

Modus Vivendi



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About this Journal

Although its literal translation from the Latin is “way of life,” in international relations parlance, *Modus Vivendi* signifies “a state of affairs where two opposing parties agree to differ.” In a similar spirit of fostering intelligent discussion, *Modus Vivendi* attempts to provide a forum for diverse viewpoints on a variety of issues pertinent to the field of international studies. One of the few undergraduate journals of international relations, *Modus Vivendi* is published by the International Studies Department at Rhodes College, in conjunction with the Rhodes College chapter of Sigma Iota Rho.

This issue of *Modus Vivendi* includes five articles, representing a variety of theoretical and public policy issues. Marie Francis’ work on foreign aid focuses on the influence of domestic actors on a state’s aid allocation policies. Jennifer Hudson examines the affects of available scientific research, economic factors, and state interactions on state participation in environmental regimes. Drew Justice explores the role of shared ideologies in alliance construction. Brandon Nugent argues that international backing and differences in hard and soft law determine an international law’s potential effectiveness. Lastly, Ben Trentlage reviews the United States’ progress in the War on Drugs and proposes several policy solutions.

Modus Vivendi is the product of enormous efforts on the behalf of many people. The editors would like to extend their gratitude to the faculty of the Rhodes College International Studies Department. Without their outstanding talents, teaching abilities, and tutelage, this journal would not exist. Additionally, special thanks must be given to Brenda Somes and the faculty advisor to Sigma Iota Rho, Professor Lawrence Hamlet.

The Editors of *Modus Vivendi*

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Why Do Countries Give Foreign Aid? Focus on the United States

Marie Francis

Foreign aid in the United States principally originated with the Marshall Plan for the reconstruction of Europe after World War II and the Four Point Program of the Truman Administration. As the United States emerged from the war as a world power, involvement in foreign affairs increased in ways not previously seen in the country's history. Under John F. Kennedy, the Foreign Assistance Act (FAA) became law in 1961 and the USAID organization was subsequently created. In the FAA, Congress reaffirmed:

A principal objective of the foreign policy of the United States is the encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives.¹

The stated purpose of USAID is "furthering America's foreign policy interests in expanding democracy and free markets while improving the lives of the citizens of the developing world."² The degree to which foreign aid is effective in advancing foreign policy interests and useful to developing countries has been thoroughly examined and criticized. In a study performed by the Congressional Budget Office in 1997, it was ceded that:

Foreign aid--in the best of circumstances--will play only a modest role in promoting economic development and improving human welfare. Other factors, such as the quality of a developing country's government and the economic policies it pursues, appear to be considerably more important in promoting growth and

development than the quantity, quality, or type of foreign aid the country receives.³

Given the realities of the limited effectiveness of foreign aid in obtaining its stated objectives, there must be other causal factors contributing to the decision to allocate it than simply the interests of the donor state or the perceived need of a recipient state.

Focus and Hypotheses

The role of domestic actors in determining foreign aid and emergency aid allocations is the focus of this paper. Two hypotheses will be addressed, one relating to planned foreign aid allocations and the second relating to emergency aid allocations. First, for foreign aid allocations given in the form of military, economic, or humanitarian aid, the more influential a domestic group, the greater the amount of aid will be given to the country for which they advocate. In this hypothesis, the independent variable is the influence of domestic groups and the dependent variable is the amount of foreign aid given to the country for which the domestic group advocates. Second, in cases of disasters and emergencies, the greater the coverage of the situation by national media outlets, the greater public opinion will support relief, and the larger the response by the government will be. The independent variable is national media coverage, which can be determined by frequency and quantity of coverage of an emergency situation. As an intervening variable, public opinion will be ascertained by polls. The dependent variable is the government response to the emergency, which can be determined principally by monetary allocation. Public opinion must be an intervening variable in this hypothesis because the government is not responding to the actions of the media, but to the consequences of media action.

Assumptions, Theoretical Approach, and Definitions

This paper takes a domestic-based theory approach to foreign aid. With this approach, four core assumptions are made, principally from the

work of Andrew Moravcsik.⁴ First, domestic groups and individuals are the primary actors in the international system. They are risk averse and rational. Second, these actors have means of expressing their views in society and may do so without fear of punishment by the state. In other words, they may freely advocate their positions. Third, state leaders respond to the actions of domestic groups and individuals. State leaders are not independent of the interests of domestic actors. Finally, the actions of the state reflect the dominance of particular influential actors over others. Domestic actors are in competition with each other to exert influence over the government and see their policies or goals realized.

A domestic-based approach runs contrary to the realist theory of international relations. Realists emphasize the military, security, and economic interests of the state as primary causes for foreign aid. For example, Robert Gilpin writes: “the primary motives for official aid by individual governments have been political, military, and commercial. The donors’ desire to establish spheres of political influence, to bolster military security, or to obtain economic advantage have influenced the nature and patterns of aid.”⁵ Domestic groups and actors are excluded from the realist paradigm, which defines states as the only actors in the international system: “States are alike in the tasks that they face, though not in their abilities to perform them. . . International politics consists of like units duplicating one another’s activities.”⁶ According to realism, states all possess the same set of fixed preferences. Their constant concern is security, which is a result of the assumption that all states possess the military capacity to inflict harm on another state.⁷ As a result, the interests of domestic actors that do not conform to these preferences and this pessimistic world view have no place in the realist theory.

The domestic-based approach is superior to the realist explanation of foreign aid because it recognizes that national preferences vary and depend upon those of domestic actors, particularly in a representative system such as the United States. As Moravcsik writes:

States do not automatically maximize fixed, homogeneous conceptions of security, sovereignty, or wealth per se, as realists

and institutionalists tend to assume... they pursue particular interpretations and combinations of security, welfare, and sovereignty preferred by powerful domestic groups enfranchised by representative institutions and practices.⁸

Such an approach is much more powerful in explaining variations in international politics and the policies that states pursue. It allows for the influence of the actors that compose the state itself, not just the state as a uniform entity.

The assumptions of this paper, being drawn from a domestic-based approach, and the ensuing hypotheses require some definitions. Domestic groups are defined as collections of individuals that have a stated purpose, ideology or goal, a formal structure, and who actively seek to advance that purpose, ideology, or goal. Influence is the ability of one party to execute its agenda over another party. Foreign aid is defined as the allotment of monetary, military, or humanitarian resources from one specific state to another that is planned in a government budget, measured in dollars. Emergency aid is the allotment of monetary and humanitarian resources from one specific state to another that is the result of an unforeseen crisis or emergency, measured in dollars. This does not include military resources as it is more appropriate to label such an action as intervention. Some examples of emergencies are natural disasters, unforeseen attacks, or wide-scale humanitarian violations against a specific group. Media or news media will encompass nationally circulated sources of news, namely newspapers and network news stations.

Hypothesis One: Planned Foreign Aid

The first hypothesis of this paper is that the greater the influence of a domestic group, the greater the amount of aid will be given by the donor state to the recipient state represented by the domestic group. The independent variable is the influence of the actor. Influence will be recorded as one of three levels: low, medium, and high levels of influence. As influence is a concept as opposed to a hard variable, several

different elements must be taken into consideration. First, several quantitative measurements will be taken: size of the membership of a domestic group, the gross size of its budget in dollars, the amount of money either donated to politicians, political parties, or spent on lobbying efforts (referred to as “spending” for the purposes of this paper), and the number of outreach activities undertaken by the organization. Outreach activities are attempts to mobilize the public beyond its current membership by advertising, publications, and public events, measured in the number of these overall activities. Domestic groups considered to be of high influence will be high in at least three of these four measurements, medium influence will have medium to high levels of two of these measurements, and groups of low influence will be low on three or more of these measurements. Considerations of size of membership will be relative to other domestic groups representing a foreign interest. So, for example, although the American Association of Retired Persons is one of the largest political domestic groups in the United States with 35 million members, it will not be used as a source of comparison because it is a group devoted to domestic issues and interests.⁹

Measurement of budgets are first based on the Federal Elections Commission (FEC) requirement for noncommittal political action committees (PACs) to register federally once \$1,000 has been either raised or spent in connection with federal elections.¹⁰ Information regarding the entire operating budgets of PACs is not reported to the FEC, so the figures are difficult to obtain. Based on research conducted in connection with the Aspen Institute, however, \$15 million will be assigned as the end amount of the range of PAC budgets, creating a scale of \$1,000 to \$15 million.¹¹ So, a budget in the lowest 25% of the range or between \$1,000 and \$3.75 million, a medium budget will be the middle 50% of \$3.75 million to \$11.25 million, and the high measurement of the top 25% of the range will be budgets above the \$11.25 million mark. During the 2002 election cycle, the PAC with the highest spending on political contributions was the National Association of Realtors with \$3,648,526 in reported campaign contributions to both Democrats and Republicans.¹²

Due to the difficulty in obtaining information on the comprehensive budget of a political action committee, assignments of high, medium, or low budgets will be based on this range. A low spending will be lowest 25% of this scale (\$1,000 to \$912,131), medium will be the middle 50% (\$912,132 to \$2,736,394), and high will be the top 25% of the scale (\$2,736,394 to \$3,648,526). My dependent variable will be measured as high, medium, or low and will be determined by the amount of foreign aid allocation given to the state or states advocated for by the domestic group. High amounts of aid will be the top 25% of the range of aid given by the donor state to any one state, medium will be the middle 50%, and low will be the lowest 25%. The largest amount of aid given to any one state is \$2,559,360,000 for fiscal year 2006, resulting in the following scale: the lowest 25% ranges from no aid to \$369,840,000, the middle 50% ranges from \$369,840,001 to \$1,949,520,000, and the highest 25% ranges from \$1,949,520,001 to \$2,559,360,000.¹³ What can be expected of this hypothesis is that domestic actors with high, medium, or low levels of influence will have a corresponding measurement of the representation of their interest in foreign aid allocations.

Case One: American Israel Political Action Committee

The American Israel Political Action Committee (AIPAC) is a highly influential PAC based in Washington, DC. It was founded in 1954 by Si Kenen and has since worked to promote the American-Israeli relationship, situating itself at the “forefront of the most vexing issues facing Israel today.”¹⁴ “America’s Pro Israel Lobby,” as the organization calls itself, reports a membership of over 100,000 individuals, which is a large membership relative to other PACs representing a foreign interest.¹⁵ According to an independent study sponsored by The Aspen Institute, AIPAC boasted funds of \$14 million in 1998, making it a high budget.¹⁶ In 2000, AIPAC spent \$1.12 million dollars on lobbying efforts with its team of nine individuals, so this organization’s spending ranks as medium.¹⁷ Finally, outreach activities conducted by AIPAC are numerous and occur on a regular basis. Some examples include annual policy

conferences, which included Secretary of State Condoleezza Rice, Israeli Prime Minister Ariel Sharon, as well as Senate and House of Representatives majority and minority leaders.¹⁸ The organization reports that four thousand people were in attendance at one annual three-day conference.¹⁹ On its website, AIPAC reports that it holds over 2,000 meetings with individual members of Congress yearly, publishes a bi-weekly periodical called *The Near East Report*, and encourages constituent contact with members of Congress through their easily navigated website.²⁰ AIPAC's Political Leadership Development Program offers students internships at its Washington, DC office as well as its nine regional offices, leadership and campaign training for students including opportunities for scholarships to such programming.²¹ In sum, AIPAC is ranked high in terms of membership, budget, and outreach activities, but medium in spending.

Since 1976, the United States has provided more bilateral aid to Israel than to any other country.²² For fiscal year 2006 (FY 2006), the United States' military aid package to Israel included a request of \$240 million for economic support funds (ESF), \$2.28 billion in foreign military financing (FMF), and \$40 million in refugee assistance.²³ In FY 2004, actual ESF amounted to slightly over \$477 million, and FMF was over \$2.147 billion. The estimates for FY 2005 are \$357,120,000 in ESF and roughly \$2.2 billion in FMF. It should be noted there has been a decrease in ESF in favor of FMF to Israel since 1999 when it was determined by Congress that Israel's economic conditions required less foreign assistance:

In FY 1999, Congress began a reduction of the economic assistance earmark in recognition of the progress Israel has made to date. The United States will continue to reduce ESF to Israel by \$120 million per year, eliminating it completely by FY 2008. Over the same period, Foreign Military Financing for Israel will be increased by \$60 million per year to a final annual level of \$2.4 billion.²⁴

Furthermore, in the Congressional Budget Justification, the United States' position on the security of Israel is strongly asserted: "The United States maintains a steadfast commitment to Israel's security, to the maintenance of its qualitative military edge, and to strengthening Israel's ability to deter and defend itself."²⁵ Such a statement firmly coincides with AIPAC's objectives of "stopping Iran from acquiring nuclear weapons, fighting terrorism and achieving peace. And above all, ensuring that Israel is strong enough to meet these challenges."²⁶ These amounts of aid clearly show that Israel is a high recipient of US foreign aid. Thus, the American Israeli Political Action Committee is a highly influential domestic group and Israel is not only a high receiver state of US foreign aid, but the highest. In this case, the hypothesis strongly holds.

