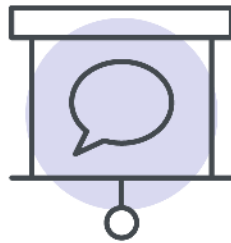

WLU

PO102

Final EXAM
STUDY GUIDE



Lecture Notes

Governance of the Environment

- Overall, Canada earns a “D” environmentally
 - Ranks 14th among the 16 peer countries
- Endangered species
 - Pandas
 - i.e., if China wants to develop a part of land bc it has natural gas, but it’s the same land necessary for the survival of pandas-should other countries intervene to save the pandas or not get involved bc it’s a sovereignty issue?
- Pollution
 - A river polluted bcc a nation’s economic/environmental activity
- Greenhouse gas emissions
 - Main reason Canada has done from a “C” grade to a “D”
 - Many say international input shouldn’t impeded on sovereignty-i.e., an international panel shouldn’t be able to tell us/enforce us reducing greenhouse gas emissions by 55%
- 3 obstacles to a better environmental performance at the global level:
 - Sovereignty
 - Conflicting scientific data
 - Tensions between conflicting gov’n priorities=economic growth objective vs environmental protection objective
- Conflicting policy priorities are clear when we consider trade
 - Gov’n wants to promotes its exports, to grow economically
 - Needs to oppose tariff and non-tariff barriers that block its goods/services
 - Problem: environmental regulation sometimes viewed as non-tariff barrier
 - GMOs
 - Is environmental regulation a trade barrier?
 - US biotech firms genetically modify fruits and vegetables
 - To improve yields
 - Make them resistant to diseases
 - Health implication aren’t known
 - US beef blocked due to hormones
 - GMO/beef cases highlight 2 barriers to environmental governance
 - Conflicting goals of trade ad economic growth vs environmental concerns
 - The problem of contradictory and/or inconclusive research and data
- Early environmental issues (prior to 1990s)
 - Damage caused by pollution
 - Conservation of natural resources

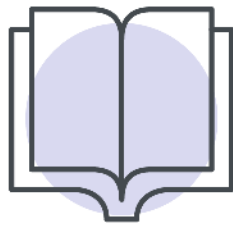
- Environmental law
 - Pollution
 - Trail smelter case
 - Principle that countries are liable for damage that their citizen cause in another country
 - Conservation of resources
 - Fisheries (strongly linked to the economic industry)
- Global commons
 - Outside the political reach of individual nation states
 - High seas
 - Atmosphere
 - Antarctica
 - Outer space
 - United Nations Convention on the Law of the Sea (UNCLOS)
 - Territorial water; usually begins at the mean low-water baseline-sovereignty covers the airspace above and the seabed below
 - Contiguous zone; states may exercise the control necessary to prevent others from infringing its customs, immigration and other laws
 - Exclusive economic zone;
 -
 -
 - “Innocent passage”
 - 12 nautical mile sovereign limit, but ships (even warships) may pass through and loiter
 - Anything within 200 nautical miles of a sovereign states is under the economic jurisdiction of that state
 - Unsuccessful conservation
 - 1946 International Convention for the Regulation of Whaling
 - International Whaling Commission (IWC)
 - Sets catch limits (zero for commercial purposes) by species and area
 - Designates specified areas as what sanctuaries
 - Protects calves and females accompanied by calves
 - Puts restrictions on hunting methods
 - *Countries like Japan get around the whaling ban by saying they are hunting whales for “research” purposes, not economic ones
 - Japanese still killing a large # of whales (so is South Korea)

Early environmental issues

- UN Specialized agenda focused on early environmental issues
- Shift in 1960s: certain issues appear on the political agenda
 - Acid rain, effects of mercury and chemicals (DDT) on human health, hole in ozone, '67 Torrey canyon oil tanker spill
- Landmark Environmental Moments
 - 1972 Stockholm Conference
 - Established principle that states have a responsibility to manage the 'global commons'
 - Many governments created their first environmental ministries
 - Numerous international agreements were assigned
 - Global and regional networks established for monitoring environmental problems
 - UNEP: UN Environmental program created to coordinate environmental activities across other UN Agencies
 - Developing countries (DC) insists they are less responsible-historically-for global pollution and resource depletion than industrialized countries
 - Want to protect environment without compromising their eco and social development
 - Stockholm first time environmental and economic development linked
 - Developed countries accepted this, in principle
 - NGOs become players in environmental governance
 - Bigger delegations
 - Have greater expertise
- UN World Commission on Environment and Development
 - Brundtland Commission
 - Priority should be "sustainable development"
 - Book "Our Common Future" is published-addresses sustainable development
- Definition of sustainable development
 - Development that meets the needs of the present without compromising the ability of future generations to meet theirs
- Rio UN Conference on Environment and Development (Earth Summit) 1992
 - Media starting to follow environmental issues
 - 150 countries, 45000 participants, 1500 NGOs-shows growth in concern for environmental issues between 1972 and 1992
 - Principle 7-there should be differentiated expectations of different countries in terms of how to deal with environmental protections (developed countries have to contribute more to cleaning up and preventing pollution, etc)

- Principle 15-the lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation
- Many conventions and agreements signed:
 - Agenda 21-action plan for sustainable development
 - Framework Convention on Climate Change (FCCC)-stabilize greenhouse gas concentrations in atmosphere
- Tools of global governance: IGOs, international law, meetings and networks, *regimes*, *norms*
- Regime
 - Set of agreed upon principle, norms, rules, meetings and decisions-making procedures all round a particular issue/sector (basically a big regulatory framework)
 - Sector specific and regulatory (i.e., trade regime)
 - Government tools and measures-all reinforcing each other to get what we want in a certain sector
 - A kind of governance system: a cluster/package of measures that reinforce each other
 - Regimes have emerged in trade, environmental protection, international security
 - Nuclear Nonproliferation Regime (ex. Of a regime)
 - Principle, norms, rules contained or included in:
 - Partial Test Ban Treaty
 - Nuclear Non-Proliferation Treaty
 - Activities of the International Atomic Energy Agency (IAEA)
 - Regulate international action in a particular issues area
 - They help to make cooperation easier-when there is no overarching power
 - Often emerge to resolve collective goods problems
 - Collective public goods
 - A good that can't practically be withheld from one individual consumer without withholding it from all
 - I.e., military defense r clean air are collective public goods
 - Problem: some ppl will choose to reap the benefits without contributing to its provision-these are "free riders"
 - Easier to regulate at the local/national level than at the international level-free rider problem at the global level is a big one
 - Canada is a free rider
- Norms
 - Examples of environmental norms

- Prior informed consent: consultation of an indigenous population prior to project development on ancestral land or priorate using resources within the indigenous population's territory
- The polluter pays
- The precautionary principle-where there is a likelihood of environmental damage, banning an activity shouldn't require full and definitive scientific proof



