specifically oil. All of these norms fall into the larger environmental cluster focused on the protection of the environment and human health. The General Assembly is involved with all of these norms but only indirectly with the oil pollution norm. The General Assembly is also an important point of entry for G-77 issues which often combine environmental and developmental issues (Kellow 2000). The developed-developing link is often clear in environmental norms and agreements; environmental norms and the treaties that encapsulate them often link the assistance offered by developed countries with the responsibilities and expectations for the work and responsibility expected from developing countries (Basel Convention 1989, Sands 1999, Stockholm Convention 2001). This is seen here in both the Basel and Stockholm Conventions and in a different way (through difficulty of implementation) in MARPOL.

### **Transboundary Toxic Waste**

The Basel Convention and eight related resolutions were adopted unanimously in 1989 by the Conference of the Plenipotentiaries on the Global Convention on the Control of the Transboundary Movements of Hazardous Wastes (Basel Convention 1989, Krueger 2002, Peiry 2010). The convention, formally known as *The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal*, is a treaty focused on the environmental protection norm specifically limiting the movements of hazardous wastes between states (radioactive substances were not covered in the Basel Convention). Going so far as to require that states take “all practicable steps” to dispose of wastes in such a manner that harm to humans and the environment is kept at a minimum, to reduce the amount of hazardous waste produced, and to have adequate disposal facilities and methods. Furthermore, if states do

plan to transport hazardous wastes between nations several strict guidelines must be met and specific protocols must be followed (Basel Convention 1989, Krueger 2002).

The Basel Convention is the only international instrument which regulates the transboundary movements of hazardous waste (Peiry 2010). Hazardous waste management has been on the international agenda since the early 1980s via its inclusion in UNEP's Montevideo Programme on Environmental Law in 1981, which identified hazardous waste disposal as a problem that needed cooperation in international law to help solve and provided an organizational foothold for the norm (Peiry 2010, Basel Action Network 2012). The problems related to transport of hazardous goods, termed "toxic trade", had gained the attention of governments, intergovernmental agencies, and ENGOs at the state and international level. The transboundary toxic waste norm came about due to public uproar because overseas hazardous waste deposits were found in African and other developing nations in the 1980s (Peiry 2010), marking the entrepreneurial stage of this norm life cycle. Hazardous wastes pose a problem for human health and the environment, especially when improperly stored or disposed of; waste can leak into groundwater, soil, and the atmosphere. (Krueger 2002, PEN Magazine 2010).

The text of the treaty cites both damage to environment and human health risks as causes to pursue this norm. The text also notes that transboundary shipments of these wastes have been on the rise and questions the morality of moving these wastes into developing countries which may struggle with the proper disposal of hazardous materials (General Assembly 42/183 1987, Basel Convention 1989, Krueger 2002, Kellow 2000, Peiry 2010). The treaty text also states the hope that limiting transboundary movements of hazardous wastes will inspire states to decrease their use of products creating these wastes and improve the environmental friendliness of disposing of these wastes (Basel Convention 1989). Waste has a negative economic value which has pushed states to further reduce hazardous waste production to avoid negative economic impacts (Kellow 2000), compounded by economic impacts of cleanup of hazardous wastes, this negative impact is heightened for poorer countries (Krueger 2002).

The Montevideo Program may have been the start of the road to the Basel Convention and can be said to represent an organizational foothold for the norm but the *Khian Sea* incident in 1986 brought to light

the true need for international legislation regulating the transboundary movements of hazardous wastes, because of this impact I term it an entrepreneurial event, much like that which occurred with the Nuclear Test- Ban Treaty. The *Khian Sea* was a cargo vessel which left the port of Philadelphia in the United States loaded with a cargo of incinerator ash, with the target of disposing of the ash, a hazardous waste. The ship dumped some of its fourteen ton cargo on a Haitian beach and then attempted to offload more of its cargo on five different continents, being turned away each time due to the efforts of Greenpeace, another organizational foothold for this norm. The ship is suspected of dumping the rest of its cargo in the Indian Ocean. A further push for action came from an unlikely source, Swiss Chemical Companies, who truly acted as entrepreneurs and who pushed for a convention supporting the transboundary toxic waste norm as a public relations play after a chemical spill in Basel, Switzerland caused more than thirty tons of waste to enter the Rhine River and kill thousands of fish (O'Neill 2000, Basel Action Network 2012). The combination of these events proved both the need and the desire for action to be taken on the issue of hazardous wastes and their transport.

Some international and regional agreements pertaining to the transport of hazardous wastes existed before the Basel Convention, though none dealt with transboundary movement of those wastes. A few of these agreements are recognized by the treaty; including the Declaration of the United Nations Conference on the Human Environment in 1972, the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes adopted by UNEP in 1987 by decision 14/30 represent the tipping point for toxic waste dumping issues, though not for transboundary movement. The Recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods which was formulated in 1957 and other declarations and regulations adopted and promoted by the United Nations are also recognized. All of these show that the UN and the General Assembly were strong organizational footholds for the norms encapsulated within the Basel Convention (Basel Convention 1989, Basel Action Network 2012). The General Assembly also recognized the importance of the Cairo Guidelines as well as the London Guidelines as an important step in the process of managing hazardous waste transport (General Assembly 42/183 1987).

The UNGA, in resolution 42/183 calls for the participation of all nations in the upcoming conference and convention and asks for the cooperation of all states in halting the transboundary movements of toxic waste (General Assembly 42/183 1987, Peiry 2010). This shows the General Assembly's participation both as an organizational foothold promoting the norm and as a push toward the tipping point, using its influence to ask for broad state participation. It is clear that ENGO's, specifically Greenpeace, worked within the structure or matrix of existing institutions, mostly the United Nations, with the considerable help and influence of the General Assembly since Greenpeace targeted the UN to act as the organization in the organizational foothold phase of the life cycle (Kellow 2000, Peiry 2010).

In 1987 UNEP mandated the creation of a working group focused on a global convention on hazardous wastes and the control of their transboundary movements (Peiry 2010), Greenpeace also launched a campaign against hazardous waste trade after their research revealed that waste traders had already sought to export over three hundred twenty-five million pounds of waste, mostly produced by actors Greenpeace saw as "irresponsible industry" (Basel Action Network 2012). UNEP held a meeting in Budapest, during the World Conference on Hazardous Wastes, to promote the norm against transboundary movement of wastes. This meeting led to setting a conference in Switzerland, to adopt a global convention on this matter. In December of 1987 the United Nations General Assembly took up the cause of traffic in hazardous wastes and products. The General Assembly recognized several decisions adopted by UNEP in 1987. These decisions include; decision 14/19 on the International Register of Potentially Toxic Chemicals and decision 14/30 dealing with management techniques for hazardous wastes which are environmentally sound. The General Assembly also recognizes resolution 1987/54 by the Committee of Experts on the Transport of Dangerous Goods (General Assembly 42/183 1987, Peiry 2010, Basel Action Network 2012).

Negotiation for the treaty occurred between 1987 and 1989, making for a fast paced and extremely contentious negotiation, with one of the most contentious points being whether to implement a regulating system or an outright ban. The political tension was particularly high due to the diverse interests of negotiating parties and a fissure occurred between industrialized and developing countries which

continued throughout the negotiations process and was unrelenting, even after the signing of the convention (Krueger 2002, Peiry 2010). The Basel Convention makes the argument that some nations are unable to make the best decisions in terms of protection human health and the environment. Therefore, these nations need international policies implemented to protect human health and the environment. Originally, a weaker regime was implemented based on the principle of prior informed consent. However, Greenpeace successfully pushed for a full export ban on hazardous materials (Kellow 2000, Peiry 2010). By 1988 thirty-three countries had banned the importation of hazardous waste (Basel Action Network 2012), representing the tipping point of the norm life cycle.