Case Two: Vietnamese-American Public Affairs Committee

Founded in 1996 in California, the Vietnamese-American Public Affairs Committee (VPAC) is committed to enhancing the voice of Vietnamese-Americans through voter education, grassroots organizing, and candidate endorsement.²⁷ It endorses candidates who "share our views--on social justice at home and human rights abroad--and who will advance those principles while in office."²⁸ No specific figures on the formal membership of the organization have been obtained, and VPAC itself has not responded to requests for such information; however, other data indicates a low VPAC membership. For example, in 1998 and again in 2000, only four individuals made donations exceeding \$200 to the organization, in 2002 only one person made a FEC recorded donation, and since then no donations of \$200 or more have been made to the PAC.²⁹ Also, the "Community" link on the organization's website that leads to information on "resources on our communities: facts, figures, and stories" is not activated.³⁰ This evidence points to a low membership for VPAC. Again, the organization did not respond to questions regarding membership or budgets. According to receipts and documents registered with the FEC, however, VPAC's fiscal resources have generally increased since 1998. VPAC registered \$4,949 in total receipts and \$1,137 in end-

year cash on hand (COH) in 1998,³¹ \$7,127 in total receipts and \$1,493 in COH in 2000,³² \$2,100 in receipts and \$8,910 in COH in 2002,³³ \$1,050 in total receipts and \$11,010 in COH in 2004.³⁴

Regardless of this increase in funding, VPAC remains a decidedly low budget PAC. In terms of spending, VPAC has only made two nationally registered political donations: \$1,000 to Republican Representative Tom Davis of Virginia, and \$1,500 to Democratic Representative Loretta Sanchez of California, both in 2000.³⁵ Finally, VPAC's outreach activities are principally aimed at voter encouragement and education about candidates at the local level. Of VPAC's eight chapters listed on its website, only three have a webpage independent of the national site.³⁶ Those sites, including VPAC's national webpage, feature dated materials and information. For example, the Northern California chapter provides details about a candidate information session for various local positions in the city of Milpitas that took place in 2004, but no updated news.³⁷ Nationally, VPAC's information is dated as well, and it does not indicate any upcoming activities. For example, a sample letter for writing one's senator regarding a bill encouraging freedom and democracy in Vietnam is dated September 16, 2004.³⁸ The most recent national event the VPAC reports having participated in was the Vietnam Freedom March on April 30, 2005, which was not an exclusive VPAC event.³⁹ So, VPAC ranks low in terms of membership, budget, spending, and outreach activities given the available data.

Relations between Vietnam and the United States were severed in light of the Vietnam War, but since 1994 when the US trade embargo on Vietnam was lifted, the situation has been steadily improving. In July of 1995, diplomatic relations were formally normalized, Vietnam was granted normal trading rights with the United States in March 1998, and President Bill Clinton made a historic visit to the country in October of 2000. Foreign aid for economic and humanitarian purposes has been increasing to Vietnam in recent years. In FY 2004, actual aid given to Vietnam amounted to \$22,314,000, the estimated total aid for FY 2005 amounts to \$31,175,000, and \$37,165,000 has been requested in the

Congressional Budget Justification for FY 2006.⁴⁰ The greatest portion of these aid packages is devoted to the Global HIV/AIDS initiative, followed by Development Assistance, then Nonproliferation, Anti-terrorism, Demining, and Related Programs (NADR) funds, and also includes funding to Child Survival and Health, and International Military Education and Training specifically designated to teach English to members of the Vietnamese armed services.⁴¹ The statement of purpose for U.S. bilateral aid to Vietnam is similar to the goals and issues that are the focus of VPAC:

The U.S. national interests in Vietnam include advancing human rights and religious freedom, promoting economic prosperity through global integration, expanding U.S. trade relations, and achieving the fullest possible accounting for the 1,403 Americans still listed as POW/MIA from the Indochina conflict. The U.S. also has an interest in helping disadvantaged groups, such as those at high risk of contracting HIV/AIDS; the disabled; displaced children; and victims of natural disasters, landmines and unexploded ordnance.⁴²

So, although U.S. foreign aid to Vietnam still falls into the lowest 25% of the established scale, it is significant that it is increasing and that the stated purposes of aid coincide with the concerns of VPAC. Hypothesis one holds in this case, as well.

Hypothesis Two: Emergency Aid

The second hypothesis of this paper states that the greater the level of media coverage of an emergency in a foreign country, the more public opinion will be swayed in favor of giving emergency aid, and ultimately the more emergency aid will be given by the donor state. The independent variable is media coverage, valued at high, medium, and low coverage. This will be measured by both the number of stories devoted to the emergency and their placement for written publications, as well as the amount of time given to a particular story on a televised news program.

High coverage consists of four or more lead stories in a week about the situation, medium consists of one to two lead stories in a week, and low consists of one or no lead stories in a week. A lead story is defined as a story in the first section of a newspaper. For the purposes of this study, media is limited to those of national circulation for reasons of simplicity and because a larger patronage increases the opportunities for affecting public opinion. Only newspapers with a circulation of at least 800,000 copies and televised network news programs and networks with an average primetime audience of 800,000 will be used. These figures are based on the State of the News Media 2004 published by Journalism.org. The newspapers that will be consulted include *USA Today*, *The Wall Street Journal*, *The New York Times*, *The Washington Post*, *The Los Angeles Times*, and *The Chicago Tribune*.⁴³ Televised news programs will include *ABC World News Tonight*, *CBS Evening News*, and *NBC Nightly News* with respective viewerships of 10.1 million, 8.3 million, and 10.9 million in 2003.⁴⁴ Public opinion will be measured by public opinion polls and valued as high, medium, or low reactions. A high reaction is a simple majority of those polled expressing a particular opinion; a medium reaction is defined as a plurality, and low is a minority opinion. Finally, the dependent variable is emergency aid allocations. Consistent with the rest of the study, emergency aid will be measured as high, medium, or low. High levels of emergency aid will be \$20 million or more, medium levels will be between \$2 million and \$20 million, and low aid will be less than \$2 million committed to the disaster.

Case One: 2004 Asian Tsunami

On December 26, 2004, an earthquake that registered above a 9.0 on the Richter scale and lasted nearly 10 minutes caused a tsunami in the Indian Ocean that affected over a dozen countries, particularly India, Sri Lanka, Thailand, and Indonesia.⁴⁵ Between 170,000 and 250,000 people are estimated to have been killed by the tsunami whose waves reached as high as 30 feet. According to the Pew Research Center for People and the Press, the 2004 Asian Tsunami is the international news story that has

been most closely followed by Americans since such research has been conducted: “Nearly six-in-ten Americans (58%) have tracked news from south Asia very closely; the next highest foreign stories were the death of Princess Diana in 1997 (followed very closely by 54% of Americans) and the opening of the Berlin Wall in 1989 (50%).”⁴⁶ On network television, the tsunami was the dominate story for two weeks following the disaster. According to the Tyndall Weekly report, the week of December 27th through 31st, 2004, 156 minutes of primetime was devoted to the tsunami story compared with 13 minutes for the next most popular story, the year in review.⁴⁷ Searches of the online archives of the major newspapers reveal very high coverage of the story as well. For the two weeks following the event (December 26, 2004 to January 9, 2005), the tsunami was the dominant story for major circulation news sources. Appendix Two shows the amount of coverage by the individual newspapers used in this study. Media coverage of the 2004 Asian tsunami is undoubtedly high for all sources.

Several problems arise in ascertaining public opinion in the days after the tsunami. As the tsunami occurred on December 26, the day after Christmas, weekly polling services such as the Gallup pole did not conduct public opinion polls regarding the U.S. response to the crisis until January 1, 2005. This issue of timing is very important given the response to calls for aid by government leaders. On December 27, 2004, Colin Powell announced a \$15 million pledge of help from USAID, followed on December 29 with an increase in the emergency aid by President George W. Bush to \$35 million as well as the deployment of 15,000 U.S. military personnel to distribute supplies to the affected areas.⁴⁸ In that statement, Bush also addressed comments made by UN representative Jan Egeland that the wealthy nations of the world were being “stingy” in their responses to the disaster.⁴⁹ Primetime news devoted 29 minutes to “Bush announces US aid effort” on December 29, 2004, making it the main news story of the day.⁵⁰ On December 31, 2004, President Bush increased the United States’ pledge for emergency aid to \$350 million, saying:

Initial findings of American assessment teams on the ground indicate that the need for financial and other assistance will steadily increase in the days and weeks ahead. Because of this information and based on the recommendation of Secretary Powell and Administrator Natsios, I am today committing \$350 million to fund the U.S. portion of the relief effort. Our contributions will continue to be revised as the full effects of this terrible tragedy become clearer.⁵¹

So, the emergency aid in response to the tsunami was ultimately high. By the first week of January 2005 when the initial polls about tsunami relief were conducted, they indicated the public's overwhelming approval of the government's response. A poll conducted by the Pew Research Center for People and the Press showed that of those polled, 32% felt the United States had done more than its fair share in the relief efforts, 48% felt that its response was "about right," and only 10% felt that the United States had done less than its fair share in the relief effort.⁵² In a CNN/USA Today/Gallup Pole conducted between January 7th and 9th of 2005, 75% of those questioned approved of President Bush's response to the tsunami, and 20% disapproved.⁵³ So, public opinion in favor of the president's actions was high.

In the case of the 2004 Asian tsunami, there was high media coverage of the disaster and high emergency aid given by the United States. Due to the incomplete information on public opinion, however, it cannot be concluded that the hypothesis holds in this case; to the contrary, statements made by President Bush indicate that it was the information about the need of tsunami victims that above all dictated the governments' response, and public opinion of such his actions were extremely favorable. Ultimately, this case remains inconclusive.

Case Two: Famine in Malawi

Many countries of eastern Africa were threatened by famine between 2001 and 2004 as a result of dry spells and flooding corroding

arable land. Malawi is one of the countries that was very strongly affected by these famines. In November 2001, in response to audits that showed misappropriation of foreign aid funds, USAID reduced its aid package to Malawi from \$7 million to \$1 million.⁵⁴ In February of 2002, President Makili Buluzi declared a state of emergency and reported that 70% of Malawi's 12 million people were on the verge of starvation, parents were selling their children because they could not feed them, and the next year's maize crop would be insufficient again because people were eating unripe corn in the wake of food shortages.⁵⁵ President Buluzi told the International Monetary Fund that \$21.6 million was needed for the crisis.⁵⁶ In January of 2003, BBC News reported that because rains had not been sufficient to sustain crops, the famine could be expected to continue into 2004.⁵⁷

Media coverage of the African famine was nonexistent at the televised news level and consistently low in print news sources. Appendix Two shows the coverage of individual newspapers of the famine, and the Tyndall Weekly report shows that in all of 2002 and 2003 when the famine was at its peak and Malawi declared a state of emergency, no primetime news coverage was devoted to the story. Public opinion polls are also marked by a conspicuous absence of reference to the African famine. No polling data that asked questions related to either Malawi or the famine in general could be found in either 2002 or 2003 for Gallup poles, ABC/Washington Post poles, or Pew Charitable Trust polls. One poll conducted in April of 2002 showed a 69% approval rating of President Bush's foreign policy, and 53% approved of his increases in foreign aid.⁵⁸ This information, however, is not sufficient to determine public opinion about emergency aid to Malawi.

The United States' response to the famine was high emergency aid to Malawi. USAID allocated \$90 million or 167,000 metric tons of food to Malawi in a combined effort through the Joint Emergency Food Aid Program (JEFAP) which was formed by USAID and the UN World Food Program in direct response to the 2002 food crisis.⁵⁹ Clearly, the hypothesis does not hold in the case of famine in Malawi as media

coverage was low, public opinion was unarticulated in polls, and the United States' response to the disaster was high.

Conclusions, Limitations, and Further Research

The first hypothesis relating the influence of domestic groups to foreign aid allocations was supported by both cases, whereas the second hypothesis relating media coverage, public opinion, and emergency aid was not. This lends some support to a domestic-based approach to foreign aid, but not as a systemic explanation to foreign policy decisions. At minimum, this study illustrates that domestic actors and preferences matter and merit attention.