Textbook Notes

International Law

The Evolution of World Order

- International order started out largely based on raw power but has evolved to be based more on legitimacy and habit
- International law and organization began as terms imposed by powerful winners on losers after war
- International institutions and rules of law that operate today took shape predominantly during periods of hegemony, when one state dominated in international power following a hegemonic war among the great powers
- Realists-international organizations operate largely at the best of the interests of powerful states
- UN, NATO, the Organization of American States and the World Bank were created after WWII under US leadership
- Rules of international law have been established as norms over time and are often codified as international law
 - Incremental process, goes on during periods of war and hegemony
 - Ex: principle of free passage on the open sea is now formally established in international law-at one time, warships didn't hesitate to seize the ships of other states and ransack their cargoes, making long-distance trade more dangerous, less predictable, and less profitable
 - Over time a norm was established around the concept of freedom of navigation on the high seas
 - Area of international law developed by Dutch legal scholar Hugo Grotius in the mid-1600s (a time when the Dutch dominated world trade and could benefit most from free navigation)
 - Britain later became dominant and enforced the principle of free seas-benefitted from the norm of free shipping
- 20th century world order depended heavily on the power of the US
 - US has been instrumental in maintaining global norms around trade and security issues
 - Its enormous power and foreign policy agendas have disputed previously accepted norms
 - Ex: recently with torture, secret arrests, detention
 - Discussions of torture as being a necessary part of the war against terror
 - Numerous states now practicing these changes
- These observations suggest a Gramscian vision of hegemony, which points to the way order is established through a combination of coercion and consent

- Hegemony is “working” when the relations of power that maintain any given system are understood to be the natural order of things
- Relations of power that sustain any world order are more complex than state interests

International Norms

- International norms; the expectations held by participants about normal relations among states
 - Some say the decisions of state leaders should have some basis in ethical and moral norms (Ex: Iraq’s 1990 invasion of Kuwait was illegal and widely viewed as immoral)
- International morality differs from state morality, which is strongly influenced by the culture and traditions of a given state
- International morality is more universal and is applicable to the interactions of states themselves
 - Seldom the case in practice because there’s often no consensus about specific violations of international norms
- Immanuel Kant—it’s natural for autonomous individuals (or states) to cooperate for mutual benefit because they could see that pursuing their individual interests would end up hurting all
 - Sovereign states could work together through structures and organizations that would respect each member’s autonomy and not create a world government (ex: 19th century when states managed specific issues, such as the international postal service)
- Agreed norms of behaviour, institutionalized through such organizations, become habitual over time and gain legitimacy
 - Legitimacy and habit are why international norms can be effective even when they aren’t codified and enforced or when they’re not universally held
- In the immediate post-Cold War period, new expectations emerged in areas of human rights, UN peacekeeping, and humanitarian intervention
 - Humanitarian intervention; armed intrusion into a state without its consent, to prevent or alleviate widespread or severe human rights violations

International Law

- International law derives from tradition and agreements signed by states (national law derives from actions of a legislative branch or other central authority)
- Enforcement of international law depends on reciprocity, collective action, and international norms

Sources of International Law

- No central international authority (declarations of the UN General Assembly aren’t laws, Security Council can compel actions, but these are commands, not laws)

- 4 sources of international law=treaties, customs, general principles of law (i.e., equity), and legal scholarship
- Treaties
 - Treaties and other written conventions signed by states are the most important source of international law
 - Once signed and ratified, treaties must be observed (pacta sunt servanda)
 - States violate the terms of treaties they've signed only if a matter is very important or if the penalties for such a violation are very small
 - In Canada, treaties are ratified by Cabinet and implemented by Parliament
 - Treaties or other international obligations (i.e., debts) are binding on successor governments (i.e., when Soviet Union broke up, Russia as the successor state had to guarantee that Soviet debts would be paid and Soviet treaties honoured)
 - UN Charter=one of the most important treaties
 - Its implications are broad and far-reaching in contrast to more specific treaties (i.e., a fishery management agreement)
 - Specialized agreements are easier to interpret and are more enforceable than broad treaties like the Charter
- Custom (2nd major source of international law)
 - If states behave a certain way toward each other for long enough, their behavior may become accepted practice with the status of law
 - Western international law (except Islamic law) is positivist-draws on actual customs, the practical realities of self-interest, and the need for consent rather than on divine or natural law
- General principles of law
 - Actions recognized in most national legal systems as crimes tend to have the same meaning in an international context (i.e., theft, assault)
 - Iraq's invasion of Kuwait violated international law bc of the general principle that one state may not overrun its neighbor's territory and annex it by force
- Legal scholarship-the written arguments of judges and lawyers around the world on the issues in question
 - Only taken into account in order to resolve issues not settled by the first 3 source of international law
- International law lags behind changes in norms
 - i.e., espionage is technically illegal but is so widely condoned that it can't be said to violate international norms
 - Some activities are legal but have come to be frowned upon/seen as abnormal
 - I.e., China's shooting of student demonstrators in '89 violated international norms but not international law

Enforcement International Law

- Enforcement of international law depends on the power of states (individually or collectively) to punish transgressors
- Enforcement of international law heavy depends on practical reciprocity
 - States follow international law most of the time because they want other states to do so
 - International law circumstantially recognizes reprisals (actions that would have been illegal under international law may sometimes be legal if taken in response to the illegal actions of another state)
- States follow international law because of the general or long-term costs that could result from disregarding it (i.e., if a state doesn't pay its debts, it won't be able to borrow money on world markets)
- A state that breaks international law may face a response by a group of states, such as the imposition of sanctions (agreements among other states to stop trading with the violator or to stop some particular commodity trade-often military goods)
 - Over time, a sanctioned state can become a pariah in a community of nations, cut off from normal relations with others
 - I.e., Libya suffered from its isolated status, made a clean break in 2003
- International law enforcement through reciprocity and collective repose depends entirely on national power (weakness)
 - Reciprocity only works if the aggrieved state has the power to inflict costs on the violator
 - Collective response only works if the collective cares enough about an issue to respond
- Power alone would create instability in the anarchic international system
 - International law creates expectations about what constitutes legal behaviour by states
 - Violations of those expectations stand out and are easier to identify and punish
 - When states agree to rules by signing treaties, violations become more visible and clearly illegitimate
 - Resulting stability is so beneficial that usually the costs of breaking the rules outweigh the short-term benefits gained from violations

The World Court

- World Court; the judicial arm of the UN-located in The Hague, it hears only cases between states (formerly International Court of Justice)
 - Limited jurisdiction an light case load
 - Branch of the UN
 - Impartial hearing for grievance between states-also provides advisory court opinions to the Security Council and General Assembly when requested