The treaty text encourages that further agreements (regional, bilateral, etc.) be made to increase the effectiveness and compliance with the convention as well as the “harmonization” of state policies (Basel Convention 1989, Peiry 2010). Regional regimes, treaties, and agreements saw a marked and significant increase after the signing of the convention. This is a clear representation of the beginning of the cascade phase of the norm life cycle. Two of agreements include the Bamako Convention (1991), prohibiting the entry of hazardous wastes into Africa and the Waigani Convention (1995), which prohibits waste imports into developing Pacific Island countries. International agreements also share links with the Basel Convention: the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998), and the 2001 Stockholm Convention on Persistent Organic Pollutants (Krueger 2002, Peiry 2010, Basel Action Network 2012).

The Basel Convention entered into force in 1992 in accordance with the treaty text which requires twenty ratifications or other forms of approval (Basel Convention 1989, Krueger 2002, Basel Action Network 2012). Also by 1992, eighty-eight states had passed laws banning the import of hazardous waste. Many regional agreements also came into existence in Africa, the Nordic countries, Central America, the European Union and others. By 1994 over one hundred countries had effectively banned the import of hazardous wastes (Basel Action Network 2012). These actions show a classic example of the cascade stage of the norm life cycle progressing as discussed by Finnemore and Sikkink (1998).



From the time of signature many regional and other groups supported and pushed for a waste trade ban, which is considerably stricter than the informed consent regime put in place by the original convention. This is further supported by the fact that by 1995 over one hundred twenty countries had banned the import of hazardous wastes (Basel Action Network 2012). In September 1995 with Decision III/1 the parties chose to amend the convention to an outright ban. However, the ban has not reached the number of parties needed for ratification (Peiry 2010, Basel Action Network 2012). The ban had still not entered force as of 2010, with 69 countries that had ratified or joined in a consensus decision. As of the writing of this thesis 79 countries were participants in the ban amendment with the last addition in February of 2012, however, this is not enough because the convention stipulates that three fourths of the total number of signatories or two thirds of affected signatories must ratify amendments to pass them (Basel Action Network 2012, Basel Convention Webpage 2012). This lack of success may be traced back to the contention between a total ban and a regime of informed consent. The ban has received much support from various actors and although it has not received the required number of ratifications it is a strong enough norm to be followed by even non-signatories (Basel Action Network 2012).

For the first five years after the signing of the treaty the percentage of waste produced by OECD countries decreased in comparison to overall production and the percentage of waste sent to recycling or recovery increased, both significantly (Krueger 2002), showing a push toward compliance and internalization. However, the news isn't all good; since the signing of the Basel Convention in 1989 several participating countries have broken the norm. In 1998 high mercury content waste was sent from Taiwan to Cambodia, concealed as "cement cake". In 2000 Japan shipped illegal hospital waste to the Philippines marked as "waste paper to be recycled". Similar instances occurred in 2006 in Cote d'Ivoire and continue to be problematic. These instances show that the norm is not fully internalized. However, the attempt made by the delinquent states to conceal the true contents of their shipments indicates that the norm is taken seriously and internalization is on the rise, with few overall violations (Krueger 2002, Widawsky 2006, Basel Action Network 2013).

Flaws in the norm, such as varying definitions of what constitute hazardous wastes and inconsistent reporting systems exist, which make statistics unreliable. Therefore, compliance checks are nearly impossible and would be cost prohibitive. Although this seems disheartening, it is clear that the Basel Convention norm has managed to reduce the transport and production of wastes overall, and especially important; reduce the movement of some of the most harmful wastes from developed countries to developing countries. This reduction shows that the norm proscribing transboundary movement of hazardous wastes from richer to poorer countries has reached an international consensus, an important step toward internalization (Krueger 2002). By 2012 175 states had signed the treaty and only three of those have not ratified, most importantly the United States (Basel Secretariat 2012).

The Basel Convention encapsulates a norm which proscribes the transportation of hazardous waste materials between countries, and limits the methods by which they may be disposed of. The Basel Convention is one of the earlier pieces of global environmental legislation and offers an interesting case study for this reason. In this case, as with the Ottawa Treaty, NGOs played an important role in bringing the “toxic trade” issue to the forefront; Greenpeace is the most notable NGO involved. Swiss chemical companies, and the general public, played a role before the tipping point but states did not play a role until the tipping point. This norm benefits primarily non-greats since deposits of toxic waste were found primarily in developing countries with little ability to deal with them correctly.

As with the weapons norms I presented in the previous section the transboundary toxic waste norm does not reflect UNGA participation at the entrepreneurship stage of the norm life cycle. The UN and the General Assembly do act as strong organizational footholds for the norm but the influence of the UNGA begins to drop off after that. Although the UNGA does seem to have influence at the tipping point there is little to no influence in the cascade stage. Finally, UNGA is not found to be a part of the internalization stage for this norm. With this norm Greenpeace and Swiss chemical companies were the major actors prior to UNGA action; this is an interesting circumstance which does not seem to be accounted for in the propositions of this thesis since it was assumed that either states or the UNGA would be the primary promoters and NGOs were not taken into account. Due to neither type of state participating before the

tipping point this case is less than clear in terms of supporting or weakening the propositions. However, it is clear that this norm benefits less developed states more than great states since it is engineered to protect less developed states from exploitation. This is an environmental issue but it is unclear which type of power (great or non-great) participated first since Greenpeace and chemical companies were so instrumental in getting the issue put on the international agenda and the norm was promoted by NGOs and the UNGA.

### **Persistent Organic Pollutants**

The Stockholm Convention on Persistent Organic Pollutants is an attempt to document the norm urging the discontinuation of the use and manufacture of persistent organic pollutants (POPs) which are known to be harmful to both human health and the environment. The Convention is a premier initiative in terms of protecting human health and the environment, a leading global concern on the environmental agenda (Lallas 2001). The treaty, which opened for signature in 2001 and became effective in 2004, points to the toxic properties of POPs and their protracted rate of degradation as well as potential harm to humans and the environment as reasons to implement the convention. As with the Basel Convention, which also deals with toxic goods, there is a clear developed-undeveloped dimension to the concerns of treaty participants (Stockholm Convention 2001). The specific norm here is the prohibition of POPs, the larger norms involved are protection of human health and the environment, and protection of developing countries; norms frequently seen in environmental agreements. There are several differences between the Basel and Stockholm norms, chiefly that the Basel norm restricts activity between nations (transporting toxic waste) while the Stockholm norm curtails activity within states' borders (production of POPs). The norms are under slightly different umbrellas (more general norm groups) and are separated by more than a decade in terms of the original signing date.