Several important limitations exist in this study that must be addressed. The first is case-selection bias, particularly in the case of AIPAC and Israel. Second, for the purpose of parsimony and maintaining focus on the role of domestic actors, there are many factors exogenous to this domestic model that were not included in this study. Some variables that could have effected foreign aid allocations include strategic interest of the state, historical precedent, and international organizations and expectations. As a result, this study has limitations of spuriousness. One way in which this study could be strengthened would be to test additional cases, particularly for hypothesis one. Further evidence of the role of PACs influencing foreign aid allocations would help to support the hypothesis and lessen the extent of spuriousness or case-selection bias interfering with the study. Finally, for hypothesis two, it is clearly necessary to re-examine the causal relationship of the hypothesis. As neither case supports the hypothesis that media attention is the initial cause of emergency aid allocations, the role that the media plays in influencing public opinion must be questioned. Expanding the variable of media attention to local news sources and testing more cases may help to clarify the relationship between the media, public opinion, and government action. Ultimately, this study does show that actors within the state as well as at the level of the state merit attention as causal variables in international relations.

Notes

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² USAID, "About USAID." http://www.usaid.gov/about_usaid/ (accessed October 15, 2005).

³ Congressional Budget Office Report, *The Role of Foreign Aid in Development*, May 1997. <http://www.cbo.gov/showdoc.cfm?index=8&sequence=1> (accessed November 15, 2005).

⁴ Andrew Moravcsik, "Taking Preferences Seriously: A Liberal Theory of International Politics," *International Organizations* 51, no.4 (Autumn 1997), 513-553.

⁵ Robert Gilpin, *The Political Economy of International Relations*, (Princeton: Univ. Press, 1987), 312.

⁶ Kenneth N. Waltz, "Political Structures," *Neorealism and its Critics*, by Robert O. Keohane (New York: Columbia, 1986), 91-92.

⁷ John J. Meirsheimer, "The False Promise of International Institutions," *International Security* 19, no. 3 (Winter 1994/1995), 5-49.

⁸ Andrew Moravcsik, 519-520.

⁹ Gaylord Shaw, "The Rehnquist Court's Fractured Legacy," *AARP Bulletin*, October 2005, <http://www.aarp.org/bulletin/yourlife/rehnquist.html> (accessed December 6, 2005).

¹⁰ Federal Elections Commission, "Quick Answers to PAC Questions," http://www.fec.gov/ans/answers_pac.shtml (accessed December 5, 2005).

¹¹ Susan Rees, "Foreign Aid Funding: American Israel Public Affairs Committee," (The Aspen Institute: Nonprofit Sector Research Fund Independent Study, 1998) <http://www.ciaonet.org/wps/res01/american.html> (accessed October 31, 2005)

¹² Center for Responsive Politics: Opensecrets.org, "Top PACs." <http://www.opensecrets.org/bigpicture/topacs.asp?cycle=2002> (accessed October 4, 2005).

¹³ Congressional Budget Justification: Foreign Operations Fiscal Year 2006, (Washington, DC: US Government Printing Office, 2005), 450 <http://www.fas.org/asmp/profiles/aid/fy2006/CBJNearEast.pdf> (accessed October 15, 2005).

¹⁴ American Israeli Political Action Committee (AIPAC), "About AIPAC: Who We Are," <http://www.aipac.org/documents/whoweare.html> (accessed October 4, 2005).

¹⁵ Ibid.

¹⁶ Susan Rees.

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- ¹⁷ Center for Responsive Politics: Opensecrets.org, <http://www.opensecrets.org/lobbyists/client.asp?id=939&year=2000> (accessed October 10, 2005).
- ¹⁸ AIPAC. "About AIPAC," <http://www.aipac.org/whatis.cfm> (accessed October 15, 2005).
- ¹⁹ Ibid.
- ²⁰ AIPAC, "AIPAC: Take Action" <http://www.aipac.org/Action1.cfm> (accessed October 15, 2005).
- ²¹ Ibid.
- ²² Clyde R. Mark, *Israel: US Foreign Assistance* (Congressional Research Service: Library of Congress, March 17, 2005,) CRS 1. <http://www.adc.org/IB85066.pdf> (accessed December 1, 2005).
- ²³ Congressional Budget Justification: Foreign Operations Fiscal Year 2006 (Washington, DC: US Government Printing Office, 2005,) 450 <http://www.fas.org/asmp/profiles/aid/fy2006/CBJNearEast.pdf> (accessed October 15, 2005).
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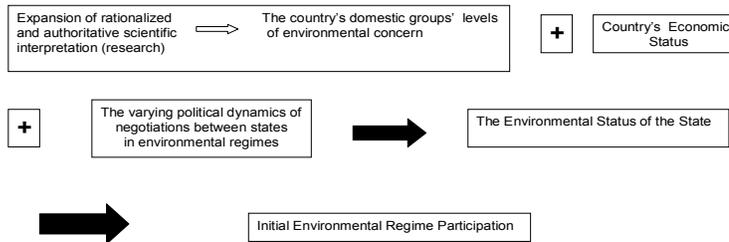
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Initial Participation in Environmental Regimes: Brazil and the United States

Jennifer Lyn Hudson

Environmental concerns and principles are reflected in increasingly stronger environmental regimes. International concern for the environment has evolved as science demonstrates how exploitation of the earth's biosphere causes stresses on the physical environment, human health threats and threats to the world.¹ A theory exploring the causes of initial State participation in environmental regimes proposes that the expansion of rationalized and authoritative scientific interpretation (research) influences a country's domestic groups' levels of environmental concern. This causal relationship in addition to the country's economic status and the varying political dynamics of negotiations between States leads to the environmental status of the State which causes initial State participation in environmental regimes.

THEORY CAUSAL DIAGRAM



From this theory I hypothesize that the development of recent scientific research revealing imperative and negative affects of humans on the environment will cause domestic groups to mobilize with a pro-environment outlook. This, in addition to the country's economic status, plus amicable dynamics of negotiations, will lead states to be either lead or supporting states, causing them to ratify the environmental regime. To examine the validity of this theory it is useful first to examine past literature on State participation in environmental regimes. Next I will explain the logic of my theory and how I tested it through the case studies, Brazil and the United States. To conclude I will examine the next steps needed to further validate my theory and reevaluate any omitted variable bias I may have discovered.

Past Literature Review: The State-Centric Realist Paradigm

The unique nature of environmental regimes is that they must deal with environmental issues which ignore traditional State territories and sovereignty. Thus it is interesting to examine the state-centric realist paradigm which considers that regimes reflect the balance of power structures and the desires of the most powerful states. In this theory the structural factor determining regime participation is the "relative strength of the nation state" actors involved. Stronger states in the issue dominate weaker states and "determine the rules of the game." Environmental regimes therefore appear to be made possible by a hegemonic power's desire. As well, the hegemonic power exercises leadership over other states and will coercively use their military and economic leverage over other states to guide them to an environmental regime. Without this leadership, environmental regimes are unlikely to form.²

In contrast to this dominant paradigm I propose a theory which takes into account that the environment transcends State territories. The proliferation of scientific knowledge concerning environmental degradation provides evidence that traditional relative gains are not relevant in this issue area. States must take into consideration long term environmental degradation for their survival which depends on interstate

cooperation. Furthermore, in environmental law, powerful states are more often those with the most influence over natural resources, not military might or economic power.

Independent Variable: Development of Rationalized and Authoritative Scientific Information

My theory's first independent variable is the development of rationalized and authoritative scientific interpretation (research) which influences the country's domestic groups' levels of environmental concern. Rationalized and authoritative scientific research consists of "worldwide discussion and communication, universalistic, rationalized, and authoritative in character, occurring in international public arenas among professionals, scientists and representatives of nation states."³ The release and codification of authoritative scientific research in world discourse has led to a sense of urgency among States, national organizations and individuals to protect the environment.⁴ A State's or domestic group's acknowledgement of this fact has not always led to pro-environmental outlooks. Domestic groups and states both gauge their support for environmental issues based on recently learned information on human exploitation of the earth's biosphere and its effects. Scientific hypotheses are validated when supported by State recognized research centers, universities, and colleges, world organizations, and information released by respected scientists and when they are published by influential academics.⁵ Authoritative scientific research internationalizes environmental problems and negative human impact bringing new ideas about environmental problems, policy solutions and financial and technological resources to domestic political debates.⁶

The development of research is detected by the ever-changing authoritative research progress which discovers new facts or paradigms over time as technology and knowledge advances. Scientific research is found in academic journals, conventions, protocols and international organizations which provide for the linking of "scientists, bureaucrats, journalists, and representatives of NGOs who have a common concern and

expertise about an issue.”⁷ Sustainable development research is provided by the UNDP, UNEP, UNCED, global conferences (BP Statistical Review of World Energy, the International Energy Agency: World Energy Outlook, World Watch Institute, national media, and programs supported by the IMF and WB.

Environmental Outlook of Domestic Groups

A country’s domestic groups’ levels of environmental concern are influenced by development of recent authoritative scientific research. The domestic groups influencing government policies toward environmental issues may include public opinion, NGOs, government bureaucracies, businesses/corporations, social environmental movements and the nation’s media. (Refer to data table on p. 1 of Appendix 1 for indicators to these domestic groups.) Since there are several thousand domestic groups within a given State who all have varying levels of environmental concern and since the State is the ultimate actor who determines regime participation, I am mainly focused on those groups or trends that impact government decision making.

The perceptions of these social, economic, and political groups concerning “the degree of cost and risk that the environmental threat poses to a country as well as the costs and opportunities associated with the environmental regime” will influence whether these groups have positive or negative levels of environmental concern.⁸ A group will have a positive or, pro-environmental, outlook concerning regime participation if it perceives the economic, political or ideological costs of participation to be low and the rewards or reputation benefits (such as international prestige via leadership role) to be great. The costs will not exceed the rewards. In the case of positive environmental levels of concern groups accept “a basic standard of living compatible with human health” and focus efforts to solve negative human effects on the environment or focus on environmental welfare as imperative to their security.⁹ If the converse holds then the domestic group will be averse to joining the regime and will have a negative or, anti-environmental, outlook.¹⁰ Negative levels of

concern indicate groups do not agree that humans negatively impact the environment and instead focus on economic efficiency, improved technologies and industrial investments to improve qualities of life.¹¹

Country's Economic Status: MDC or LDC

The third independent variable, a country's economic status, is determined by whether a country is a developed (MDC) or developing (LDC) country. This has great impact on its ability and likelihood of joining an environmental regime or institution. The different economic status of each country results in different perceptions of costs and risks of environmental regime participation. For instance, MDCs host a wide variety of corporations and multinationals and are largely industrial societies. The needs and abilities of these countries to adhere to environmental regulations are drastically different from the impoverished agricultural societies of the LDCs. To determine whether a country is an MDC or LDC, databases such as the World Bank (WB), World Watch Institute, UNDP, the Index of Economic Freedom and World Indicators or International Monetary Fund (IMF) should be consulted for existing GDP, GNC and other economic variables that have been calculated to determine a country's economic status.

Political Dynamics of Negotiations

The final independent variable is the political dynamics of negotiations between states who propose environmental regimes and those who consider joining one. Factors determining this include the natural resources a country exports and imports and relative gains being incurred by allies and enemies in the process of environmental regime formation. This controversy most frequently happens between MDCs and LDCs. Also, political relationships between countries within and across different regions affect negotiations. There are three variations of political dynamics; amicable, neutral and opposed. Amicable relations that exist during negotiations indicate a State is especially willing to work with another country and they are able to adhere to each other's environmental

solutions. They may be co-authors of the environmental regime proposal or economic and/or political allies outside of the environmental negotiations. A neutral relationship indicates that a State is neither zealous to work with another country in the environmental regime nor opposed to any of the fellow countries considering entry into the environmental regime. Opposed political dynamics indicates that a State has hostile relations with another State considering entry into the regime. This prevents it from ratifying the environmental regime with that country. A country may be opposed to another country's offers or proposals concerning the regime due to economic (trade), political or social reasons. Evidence of these three political dynamic levels is found in current world politics, evident in media and statements shared in international forums such as the UN, WTO, WB and IMF, Ministry of International Trade and Industry (MIFTI), NAFTA and European Union, ally blocs, convention statements, and recent interactions (such as military interactions) between countries. It is also evident by trade relations that can be found on UN, IMF and WB records, past negotiation records and public political statements.

Environmental Status of the State

The above independent variables cause the environmental status of the state which is determined by whether a state is a veto, lead, supporting or swing state. In the matter of a global environmental issue, a veto state is a state whose cooperation is so imperative to a successful agreement that it has the potential to block strong international action. A veto state opposes environmental regimes and institutions.¹² The veto state does not necessarily reflect the balance of power structure and may be determined by the presence of natural resources in a country. A lead state has strong commitment to effective international environmental action, proposes its own negotiating formula to move negotiation processes forward and tries to gain support of other state actors. Methods employed by lead states to influence other states include calling attention to research about a problem, demonstrating an environmental urgency, seeking to educate

public opinion in target states, using diplomatic “clout” to get an international organization to identify desired issues, threatening to use trade sanctions against veto states and pledging to commit financial resources to the problem. Supporting states speak in favor of lead state proposals and a swing state may demand concessions in return for agreeing to participate in an environmental regime.¹³ The environmental status of a state can be found in negotiation records. For instance, records and statements indicating authorship, compliance, proposals, support and opposition can be located at the United Nations website, IMF and WB meeting reports, and public statements by a country’s diplomats in the international or national press.