- World Court is. panel of 15 judges elected for 9-year terms (5 judges every 3 years) by a majority of both the Security Council and General Assembly
 - Members of Security Council must have one of their nationals as a judge at all times (ad hoc judges may be added to the 15 if a party to a case doesn't have one of its nationals as a judge)
- Weakness=states haven't comprehensively agreed to subject themselves to its jurisdiction or to obey its decisions
 - Almost all states have signed the treaty creating the court, but only ~1/3 have signed the optional clause agreeing to give the court jurisdiction in certain cases
 - US withdrew from the optional clause when it was sued by Nicaragua in 1986
 - Iran refused to acknowledge jurisdiction of the court when sued by the US in 1979
- World Court settled a complex border dispute between El Salvador and Honduras in 1992, both countries abided the decision
- 2002-World Court settled a long and sometimes violent dispute over an oil-rich peninsula on the Cameroon-Nigeria border, giving ownership to Cameroon, and Nigeria (which is more powerful) pulled troops out in 2006
- 2004-World Court ruled Israel's 700 km security barrier in the West Bank was a violation of international law and that parts of it should be torn down, Israel declared it would disregard the ruling
- World Court arbitrates issues of secondary importance between countries with friendly overall relations
 - I.e., commercial disputes between Canada and US
 - Security interests not at stake and overall friendly relations are more important, states have been willing to submit to the court's jurisdiction in these kinds of decisions
- Arbitration can remove domestic political pressures from the state leaders by taking decisions out of their hands
- World Court is used infrequently (140 cases between 1947 and 2011)

International Cases in National Courts

- Most legal cases concerning international matters remain within the legal systems of one or more states
- A party with a dispute that crosses national boundaries gains several advantages by pursuing the matter through the national courts of one or more of the relevant states rather than through international channels
 - Judgments are enforceable

- Individuals and companies can pursue legal complaints through national courts, whereas in international law, states must themselves bring suits on behalf of their citizens
- Often a choice of more than one state within which a case could legally be heard-one can pick the legal system most favourable to one's case
- Noncitizens can use the national courts to enforce damages against citizens
- US is a favourable jurisdiction within which to bring cases
 - US juries have a reputation of awarding bigger settlements in lawsuits
 - Many ppl and gov'ns do business in the US so it is often possible to collect damages awarded by a US court
 - *US courts have ruled on human rights cases (i.e., brought by Chinese dissidents over the 1989 Tiananmen massacre)
- Belgium's national courts have become favourable for international human rights cases bc of a 1993 law giving Belgian courts jurisdiction over any violation of the Geneva Convention
- 2001-4 ppl accused of war crimes in Rwanda in 1994 were sent to prison by a Belgian jury
- 2009-Desire Munyaneza, 1st condition of a Canadian resident for crimes committed abroad
- The authority of national courts stops at a state's borders, where sovereignty ends (i.e., a court in Zambia can't compel a resident of Thailand to testify, can't arrest a criminal suspect except on Zambian soil)
 - To take such actions beyond national borders, states must persuade other states to cooperate
- Extradition is a matter of international law because it's a legal treaty arrangement between states
 - Canada doesn't extradite suspects to countries in which they would face the death penalty (i.e., US)
- Principle of territoriality also governs immigration law
 - Immigration law; national laws that establish the conditions under which foreigners may travel within a state's territory, work within the state and become citizens of the state (naturalization)
 - When a person crosses a border into a new country, the decision about whether they can remain there is up to the new state-the state of origin cannot compel their return
- General principle-national laws prevail on the territory of a state

Law and Sovereignty

Laws of Diplomacy

- Diplomatic recognition; the process by which the status of embassies and that of an ambassador as an official state representative are explicitly defines
 - Diplomats are accredited to each other's governments, and the individuals thereafter enjoy certain rights/protections as foreign diplomats in the host country
 - Diplomats can occupy an embassy in the host country as though it were their own state's territory
 - I.e., on the grounds of the Canadian embassy in Kuwait, the laws of Canada apply
- 1979 violation of the sanctity of embassies occurred in Iran after Islamic revolutionaries took power
 - Iranian students seized and occupied the US embassy compound, Iranian gov'n condoned it and didn't force the students out (host countries are expected to use force against their own citizens to protect a foreign embassy)
- Diplomatic immunity; refers to diplomats' activity being outside the jurisdiction of the host country's national courts
 - If diplomats commit crimes, from jaywalking to murder, they may not be arrested and tried-host country's only recourse is to take away a diplomat's accreditation and expel the person from the host country
- UN delegates can't be prosecuted under US law
- It's common to conduct espionage activities out of an embassy through the diplomatic corps
 - Spies are often posted to low-level positions in embassies-if the host country catches them spying, it cannot prosecute them and so it simply expels them
 - If a spy operates under cover of being a businessperson or tourist, then no immunity applies
- A diplomatic pouch is a package sent between an embassy and its home country
 - Cannot be opened, searched, or confiscated by a host country
- To break diplomatic relations means to withdraw one's diplomats from a foreign state and expel foreign diplomats from one's home state
 - Tactic used to show displeasure with another government
 - When a revolutionary gov'n comes into power, some countries may withdraw recognition (as the US did after the Cuban revolution in 1959)
 - When 2 countries lack diplomatic relations, they often do business through a third country willing represent a country's interests formally through its own embassy
 - Called an 'interests section' in the third country's embassy
 - States register lower levels of displeasure by recalling their ambassadors home for some period of time (trip said to be "for consultations," but everyone knows it's to signal annoyance)

- Expression of displeasure by a formal complaint-usually the complaining gov'n does so in its own capital city to the other's ambassador
- Law of diplomacy is repeatedly violated in the context of terrorism
 - Sanctity of diplomats is important to states, so diplomats=tempting target for terrorists
 - Attack on diplomats/embassies=an attack on the territory of the state itself

Just War Doctrine

- Just war doctrine; a branch of international law and political theory that defines when wars can be justly started (jus ad bellum) and how they can be justly fought (jus in bello)
- Laws concerning war are divided into 2 areas:
 - Jus ad bellum, laws of war (when war is permissible)
 - Jus in bello, laws in war (how wars are fought)
- International law distinguishes just wars (legal) from wars of aggression (illegal)
 - UN Charter outlaws aggression
- Aggression refers to a state's use of force, or the imminent threat to do so, abasing another state's territory or sovereignty-unless the use of force is in response to aggression
- Just war doctrine isn't based on nonviolence-responses can include both repelling of the attack and the punishment of the aggressor
- Just war approach rules out war as an instrument to change another state's gov'n or policies or in ethnic and religious conflicts
- UN Charter makes no provision for "war" but rather for "international police actions" against aggressors
- For a war to be morally just, it must be more than a response to aggression-it must be waged for the purpose of responding to aggression, the intent must be just
 - A state can't take advantage of another's aggression to wage a war that's essentially aggressive
 - I.e., US-led war effort to oust Iraq from Kuwait was a response to aggression but justness was compromised by US interest in obtaining cheap oil

War Crimes

- War crimes; violations of the law governing the conduct of warfare, such as mistreating prisoners of war or unnecessarily targeting civilians
- In war time, international law is hard to enforce, but there are norms of legal conduct that are widely followed
 - After a war, losers can be punished for war crimes
- Crimes against humanity; a category of legal offenses created at the Nuremberg trials after WWII to encompass genocide and other acts committed by the political and military leaders of the Third Reich (Nazi Germany)
- Following the UN tribunals on former Yugoslavia and on Rwanda, 120 of the world's states signed the Rome Statute in 1998 to create a permanent International Criminal Court