POPs are invasive and harmful, making them a good target for global intervention. POPs are a problem in arctic climates just as much, if not more, than industrial areas due to cross boundary contamination/ pollution. The issues of long distance affects and persistence made the necessity of a global (rather than regional) instrument and approach clear (Karliganis et al 2001). The treaty text notes

that POPs tend toward bioaccumulation and, like toxic wastes, can be transported in both air and water, entering the food chain and harming many of its links along the way. These POPs are difficult to trace because they have the ability to cross boundaries and cause problems in countries not responsible for the origin of the pollutants (Stockholm Convention 2001, Lallas 2001, Rosencranz 2003, PEN Magazine 2010), something that the Charter of the United Nations requires states to take responsibility for. Many of the chemical substances in question are linked with cancer, birth defects, immune system issues and other endocrine related illness (Lallas 2001, PEN Magazine 2010). This is especially a concern in developing countries in which exposure is less avoidable and can harm women and children but monetary resources are directed primarily toward social and economic development and eradication of poverty and little to no resources are left over for waste management. The text of the Stockholm Convention recommends the development of new processes and chemicals to make the use of persistent organic pollutants unnecessary and obsolete, as well perfecting environmentally sound disposal measures for those already produced or in use. These procedures, which should minimize human exposure and environmental harm, are an important concept in environmental regimes (Stockholm Convention 2001, Lallas 2001).

In the years prior to the Stockholm Convention states, both great and non-great, grew increasingly concerned about the negative effects of some chemicals and implemented a variety of national level measures to address these fears, making an entrepreneurial push toward dealing with them globally. This type of interest produced documents such as the Basel Convention. Due to the closely related nature of the Basel and Stockholm Conventions it may be possible to view the Basel Convention as part of the norm life cycle for the POPS norm; if viewed this way, Basel is an entrepreneurial through tipping point phase component of the life cycle. Global interest became clear in the 1990s with UNEP's Chemicals Program, the Montevideo Programme, and others focused on environmental law, health, and environmental concerns (Lallas 2001), representing an organizational foothold for the Stockholm issues. Related decisions, declarations, provisions and etcetera preceded the Stockholm Convention. UNEP produced decision 19/13 C in 1997 which indicates a need to protect human health and the environment by reducing or eliminating POPs. The Rio Declaration on Environment and Development (1992) and also

the Rotterdam (1998) and Basel (1989) Conventions deal with the trade of hazardous materials and lead logically to the management of hazardous substances such as POPs. The Rio Declaration as well as the Program of Action for the Sustainable Development of Small Island Developing States (1994) promotes the protection of developing countries as well as the norm of common but differentiated responsibility, also often included in environmental treaties (Stockholm Convention 2001, Lallas 2001, Rosencranz 2003). The adoption of Chapter Nineteen of Agenda 21 at the Rio Conference in 1992, which calls for the “environmentally sound management of toxic chemicals” and focuses on the illegal transport of such chemicals, provided a push for increased dedication to the field of toxic chemicals and their transport (Lallas 2001). Before 1992 chemical waste issues were not at the top of the international agenda and efforts were focused on information exchange and assessment of risks involved with wastes. An important point for this issue was reached with the adoption of Agenda 21 by the UNCED; toxic chemicals became more important thanks to Chapter 19 (Karliganis et al 2001).

In 1994, to continue efforts toward limiting the negative effects of hazardous chemicals, the Intergovernmental Forum of Chemical Safety was established; this organization played a very important role in moving toward an agreement on POPs, acting as yet another organizational foothold (Lallas 2001). In March of 1995 the Governing Council of the UNEP invited several agencies to create an assessment process, to generate the initial list of twelve POPs, which was to include aspects of the chemistry, source, toxicity, environmental dispersion and socioeconomic impacts of the POPs in question. This led to the creation of an Ad Hoc Working Group on POPs which accomplished that task. In June of 1996 a meeting was held in Manila to consolidate and explore further information on POPs, the Ad Hoc Working Group decided that enough supporting information existed to proceed with plans for creating an international, binding instrument to decrease risks associated with POPs. They reported on a range of topics from the science behind POPs, economic and social impacts of POPs, alternative chemicals and other aspects (Karliganis et al 2001, Lallas 2001). In early 1997 the Governing Council called for a move toward treaty negotiations. In early 1997 this move was endorsed by the UNEP General Council when it adopted decision 19/13C and a convening of an international negotiating committee was called for, with hope for

completion of a legally binding document by the end of the year 2000 (Karliganis et al 2001). The treaty was to be focused solely on twelve substances identified as POPs, which helped to push the norm forward because the treaty was to be limited to twelve specific chemicals with a strict set of criteria to be met to add other substances and also has a list of viable uses for some POPs. This was a common ground for those who wanted to ban several more substances outright and those who were against an outright ban of any chemicals (Lallas 2001). The substances included in the original “dirty dozen” POPs were a collection of pesticides, industrial chemicals, and by-products (Karliganis et al 2001). The toxic twelve chemicals were already strongly regulated in many countries, making those chemicals less desirable, also; research had already begun to find viable alternatives. Furthermore, country specific exemptions reinforced the north-south division of common but differentiated responsibility even though broad differentiation was avoided. For example, DDT was one of the chemicals of primary concern but received some exemptions due to the need for malaria control in some countries (Lallas 2001).

The first session of the International Negotiating Committee (INC) was held in late June and Early July of 1998 in Montreal. Much was accomplished, including the establishment of the Criteria Expert Group (CEG) charged with the task of identifying POPS for future incorporation based on scientific criteria such as bioaccumulation, toxicity, persistence, and regional and global issues (Karliganis et al 2001). As negotiations continued the involvement of developing (non-great) countries increased, especially for countries in which POPs posed significant health problems, leading to the tipping point of this norm (Lallas 2001). The second meeting of the INC focused on: decreasing releases of POPs into the environment, NIPs, information exchange, and monitoring. The third meeting of the INC took place in September of 1999 in Geneva where substantial progress was made although the text remained heavily bracketed. INC4 met in March of 2000 and successfully drafted several important articles while making progress on many others (Karliganis et al 2001). This quickly conducted negotiation process reflects a cascade of norm acceptance. As with the Basel Convention, the Stockholm Convention encourages further regional, bilateral, and multilateral agreements reflecting the purpose of the POPs norm and cooperation with organizations also involved in its promotion (Stockholm Convention 2001).

As a result of the Stockholm Convention participating states are required to create and implement measures which attempt to reduce and mitigate risks associated with POPs, exporting equipment only in an effort for environmentally sound waste management, and to submit five year progress reports, among other things. Regional training workshops have been provided by the secretariat of the Stockholm Convention to educate parties on the safe disposal of POPs and their related machinery (PEN Magazine 2010). The Stockholm Convention recognizes the necessity of time and financing because of the need to replace or refurbish equipment using POPs, thus a phasing out of POPs is expected by 2025, although production faced a more immediate ban and controlled waste disposal is expected by 2028. In an effort to increase the success of NIPs the convention has an independent financing mechanism. The Global Environment Facility (GEF) is the acting financial mechanism of the Stockholm Convention, has over one hundred eighty member countries and helps to support the Stockholm Convention by helping to fund many POP related projects in countries with developing and/or struggling economic conditions. The United Nations Industrial Development Organization (UNIDO) is also an important mechanism supporting the Stockholm Convention by helping countries to meet their Stockholm Convention obligations. UNIDO focuses more on countries with struggling or in-transition economies, providing support, over fifty countries have asked for their assistance. UNIDO also provides continuing support and work toward green industrial practices as the Stockholm Convention expands its list of banned substances as well as pushing for technology transfer in clean technology (PEN Magazine 2010).