Initial Environmental Regime Participation

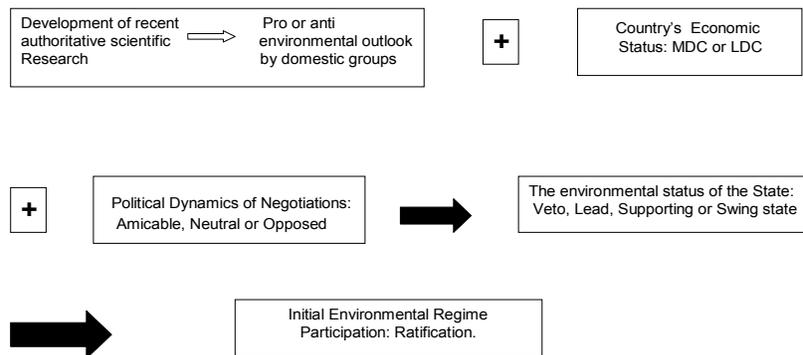
Finally, the dependent variable is initial state participation in environmental regimes. An international regime “is a system of norms and rules that are specified by a multilateral agreement among the relevant states to regulate national actions on a specific issue or set of interrelated issue.”¹⁴ Environmental regimes are “partially integrated collection of world-level organizations, understandings and assumptions that specify the relationship of human society to nature”.¹⁵ The most common legal instrument for global issues is conventions which contain all binding obligations except those to be negotiated or to be followed by “harder” law.¹⁶ Institutions, treaties, international NGOs, monitoring mechanisms, multilateral agreements, conventions and protocols all make up different forms of hard and soft law regimes. I am concerned only if the state has *ratified* the regime. In order for the domestic groups to be considered as a causal variable, simply signing the environmental regime is not enough. I am concerned only with the variables which allowed it to participate initially, not how the State behaves within the regime once it has ratified

Hypothesis: Testing the Theory

Using the above indicators the theory is specified to a working hypothesis. The development of recent authoritative scientific research

influences either a pro or anti environmental outlook by domestic groups. This causal relationship plus the country's environmental status (MDC or LDC), plus amicable, neutral or opposed political dynamics of negotiations leads to the environmental status of the State as either a veto, lead, supporting or swing state which leads to the ratification of an environmental regime.

HYPOTHESIS



The development of recent authoritative scientific research influences leading to a pro environmental outlook, plus the country's environmental status (MDC or LDC), plus amicable negotiations, will lead to the environmental status of the State as either lead or supporting. If these conditions exist then the State will ratify the environmental regime. To test this I propose two case studies of environmental regime participation in Brazil and the United States. The specific environmental regime I am testing for is the 1992 Convention on Biological Diversity

(CBD). The cases chosen represent MDCs, LDCs and countries from different ecological regions of the world. It is necessary to note that I chose an environmental regime created through the United Nations in order to test for varying political dynamics during negotiations. I had to choose a case where I could anticipate relevant countries that my “case study State” would be negotiating with. Since all countries of the United Nations have an opportunity to sign and ratify treaties created within it, then the relationship between member states are relevant and can be analyzed.

Development of Ecological Scientific Research

Immediately after WWII, environmental issues were absent from the world agenda. The 1960s reflected growing concern for the “interdependence of the environment”, economics and development. Academic studies such as Rachel Carson’s Silent Spring (1962) erupted international debate. The International Institute for Sustainable Development notes that Carson helped the world become aware of a link between the environment and human development which scientifically demonstrated the harmful effects of agricultural pesticides. She disproved the illusion that the environment had an infinite capacity for pollution absorption.¹⁷ In 1968 there was a definite transition from environmental awareness to the sustainable development paradigm. This was exemplified when the Club of Rome commissioned a study to model and analyze the “dynamic interactions between industrial production, population, environmental damage... and natural resource usage”.¹⁸ This led to the “Limits to Growth” publication which articulated limits to technological progress, the finite capacity of the earth to produce food, the future depletion of natural resources and the threat of over population.¹⁹

By the 1970s environmental concerns had entered into world consciousness through transnational expert coalitions which fostered state preferences for international cooperation.²⁰ The expansion of scientific research made it clear that environmental threats could have serious human costs which could not be solved unilaterally. Thus States began to

cooperate to reduce or prevent environmental degradation.²¹ Environmental concern was introduced to the world community by the “Founex Report” written in 1971. This was the first example of a transnational coalition of ecologists, economists, NGOs and scientists creating new research and strategies to create policy alternatives for governments.²² It is the first report acknowledged by the United Nations and noticed by member states to link issues of the environment and development on the UN agenda. It concluded that environmental problems resulted not only through development (industrialization) but also through lack of development and that there was no inherent contradiction between the environment and development. In fact, they should be mutually supportive.²³ Thus the “Founex Report” was the first acknowledgement that LDCs also contributed to environmental degradation. It stated that LDC development policies should consider “major environmental problems...in the context of urban and rural poverty”²⁴. Instead of repeating past industrialization mistakes the report claimed that LDCs could develop safely if there was a recognition of environmental issues in developing countries.²⁵ Degradation associated with economic development could be avoided by better planning and regulation. It also proposed that the higher costs of development be shared between MDCs and LDCs as an incentive to protect the environment during development.²⁶

After the “Founex Report” the environment and development gradually became permanently linked in international discussion. Scientific research began to show how poverty caused environmental degradation but that economic development must also not happen at the expense of the environment.²⁷ New awareness that development and deforestation were rapidly destroying the “genetic diversity stock” led to the Stockholm Declaration (1972), the first global conference about the environment. The Declaration designated the UN Environmental Program (UNEP) to build awareness of the relationship between the environment and development and outline a timetable of activity anticipating the Rio Convention.²⁸ It also established Earthwatch, monitoring, and forums for

information exchange. Specifically the declaration tied the environment to human rights for the first time claiming that “both the natural and man made... are essential to his well being and to the enjoyment of basic human rights”.²⁹ It pointed to the growing evidence of human harm created by the degradation of the environment by pollution, destruction of nonrenewable resources, and population growth. Elaborating on the “Founex Report” it also remarked that LDCs must keep safeguard and improve the environment during development. It called for the preservation of the environment for future generations and addressing non renewable resources it called for constant and up to date scientific research.³⁰

The next important development of authoritative scientific research was the Brundtland Report in 1987. This emphasized the incompatibility between levels of production and consumption. It officially created the internationally accepted model, acknowledged by the UNGA in 1980, of sustainable development and devised “eco-compatible” strategies and development policies.³¹ A major contributor to the sustainable development paradigm and the Brundtland report was the influential scientific document “Our Common Future”.³² The scientific document helped to define sustainable development as “meeting needs and aspirations of the present and future generations without compromising the ability of future generations to meet their needs, and a more just and equitable distribution of wealth within and between nations.”³³ Importantly the Brundtland Report suggested policy instruments to enforce sustainable development.³⁴ The international forum was led by Gro Harlem Brundtland of Norway who, commenting on the scarcity of resources and the exponential population growth emphatically believed that, “our very existence is in danger due to mismanagement and over-exploitation of the environment.”³⁵ He also acknowledged the development and supreme importance of authoritative scientific research out right by exclaiming, “The scientist’s chair is now firmly drawn up to the negotiating table, right next to that of the politician.”³⁶ The report firmly acknowledged that MDCs have a responsibility for promoting equitable sharing of technologies between LDCs and MDCs and asked

that MDCs create intellectual property rights which would not harm the host nation of genetic resources.³⁷ (For a further detailed timeline of the development of scientific research please refer to Appendix 1, p. 3).

The Convention on Biodiversity

The aforementioned transnational coalitions eventually led to the “Earth Summit” (UNCED) where the CBD was drafted in Rio de Janeiro in 1992. Present were 130 states, 1500 NGOs and 7000 accredited journalists making it the largest high level intergovernmental conference.³⁸ The ecological community publicized the CBD as the best way to protect biodiversity and slow losses.³⁹ The linchpin of the CBD is the sustainable use of biodiversity with an ecosystem approach. The Rio Convention encompasses biodiversity in development, addresses the rapid rate of species extinction, promotes transboundary cooperation and involves indigenous peoples and local communities in ecosystem management.⁴⁰ The CBD particularly focuses on Amazonian deforestation because of global ecological impacts of global climate change and because the Amazon is believed to contain up to 90% of the worlds species. It furthers scientific research on environmental degradation by laying out a series of meetings where governments, NGOs, academics, and interest groups can share knowledge and strategies. In addition it has also established the Subsidiary Body on Scientific, Technical, and Technological Advice (SBSTTA) comprised of experts from each nation. The ratification of the CBD relies on domestic groups’ and states’ informed self interest, international peer pressure and public opinion.⁴¹

The responsibility to implement the convention lies with individual countries. A major contention within the CBD includes the Conference of the Parties (COP) in which all governments and regional economic integration organizations that have ratified are charged with reviewing progress, identifying new priorities and setting agendas. In addition, the CBD addresses “Stricter Advanced Informed Agreement Procedures” to address risks of trading living modified organisms (LMOs). The CBD

promotes equitable sharing of benefits from the use of genetic plant resources, unprejudiced against any nation and ensures that developing nations have access to technologies needed to help implement Agenda 21. Agenda 21 outlines the steps to secure a global future, calls for an account of ecological damages, suggests policy responses to achieve sustainable development, and recognizes that the economic development of one nation can endanger the environment of another.⁴²

Brazil: Environmental Outlook

Brazil is a concrete case of the expansion of scientific research leading to international concern and affecting domestic groups. The development of scientific research reflected in international organizations eventually caused Brazil's domestic groups and even the government itself to want and accept pro-environmental policies such as sustainable development.⁴³ The evolution of Brazil's environmental policies is reflected in its government. Brazilian military governments relied on promoting rapid industrial development for political legitimacy in the 1930s. This was exemplified in the 1950s when the Brazilian government focused only on economic development and supported a road building program through the Amazon as well as population transfers. In the 1960s Brazil continued to show no interest in rainforest deforestation prevention due to the interests of its agro-industrial class which converted forests into ranching and commercial settlements.⁴⁴ Another industrial goal became realized in 1974 through the Grand Carajas mining project supported by the World Bank, European Community and Japan. The project intended to build hydroelectric plants and expand roads and railways through the Amazon as part of export oriented development projects. The Brazilian military regime continued to concentrate on legitimacy through industrialization, with programs such as subsidies to promote rural agriculture, through 1988.

New elections in 1986 brought in President Jose Sarney who, unlike past military regimes, sought to meet conservation pressures from the international community which had become ever more concerned for environmental welfare after the "World Conservation Strategy" (1980). He thus abolished subsidies for rural development in 1987, got rid of

deforestation fiscal subsidies in 1988 and that same year established scientific working groups. President Sarney initially met intra-regime resistance. His foreign minister Abreu Sobre maintained a more nationalistic view and asserted that Brazil's "greatest duty is... economic development."⁴⁵

The elections of 1990, however, did not reflect Sobre's nationalist views. President Collor de Mello continued to be influenced by the pro-sustainable development paradigm of scientific research. In 1990 he endorsed a pro-international environmental stance signified by the appointment of the prominent environmentalist, Jose Lutzenberger, as head of the new office, Secretariat for the Environment. By 1992 Mello also reorganized the Ministries of Planning to carry out studies to incorporate principles of sustainable development into national development strategies and public policies.⁴⁶ In particular he started PRONABIO and PROBIO (Conservation and sustainable Use of Brazilian Biodiversity Project) to monitor and evaluate "measures relating to conservation and sustainable use of Brazilian biodiversity." PRONABIO promotes cooperation between the government and society to conserve biodiversity and biomes, implement sustainable development and share benefits.⁴⁷ In 1990 Brazil signed and ratified the Montreal Protocol and began to ask developed nations for aid, debt relief and the transfer of environmentally efficient technology. Mello also participated in the Houston Summit of July 1990 promoting the preservation of the Brazilian rainforest and in 1991 reversed traditional Brazilian abhorrence of international MDC involvement to accept "debt-for-nature swaps".⁴⁸ His administration acknowledged the authoritative scientific research reflected in the international community and supported the further development of scientific knowledge and sustainable development.