- International Criminal Court (ICC); permanent tribunal for war crimes and crimes against humanity
 - Established in 2002 upon ratification of the statute by 60 signatory states
 - Court is in The Hague on the Netherlands, has 18 judges from around the world
 - 1st president of the court=Judge Philippe Kirsch (Canadian)
 - Canada played a pivotal role in the creation of the ICC
 - Some countries, like the US, haven't ratified the Rome Statute, say the court infringes on sovereignty
 - ICC issued its 1st arrest warrants in 2005, arising from the civil war in Uganda
 - 2006; Congolese militia leader Lubanga Dyilo was the first ind. arrested and surrendered to the court
 - ICC is different (and controversial) bc of its universal jurisdiction-court has the ability to prosecute individuals of any nation
 - Differs from World Court, which has only states as complainants and defendants
 - Under the ICC, individuals can be prosecuted for their roles in violations of human rights
 - 3 mechanisms can trigger an ICC trial:
 - A state may agree to turn over an individual for trial
 - Against the wishes of a state, a special prosecutor at the ICC can begin a trial if the crimes occurred in the territory of a signatory to the ICC
 - UN Security Council can begin proceedings against individuals from non-signatory states
- Enforcement of laws of war occurs mostly through practical reciprocity and group response, reinforced by habit and legitimacy
- Most important principle of the laws of war is the effort to limit warfare to the combatants and to protect civilians when possible
 - It's illegal to target civilians unless there's a compelling military utility in doing so
 - Soldiers must wear uniforms and insignia to separate combatants from civilians-if one can't tell the difference between a bystander and a combatant, one is likely to kill both when in doubt
- Prisoners of war (POWs); soldiers who are captured or have surrendered (and who thereby receive special status under the laws of war)
 - May not be killed, tortured, mistreated, or forced to disclose info

- Law of POWs is enforced through practical reciprocity (WWII-Germans executed French POWs, French forces executed 80 German POWs)
- International Committee of the Red Cross (ICRC); An organization based in Geneva, Switzerland, that provides practical support such as medical care, food, and letters from home, to civilians caught in wars and to POWs. The ICRC works with national societies of the Red Cross or Red Crescent from 178 countries. Exchanges of POWs are usually negotiated through the ICRC.
 - Armed forces must respect the neutrality of the ICRC, and they do so most of the time

Changing Context

- Conventional wars by defined armed forces on defined battlegrounds are giving way to regular and “low-intensity” wars fought by guerrillas and death squads in cities or jungles
- States now really issue a declaration of war setting out whom they are warring against and the cause of their action (declarations bring little benefit to the state declaring war and incur obligation under international law)

Environmental Issues

Introduction

- Globalization has stimulated the relocation of industry to the global South, caused urbanization as ppl move away from rural areas, and contributed to ever-rising levels of consumption, along with associated emissions of effluence and waste gases
- Global environmental governance involves bringing to bear interstate relations, international law, and transnational organizations in addressing shared environmental problems

Environmental Issues on the International Agenda: A Brief History

- Before globalization era, the 2 environmental concerns were conservation of natural resources and damage caused by pollution
 - Pollution doesn't respect international boundaries, so action to mitigate/avert environmental harm sometimes had to involve more than one state
 - 1935 Train Smelter case-pollutants from a Canadian mineral smelter drifted south to contaminate parts of Washington
 - Resulting treaty between the 2 countries asserted the legal principle that countries are liable for damage that their citizens cause in another country
- Numerous attempts to regulate exploitation of maritime resources lying beyond national jurisdiction
- 1946 International Convention for the Regulation of Whaling
 - Declared an international moratorium on whaling
- After WWII evidence emerged of pollution of the atmosphere, of watercourses, and of the sea (esp. the Mediterranean)
 - Lead to international agreements in the 50s/60s covering matters such as discharges from oil tankers
 - 'Apolitical' matters
- 1968; General Assembly accepted a Swedish proposal for what became the UN Conference on the Human Environment (UNCHE) to focus gov'n attention and public opinion on the importance/urgency of the environment
- Stockholm Conference led to creation of the UN Environmental Program (UNEP) and the establishment of environment departments by many gov'ns
- For countries of the South, environmental questions couldn't be separated from their demands for development, aid, and the restricting of international economic relations
 - Emergence of the concept of sustainable development (meet needs of present without compromising future ability to meet needs)
- Environment pushed to periphery of international agenda by the global economic downturn of the 70s and the onset of the 2nd Cold War

- 1992 UN Conference on Environment and Development (UNCED)/“Earth Summit” was the largest international conference held
 - Raised the environment as an international issue and concluded many significant documents and agreements
 - 2002; World Summit on Sustainable Development (WSSD) held in Johannesburg
 - Change in wording indicated how discussion had shifted to recognize the importance of globalization and the dire state of the African continent
- Failure of political parties to effectively respond to issues like the 1959 mercury poisoning in Japan and the 1967 wreck of the Torrey Canyon oil tank near beaches in England led to the establishment of many NGOs (i.e., Greenpeace)
 - Interest in international environmental action was mostly a developed-world phenomenon

The Environment and International Relations Theory

- Those who explain the record of environmental regimes tend to adopt a liberal-institutionalist stance, stressing the joint gains arising from cooperative solutions to the problem of providing public goods (i.e., clean atmosphere) as a key motivating factor
- Liberal-Institutionalist analysis of regime creation is still the predominant approach to global environmental change
 - Assumes the problem to be solved is how to obtain global governance in a fragmented system of sovereign states
- Marxists; the state system is part of the problem rather than the solution-proper object of study is the way global capitalism reproduces relationships that are damaging to the environment
- Global spread of neoliberal policies accelerates the features of globalization that drive the global ecological crisis
- Point to how free market concepts are routinely embedded in discussions of sustainable development and how the WTO rules tend to subordinate attempts to provide environmental regulation of GMOs
- Opposing view is that the state and international cooperation are the only plausible mechanisms for providing the necessary global governance to cope with the large and immediate threat of climate change
- Immediate and persistent consequence of warfare is the destruction of ecosystems
- Ecotopian perspective/deep ecology movement/ecocentric view
 - Purists rejecting the idea of inherent human superiority and giving equal moral weight to all elements of nature
 - Lack of faith in capitalist systems
 - Strongly oppose materialism and consumerism

The Functions of International Environmental Cooperation

Transboundary Trade and Pollution Control

- 1979 Convention on Long-Range Transboundary Air Pollution (LRTAP)
 - Responded to the growing problem of acidification and acid rain by providing mechanisms to study atmospheric pollution problems in Europe and North America and securing commitments by the states involved to control and reduce emissions
- Multilateral environmental agreements (MEAs)
- Trade restrictions can be used as an instrument of nature conservation
 - 1973 Convention on International Trade in Endangered Species (CITES)
 - attention, mpts to minor/control/prohibit international trade in species (or products derived from them) whose continued survival may be put at risk by the efforts of such trade
 - Species at risk are “listed” in the 3 appendices to the convention
- Use of trade penalties and restrictions by MEAs becomes an issue when the objective of environmental protection conflicts with the rules of the GATT/WTO trade regime
 - I.e., GMOs
 - Biosafety Protocol to the Convention on Biological Diversity (CBD) agreed at Rio in 1992
 - Cartagena Protocol signed in 2000 establishes an advanced informed agreement procedure between governments, to be applied when GMOs are transferred across frontiers for ultimate release into the environment