The eventual addition of new substances to the Stockholm Convention was a source of tension during the negotiations process because some states were reluctant to agree to something unknown; this issue was eventually resolved but the procedure is both long and complicated, leading to concerns about the feasibility of adding new POPs (Karlignis et al 2001) This process has not stopped new substances from being added. According to Karlignis (2001) financing and technical assistance issues also proved contentious. Another controversial issue was the effects that the Stockholm Convention would have on participating states' economies, and the likely uneven nature of this impact, these concerns could not be shown to contradict WTO guidelines and fizzled out. The inclusion of precaution in the Stockholm

Convention was also a cause for some controversy since there was disagreement on the necessity of scientific data to prove absolutely the negative effects of POPs before their inclusion. This was resolved by a weak, reference to precaution in the preamble of the Stockholm Convention (Karliganis et al 2001).

The Convention was adopted on May twenty-second, 2001 and almost exactly three years passed before it entered into force. On May seventeenth, 2004 the Stockholm Convention entered into force, after the deposit of the fiftieth instrument of ratification. At the time of the writing of this thesis one hundred fifty-two signatories and one hundred seventy-eight parties were a part of the Convention, showing a strong cascade and move into internalization (Stockholm Convention Status of Ratifications 2012). As of 2010 twenty one POPs were covered under the Stockholm Convention (PEN Magazine 2010); this shows the Convention's ability to add more substances and continued support and overall success for the norm it contains. The Secretariat posits that the success of the Stockholm Convention is not limited to the addition of chemicals to the list but also has been successful in four other areas; increasing scientific and political engagement, increases in awareness and behavioral changes, health benefits, and introducing alternatives (Secretariat of the Stockholm Convention 2012).

The Convention calls for best environmental practices and the use of best available techniques (PEN Magazine 2010); both of these may be a cause for lack of participation and/ or follow through from monetarily poorer countries. Although the United States did sign the treaty in 2001, no ratification instrument has been produced and none seems to be forthcoming. However, the Russian Federation and China have both ratified the Convention (Stockholm Convention Status of Ratifications 2012). Most parties have compiled lists of stockpiles; but different measurement techniques fail to give an accurate overall picture. By the end of 2008 eighty-eight countries had submitted National Implementation Plans. The implementation those plans will be especially difficult in less developed countries such as those in sub-Saharan Africa (PEN Magazine 2010) but their submission reflects a move to internalization.

Due to the similarity of the Stockholm and Basel Conventions the Conventions agree to cooperate on several specific points. Firstly, to determine maximum acceptable POP content in residues left behind after destruction. Secondly, agreement upon environmentally sound disposal methods is necessary.



Finally, the Conventions agree to determine the concentration of POPs in order to compare amounts to those remaining after destruction (PEN Magazine 2010). The instance of these Conventions working together strengthens them politically and allows for lower overall costs when implementing them, both of which may be a cause of higher state participation and internalization of the incorporated norms.

The second norm I investigated for the environmental group was the proscription of producing organic pollutants. This norm is encapsulated within the Stockholm Convention on Persistent Organic Pollutants. This norm benefits developing states for much the same reasons as the toxic waste norm; developing states do not have the structure or funds to deal with the consequences of these pollutants. The UNGA played roles in the POPs norm life cycle only so far as it was involved in the Basel Convention. This case is an interesting one due to its similarities to the transboundary toxic waste case, both deal with hazardous materials, and the juxtaposition of the two yielded some intriguing results. Both types of states played roles before the tipping point, and the norm benefits primarily citizens of non-great states. Also, the UNGA played a role only in the organizational foothold stage and only if the Basel Convention is accepted as part of the life cycle for the POPS norm. This is intriguing in terms of state participation and UNGA involvement especially because the UNGA cannot be shown to be a significant promoter of the norm since UNEP and NGOs played that role. This is an environmental and human health issue, in which I expected the UNGA to have a higher level of involvement.

### **Oil Pollution**

The final environmental norm included is encapsulated within MARPOL 73/78, and targets pollution caused by or released from ships. MARPOL began as the *International Convention for the Prevention of Pollution from Ships, 1973* but did not have much success. In 1978 the *Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973* was added and essentially absorbed the original document; it garnered more attention and was more successful (MARPOL Treaty Text 1978, Griffin 1994, Becker 1998, IMO 2012). The 1973 convention aims to protect the human and marine environment. Oil being purposefully or accidentally released from ships was seen as a threat to the environment and the humans living in it due to the pollutive qualities of that oil (MARPOL Treaty Text

1978). There are between one and two hundred substances in every ten thousand pounds of oil known to cause cancer. These carcinogens' impacts go beyond the deaths of marine animals such as birds, fish, and marine organisms caused by the initial spill; it disrupts the food chain by killing phytoplankton, which is a food source for commercial fish. If food source organisms do not die they absorb the hazardous material and pass it along in the food chain for consumption by other animals and, eventually, humans (Curtis 1985, Griffin 1994). These spills also have a detrimental effect on the beauty of the natural environment and the ability to use it (for commercial or leisure purposes). The cost of dealing with the losses associated with oil spills and pollution is high, both socially and monetarily (Curtis 1985). MARPOL helped to level the playing field by making requirements the same for every state, avoiding a race to the bottom effect in order to drive down costs and increase profits (Curtis 1985).

The fact that some oil enters the ocean is not unexpected since millions of tons are shipped each year using sea going vessels as means of transport. These vessels are responsible for the release of over one million tons of oil every year. This oil release is due to many factors, including various aspects of ship operations as well as accidental spills. The cases of release caused by accidental spills are often widely publicized, such as the infamous *Exxon Valdez* spill, the biggest human caused disaster in United States history, which killed thousands of marine animals and cost Exxon over three billion dollars in damage control. Tanker spills are a big pull for media attention but don't tell the whole story of oil release. Only about twenty five percent of oil release is due to accidental discharge while the remaining seventy- five percent is caused by operational discharge, making operational discharge responsible for three times the oil release than accidental releases (Griffin 1994, Mitchell 1994). In Curtis' (1985) paper he estimates that operational discharge accounts for over eighty- five percent of ship discharges.

Two major ship operations cause most of the pollution targeted by the oil pollution norm, ballasting (purposefully taking on water to add to the vessel's weight) and cargo tank washings. These activities result in oil release when ballast and water used for cargo tank washing is discharged back into the ocean instead of into appropriate shore facilities or after cleaning (Curtis 1985, Griffin 1994, Mitchell 1994).

For a 200,000 ton tanker ballast discharge can be up to eight hundred tons of oil, every single time it takes on and discharges ballast (Curtis 1985).

MARPOL 73/78 may be enforced in three ways; ship inspections, monitoring discharge compliance, and punishing violations. For the first type of enforcement flag states routinely inspect vessels for MARPOL compliance and port states may conduct an inspection if violations seem present. For the second type of enforcement monitoring may be conducted by any state but suspected violations must be forwarded to the respective flag state (Griffin 1994, Mitchell 1994, Becker 1998). Verification of all ships is nearly impossible since so many ships travel in international waters and are required to comply; the lack of reception facilities is also a problem, as well as the reliance upon flag states for legal action and punishment. Monitoring is difficult to carry out and it is infrequent that ships are successfully caught violating the oil pollution norm since there are millions of miles of ocean and it is difficult to link slicks with ships (less than 25% are connected). As for enforcement through punishment, flag states who confirm violations must impose penalties which match the severity of the violation(s) (Curtis 1985, Griffin 1994, Mitchell 1994, Becker 1998).