Brazil's government policy shift was largely due to the growth of environmentalism in Brazilian activist groups. The most prominent example of this is the Rubber Tappers Trade Union led by Chico Mendes, the most well known activist in the struggle to protect the Brazilian rain forest (Refer to data table on p.4 of Appendix 1 for Trade Union

information). Mendes organized the Rubber Tappers Union which quickly transformed into the National Council of Rubber Tappers (NCRT). The Council did not just recognize Amazon preservation to protect jobs of the tappers but also worked closely with Brazilian environmental grassroots organizations as well as United States environmentalists who supported the rubber tappers struggle to prevent rainforest destruction. The National Council received funds from international organizations and demanded that local governments enact laws ensuring the sustainable development of the Amazon. A popular tactic of Mendes to gain attention was non-violent resistance.⁴⁹ The NCRT influence caused the Brazilian government to eventually enact the 1985 National Plan of Agrarian Reform to change the regressive patterns of landholding. (Refer to data table on p. 4 of Appendix 1 for further information.) In 1987 the NCRT's efforts finally led to the National Environment Program (PNMA) strengthening the legislative legal structure for the environment. This reinforced the protection for areas of great environmental importance and provided for broad ecosystem protection.⁵⁰

The influence of Chico Mendes continued even after his death. Mendes was shot on December 22, 1988 by a cattle rancher seeking to protect his rights to clear-cut the Amazon forest. Large international attention and outrage caused the World Bank to suspend its funding for the pavement of the major highway through the Amazon.⁵¹ Inspired by Chico Mendes and concerned for the degradation of the Amazon amidst the burgeoning new scientific data, Brazilian national NGOs comprised of middle class ecological groups, such as the Atlantic Forest Foundation, began to receive financial aid from abroad to apply pressure to local politicians. Financial contributors including NGOs such as Amnesty International and Survival International publicized cases of deforestation and violence.⁵² Thus, in the 1980s activism through the public strengthened. Environmental activism further accelerated after 1985 when civilian rule was restored. Environmentalist groups were able to infiltrate the political arena by creating opposition parties, such as the Workers Party (consisting of the Rubber Tappers Trade Union), and citizens finally

had an outlet to express concern over local soil degradation and regional changes in rain patterns—two essential elements to an agrarian culture. Opposition parties and environmental campaigns condemned the government in 1989 for ecological crimes in an Amazonian Nature Tribunal headed by Lutzenberger.⁵³ (Refer to data table on p. 4 of Appendix 1 for summary of further environmental activism.)

In addition to the pro-environment outlook of domestic groups it must be emphasized that the Brazilian government faced much external pressure in 1989. International NGOs, disgusted with Brazil's lack of environmental concern, limited Brazil's access to multilateral finances which caused de Mello to promptly improve relations with industrialized nations and increase emphasis on economic liberalization. Thus de Mello walked away from any environmental nationalistic policies and asked for external assistance with sustainable development.⁵⁴ In conclusion by the 1992 CBD convention both Brazil's domestic groups and government had a positive or pro-environmental, outlook concerning regime participation. Brazil perceived the economic and political costs of participation to be low and potential to be rewards great leading Brazil to be a major participant and supporter of the CBD. In fact, Brazil hosted the CBD conference in its capital, Rio de Janeiro. (Refer to data table on p. 4 of Appendix 1 for further domestic groups.)

United States: Environmental Outlook

Business and corporate domestic groups in the United States (U.S.) were initially skeptical of both scientific predictions about environmental degradation and the methods of sustainable development. The U.S. was finally persuaded after the release of "Our Common Future" to create the President's Council for Sustainable Development (PCSD).⁵⁵ In 1990 the United State further headed the international demand that more action be taken in light of developing scientific research. It helped to prepare for UNCED and the CBD and rallied the conference's momentum. U.S. activists expressed hope that the 90s would be the "Decade of the Environment" and many congressmen joined the proverbial bandwagon

espousing “We have ten years to save the world” and even presented their own conservation proposals. In the drafting of the convention the US especially supported the identification and monitoring of biological resources and promotion of conservation.⁵⁶

The early 90s, however, also brought an economic recession which left the Bush administration and congressmen concentrating on jobs.⁵⁷ Corporations sought to protect economic needs by carefully making sure the CBD policy framework was compatible with business interests.⁵⁸ The Republican Party, whose main supporters were large businesses and corporations such as pharmaceutical manufacturers like Pharma, demanded President Bush examine the costs of environmental measures in relation to recession. This led Bush to announce that he would refuse to participate in the CBD. He would not forget “about the people that need jobs in America.”⁵⁹ Furthermore, biotechnological corporations, such as Merck & Co, could not support CBD commitments towards intellectual property rights (IPR), financial transfers and technology transfers as they relied on IPR for profits.⁶⁰ A spokesman for Merck & Co. claimed “for no industry is [IPR] more fundamental to innovative research than the pharmaceutical industry...[the CBD] leaves key provisions open to alternative interpretations.”⁶¹ Most corporations were tentative toward the ambiguous nature of the CBD text. These sentiments were consolidated in the Republican Party and any hope of the US signing or ratifying the treaty was demolished by the President’s Council on Competitiveness which advised that the treaty would impair the ability of US corporations to “protect biological inventions and technologies overseas.” The Council believed the negative impact would not outweigh environmental benefits.⁶²

It is probable that Bush, in light of upcoming elections, wanted to keep a tough leadership image. Importantly, President Bush refused to sign the treaty despite adverse international publicity and pressures.⁶³ Not even national environmental movements or associations were able to move Bush. For example, on June 3, 1992 the EPA, promising modifications to the treaty with the help of Brazil, failed to change Bush’s

mind. The State Department adamantly claimed that the CBD did not adequately address US concerns and that the text was “unsatisfactory” in the treatment of IPR and biotechnology safety.⁶⁴ Thus the United States ultimately shunned the CBD. President George Bush remained interested in only promoting the protection of the rainforest. The major domestic groups affecting government policy of the U.S. clearly had a negative environmental outlook. As suggested in the research design, domestic groups were averse to joining the regime. While most did acknowledge the scientific research claiming negative impacts of humans and environmental degradation, they still gave priority to economic profit and relied on their “domestic political clout” to ensure that Bush did not adopt policies in conflict with their interests.

Country’s Environmental Status: MDC or LDC

Brazil is a developing country. World Development Indicators provided by the World Bank in conjunction with the IMF show that, as of 2003, 22% of the country is still living in poverty, making it a lower middle income country. Furthermore between 1983 and 1993 11.4% of the economy was in exports and 10.9% of the economy was based on agriculture. In addition the World Bank states that in 1990 Brazil had an 18% illiteracy rate compared to 10% for low middle income countries.⁶⁵ Biodiversity is very important to Brazil which contains the Amazon rain forest, the world’s largest tropical rain forest and the most biodiversity in the world. In particular Brazil contains 22% of the world’s flora and is richest in the world for mammal, fresh water fish and vascular plant diversity. In total it contains up to 20% of their worlds biodiversity in areas such as the Amazon, Cerrado Savannas and the Atlantic rainforest.⁶⁶

Thus, Brazil is a key player in any biodiversity regime and its government is under constant pressures from the developers and citizens in need of fuel and food. Exacerbating problems, Brazil’s debt burdens and poor economy prevents it from buying environmentally safe modern technologies.⁶⁷ As an export oriented society Brazil’s agricultural development demands the destruction of forested areas. Forty percent of

its GNP is made up by the agribusiness sector which mass produces coffee, soybeans and wheat. Furthermore, biomass accounts for 26% of energy demands in cities and 50% of energy demands in rural areas.⁶⁸ Brazil exemplifies the link between environmental degradation, population pressure and poverty.⁶⁹ Since the 1980s it has had harsh fiscal adjustment policies not appropriate for allocating funds to research of environmental protection leading poverty to be a major cause of environmental degradation. Instead Brazil has had to refocus its environmental policies to appease 200 unique indigenous groups. In 1988 the Brazilian Congress devoted a chapter of the Federal Constitution to recognizing the original rights of land traditionally occupied by indigenous groups. The State took on the duty of enforcing respect for indigenous assets. This of course meant to business with foreign firms would have to be cleared through the Congress as well as indigenous groups.⁷⁰

The United States, considered to be the largest economic power in the world, is a developed nation. World Development Indicators reveal that as of 2003, there was no poverty percentage. Furthermore between 1983-1993 7.9% of the economy was exports and 2.2% of economy was based on agriculture. The United States is an industrial nation with many multinational corporations and large business firms. As well, in 1990 there was no registered illiteracy rate (which is consistent with upper income countries).

Political Dynamics of Negotiations: Amicable, Neutral or Opposed

The Convention on Biodiversity is a clear case of the developed versus developing nations struggle. It “combines virtues of environmental concern with the pursuit of economic development amidst increasing North-South tensions.”⁷¹ MDCs which host corporations and multinationals have been historically reluctant to adopt the standards of environmental regimes due to increased costs of production and equipment thus harming their competitiveness. They have, however, been less resistant and more willing to comply to sustainable development in past years. A traditional argument concerning LDC environmental regime

participation is that they are not yet in a post-materialist stage where basic needs of safety and security are met allowing them to participate in “higher” values such as environmental movements. Their motivations are to protect their humanitarian and economic interests and growth. As well, since most LDCs suffer from poverty, they are forced to use out-dated industrial plants and equipment and often cannot afford environmentally sound practices or devices. They are in much need of financial and technological assistance, adequate earnings for raw materials and the free flow of recent scientific information. LDCs believe they risk autonomy by accepting this aid through the attachment of environmental conditions perceived as dictations of development priorities from developed nations and international organizations. Thus they perceive the developed world as imposing a new “ecological order” which ignores LDC needs to industrialize and harms development while legitimizing external intervention. These perceived losses in development power and resource control have led LDCs to historically forgo environmental regimes.⁷²

When considering political dynamics of the CBD, it is useful to note that LDCs hold veto power over biodiversity conservation clauses while MDCs hold veto power over technological transfer and financing clauses.⁷³ Major contentions dividing the North and South were conservation, sustainable use and development of natural resources, access to genetic resources, technology transfer, IPR, genetically modified LMOs, biosafety and finance transfers.⁷⁴

In the past, perhaps the largest contention between LDCs and MDCs resided over Living Modified Organisms (LMOs). Brazil’s rich biodiversity is a source for economic and social development as well as a source for new medicine and genetic material for plant breeding. The biotechnological firms and pharmaceutical corporations of the United States freely exploited Brazil’s raw genetic resources to create modern products and medicines. Brazil, however, struggled to industrialize while suffering from poverty. With little money for research and development Brazil was forced to use out-dated industrial plants and equipment instead of environmentally sound equipment; it could not meet the health needs of

its people, much less environmental standards. Thus, under the early regimes of Brazil, more attention was given to industrialization and economic development than preventing deforestation and environmental degradation.⁷⁵

President Collor de Mello's regime, long with other developing nations at the CBD, proposed that if MDCs are concerned about the global environment, then they should share the results of genetic engineering when they use an LDC's genetic resources.⁷⁶ Prior to the CBD the profits generated by bio-prospector research and development were guaranteed, under intellectual property rights, to large U.S. corporations. Thus U.S. pharmaceutical companies and biotechnology firms wanted to maintain the status quo and protect private business ventures. Brazil, however, wanted to defend its right to use its own forests under its sovereign jurisdiction and deter bio-prospectors from freely collecting resources for commercial use. It demanded compensation under the IPR and felt entitled to just compensation for benefits gained from resources. In addition, it wanted technology transfers to boost its own research and development.⁷⁷ (Refer to data table on p. 5 of Appendix 1 for further Brazil Negotiation issue areas.)

The United States, however, also worried over sovereignty infringements. Indeed it appears that Brazil and other developing nations used their position to trade conservation of the forest in return for financial and technological assistance. The US negotiating team at the Uruguay Round of GATT correctly feared that LDCs were trying to use the CBD to void past IPR negotiations.⁷⁸ In short US businesses feared that they would be forced to hand over technology innovations. The pharmaceutical corporations were outraged at being asked to share the benefits from their commercial and medicinal uses of genetic plant material. Furthermore LDC negotiators, including Brazil, wanted to profit from the use of their biological "heritage" to improve infrastructure and to offset costs of conservation. They demanded that the CBD acknowledge that States have sovereign rights over natural resources and that access must be granted on "mutually agreed terms" and with "prior informed consent procedures."⁷⁹

(Refer to data table on p. 6 of Appendix 1 for further US negotiation issue areas.)