Norm Creation

- Precautionary principle states that where there is a likelihood of environmental damage, banning an activity should not require full and definitive scientific proof
- Norms of “prior informed consent” and “the polluter pays”
- UN Earth Summits were important in establishing environmental norms
 - 1972 Stockholm Conference produced its “Principle 21”-combines sovereignty over national resources with state responsibility for external pollution
 - Agenda 21 issued by 1992 Rio Earth Summit
 - Long document, non-binding, had wide impact and remains a point of reference, many local authorities produced their own local “Agenda 21”
- Aarhus Convention (1998); N. America and European gov’ns agreed to guarantee their publics a number of environmental rights

Capacity Building

- Sustainable development provides a framework built on an underlying deal between developed and developing countries
- 1991 creation of the Global Environmental Facility (GEF) as an international mechanism for funding environmental projects in developing countries

- Most environmental conventions aim at capacity building through arrangements for the transfer of funds, technology, and expertise

Scientific Understanding

- International environmental cooperation relies on shared scientific understanding-provides basis for taking action
- Generating/sharing scientific info is often a function of international cooperation in public bodies and academic organizations (i.e., World Meteorological Organization/WMO, International Union for the Conservation of Nature)
- Disseminating scientific info internationally requires govn funding bc private sector has no incentive
- 1998; Intergovernmental Panel on Climate Change (IPCC) with WMO and UNEP
 - Bring together climate change scientists
 - Produce reports regarded as the authoritative scientific statements on climate change

Governing the Commons

- Global commons=areas and resources not under sovereign jurisdiction (not owned by anyone)
 - High seas, deep ocean floor, outer space, global atmosphere
- “Tragedy of the commons”

Environmental Regimes

- Function of international cooperation in the context of global commons is necessary
- Global common regimes’ central contribution is a framework of rules to ensure mutual agreement among users about acceptable standards of behaviour and levels of exploitation
- Enforcement is difficult
 - At the international level, NGOs may deter rule breaking
 - Ultimate test of the effectiveness of global commons regimes is whether or not the resources or ecologies concerned are sustained or improved
- Pollution by ships controlled by MARPOL
- Antarctic has a well-developed set of rules designed to preserve the ecological integrity of the land has been devised within the framework of the 1959 treaty
 - Comprehensive agreement on conserving the marine ecosystem around the continent
 - 1988 Protocol on Environmental Protection included a 50 yr mining ban
- 1985; British Antarctic Survey balloon provided evidence of thinning of the stratospheric ozone layer
 - Framework convention signed in 1985, followed in 1987 by its Montreal Protocol posing international controls over ozone-depleting chemicals

- Problem's causes were isolated, international support was mobilized, compensatory action was taken to ensure developing countries participate, set of rules/procedures developed and proved effective

Climate Change

- 1980s is when sufficient international scientific and political consensus emerged to stimulate action
- According to the EU, temperature increases must be held below 3.6 degrees F (or 2 degrees C) to avoid climate catastrophe
- 1992 UN Framework Convention on Climate Change (UNFCCC) signed at the Rio Earth Summit
 - Reduction of greenhouse gases and their removal by carbon sequestration (process where carbon gases are injected into the ground into peat bogs)
 - Binding commitment for parties to draw up national inventories of sources and sinks
 - Funding for capacity building bc developing nations were ill equipped
 - Locked signatories into holding a continuing series of annual Conferences of Parties (CoPs)
- 2nd CoP in Kyoto in 1997
 - Kyoto protocol involved emissions reductions by developed countries facilitated by "flexibility mechanisms"
 - Challenged idea of sustainable development bc it involved reducing greenhouse gas emissions which would involve energy, transport, and agriculture-fundamental of life in modern society
 - US politicians-representing one of the worst greenhouse gas offending countries-were reluctant to make necessary adjustments
 - Kyoto protocol committed developed countries to make an average of 5.2% cut in greenhouse gas emissions (7% US, 8% EU)
 - 3 mechanisms agreed on to achieve these goals:
 - Emissions trading
 - Envisions creation of a market in rights to pollute
 - I.e., efficient power plants can sell their permits to emit CO₂ to others-long term reduction in the # of available permits will cause price of carbon to rise, alternative power sources become more competitive, overall amount of CO₂ emitted is reduced
 - Joint implementation (JI)
 - Developed country can receive credits against its own emissions-reduction target by financing projects in another developed country

- Money is best spent where it can achieve the greatest reduction in greenhouse gas emissions
 - The clean development mechanism (CDM)
 - Applies the same principle to relations between developed and developing countries (used by China and other as a source of new funds and technology transfer)
 - Much disagreement regarding Kyoto protocol bc there was disagreement over the significance of human activities and over projections of future change
 - Some had economic interest in denying/misrepresenting the science
- UNFCCC principle of common but differentiated responsibilities
 - Climate change was the “common concern” of all but had been produced as a consequence of the development of old industrialized nations, and it was their responsibility to take the lead in cutting emissions

Global Economics and Trade

Introduction

- International political economy (IPE) is about the interplay of economics and politics in world affairs
- IPE tries to explain what creates and perpetuates institutions and what impact they have on the world economy
- Globalization of politics involves a globalization of economics
- The global trade and finance systems developed in reaction to the event that followed WWI
- People believed that the freewheeling capitalism of the Roaring Twenties helped cause the Great Depression
 - International trade measures (i.e., increased tariffs) exacerbated the preexisting domestic market distortions
- General Agreement on Tariffs and Trade (GATT) secretariat took on the task on organizing global trade negotiations

The Postwar World Economy

- 1944; policy makers gathered in New Hampshire at the Bretton Woods resort to consider how to resolve 2 problems:
 - Needed to ensure the Great Depression of the '30s wouldn't recur
 - Had to find ways to ensure a stable global monetary system and an open world trading system
 - Needed to rebuild the war torn economies of Europe
 - At Bretton Woods, 3 institutions were planned to promote a new world economic order:
 - Created IMF to ensure a stable exchange rate regime and the provision of emergency economic assistance
 - Created the International Bank for Reconstruction and Development (IBRD, later called World Bank) to facilitate private investment and reconstruction in Europe
 - Bank also charged with assisting development in other countries (later became its main function)
 - Planned the GATT (signed in 1947) and became a forum for negotiations on trade liberalization (the removal or education of barriers to free trade)
- 1947; US announced the Marshall Plan, which directed massive financial aid to Europe and permitted the US to set conditions on it
 - Officially known as the European Recovery Program
 - Offered to all European States
 - Played a critical role in European recover