In 1924 the United States acted as an entrepreneur for a norm against oil pollution and took action against the marine pollution affecting it as a coastal state with the Oil Pollution Act of 1924. This was followed by the Preliminary Conference on Oil Pollution of Navigable Waters, held in Washington in June of 1926, which aimed to limit oil discharge into the sea. Due to the lack of tangible pollution for many states receptivity was low but a ban on discharge within fifty miles of the coastlines was adopted. In 1934 the United Kingdom asked the League of Nations to address the oil discharge problem but the threat of war made the world uninterested (Curtis 1985). The International Maritime Consultative Organization (IMCO), was created by the UN Maritime Conference in 1948 (Becker 1998) and acts as an organizational foothold for the OILPOL and MARPOL Conventions which followed. The further development of the IMCO in the 1950s was another step in the direction of shipping regulations. Although IMCO did not assert its presence immediately it was involved in forming maritime safety regulations (Curtis 1985).

The *International Convention for the Prevention of Pollution of the Sea by Oil* (1954), known as OILPOL 54, is acknowledged as an important instrument in terms of protecting the marine environment (MARPOL Treaty Text 1978). This was the first time the international community came together to take action against marine pollution, thirty-two countries, representing ninety-five percent of the shipping tonnage of the world had representation at the conference (Curtis 1985, Griffin 1994, Mitchell 1994). However, the Convention only banned oil discharges within fifty miles of land while participants rejected other, more meaningful, measures, objecting to added financial burdens which would be imposed with stricter regulations. OILPOL 54 was important, however, because it set a precedent for international meetings and negotiations dealing with oil pollution issues (Curtis 1985, Mitchell 1994).

Eight years later in 1962 IMCO called a conference in which the 1954 Convention was amended to also apply to smaller tonnage ships as well as extend prohibited dumping zones. Still, the 1954 Convention and the 1962 amendments only pushed pollution origins further away from coastal areas and did nothing about decreasing the total amount of pollution introduced into the oceans (Griffin 1994, Mitchell 1994). In 1969 OILPOL 54 was amended again, adopting the Load on Top (LOT) system which loads ballast water and then allows time for its separation from oily residues before discharging, in an effort to decrease oily discharge. However, LOT conflicts with the 1962 amendments prohibiting discharge from twenty thousand plus ton tankers as well as the parts per million limitations in the original 1954 Convention. The 1969 amendments prohibited discharges from ships unless several qualifications were met but the new amendments had no requirements for reception facilities and did not enter force until 1978 (Curtis 1985, Mitchell 1994). MARPOL supersedes OILPOL 54 and its amendments upon its entry into force. MARPOL is an extension of this treaty, designed to protect the marine environment from “harmful substances or effluents containing such substances” (MARPOL Treaty Text 1978, Curtis 1985, Griffin 1994). In the decade before MARPOL 73 exports of crude oil were on the rise, more than tripling. This increase in exports led to an increase of transport by ocean going vessels and more operational pollution (Curtis 1985).

The 1970s brought change to the problem of oil discharge, by then it was clear that the current system of load on top (LOT) wasn't working due to difficulty of operation and ease for crews to ignore it. The United States, still unconvinced of the effectiveness of LOT and unable to confirm its use, threatened to require segregated ballast tanks (SBTs) in national waters and warned that it would act unilaterally in other ways to prevent oily discharge in its own and other waters. The threat was convincing enough to move forward with the International Convention for the Prevention of Pollution from Ships 1973 (MARPOL 73, Griffin 1994, Mitchell 1994). After the *Torrey Canyon* event and the formation of the Marine Environment Protection Committee in 1973 (showing a rise in environmentalism) environmental concerns began to match safety concerns (Curtis 1985, Mitchell 1994) this was the beginning of the tipping point stage for the proscriptive norm dealing with oil discharge into waters. MARPOL 73 was different from previous maritime pollution conventions because it required ships to have SBTs and oil separating equipment and applied to all ships with ocean operations. These structural and operational requirements are the crux of the convention and its amendments (Curtis 1985). The 1978 Tanker Safety and Pollution Prevention Conference and Protocol to MARPOL 1973 was pushed by the United States due to several oil tanker accidents between 1976 and 1977 which renewed interest in regulation. The 1978 Protocol implemented several changes, requiring more strenuous ballast restrictions and attempting to eliminate the ineffective LOT system.

The initial 1973 convention opened for signature on January fifteenth 1974 and was open for accession after December thirty- first 1974. The 1978 Protocol opened for signature on June first 1978 and remained open until May thirty- first 1979 after which it remained open for accession (MARPOL Treaty Text 1978). The rules for entry into force for the initial convention are complex; the convention enters into force twelve months after fifteen states, representing fifty percent of the gross tonnage of the world's merchant shipping, have become parties to the convention. The 1978 Protocol enters into force under the same conditions (MARPOL Treaty Text 1978). Ratification was a longer than anticipated process and MARPOL 73/78 did not enter into force until October of 1983 (Curtis 1985, Mitchell 1994, IMO 2012), representing the beginnings of internalization. This five year gap shows that the cascade phase was slow

or delayed for this convention but did occur. The treaty text indicates the belief that a universal document containing rules to prevent accidental and eliminate purposeful discharge of oil and its byproduct pollutants into waters unintended for that purpose was needed. (MARPOL Treaty Text 1978).

The Annexes for the Convention and its subsequent Protocol outline regulations for different pollutants, Annex I covers oil while annexes two through five address chemicals, tanks and containers, sewage, and garbage respectively (Curtis 1985, Griffin 1994, IMO 2012). The Convention also effectively creates a regime for the enforcement of the regulations in which flag states are responsible for enforcement. Annex I is the most ascendant annex for MARPOL; oil pollution was the main cause for the calling of the conference which led to the Convention (Griffin 1994, Becker 1998). MARPOL looks to decrease vessel pollution in two ways; first by regulating the on board operations of oil transporting vessels, second by regulating the design of ships in ways intended to reduce opportunities for pollution to occur (Griffin 1994). Between October of 1983 and May of 1984 the US Coast Guard inspected over two thousand ships; over eighty- eight percent of them were compliant with certificate and oil record book requirements indicating progression of the internalization phase. Still, there are reports of tankers avoiding pollution control requirements whenever possible due to the cost and time required to comply (Curtis 1985).

In 1992 another important step was made when major amendments to MARPOL 73/78 were adopted. These new amendments came into force in 1993 and required novel design and construction standards on both new and existing tankers, such as double hulls which had been lobbied for by the United States. These amendments protect against accidental spillage by requiring the construction of a double hull or some similarly reliable substitute and were a foreseeable extension of the treaty (Griffin 1994). Also in 1993 Princess Cruises found itself on the largest fine ever levied for ocean dumping, having to pay 500,000 dollars after passengers provided video evidence of crew members dumping trash into the Atlantic Ocean. In 1996 Royal Caribbean Cruises was indicted for illegally dumping oily bilge water and then falsifying documents to cover it up (Becker 1998). These incidents show that while dumping does occur violators can be caught and prosecuted successfully.

The Oil pollution norm encapsulated within MARPOL has had success in decreasing pollution, relating directly to the number of participating states. In 1994 over seventy countries, equaling ninety percent of the global tonnage had ratified the Convention showing significant progress in internalization and indicating the end of the cascade phase. During the decade after the 1978 Protocol was signed marine oil pollution decreased by about sixty percent. Between 1973 and 1990 operational pollution dropped by an astounding eighty- five percent, from 1.08 million tons to .16 million tons due to operational loss yearly. MARPOL 73/78 is seen as effective due to its physical requirements (such as double hulls and certain equipment) which have high rates of compliance, not because it regulates operational discharges, which suffer from lower rates of compliance due to lack of transparency (Griffin 1994, Mitchell 1994).