The CBD ultimately states that there are “differentiated responsibilities” for equitable sharing of commercial and scientific developments of biotechnological products between source and user nations. In light of the demands of Brazil and other LDCs, the CBD attempts to promote compulsory financial and technology transfers from developed to developing nations ignoring past negotiations on IPRs⁸⁰. The adamant refusal of the United States to sign under this clause revealed that it was less concerned with the decreasing species extinction than protecting intellectual property rights. The U.S. would not forgo the low costs to accessing genetic resources in LDCs and refused to share innovative technologies.⁸¹

Environmental Status of the State

Brazil is, in every sense, a lead state for the CBD. It is considered to have the richest biodiversity in the world and is thus the most important actor in international politics of deforestation. It was a major writer of the CBD, a major negotiator and greatly impacted textual approval. Brazil was also the first signatory.⁸²

It is tempting to assume that the United States is a veto state. As the research design indicates that a veto state opposes environmental regimes and institutions. The United States’ cooperation, however, is not so imperative to a successful agreement that it has the potential to block strong international action. This is evident in the fact that the U.S. is one of three nations in the world not to ratify the convention. The U.S. is in fact a swing state which is willing to demand concessions in return for agreeing to participate in the CBD. The Clinton administration did eventually sign the CBD in 1993 and there are ongoing negotiations between the U.S. and the CBD institutions. Clinton, working for the democratic platform, was held to different environmental standards than Bush. He established a working group of NGOs, pharmaceutical and biotechnology firms (including Merck & Co.) to discuss the CBD treaty

language. They concluded that the CBD was not immediately harmful to profits and would require no new legislation. Even the Clinton administration, however, did not ratify and did not commit to changing practices or interests.⁸³ The United States still faces strong opposition from cattle and livestock associations concerned about land use implications.⁸⁴ In conclusion, Brazil's National Congress ratified the CBD in February 1994 and assumes responsibility for the conservation and "wise use" of natural resources. The United States has not yet ratified the treaty.

Conclusion: Further Research Steps

Both the theory and the hypothesis are supported by the CBD case study. Since the 1960s there has been a progressive expansion of authoritative scientific research which has directed country policy agendas towards sustainable development and international action. The research has led to the pro-environmental outlook of Brazil's domestic groups which has been reflected in government policy and action. In the United States key domestic groups, while they are aware of the scientific research, had an anti-environmental outlook weighing the economic costs more than the environmental benefits gained through the CBD strategies. Furthermore, the ability of the CBD to incorporate favorable financial and technological clauses through negotiations with other LDCs allowed it to favor the contextual outcome of the CBD. Brazil was a lead state and ratified the CBD. The United States, however, found negotiations opposed, became a swing state and refused to sign in 1992.

Final Results of Theory and Case Study

Independent Variables	Value of Variables for Brazil's Participation in CBD	Value of Variables for America's Participation in Biodiversity Convention
Rationalized and Authoritative Scientific Interpretation (IV)	Progressive Expansion from 1960s through 1970s	Progressive Expansion from 1960s through 1970s
Pro or Anti Environmental Outlook among Domestic Groups (IV)	Pro-Environmental Outlook	Anti-Environmental Outlook
Country's Economic Status (IV)	Developing	Developed
Political Dynamics of Negotiations (IV)	Opposed	Opposed
Environmental Status of State (Intervening Variable)	Lead State	Swing State
Initial Participation/ Ratification (DV)	Ratified February 1994	Not Yet Ratified

Issues which may arise in further research include analyzing whether scientific research now requires international organization support. As an indicator of scientific research I suggest academic journals, research centers, and universities and colleges among other sources in order to observe new scientific paradigms which persuade state behavior. Now, however, many states only accept scientific research supported by or, performed through, international organizations to be “relevant”. In this case, it would be interesting to examine the sources of funding within the international organization for the research as well as how international organizations direct scientific inquiries for their own purposes. Further research might also consider what, if not new scientific paradigms, is effecting domestic groups’ environmental outlooks. This may further clarify the degree of perceived cost and risk that the environmental threat poses to a country as well as the costs and benefits associated with the

environmental regime. It might also reveal why pro-environmental US groups remained relatively ineffective.

Notes

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- ⁶ ibid. p. 3
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- ⁸ Hughes, Barry B. International Futures: Choices in the Creation of a New World Order. p. 4
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- ²⁸ “Sustaining Life on Earth: International Action.” p.1; Novaes, Eduardo Sales “Background.”
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- ³⁴ Doyle, Timothy and Doug McEachern Environment and Politics. p. 165
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Ideological Alliances: A Constructivist Alliance Theory

Drew Justice

Realists correctly point to issues of war and peace as central to the study of international relations. Such “high politics” includes the study of military cooperation between states against mutual enemies, enemies which are often larger and more powerful. Military cooperation in an anarchic world is therefore of paramount importance in international relations. Alliances may or may not involve formal treaties. No matter how formal or informal these security relationships may be, however, such alliances are the focus of this study.

While the traditional neorealist approach to alliance study has focused on the balancing of military power, alliance trends this century have made it clear that power concerns do not always play a determinative role in alliance formation. Newer, constructivist models may hold the answer. That some well-known alliances have been built around shared ideologies is almost common knowledge. Careful study, however, will show that ideology plays more of a predictive role than previously emphasized. The research question under study is when alliances form and endure. The answer, according to ideological alliance theory, is that alliances most often form and endure between countries that are dominated by a common set of beliefs.

Related Studies

The scholarly literature has certainly not ignored the topic of alliances. Kenneth Waltz took the traditionally realist balance of power concept to a whole new level when he founded the school of neorealism. Neorealism focused on the state level of analysis. It accepted the assumption that states were fundamentally the same, except for varying levels of power. Although Waltz did not explicitly define power, his overall work suggested that military and economic power should be the primary focus. Neorealism thus largely ignores ideology and other ideational variables. Waltz assumed that the chief objective of rational states in an anarchic system was their continued survival. To help ensure

its own continued survival, a state aims to increase its level of power. Part of the strategic interaction between states includes cooperative alliances against other states that are stronger.

In neorealist theory, the ultimate trend is toward a bipolar balance of power. Stephen Walt explains the process behind this development. States “place their survival at risk if they fail to curb a potential hegemon before it becomes too strong. To ally with the dominant power means placing one’s trust in its continued benevolence.”¹ Balance of power theory then predicts that many states will ally against whichever country is the most powerful. Walt outlines some examples where states might choose to bandwagon, or appease, the hegemon instead of oppose it, but the overall trend is toward balancing.

The details of Walt’s overall theory differ drastically from Waltz’s neorealist model. Walt argues that states don’t balance against power but instead against threats. More specifically, they balance against perceived threats. By adding perception into the equation, Walt ventures heavily away from realism and into constructivist theory – although he has trouble admitting it. Along with the material balance of power, Walt views multiple other variables as potentially relevant. Geographic proximity is one factor, which might be consistent with neorealism. Other complicating factors, however, include ideology and aggressive intentions. Variables such as these significantly distinguish Walt’s theory from Waltz’s neorealism. Balancing against threats is truly different from balancing against power.

Although Walt argues that “security considerations are likely to take precedence over ideological preferences,”² ideological alliance theory draws significantly from Walt. Walt fails to properly emphasize the importance of ideology as a determining variable, but his notions of geographic proximity and perceived common threats do play a role in ideological alliance theory. Moreover, this study will be using the Walt’s definition of alliance. An alliance will be defined as “a formal or informal security relationship between two or more sovereign states. This definition

assumes some level of commitment and an exchange of benefits for both parties.”³

Assumptions

Ideological alliance theory makes a number of assumptions. First, it assumes that alliances are all built on trust to some extent. The sources of this trust may vary, but trust is a necessary part of the equation. Second, the theory assumes that alliances require some sort of opponent to balance against. The strength of the opponent is significantly less relevant than in neorealist thought, and the identity of the foreign opponent may not even be clear. Without *some* external opponent, however, military cooperation would serve no purpose. Finally, the theory assumes that a state ideology has the power to label certain states friendly or hostile. This constructed label will affect international relations.

The model also makes methodological assumptions. The model assumes that self-identification on the part of states can be a telling measure of state ideology in certain instances. The model further assumes that state ideology tends to be reflected in domestic politics. Thus, although states will be the primary focus of study, this project examines domestic political structures to help measure its chief variable, which is state ideology.

Causal Model Explained

There will be three independent variables that relate to the states under examination. First, do the states possess a common ideology, and if so, how strong is it? Second, are there grounds for what will be called “rational trust?” Finally, is there an imminent military threat present?

Because ideology has the power to label certain states hostile to a particular country, a common ideology will tend to label certain states the mutual enemies of ideologically bonded countries. These perceived enemies will be the states against which a particular alliance might form. A common enemy will generally not be enough to inspire an alliance, however. Trust is required.

Common ideology also has the power to label certain states mutual friends. Such constructed friendships will encourage mutual trust, despite

balance of power concerns. Leaders with a common ideology will have a high level of respect for each other, perhaps also with similar foreign policy goals. The type of ideologically-based trust outlined here is constructed trust. *Constructed trust* refers to trust based primarily on friendly perceptions and a common desire for friendship. In the causal model, only a *strong* common ideology has the power to generate such trust. These alliances may be called ideological alliances.

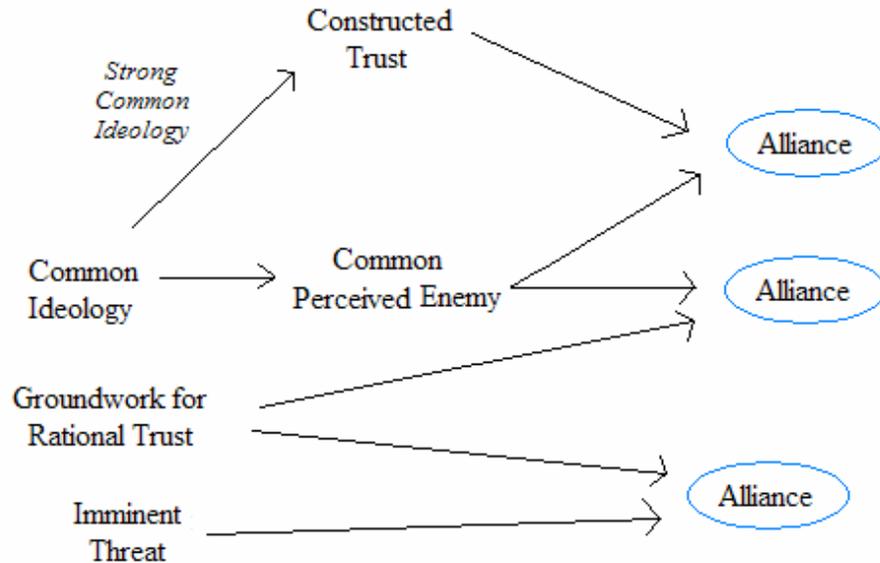
If a common ideology exists but is insufficiently strong to inspire constructed trust, another form of trust may fill the gap and yield military cooperation. In these cases of moderate common ideology, an alliance will form if the situation warrants rational trust. *Rational trust* is the mutual assurance of cooperation due to the high risks involved in cheating. That is, the presence of rational trust means states will mutually profit by cooperating rather than by cheating. Factors influencing rational trust include close geographic proximity to the perceived enemy, aggressive stances made by the enemy, a high level of enemy military strength, and a relatively even distribution of power within an alliance.

This variable somewhat resembles the cooperative relationships involved in realist theory. If states B and C are allied against state Z, B has a choice: it can cooperate or it can cheat. State B might betray its ally, take over C's production capacity, and use C's weapons to fight Z on its own. If there are grounds for rational trust, however, doing so will likely weaken B's military and put B at the mercy of Z. A similar situation would exist if Z were to invade only state C. Should state B leave its ally to fend for itself? In the absence of rational trust, it might do so. Every allied state, however, must weigh the consequences of allowing a mutual enemy to divide and conquer the defending coalition. That is the basis for rational trust.

Aiming to be comprehensive, the model also allows for alliance formation in the absence of common ideology. As long as there is a significant measure of rational trust, a temporary but imminent threat may be enough to warrant military cooperation. An *imminent threat* basically means a strong power that makes itself the mutual enemy of more than

one state by waging war on them or by seriously and overtly threatening them.

The Causal Logic



Measuring Variables

This study focuses on three overall ideological systems: Liberal, Marxist, and Islamist. A liberal ideology is one that emphasizes political and economic freedom. A Marxist ideology aims to redistribute wealth for the greater good of society. An Islamist ideology, meanwhile, works to implement Islamic law as broadly and totally as possible. ⁴ Countless specific ideologies have existed throughout history and impacted the international system, but this study must narrow the field somewhat. These three general ideological systems have been highly important in twentieth

century international relations, and they are likely to be influential in the future. Moreover, demonstrating the bonding power of these ideologies will help show the bonding power of ideology in general.

A liberal ideology values political and economic freedom. Presumably, the governing documents of a liberal state will prescribe religious freedom, rule by majority, and freedom of speech and assembly. If the methodological assumptions are correct, such self-identifying statements of liberalism within the governing documents are relevant. In practice, while many highly illiberal states claim to endorse some of these same freedoms, only liberal-leaning states will emphasize a final freedom – property rights. The constitutional prescription of property rights is often what really distinguishes liberal constitutions from Marxist constitutions.

If the governing documents endorse the previously mentioned concepts, there is evidence of at least some level of liberal ideology within a state. For a state to qualify as having a strong liberal ideology in this system, however, it must also demonstrate high levels of economic and political freedom in practice. Whenever possible, the Freedom House and Heritage Foundation scores will provide the best, most systematic overview of a country's commitment to freedom. The Freedom House measures political freedom while the Heritage Foundation measures economic freedom. A “free” rating by Freedom House combined with a 2.5 or lower Heritage Foundation rating (1 being the most free, 5 being the least free) will indicate a *strong* liberal ideology.