- Gold standard was replaced by the dollar standard (1947), which the US managed directly (backed by gold)
- By the time the IMF, World Bank, and the GATT began to function in the 1950s, they were Western-bloc organizations that depended heavily on the US
- US support for the Bretton Woods system began to change when weaknesses emerged in the US economy around 1965
 - Prices rose within the US economy, competitiveness of US goods/services in the world economy dropped
 - Confidence in the US dollar plummeted
 - Other countries in the world economy were enhancing their position-European allies benefitted from the growing economic integration in Europe
- Late 1960s; European Economic Community (EEC) was developed, provided a springboard for European policy makers to diverge from US positions on subjects like NATO, military exercises, and support for the gold standard
- In Asia, success of export-led growth in Japan, Taiwan, South Korea, etc., created new challenges to US trade competitiveness
 - Countries took advantage of cheap labour to gain ctrl of certain industries (electronics, textiles) thereby controlling most of the world's exports
- 1971; US changed the rules of the international monetary system
 - No longer covered dollars to gold at \$35/ounce
 - Imposed 10% surcharge on import duties
 - Actions broke the Bretton Woods system
- 1970s; period of high growth following WWII ended abruptly, leaving very high inflation
 - Oil crisis in 1973 plunged the world economy into stagflation (a combination of economic stagnation/low growth and high inflation)
 - Role of IMF collapsed when the Bretton Woods system broke down in 1971-major industrialized countries failed to find a way to coordinate their exchange rate policies within the IMF framework
 - Industrialized countries discussed monetary issues among themselves in groups like the Group of Seven (US, Japan, Germany, UK, France, Italy, Canada)
- 1970s; gains made in reducing tariff barriers were reduced by an emerging protectionism (actions to protect domestic industries from more efficient foreign producers)
 - Multifiber Arrangement of 1973 placed restrictions on textile and apparel imports from developing countries (violated GATT principle of non-discrimination)
- GATT was replaced by the WTO as a result of agreements forged in the last round of GATT talks (the Uruguay Round, 1986-1994)
- WTO was established on Jan. 1, 1995 and has these functions: administering WTO trade agreements, providing a forum for trade negotiations, handling trade disputes, monitoring

national trade policies, supplying technical assistance and training for developing countries, and cooperating with other international organizations

- Located in Geneva with a secretariat staff of 500
- 1970s; developing countries went to the UN General Assembly for a New International Economic Order (NIEO)
 - Organized as the Group of 77 (G-77)
 - Developing countries sought better representation in international economic institutions, a fairer trading system, more aid, regulation of foreign investment, protection of economic sovereignty, and reforms to ensure a more stable and equitable financial and monetary system
- Summit diplomacy took place in the '70s between the North and South
- Developing countries' push for reform of the international economic system reflected dependency theory and Marxist theories of international economic relations that highlighted negative aspects of interdependence (condition where states are affected by others' decisions)
 - Interdependence can be symmetric (both actors affected equally) or asymmetric
- Brandt Report (1980); urged wealthy states in the north to increase development assistance and to reduce trade and investment restrictions for poor countries in the South-closing the gap between rich and poor states pressed as the biggest security challenge for facing world leaders
- NIEO was unsuccessful
 - UN General Assembly had no power to implement the agenda of the developing countries
 - Industrialized countries were sympathetic but gov'ns didn't act
 - Less sympathetic in the '80s as powerful governments addicted a free market ideology (believed markets should only be rules by the forces of supply and demand)
- In the 60s/70s, US and European polices facilitated rapid growth of global capital markets (institutions that transfer funds to industries globally) and financial flows. Flows furthered in the 70s by investments of oil producers who needed outlets for the profits made in the oil-price rise of 1973
 - The money found its way to gov'ns in developing countries, which were offered loans at low prices
 - Rise in interest rates in 1979 was an abrupt wake up call to borrowers and creditors (many US banks) who realized many of the loans couldn't be repaid
 - IMF stepped in and ensured "neoliberal" policies in indebted countries
 - In contrast with Keynesian analysis that prevailed until the 80s (Keynesians believe gov'ns should play an active/interventionist role in

- the economy to ensure growth and equity-Neoliberalism sought to roll back the state and role of gov'n
 - Late 1980s; term Washington Consensus used to imply that these policies were a reflection of US interests
- 1990s; IMF and World Bank became involved in integrating Central/Eastern European countries and the former Soviet Union into the global economy
 - Both institutions developed a view of conditionality aimed at promoting “good governance” in member countries
 - Conditionality meant that regional and international ending agencies required recipient national governments to accept certain policy conditions to receive loans
- G-20
 - Global economic actor made up of the finance ministers and central bank governors of the EU and 19 non-EU countries
 - Established in 1999 after the 1997 Asian financial crisis
 - Meet regularly to discuss strategies to promote global financial stability and sustainable growth and development
 - Member states rep. nearly 90% of gross atonal product (GNP), 80% of global trade, and 67% of the world’s pop.

Global Trade

- Most of the world’s trade takes place within the framework of the WTO
 - Member states agree to lower tariffs and eliminate non-tariff barriers to trade, but it’s left to the member states to enforce the agreements
 - Principle that guides the WTO is that multilateral free trade pacts are better than bilateral deals
 - Another principle=most favoured nation status-member Staes pledge not to discriminate against their trading partners
 - WTO has a dispute resolution panel that keeps the process at a multilateral level so members won’t take unilateral action that could undermine the WTO’s goals
 - Often, once a country begins he Dispute Settlement Body (DSB) process, both parties will settle the dispute before it reaches the full panel-prefer to use the services of the secretary general (provided for in Article 5 of the WTO covenant)

Transborder Production

- Transborder production arises in a single process is spread across widely dispersed locations both within and between countries
- In territorially centered production, all stages of a production process (from research to after-sales service) occur within the same local or national unit

- “Global factories” were unknown before the 1940s and didn’t become prominent until the 60s/70s
- Large proportion of international transfers of goods and service now entail intrafirm trade within transborder companies
 - When intermediate inputs and finished goods pass from 1 country to another, they primarily involve movements within a global company rather than between national economies
 - At least 25% of cross-order trade is intrafirm trade
- Much transborder production uses special economic zones (SEZs)/export processing zones (EPZs)/free production zones (FPZs)
 - Ruling national/provincial gov’n exempts assembly plants, and other facilities for transborder production, from usual import/export duties
 - 1st such zone established in 1954 in Ireland, most were created after 1970

Transborder Products

- Global goods pervade the contemporary world economy
- Design, packaging and advertising determine the market far more than territorial distances and borders

Humanitarian Intervention in World Politics

Introduction

- After the Holocaust, the society of states established laws prohibiting genocide/mistreatment of civilians, and recognizing basic human rights
 - Humanitarian principles often conflict with principles of sovereignty and non-intervention
- Armed intervention wasn't a legitimate practice during the Cold War-states placed more value on sovereignty and order than on enforcement of human rights
- 1990s; pressing of humanitarian claims within international security
 - Kofi Annan declared there was a "developing international norm" to forcibly protect civilians who were at risk of genocide
 - UN Security Council (UNSC) didn't authorize forcible intervention against a functioning sovereign state-intervention without UNSC authority was controversial
 - Global South worried that humanitarian intervention was rhetoric designed to legitimate the interference of the strong in the affairs of the weak
 - Group of liberal democratic states and NGOs attempted to build a consensus around the principle of the responsibility to protect
 - Responsibility to protect; states have primary responsibility for protecting their own citizens-if they're unwilling/unable to do so, the responsibility to ens mass killings becomes that of the wider 'international community'
 - Responsibility to protect adopted by the UN General Assembly at the 2005 World Summit