Often flags of convenience (FOC) are used by ships who wish to avoid strict regulation since most FOC states don't have the political or economic incentive to strictly uphold MARPOL standards. This can lead to more accidents and violations. One way to solve this conundrum is to give more enforcement power to non-flag states, however, some states, such as the US, are concerned that non-flag states may abuse that power for political gain. Yet another issue is the variance in standards among states, where passing grades and sufficient evidence of illegal activities varies significantly. One reason for this is the difficulty that developing nations have with implementing so many requirements and standards because of cost and a lack of the appropriate technology and personnel, making it difficult for these states to fully internalize the norm (Griffin 1994, Becker 1998). The National Academy of Sciences conducted a study which estimated that 50 percent of tankers violated the discharge limit and a revision of the same study eight years later dropped that percentage to 15-20 but did not provide supporting evidence (Mitchell 1994). Of the 1000 reported violations reported to the IMO through 1998 over fifty percent were not dealt with by the flag state. Only seventy-seven resulted in any type of repercussions (Becker 1998). One problem here may be that the norm could be supported by states but not by tanker operators. Still, the MARPOL norm has reduced oil pollution, accidents now account for only five percent of oil pollution in the oceans while operations account for seven percent, other shipping accounts for fourteen percent of

pollution and seventy four percent is industrial waste (Griffin 1994) this shows some internalization has occurred, it is clear however, that this final phase of the norm life cycle is not complete.

The final case for the environmental group was the oil pollution at sea norm which encapsulates the norm proscribing the practice of releasing oil into oceans or other international waters. MARPOL also limits other potentially harmful dumping practices/materials. I focus here on the oil dumping norm, the primary reason for MARPOL. This case proved interesting when put through process tracing. The US, a great state, was the entrepreneur and primary actor before the tipping point. The US acted unilaterally and other great states balked at the measures it attempted to put into place. This shows the power of one great state in agenda setting for normative issues.

The UNGA had very limited involvement in this case failing to act as an organizational foothold, a role it plays in all of the other norms. Furthermore, the influence the General Assembly had in the norm life cycle does not meet the thresholds for participation in any of the phases as described by Finnemore and Sikkink (1998). It is interesting to note, however, that the United States played a strong entrepreneurial role through their use of domestic legislation, and continued to support oil discharge measures throughout the process. The norm benefited the US, a great state but circumstances were unusual because the norm truly benefits coastal states rather than following the great/ non-great division. Also of interest is the lack of involvement from other states, although other states did eventually support the measure. Also important is the apparent benefit to both non-great and great states. The state typology seems to be flawed in this case since the division seems to actually be between coastal and non-coastal states not between great and non-great states. This seems to fit with the proposition that the UNGA plays less of a role when great states are more involved. However, this issue is an environmental one, where I do not expect as much participation from a great state although the lackluster participation from other states fits well.

*Conclusion:*

Price's (1995) argument that use of some types of weapons is illegitimate due to moral concerns seems to also hold true for many environmental issues, including the ones studied in this thesis as Nadelmann



predicted (Nadelmann 1990). This may be partially responsible for morally framed environmental issues such as those covered by the Basel and Stockholm Conventions as well as MARPOL. The UNGA seems to play a role in the success of these norms, most notably in the organizational foothold of the norm life cycle. In the organizational foothold stage we see UNGA activity in two of three norms, in the tipping point and cascade stages there is some UNGA participation in the transboundary toxic waste norm. There are negligible amounts of UN participation in the entrepreneurship and internalization stages of all three norms. This information is presented in Table 3 below:

Table 3: UNGA Involvement in Life Cycle Phases-Environmental Norms

<b>Norm</b>	<b>Entrepreneurship</b>	<b>Organizational Foothold</b>	<b>Tipping Point</b>	<b>Cascade</b>	<b>Internalization</b>
Transboundary Toxic Waste	No	Yes	Yes	Little	No
Persistent Organic Pollutants	No	Yes, if Basel Convention included in norm life cycle	No	No	No
Oil Pollution of the Sea	No	No	No	No	No

The role of the UNGA as an organizational foothold seems to be extremely important since this occurs before the tipping point and gives norms a way to be included on the international agenda and moved forward. The MARPOL norm is a clear opposite in this stage and has little UNGA participation over all, an interesting characteristic which is analyzed and discussed more in the concluding section of this thesis. The UNGA begins to play a lesser role in the tipping point stage and the cascade phase, perhaps because its influence is less necessary. It is clear that there are many similarities and some differences in between the weapons and environmental norms. As I move into the concluding section of this thesis I lay out these comparisons and attempt to discover the usefulness of my propositions.

The role of state types varies in these cases. While all three of these cases may be classified as environmental cases the United States, a great state, is the primary actor in the oil pollution norm, contrary to my propositions. It is possible that a division of great and non-great states is not appropriate for the oil pollution case and states would be better classified as coastal and non-coastal. Overall, states of both types have spotty participation in environmental norms. This is not unexpected since norms benefiting the environment are often costly to states and promotion is often left to NGOs and IOs.

## **VI. Conclusions:**

Weapons and environmental issues are different points on the spectrum of global issues warranting legislation. The cases studied here represent different types of environmental and weapons issues and hopefully are a relatively good representation of those issue types and the regimes related to them. My propositions look at three factors in relation to the role of the UNGA; the type of state(s) participating, the type of issue, and the benefiting state type. They are written as follows and are based on the idea that the UNGA participates in the norm life cycle in different ways and at different times depending on the area of interest covered by the norm and the states and entrepreneurs involved.

I propose that the role of the UNGA may be influenced by the participation of and type of state (great power or non-great) and the type of issue (i.e.; environmental or weapons) involved in the norm. The juxtaposition of these factors may help to tell a story of when and why the UNGA participates in the norm life cycle. I expect that the involvement of great powers, due to their desire and ability to act unilaterally and/or with forceful persuasion, would decrease the level of participation from the UNGA while norms that benefit non-greats/ developing countries would show increased participation since these states often rely on public international venues to promote their agendas. I also expect that weapons issues and environmental issues will show different levels of involvement, related to the type of state interested in each issue type. Therefore I would expect to see less UNGA participation in the life cycle of weapons norms, often promoted by great powers, and more UNGA participation in the life cycle of environmental norms which often benefit developing countries. These propositions were created in an attempt to learn more about certain processes in global governance and the role that the United Nations General Assembly plays in that governance. This information could benefit policy makers and help them to focus their resources on the causal paths that matter most for weapons and/ or environmental issues. Hopefully the conclusions reached here will help to reach that goal.

Six total norms were chosen for use in this thesis. The norms chosen for the weapons cases were the landmine norm encapsulated within the *Ottawa Treaty*, the chemical weapons norm encapsulated within the *Chemical Weapons Convention*, and the nuclear test-ban norm encapsulated within the

*Comprehensive Nuclear Test-Ban Treaty*. Each of these norms is proscriptive, disallowing the use of each of the weapons in question. The norms chosen for the environmental cases were the toxic waste transport norm, encapsulated within the *Basel Convention*, the persistent organic pollutants norm, encapsulated within the *Stockholm Convention* and the oil pollution at sea norm, encapsulated within *MARPOL 73/78*. Each of these norms is also proscriptive, disallowing the use or release of specific substances.