Admittedly, measuring this variable and some of the other ideological variables may not be as entirely systematic and objective as one might desire, and much of the relevant data has proven difficult to find. Ideology can be a rather problematic variable to study and measure. Nonetheless, a thorough analysis of the data will proceed.

A Marxist ideology aims not primarily for economic and political freedom but instead for the egalitarian redistribution of wealth. Marxists may claim that they aim toward the eventual abolition of government, but a strong socialistic state is needed to usher in that era, and the Marxist governments in this study all have low levels of political freedom. For the

purposes of this study, societies with a moderate level of Marxist ideology will be defined by their own self-identification: Marxist governments will label themselves socialist states in their governing documents. The measure of a *strong* Marxist ideology will be measured rather simply. If the government directly owns more than half of a nation's industry, it receives a strongly Marxist rating.

Finally, an Islamist ideology aims to implement Islamic law as broadly and completely as possible. Similar to the Marxist states, Islamist-leaning states will identify themselves as such. A state with Islamist ideology will label itself an "Islamic state" in its governing documents. Moreover, a state with *strong* Islamist ideology will have influential Sharia courts within its judiciary. These Sharia-based judiciaries will have broad jurisdiction over all cases, distinguishing them from voluntary courts that apply only to Muslims or to special cases. Such extensive, Islamist judiciaries tend to exert considerable influence within a country.

The rational trust variable, as stated before, consists of four components: enemy proximity, enemy aggression, enemy strength, and the evenness of the allied distribution of power. All of these variables involve a rating of 1-2, with enemy aggression weighted double. This formula culminates in a rating of 0-10 for the level of rational trust.

For *enemy proximity*, a country receives a 2 rating if the ideologically perceived enemy is right next door to the country. If there is one border or body of water separating the country from its enemy, the situation warrants a 1 rating. And if it is no strong proximity at all, this variable measures 0.

Enemy aggression is also rated on a 0-2 scale, and this rating is then doubled. If the countries are at war or on the brink of war, the situation warrants a 2 rating. If relations are tense, perhaps with minor military clashes, the situation warrants a 1 rating. (This moderate amount of hostility may be thought of as the default level of tension if an ideological conflict exists.) Finally, if the two "enemy" countries are actually quite peaceful, with no significant level of tension, the enemy

aggression variable measures 0. Such a low rating may suggest a process of deconstructing hostile perceptions about a country.

If the perceived enemy has a significantly stronger military than the state in question, the *enemy strength* variable measures 2. If the militaries of the two countries are roughly even, the variable measures 1, and if the enemy is relatively weak, the variable receives a 0.

For the *allied distribution* of power, a country with a military roughly equal in strength to those of its allies receives a 2 rating. If the state in question is the relatively weaker ally in a coalition, this variable measures 1. Meanwhile, the situation warrants 0 if the country's allies are drastically more powerful.

First Case – The United States and the First World War

The first case under study will be American entry into the First World War. By the end of the nineteenth century, The United States and Britain were firmly democratic countries. The United States had, at least theoretically, allowed universal male suffrage for many decades following the Fourteenth and Fifteenth amendments. By the time of American entry to the war, women's suffrage was soon to follow. While certain elements within the United States still resented the British monarchy from the days of the American Revolution, the United Kingdom was becoming increasingly democratic as well. In Britain, the Representation of the People Act of 1918 expanded suffrage to include "women over 30 years of age and all men of 21 years or over who could establish short residence."⁵

The United States and Britain are generally accepted to be among the founders and definers of liberal ideology. Relatively high levels of political freedom in both countries may indicate a strong liberal ideology, but the study must also examine a commitment to free trade. "The United Kingdom has a long tradition of a strong rule of law and political and economic freedom."⁶ For example, Joseph Chamberlain's failure to implement a protectionist Tariff Reform campaign around the turn of the century demonstrated the Empire's strong laissez-faire tendencies.⁷ In the United States, Woodrow Wilson demonstrated his commitment to more

liberal trade policies by signing the Underwood Tariff into law.⁸ President Wilson later would advocate political self-determination and the liberalization of trade in his Fourteen Points.⁹ It is reasonable to classify the United States and Britain as strongly liberal during this period of history.

As predicted by the causal model, America joined the war on the side of its liberal friends, the British. The United States declared war on the Central Powers in 1917. This declaration, however, came nearly three years after the war had begun in Europe. Europe had been fighting against itself all this time – weakening the entire continent. This case is a testament against realism because the United States stood little to gain strategically by entering the fray. Also, the case counters arguments made by some realist scholars that the democratic peace is based purely on American hegemony. American hegemony did not exist during the First World War.

Consistent with the causal model, the United States assisted the liberal Entente against the monarchic Central Powers. Interestingly, the United States entered the war as an “Associated Power,” not formally joining the Entente.¹⁰ Nevertheless, although the United States did not sign a formal, lasting alliance with its ideological allies, significant military cooperation took place. Moreover, America came to the aid of its friends again in the next case.

Second Case – The Allied Powers during the Second World War

American entry to the Second World War also follows the causal model. In case anyone would suggest that the United States was *not* a strongly liberal democracy because of the rising levels of socialism and protectionism around this time, the data suggests otherwise. Appendix A applies the Heritage Foundation criteria to the United States during a period of beggar-thy-neighbor policies and Roosevelt’s New Deal. America’s economic freedom score in 1940 remains below 2.50, confirming America’s strong commitment to liberalism during this period.

As predicted by the causal model, the United States cooperated militarily with its surviving liberal ally from the last war, Great Britain. The Lend-Lease Act and other measures allowed significant American military cooperation even prior to the Japanese attack on Pearl Harbor.

Perhaps just as importantly, however, this case demonstrates the possibility for cooperation between states with different ideologies. After Germany violated its non-aggression pact with the Soviet Union, the Allies and the Marxist Soviet Union faced a mutual, *imminent threat*. This, combined with a sufficient level of rational trust, inspired military cooperation between the powers – but only for the duration of the war. Such are often the limits of military cooperation between states with conflicting ideologies.

Third Case – North Atlantic Treaty Organization

The third case concerns the North Atlantic Treaty Organization (NATO). Originally set up by the United States to balance against the Soviet threat – *even though the United States was militarily stronger at the time* – the Atlantic Alliance continues to endure now that the Cold War is over. Ideological alliance theory would explain NATO's continued solidarity as the result of a strong common ideology among member states.

As shown in Appendix B, nineteen of the twenty-six NATO member states currently show evidence of having a strong liberal ideology. Of the seven exceptions – Bulgaria, France, Greece, Poland, Romania, Slovenia, and Turkey – all except Turkey still measure high on the political freedom rating. Meanwhile, although these seven countries fail to meet the economic freedom criterion (2.5 or lower), the only extreme outliers are Turkey and Romania.

The causal model thus predicts the continued cooperation seen in the nineteen strongly liberal countries. NATO could accurately be labeled an ideological alliance. “In addition to its external mission of deterrence and defense against the Soviet Union, the alliance was also intended to build peace and security among its members as democratic countries.”¹¹

Meanwhile, “Article 2 of the Washington Treaty calls upon the members to eliminate conflict in their economic policies and to collaborate in economic affairs,” lowering trade barriers.¹²

The causal model does *not* predict the continued military cooperation seen by the remaining seven member states. The absence of any apparent military threat should yield a reduced level of rational trust for the moderately liberal countries, foiling military cooperation. Wallander points out, however, that the institutional structure of NATO has historically helped bolster faith among the member states. Institutional factors include the political and military integration of member states, the multinationality of NATO command forces, and a supranational defense policy.¹³ This institutionalist argument may thus explain a gap in the ideological alliance model.

Fourth Case – China and North Korea

Whereas the previous three cases involved the unifying power of liberal ideology, the fourth case aims to show the bonding power of a non-liberal ideology. Democratic peace theorists have long made note of the extensive cooperation among most democracies. The constructivist-leaning ideological alliance theory, however, predicts cooperation among similarly-thinking *illiberal* governments as well. This case therefore analyzes Chinese-North Korean military cooperation dating back to the Korean War.

In 1950, both North Korea and the People’s Republic of China were under the influence of a strong common Marxist ideology. The communist governments of the two countries firmly owned and controlled virtually the entire economies of both countries.^{14 15} The causal model would predict military cooperation between these two countries, and that is what occurred. In 1950 the United States intervened in the Korean peninsula on behalf of the Republic of Korea, and North Korea needed military assistance. China soon came to rescue its Marxist neighbor. The significant level of military cooperation during this war constitutes an alliance as defined in this study. “This de facto alliance was formalized in

July 1961 when Beijing and Pyongyang signed a Treaty of Friendship, Cooperation, and Mutual Assistance.”¹⁶ Of course, the formal signing of this treaty occurred during the Sino-Soviet split and did not aim solely to balance against the United States.¹⁷ Nonetheless, the formal pact was the diplomatic culmination of an ideological and military union first demonstrated during the Korean War.

In the present day, interestingly, the Chinese government would no longer be defined as strongly Marxist. Whereas the North Korean government retains an iron grip over its command economy, recent Chinese market reforms have indicated a reduced commitment to Marxist ideals. China “has reduced government ownership of the economy from 90 percent twenty years ago to about 30 percent today....”¹⁸ Like North Korea, however, China still clearly labels itself a socialist state.¹⁹ The causal model suggests rational trust is needed to bridge the gap between moderately Marxist China and strongly Marxist North Korea. Although China and especially North Korea continue to consider America and American regional allies threatening, the model only shows rational trust reaching moderate levels in the present day.

China and North Korea – Present Day

Perceived Threat(s): South Korea/Japan/United States

Country	China (moderately Marxist)	North Korea (strongly Marxist)
Enemy Proximity	1	2
Enemy Strength	1	2
Enemy aggression	2 = 1 x 2	2 = 1 x 2
Alliance distribution	2	0
<i>Rational trust</i>	6	6

The causal model would thus tend to predict a lack of military cooperation between China and North Korea in the present day.

Unfortunately, the dependent variable in this case is somewhat hard to measure with confidence. That is, while the alliance formally continues, “the relationship might be dubbed a ‘virtual alliance....’²⁰ Specifically, “since the mid-1990s Beijing has made clear to Pyongyang that China will not come to Kim Jong Il’s aid if Kim Jong Il gets himself in hot water. Privately and sometimes publicly, Chinese officials and analysts make this point.”²¹ The true measurement for the dependent variable here therefore seems rather ambiguous, although the formal treaty between the two countries would seem to contradict the causal model.

Fifth Case – Coalitions against Israel

The fifth case also deals with illiberal ideology, rational trust, and alliance duration. This case examines the Islamist ideology behind Arab coalitions formed to attack Israel. The day Israel declared its independence in 1948, it fell under attack by an Arab alliance consisting of Egypt, Syria, Lebanon, Jordan, Iraq, Yemen, and Saudi-Arabia. Lebanon is the only one of these states that does *not* demonstrate an Islamist ideology. The judicial systems of Yemen and Saudi-Arabia, meanwhile, demonstrate strong Islamist ideologies within those countries.

Islamism in the Middle Eastern States

Country	Judicial Overview	Ideological Measure
Egypt	No Sharia	Islamist
Syria	No Sharia	Islamist
Lebanon	Voluntary Sharia	<i>Non-Islamist</i> * ²²
Jordan	Limited Sharia	Islamist
Iraq	Limited Sharia	Islamist
Yemen	Sharia is the source of all law	Strongly Islamist
Saudi-Arabia	Sharia courts have general jurisdiction	Strongly Islamist

Due to an overall lack of *strong* Islamist ideology in the coalition, rational trust considerations come into play. Even prior to the war in 1948, sporadic violence between Jews and Arabs resulted in highly hostile relationship. Moreover, although the joint Arab forces controlled several hundred tanks and artillery compared to the technologically unimpressive IDF, the large number of Israeli infantry more than made up for the difference.^{23 24} Israel was by far stronger militarily than any of the individual Arab nations. The distribution of power within the alliance was roughly even, with the exception of the weaker Lebanon and possibly Yemen and Saudi-Arabia, whose military commitments are unknown.²⁵
²⁶

Rational trust reached high levels for most of the Arab states in the coalition, as outlined in Appendix Z. The causal model therefore largely explains the military cooperation among the Arab states. Lebanon, a non-Islamist state, is a notable exception. The model would not have predicted Lebanese involvement.

The relative disunity of Islamist states in the present day stands in contrast to 1948. A reduced level of rational trust exists today. This new measurement owes partly to military unevenness among Arab states and also largely to Egyptian and Jordanian peace agreements with Israel, which have reduced tension. Reduced tensions with Israel on the part of certain Arab states and increased inequality among the Arab militaries work to lessen rational trust, hindering alliance formation. The model thus predicts a degree of disunity among the Arab states in the present day, as also shown in Appendix Z. The model does fail with regard to present-day Saudi-Arabia and Yemen, however, as no overt alliance or apparent military cooperation exists today between these strongly Islamist states.