The Case for Humanitarian Intervention

The Legal Argument

- "Counter-restrictionist" case
 - UN Charter (1945) commits states to protecting fundamental human rights and there's a right of humanitarian intervention in customary international law
- UN Charter's preamble and Articles 1(3), 55, and 56 highlight human rights
 - Counter-restrictionists read a humanitarian exception to the ban on the use of force in the UN Charter
 - Michael Reisman; legal exception to the ban on the use of force in Article 2(4) of the Charter should be created that would permit individual states to use force on humanitarian grounds
 - Some argue that humanitarian intervention doesn't breach Article 2(4) bc it prohibits the use of force only against the 'political independence' and 'territorial integrity' of states
- Some argue that unilateral humanitarian intervention is permitted by customary international law
 - For a rule to count as customary international law, states must claim that the practice has the status of law (opinio juris)

The Moral Case

- Some argue that there's a moral duty to intervene to protect civilians from mass killings
 - Sovereignty derives from a state's responsibility to protect its citizens-therefore when a state fails in its duty, it loses sovereign rights
- Common humanity; everyone has basic human rights and duties to uphold the rights of others
- Just war theory; the duty to offer charity to those in need is universal
- Problem: granting states a moral permit to intervene opens the door to potential abuse

The Case Against Humanitarian Intervention

No basis for Humanitarian Intervention in International Law

- Restrictionist-common good is best preserved by maintaining a ban on any use of force not authorized by the UNSC
 - Argue that there are no exceptions to Article 2(4)
 - Point to the fact that when states have acted unilaterally, they've chosen not to articulate a general right of human intervention

States Do Not Intervene for Primarily Humanitarian Reasons

- States rarely sacrifice their own soldiers unless they have self-interested reasons for doing so
- Realists-genuine humanitarian intervention is imprudent bc it doesn't serve the national interest
 - Powerful only intervene when it suits them to do so

States are Not Allowed to Risk the Lives of Their Soldiers to Save Strangers

- Realists-states do not and should not intervene for humanitarian purposes
 - Political leaders don't have the moral right to shed the blood of their own citizens on behalf of suffering foreigners
- Bhikhu Parekh-"citizens are the exclusive responsibility of their states, and their state is entirely their own business"

The Problem of Abuse

- States may espouse humanitarian motives as a pretext to cover the pursuit of national self-interest
 - I.e., Hitler's argument that it was necessary to invade Czech to protect the "life and liberty" of that country's German pop.
- Creating a right of humanitarian intervention would only make it easier for the powerful to justify interfering in the affairs of the weak

Selectivity of Response

- State behaviour is governed by what gov'ns judge to be in their interest (thus are selective about when they intervene)
- Selectivity of response is the problem of failing to treat like cases alike (i.e., NATO intervened in Kosovo but didn't address humanitarian catastrophe in Darfur)

Disagreement About Moral Principles

- Pluralist international society theory-highlights problem of how to reach a consensus on what moral principles should underpin humanitarian intervention

- Pluralism argues humanitarian intervention shouldn't be permitted in the face of disagreement about what constitutes extreme human rights violations
 - Concern-powerful states would be free to impose their own moral values on weaker members of international society

Intervention Does Not Work

- Some argue it's impossible for outsiders to impose human rights
 - John Stuart Mills; democracy could be established only by a domestic struggle for liberty-human rights can't take root if they're imposed by outsiders
 - Oppressed ppl should themselves overthrow tyrannical gov'n
- Some argue humanitarian intervention can cause mass atrocities by encouraging dissatisfied groups to launch rebellions in the hope of provoking a response from gov'ns that will trigger external military intervention

The 1990s: A Golden Era of Humanitarian Activism?

The Role of Humanitarian Sentiments in Decisions to Intervene

- Northern Iraq in 1991 and Somalia in 1992
- - Domestic public opinion played an important role in pressurizing policy-makers into using force for humanitarian purposes
- French intervention in Rwanda in 1994
 - French gov'n emphasized the strictly humanitarian character of the operation, but they were covertly pursuing national self-interest (French wanted to restore waning French influence in Africa)
- There was no intervention by international society when the Rwandan genocide began—those with the military capability to stop the genocide were unwilling to sacrifice troops/resources to protect Rwandans
- NATO's Intervention in Kosovo in 1999
 - Western leaders said humanitarianism was the main reason for action, but NATO was propelled into action by humanitarian cover and self-interest around 3 issues:
 - Fear that Milosevic's military would replicate carnage of Bosnia
 - Fear that conflict in Balkans would create a refugee crisis in Europe
 - Concern that failure to intervene would cause the crisis to spread and engulf the region

How Legal and Legitimate Were the Interventions?

- Interventions in Iraq, Somalia, Kosova, and Rwanda were justified in humanitarian terms
 - Contested by China, Russia, and members of the Non-Aligned Movement (NAM)
 - Defended state sovereignty
- By the end of the 1990s, most states accepted that the UNSC was entitled to authorize armed humanitarian intervention
- Chapter VII of the Charter enables UNSC to authorize military enforcement action in cases where 'international peace and security' is threatened

- UNSC has expanded what counts as a threat to peace (includes human suffering, overthrow of democratic gov'n, state failure, refugee movements, ethnic cleansing)
- UN didn't sanction NATO's use of force in Kosovo, but the UNSC also didn't condemn it
 - UNSC not prepared to endorse unilateral humanitarian intervention
- Reluctant states (Russia, China, India, NAM members) came to accept that military intervention authorized by the UNSC was justifiable in cases of mass killings
- No UNSC state tried to oppose intervention in Rwanda on the grounds of protecting sovereignty
 - Barrier to intervention=lack of political will to incur the costs/risks of armed intervention to save Rwandans
- UNSC refrained from authorizing intervention against fully functioning states

Were the interventions Successful?

- Humanitarian outcomes can be short-term (immediate alleviation of human suffering) or long-term (addressing underlying causes of human suffering)
- 'Operation Provide Comfort' in northern Iraq-initial success but Western gov'ns commitment to protect the Kurds waned as public interest/media attention shifted
- US humanitarian intervention in Somalia was successful
 - However, the attempt by the expanded mandate of the UNOSOM II to convert a short-term humanitarian outcome into the longer-term one of conflict resolution and reconstruction was a failure
- NATO-led force that entered Kosovo succeeded in returning Kosovo Albanian refugees to their homes but failed to protect the Serbian community from reprisal attacks
- Humanitarian crisis intervention is most likely to be a short-term palliative that does little to address the underlying political causes of the violence and suffering

Humanitarian Intervention and the War on Terror

- 2 perspectives on whether the war on terror has made it less likely that powerful states will use their militaries to save strangers
 - 1) Since the 'war on terror' began, the US and its allies have placed their own strategic interests ahead of concern for human rights
 - Commitments in Afghanistan and Iraq have stretched Western militaries-gov'ns less inclined to place additional burdens on their forces by adding new humanitarian mission
 - West has become less interested in supporting humanitarian endeavours
 - 2) Western states will militarily intervene in humanitarian emergencies only if they believe that vital security interests are at stake
 - Afghanistan showed linkage between failed states and terrorism
 - War on terror motivated intervention that's defensible on grounds of both human rights and national security