Table 4 below shows the involvement of the UNGA in each case in relation to the issue type:

Table 4:

<b>Norm</b>	<b>Issue Type</b>	<b>UNGA Participation</b>
Land Mines	Security/Weapons (Human rights?)	Organizational Foothold, Cascade, Internalization
Chemical Weapons	Security/Weapons	Organizational Foothold, Internalization
Nuclear Test-Ban	Security/Weapons	Organizational Foothold, Tipping Point, Cascade, Internalization
Toxic Waste Transport	Environment	Organizational Foothold, Tipping Point,
POPs	Environment	Organizational Foothold if Basel Convention included in life cycle
Oil Pollution	Environment	None

This table shows that UNGA participation in the organizational foothold of the norm life cycle is the most prevalent. The UNGA is involved in this stage in five of the six cases; this shows that the issue type does not affect this stage of the norm life cycle. Internalization involvement of the UNGA is more prevalent in the weapons issues, as is overall involvement. The oil pollution treaty seems to be anomaly, with no UNGA participation at all. These findings are contrary to my original predictions, since I believed

that the UNGA would be more involved in environmental treaties. Perhaps environmental issues are supported more in other arenas such as the UNEP and are, therefore, not targeted as much in the UNGA.

Table 5 below shows the involvement of the UNGA in each case in relation to state type(s) participating:

Table 5:

<b>Norm</b>	<b>State Type Participating</b>	<b>UNGA Participation</b>
Land Mines	No China, Russia or US participation, Participation of middle states and non-greats	Organizational Foothold, Cascade, Internalization
Chemical Weapons	Great: Russia and US - No participation from: Angola, North Korea, Egypt, Somalia and Syria	Organizational Foothold, Internalization
Nuclear Test-Ban	Non-Great: India - Trouble from India and Pakistan; little participation from US, China, Iran, etc.	Organizational Foothold, Tipping Point, Cascade, Internalization
Toxic Waste Transport	Scattered	Organizational Foothold, Tipping Point,
POPs	Scattered	Organizational Foothold if Basel Convention included in life cycle
Oil Pollution	Great: US/UK-- Participation from less developed spotty	None

This table explores how the participation of states and the UNGA is related. There seems to be a positive correlation between scattered state participation and decreased levels of involvement for the UNGA. The most participation from the UNGA comes when participation of great states is lower, this fits well with my propositions. Interestingly the participation of the UNGA is higher when middle and non-greats are participating in the norm, confirming the idea that these states may use the UNGA to push a norm forward in the crucial middle stages of the norm life cycle. Furthermore, the UNGA participates in

the tipping point stage in two cases where broad state participation is not high showing the ability of the UNGA to push a norm along when state participation is low.

Table 6 below shows the involvement of the UNGA in each case in relation to type of state benefiting:

Table 6:

<b>Norm</b>	<b>Benefiting State Type</b>	<b>UNGA Participation</b>
Land Mines	Non-Great	Organizational Foothold, Cascade, Internalization
Chemical Weapons	Great	Organizational Foothold, Internalization
Nuclear Test-Ban	Both	Organizational Foothold, Tipping Point, Cascade, Internalization
Toxic Waste Transport	Non-Great	Organizational Foothold, Tipping Point,
POPs	Non-Great	Organizational Foothold if Basel Convention included in life cycle
Oil Pollution	Both/ possibly mistyped	None

This factor of benefiting state type seems to have the least individual impact. Although the UNGA has the most participation in the life cycle of the nuclear test ban norm but there seems to be no real correlation between this factor and UNGA involvement. Individual stages of the norm life cycle also do not seem to be influenced by this individual factor.

Table 7 below shows the involvement of the UNGA in each case in relation to issue type and state type participation:

Table 7:

<b>Norm</b>	<b>Issue Type</b>	<b>State Type Participating</b>	<b>UNGA Participation</b>
Land Mines	Security/Weapons (Human rights?)	No China, Russia or US participation, Participation of middle states and non-greats	Organizational Foothold, Cascade, Internalization
Chemical Weapons	Security/Weapons	Great: Russia and US - No participation from: Angola, North Korea, Egypt, Somalia and Syria	Organizational Foothold, Internalization
Nuclear Test-Ban	Security/Weapons	Non-Great: India - Trouble from India and Pakistan little participation from US, China, Iran, etc.	Organizational Foothold, Tipping Point, Cascade, Internalization
Toxic Waste Transport	Environment	Scattered	Organizational Foothold, Tipping Point,
POPs	Environment	Scattered	Organizational Foothold if Basel Convention included in life cycle
Oil Pollution	Environment	Great: US/UK-- Participation from less developed spotty	None

This table combines two factors, issue type and the type of state(s) participating. The juxtaposition of these two aspects yields some interesting results. UNGA participation is highest in the two cases which combine a weapons issue with participation of moderate and non-great powers. The UNGA has middling amounts of participation in those cases which combine a weapons issue with great state involvement or an environmental issue with scattered state involvement. Finally, the UNGA is not active in the case which features an environmental issue championed almost unilaterally by a great state. This amalgamation of factors, while reflecting expectations of the individual elements seems to make an even more convincing case for the importance of both factors in conjunction with one another. Of course, more cases would be necessary for confirmation of these tentative results.

Table 8 below shows the involvement of the UNGA in each case in relation to issue type and state type benefiting from the norm:

Table 8:

<b>Norm</b>	<b>Issue Type</b>	<b>Benefiting State Type</b>	<b>UNGA Participation</b>
Land Mines	Security/Weapons (Human rights?)	Non-Great	Organizational Foothold, Cascade, Internalization
Chemical Weapons	Security/Weapons	Great	Organizational Foothold, Internalization
Nuclear Test-Ban	Security/Weapons	Both	Organizational Foothold, Tipping Point, Cascade, Internalization
Toxic Waste Transport	Environment	Non-Great	Organizational Foothold, Tipping Point,
POPs	Environment	Non-Great	Organizational Foothold if Basel Convention included in life cycle
Oil Pollution	Environment	Both/ possibly mistyped	None

The table above (Table 8) shows the combination of issue type and the type of state benefiting from the norm. The UNGA had the most involvement with weapons issues benefiting both state types followed closely by weapons issues benefiting non-great states. The UNGA has less, but still pronounced, involvement in the cases which reflect weapons norms benefiting great powers and environmental norms benefiting non-great powers. The final case, reflecting an environmental norm benefiting both state types has the least UNGA participation. The combination of these two factors does not appear to be more than the sum of their parts as the combination of issue type and state participation was. In fact, it seems that issue type has a stronger influence than that of benefiting state type. Still, this analysis does fit with the idea that norms benefiting both types of states followed by those benefiting non-greats are prone to more UNGA participation. Clearly, however; the oil pollution norm does not fit in this box; perhaps this issue is mistyped and the differentiation should be between coastal and non-coastal states not greats and non-great powers as the thesis defines it here.