Afghanistan

- US-led intervention in Afghanistan was a war of self-defense, but the President made a humanitarian argument as well
- US took steps to minimize non-combatant suffering

- 2 choices undermined the credentials of the war
 - Decision to rely heavily on intelligence provided by different Afghan factions for the identification of military targets
 - US determination to reduce risks to its armed forces
 - Left US forces open to manipulation-resulted in attacks where civilians were killed
 - Washington's refusal to contribute ground troops to the UN-mandated International Security Assistance Force (ISAF) and make a contribution to rebuilding Afghanistan
- Employment of humanitarian arguments by USA and its allies highlights how this justification has become a legitimating basis for military intervention

Iraq

- Iraq War justified as being necessitated by the danger posed by Saddam Hussein's weapons of mass destruction (WMD)
-
- Those justifying the use of force to remove Saddam Hussein relied on humanitarian rationales ("Iraq is a better place without Saddam")
- Many argue the use of humanitarian justification in relation to Iraq damaged the emerging norm of humanitarian intervention by highlighting the potential for the norm to be abused by the powerful to justify interfering in the affairs of the weak
 - Iraq damaged status of USA and UK as norm carriers-weakened their ability to persuade others to agree to action in humanitarian crises

Darfur

- 2003-4; Sudanese gov'n embarked on a "reign of terror" in Darfur (killed and displaced many)
- Little progress made in returning the displaced
- World's response was limited to deploying an understaffed African Union mission (AMIS)-incapable of protecting civilians
 - 2007; replaced by a UN-AU hybrid (UNAMID)-understaffed and under equipped
- Reasons for tepid world response:
 - Lack of prudent options for military intervention to protect Darfurians
 - Strong intervention Amy be strongly resisted
 - Intervention may cause Sudanese gov'n to close its ports to aid agencies
 - Concern that action in Darfur would ruin peace settlement for Sudan's other civil war
 - Persistent doubts about the legitimacy of humanitarian intervention
 - Forcible Western intervention in Darfur strongly opposed by Russia, China, AU, NAM
 - Since Iraq invasion, states have reaffirmed the principle of state sovereignty
 - Statism

- Gov'ns don't want to sacrifice troops to stop one group of Africans from killing another group
- Self-interested reasons for not upsetting the Sudanese gov'n (i.e., China's interest in Sudanese oil, Russia sells arms to Sudan, USA reluctant to weaken a potential ally in the war on terror)
- These powerful states value their interests more than they do the lives of Darfurians

The Responsibility to Protect

- Responsibility to Protect/R2P (2001 report of the International Commission on Intervention and State Sovereignty-ICISS) attempted to resolve the tension between the competing claims of sovereignty and human rights by building a new consensus around the principles that should govern the protection of endangered ppl
- - R2P adopted by UN General Assembly at 2005 World Summit
- R2P Commission argued that states have the primary responsibility to protect their citizens
 - If they can't/won't do so, the 'principle of non-intervention yields to the international responsibility to protect'
 - Responsibility to prevent humanitarian crises
 - Responsibility to rebuild failed/tyrannical states
- ICISS wanted to generate a new consensus to support 'intervention for human protection purposes'
 - ICISS had to make it more harder for states to use veto power and to abuse humanitarian justifications
 - Developed set of criteria to be used to evaluate whether military intention would be legitimate on humanitarian grounds to build consensus on how to respond to humanitarian emergencies:
 - 'Just cause thresholds'; there must be large scale loss of life or ethnic cleansing (actual or apprehensive)
 - 'Precautionary principles'; right intention, last resort, proportional means, reasonable prospects
 - 'Right authority'; interventions should be authorized by the UNSC-if not possible, interveners should seek mandate from UN General Assembly
 - 'Operational principles'; including clear objectives, common approach, limited force, appropriate rules of engagement, and coordination with humanitarian agencies
- ICISS says UNSC has primary responsibility to act during a humanitarian crisis
- In cases where there's a majority support for intervention in the UNSC (a resolution supporting intervention for humanitarian purposes has secured 9 votes or more), but collective action is blocked by a veto, ICISS suggests that states seek political support from the General Assembly

- If it's not possible to secure a 2/3 majority in that body, ICISS report suggests intervention may be justified if authorized by regional organizations
- Hierarchy of responsibility-host state, UNSC, General Assembly, regional organizations, coalitions of the willing, then individual states
- ICISS created commitment to just cause thresholds-would create expectations among domestic publics about when their gov'ns ought to act (to prevent statism causing gov'ns to stand aside in cases like that in Rwanda)

Agreement on Criteria Doesn't Guarantee Agreement on Action in Real Cases

- States may agree on criteria to make judgments about humanitarian intervention, but interpretation may differ
- - 2005; UNSC members argued whether the Sudanese gov'n had proven itself 'unable and unwilling' to protect its ppl
 - No authoritative judge-criteria can only provide language for discussion

The Criteria are Open to Manipulation by Powerful Actors

- Interpretations of powerful states with the capacity to reward/punish others carry more weight in the deliberations of gov'ns

Assumes that Governments Can be Persuaded to Act

- R2P rests on notion that gov'ns can be shamed into ending mass killings by moral pressure from other gov'ns, their own citizens, and wider public opinions
- Public opinion can only galvanize action when gov'ns are already predisposed towards taking it
 - Few ppl change their vote bc gov'n chooses not to intervene to save foreigners

R2P Adopted by World Governments

- 2005; UN World Summit adopted a declaration committing all 191 member states to the principle of the R2P
 - Reaffirmed by UNSC in 2006 and 2009
 - Many states were doubtful-changes had to be made to the draft document
- Proposal to include the use of force was dropped
- Agreement that responsibility to protect internet required UNSC authorization
 - Momentous-1st time society of states agreed sovereignty may sometimes give way to concerns about human rights
- R2P is a codification of the humanitarian intervention norm that developed in the 1990s
- 2009; UN Secretary General, Ban Ki-moon argued that R2P had 2 pillars:
 - Pillar 1: Responsibility of the state to protect its pop. Form genocide, war crimes, ethnic cleansing and crimes against humanity, and their incitement ('bedrock' of R2P)
 - Pillar 2: The international community's responsibility to assist the state to fulfill its responsibility to protect (by helping tackle genocide, build capacities to prevent such crimes, address problems before they escalate)
 - Pillar 3: In situations where a state has failed to protect its population from 4 crimes, it's the international community's responsibility to take action through

peaceful diplomatic and humanitarian means-if that fails, use other forceful means consistent with the UN Charter

- Ban Ki-moon also outlined reforms/strategies that states could use to implement this agenda (i.e., signing/implementing international human rights, humanitarian, and refugee law; strengthening domestic human rights and rule of law)
- Overwhelming majority of states endorsed the Secretary General's approach (2009)