Table 9 below shows the involvement of the UNGA in each case in relation to state type participating and state type benefiting from the norm:

Table 9:

<b>Norm</b>	<b>State Type Participating</b>	<b>Benefiting State Type</b>	<b>UNGA Participation</b>
Land Mines	No China, Russia or US participation, Participation of middle states and non-greats	Non-Great	Organizational Foothold, Cascade, Internalization
Chemical Weapons	Great: Russia and US - No participation from: Angola, North Korea, Egypt, Somalia and Syria	Great	Organizational Foothold, Internalization
Nuclear Test-Ban	Non-Great: India - Trouble from India and Pakistan little participation from US, China, Iran, etc.	Both	Organizational Foothold, Tipping Point, Cascade, Internalization
Toxic Waste Transport	Scattered	Non-Great	Organizational Foothold, Tipping Point,
POPs	Scattered	Non-Great	Organizational Foothold if Basel Convention included in life cycle
Oil Pollution	Great: US/UK-- Participation from less developed spotty	Both/ possibly mistyped	None

This table (9) shows the combination of the two factors dealing with state type; the type of state(s) benefiting and the type of state(s) participating. This combination is an attempt to look at the cases without considering issue type as a factor. Unfortunately this pairing seems to have no rhyme or reason in terms of UNGA participation. The UNGA plays the largest role when state participation is mostly from non-greats and benefiting both state types, followed by non-great/non-great, scattered participation benefiting non-greats, great participation benefiting greats, scattered participation benefiting non-greats, and great participation benefiting both state types. Predictably there are no cases in which the norm is participated in by only one state type and benefits only the other state type. One possible take away is that

when great states participate, UNGA participation seems to be lower. This, however; is already covered by table five. There also seems to be some relation between participation is more form non-greats and non-greats or both state types benefit which fits in well with my propositions. However, this is impossible to follow up without more cases and may not be an actual correlation because two of the cases with the least UNGA participation have scattered participation benefiting non-greats, and great participation benefiting both state types. The final table, below, combines all three factors which I believe influence UNGA involvement.

Table 10 below shows the involvement of the UNGA in each case in relation to issue type, state(s) participating in the norm life cycle and state type(s) benefiting from the norm:

Table 10:

<b>Norm</b>	<b>Issue Type</b>	<b>State Type Participating</b>	<b>Benefiting State Type</b>	<b>UNGA Participation</b>
Land Mines	Security/Weapons (Human rights?)	No China, Russia or US participation, Participation of middle states and non-greats	Non-Great	Organizational Foothold, Cascade, Internalization
Chemical Weapons	Security/Weapons	Great: Russia and US - No participation from: Angola, North Korea, Egypt, Somalia and Syria	Great	Organizational Foothold, Internalization
Nuclear Test-Ban	Security/Weapons	Non-Great: India - Trouble from India and Pakistan little participation from US, China, Iran, etc.	Both	Organizational Foothold, Tipping Point, Cascade, Internalization
Toxic Waste Transport	Environment	Scattered	Non-Great	Organizational Foothold, Tipping Point,
POPs	Environment	Scattered	Non-Great	Organizational Foothold if Basel Convention included in life cycle
Oil Pollution	Environment	Great: US/UK-- Participation from less developed spotty	Both/ possibly mistyped	None

This final table combines all three factors; issue type, participating state(s) and benefiting state(s). As seen from the previous tables the UNGA has the more participation in weapons cases and less in environmental cases overall. The UNGA also has more participation in norms which non-great powers are the primary participants. The final factor, benefiting state(s) seems to have less influence over all. However; there may be some influence because for the weapons norms the UNGA has the most influence in the norm that benefits both state types, which has more influence than the norm which benefits non-greats, which has more influence than the norm which benefits greats. This fits well with the propositions made in this thesis. Although the same cannot be said for the environmental cases, if the oil pollution is mistyped as previously discussed then there is no conflicting information. Each of the three factors presented in these tables seems to have some influence on the role of the UNGA in the norm life cycle.

*Conclusions on Analysis:*

Weapons and environmental issues clearly have many differences. However, both types of issues have been popular in terms of global norms and international legislation. Overall, the UNGA participated less and later when great states promoted the norm before the tipping point, and more and earlier if the norms were promoted by entities other than great states. Only in the chemical weapons case were great states the primary beneficiaries of the norm, in the other cases either both types of states or non-greats were targeted to be the primary benefactors. State participation was widely varied among cases. These results are promising but case selection could have been more rigorous, the interrelatedness of the Basel and Stockholm Conventions may be skewing the data, and more cases should be explored before accurate predictions may be made.

UNGA participation was evident in the organizational foothold phase of the life cycle of each norm except for the oil pollution norm, in which UNGA participation met none of the thresholds for participation. In the environmental cases the involvement of the UNGA was much more limited than with the weapons norms, participating in zero to two of the five life cycle phases as opposed to two to four phases in the weapons cases. It seems that the UNGA more often promotes issues which great states (and often non-greats also) have little or no desire to tackle. In these cases NGOs often also play a role and

may act as entrepreneurs for the norm life cycle. It is clear that UNGA participation is not necessary or sufficient for progression of the norm life cycle or norm success.

What has this study taught us about the role of UNGA participation in norm development? The expansion of Finnemore and Sikkink's (1998) life cycle emergence phase into separate entrepreneurship and organizational foot hold phases as well as designating the tipping point as an individual stage allowed for a more in-depth look at the norm life cycle. The timing and amount of UNGA participation does seem to be linked to the type of state benefiting from the norm. The analysis also indicates that the type of issue does not necessarily designate which types of state (great or non-great) will participate or who will promote the norm. These results may be helpful to policymakers looking to understand the importance of the role that the UNGA plays, and when that role is most dominant in the norm life cycle. This research helps gain understanding how norms are built and dispersed through international organizations such as the UNGA by looking at the institutional dimensions of norm development and making a case for where, when, and why the UNGA might play a role. I hoped to discover what roles the General Assembly plays in the norm life-cycle; it is clear that the UNGA may play important roles in the norm life cycle. This research has shown that the UNGA may be active and influential in all of the phases of the life cycle except for the entrepreneurship stage. These findings are exciting, since they show that the UNGA tends to be more involved in weapons norms, rather than environmental norms. This could reflect prioritization of weapons issues in the UNGA or there may be intervening variables. Though my propositions are not strong enough to be at predictive capacity it seems that UNGA participation is related to the issue type, type of benefiting states, and promoting states and/or bodies. This discovery can be but a small step in answering the age old question of international relations scholar's; how does governance occur at the international level?

*Limitations and Future Research:*

This research does not present a complete picture of the issues studied here. Although the results of the process tracing and analysis are promising, cases covering different issue areas would be beneficial in discerning the strength of the propositions for predictive purposes in determining the linkage of the role of

the UNGA and the factors studied here. Moreover, the study of more cases in the weapons and environmental areas would provide more clarity. Also, a more differentiated typology of states would probably prove beneficial and offer more understanding. The great/ non-great differentiation is concise in nature but misses nuances provided by separating states into more defined groups.

This research could have benefited from the use of more types of documents and informational sources. Future research could investigate sources such as memoirs of important participants, the review of UNGA minutes, court decisions resulting from international norm based legislation, public news accounts, and newsletters or memos from groups and companies affected by the legislation. Undertaking interviews of people involved in the norm life cycle, the UNGA, and other areas could also be valuable. This enterprise would be resource intensive but could provide a different level of insight into the process, as could discourse analysis which would provide information on how states view the importance of UNGA activities and the activities of other states when acting in these issue areas. The use of the different types of documents, interviews, and even other methods/approaches would provide higher validity and triangulation of results. Also the influence of other UN bodies, such as the UNEP could be undertaken when investigating areas specific to them i.e.; the environment.

This thesis has explored the role of the United Nations General Assembly in norm development and dispersal through the framework of the norm life cycle. Six cases in the weapons and environmental regimes were selected, representing a variety of issues and amounts of UNGA participation. These cases were then put through process tracing to discover the influence of issue type and state participation on UNGA involvement in each norm life cycle. Finally, an analysis was conducted and verdicts offered for the strength of my propositions. The analysis indicates that more research is needed to increase generalizability and predictive capacity but initial results were promising.

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