Sixth Case – The United States and Pakistan

The sixth case examines the possibility for cooperation between an Islamist state and a liberal state. Following the September 11 terrorist attacks, Pakistani-American relations have grown closer, and analysts often refer to Pakistan as a key ally in the war on terror. The causal model

for ideological alliance theory, on the other hand, would predict a lack of significant cooperation due to a lack of common ideology.

Pakistan fits this study's definition of an Islamist state. The country's full name is the *Islamic Republic* of Pakistan, and the constitution declares that "Islam shall be the State religion...." ²⁷ A military dictator currently governs Pakistan, and Freedom House gives the country a 5.5 out of 7 rating – Not Free. ²⁸ In contrast, as noted already, the United States fits and basically defines the criteria for a strongly liberal society.

Nonetheless, the facts show significant military cooperation between these two countries, a result not at all predicted by the causal model. The Pakistanis have captured numerous Al-Qaeda suspects and continue to cooperate. ²⁹ "Despite growing opposition in his country, two assassination attempts on his life..., and a failed attempt to kill his prime minister designate..., Musharraf has been a key U.S. ally since the Sept. 11 terror attacks." ³⁰ In return, "President Bush announced that the United States would provide Pakistan with \$3 billion in economic and military aid over 5 years." ³¹ While the American-Pakistani alliance could certainly be more intimate, there does seem to be significant military cooperation between these two states, despite their distinct worldviews.

Responding to Criticisms

Various colleagues have raised concerns with certain elements of the study. While the theory and methodology presented are by no means perfect, various issues can be clarified. It may seem unrealistic, for example, to divide all countries into three types of ideology. While this issue has already been addressed to some extent, it bears repeating that the proposed classification system is for simplification purposes only. Such simplification may be a theoretical weakness, but no practical alternatives exist. No theory could take into account all of the possible variations in ideology.

Meanwhile, subtle variations in ideology may help explain more difficult cases like the Sino-Soviet Split, where two strongly Marxist states abandoned their alliance and began a number of proxy conflicts against

one another. That is, variations *within* an umbrella ideology may explain the cases this study cannot – cases where two countries with similar ideologies do not cooperate.

Keeping in mind the Sino-Soviet split, the reader might also argue that the Marxist label and measurements used in this study are too simplistic. If that is in fact the case, showing significant divisions within Marxism that this study overlooks might provide additional evidence for ideological alliance theory. To demonstrate concrete and serious ideological differences weakening the Sino-Soviet alliance would further prove the importance of common ideology. A more complex, future study may want to examine in greater detail the subtle – or significant – variations within communism and cast better light on political discord within Marxism.

Among these same lines, colleagues have criticized the Islamist category of ideology within this study. Why does the study include Islamism as an ideology but not include other influential religions? The first answer, as mentioned already, is simplicity. Secondly, while only two undeniable theocracies exist in the world – Vatican City and Iran – only one of them (Iran) has considerable military power and presents a security concern to other states. Meanwhile, Islamism has proven itself highly influential as a political ideology. Nation-states and a large number of terrorist groups have adopted Islamist ideology to one degree or another. While other religions have some influence over politics, none seems to compare with Islam in the present day.

Nonetheless, this chosen methodology should not be construed to *deny* the influence of other religions – or other secular ideologies. The purpose of the study is to provide an alternative to the realist balance of power concept, emphasizing the bonding power of common ideology in its place. While this study does not venture any earlier than the twentieth century, it is clear that other religions have played influential roles in world politics in the past. The Thirty Years War, for example, created a largely Protestant alliance versus a Catholic one. Prior to that, the Crusades pitted Christian societies against Islamic society. While

Christianity does not seem to hold as much political influence in the present day, it may continue to impact alliance strategies in regions such as Latin America, the Balkans, and the Caucasus.

Another colleague suggested that the Islamist classification might *not* be a very relevant independent variable at all in the selected cases. Instead, Pan-Arabism might better explain the coalition against Israel. While there is no way to know for certain which variable is more relevant without further study, Pan-Arabism likely *would* explain the cooperation of Lebanon during the 1948 War, whereas Islamism does not.

Another concern regards American-British tensions prior to the eventual alliance between the countries. Several responses are possible. First, the United Kingdom, which began as a monarchy, moved more slowly toward liberal democracy than its American counterpart. It took many decades for the majority of Americans to consider Britain a fellow democracy. Secondly, variations within ideology may cause divisions between two similar countries, as already mentioned. While outside the scope of this study, such specific variations do fall within the overall constructivist paradigm adopted by ideological alliance theory. Finally, it is important to note that no tensions after 1815 ever erupted into war or significant conflict between the United States and Britain. The War of 1812, meanwhile, was largely an extension of the domestic conflict begun by the Revolutionary War. Overall, American ties with Britain have remained fairly close throughout much of American history.

Regarding Europe, one might argue that the constructed concept of a European community holds NATO together today. There is no denying either constructivism or the modern concept of a European community, but any such concept was originally constructed under the banner of liberal democracy. Liberal ideology explains the iron curtain that once divided Europe, and liberal ideology seems to explain the American and Canadian presence in NATO today. Meanwhile, additional constructed beliefs like the concept of European-ness *might* explain the continued presence of moderately liberal states in NATO despite a lack of external threat.

Finally, readers may take issue with some of the ideological measurements. In the absence of time-specific information for some cases, it was sometimes necessary to measure ideology in one time period and assume the accuracy of that measurement for a different point in time. Some of the Arab constitutions, for example, did not date back to 1948. Wherever possible, the study measured variables using time-specific data. In the absence of any evidence of a *change* in ideology, the assumption of ideological continuity sometimes became necessary.

The accuracy of prescriptions and labels within founding documents raised similar concerns. Government officials might plan to implement certain ideological policies at a country's founding, for example – only to be replaced later on by different-minded leaders. Or, alternatively, various self-identifications within a founding document might be purely propagandistic. This study's assumption about the relevance of self-identification *can* be problematic. The study aimed to avoid this problem by choosing self-identifications that leaders were unlikely to fake. Also, the project partly focused on the deeper level of analysis, analyzing *strong* ideology, which avoided this issue somewhat.

Dreams of a Fuller Theory

More work could likely solve many of the unanswered questions about this project in its current form. Alternative models seem to provide better explanations for some of the cases. Institutionalism or Wallander's theory of adaptability, for example, may provide insight into the continued solidarity of NATO. Realism or Pan-Arabism may provide a better explanation than Islamism for the Arab coalitions. Realism or perhaps domestic theory, meanwhile, might best explain the American-Pakistani alliance. Future work on the subject would warrant additional cases to control for many of these variables.

As suggested, a more accurate model might also strive to make more accurate measurement of ideology by better taking into account change, propaganda, and subtle variations within ideology. Study of nineteenth century alliances might also prove enlightening.

Conclusion

While its causal model and methodology may not be perfect, this study nonetheless demonstrates that ideology can be an important factor in alliance formation. Ideological alliance theory stands in stark contrast to neorealist balance of power theory, which dismisses ideational variables. The First World War and NATO cases cast considerable doubt on the reliability of realist alliance predictions. Meanwhile, several of the remaining cases expand upon democratic peace theory by showing that *illiberal* ideologies can also produce cooperation. Realists are right about two things: Alliances affect the distribution of power in international politics, and military cooperation is an important variable to study. Perhaps ideology is an important variable as well.

Notes

¹ Stephen M. Walt. *The Origins of Alliances*. Robert J. Art and Robert Jervis, eds. (Ithaca: Cornell UP, 1987) 18

² Walt. *The Origins of Alliances* 38

³ Walt. *The Origins of Alliances*

⁴ Tore Kjeilen. "Islamism" in *Encyclopedia of the Orient*. [<http://i-cias.com/e.o/islamism.htm>]. 2005.

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¹⁰ Michael Duffy. "Alliances – Entente and Central Powers." First World War.com.

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¹¹ Celeste A. Wallander. "Institutional Assets and Adaptability: NATO After the Cold War" in *International Organization*. IngentaConnect.

[<http://www.ingentaconnect.com/content/mitpress/io/2000/00000054/00000004/art00001>]. 1 Oct. 2004. pp. 712-713

¹² Wallander. "Institutional Assets and Adaptability" 714

¹³ Wallander. "Institutional Assets and Adaptability" 717

¹⁴ "Korea, North" in *2006 Index of Economic Freedom*. The Heritage Foundation.

[<http://www.heritage.org/research/features/index/country.cfm?id=KoreaNorth>]. 2006.

¹⁵ Larry Kudlow. "The Insanity of Smoot Schumer and Harry Graham" in *National Review Online*. [<https://www.nationalreview.com/kudlow/kudlow200506241442.asp>]. June 24 2005.

¹⁶ Andrew Scobell. "China and North Korea: From Comrades-in-Arms to Allies at Arms Length." Nautilus Institute.

[http://www.nautilus.org/DPRKBriefingBook/china/PRC_Scobel.pdf#search='China%20North%20Korea%20bilateral%20alliance']. March 2004. p. 2

¹⁷ For further discussion of the problem posed by intra-ideological conflict within the Marxist camp, see the Responding to Criticisms section.

¹⁸ Kudlow. "The Insanity of Smoot Schumer and Harry Graham"

¹⁹ Constitution of the People's Republic of China in *The People's Daily Online*.

[<http://english.peopledaily.com.cn/constitution/constitution.html>]. 22 March 2004.

²⁰ Scobell. "China and North Korea" 19

²¹ Scobell. "China and North Korea" 19

²² Due to a mixture of Christian and Islamic populations, Lebanon is the only Arab state in the coalition not to identify itself an "Islamic state."

²³ Ahron Bregham. *Israel's Wars: A History Since 1947*. (London: Routledge, 2002) 24

²⁴ Jehuda Wallach. Ed. "Not on a Silver Platter"

²⁵ Kenneth Pollack *Arabs at War: Military Effectiveness, 1948-1991*. (University of Nebraska Press, 2004)

²⁶ Eligar Sadeh, *Militarization and State Power in the Arab-Israeli Conflict: Case Study of Israel, 1948-1982*. (Universal Publishers, 1997)

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What Causes Variation in the Effectiveness of International Law?

Brandon R. Nugent

I. Introduction

Scholars of international law have spent substantial time and effort attempting to understand the factors that make for effective international legislation. These academics strive to identify the variables that have direct influence on international law so that they may determine which variables, or combination thereof, bring about the most effective law. This topic has been studied with considerable depth because scholars' findings and world-leaders' perceptions of mechanisms for effective international law can have influence that radically changes the global political landscape and the traditional balance of power. Once one understands the variables that make international law effective or ineffective, that comprehension can be put to use by people and organizations with vested interests in seeing further successful, effective international law and also by those who wish to stem the rolling tide of international legislation by rendering such law ineffective. The merits of individual motives for understanding the effectiveness of international law aside, the fact remains that some forms of legislation in the international sphere have been much more effective than others. What explains this phenomenon?

II. Review of Previous Academic Arguments

While many theories attempting to explain the effectiveness of international law have been suggested, none of these provide particularly accurate possible pictures of effectiveness. Some scholarly theories on the subject, such as those promoted by Ryan Goodman and Derek Jinks, tend to propose that effective international law arises only on a case-by-case basis with innumerable individual variables influencing the actual outcome.¹ Thus, these academics present a conjecture of randomization and chance rather than a coherent theory of effectiveness. Logic and

human involvement in the law-creation process dictate that there must, however, be some recognizable pattern of similarities that has substantial influence on the effectiveness of international law.

Most theorists agree that there are some patterns that can be analyzed to understand the effectiveness of international law. The greatest difference in this area exists between two competing understandings of which patterns drive this overall effectiveness. Before delving into these theories, however, a brief review of the jargon used by scholars of international law will prove useful. Virtually all theorists in the field divide laws into two basic types: hard law and soft law. The main characteristics of hard law are that they are precise and delegate clear authority for interpreting and implementing the law. Distinctive features of soft law, on the other hand, include the weakening of any one, but frequently all, of the dimensions of precision, obligation, or delegation.

In one camp, Judith Goldstein and Lisa Martin maintain that “unintended effects of legalization...can interfere with the pursuit”² of international objectives. They fear that the greatest potential pitfall of international law is that it will be rendered ineffective because of opposition to the inflexible standards of application and enforcement that are often present in hard law. Because of this underlying belief, they state that soft law is the preferred form of international legislation and leads to most effective international law, since its seemingly benign nature prevents the rallying of opposition. On the other hand, Frederick Abbott states that “international agreements that incorporate high levels of precision, obligation, and delegation”³ perform an array of beneficial functions. Hence, he believes that “hard legislation is preferable to soft legislation”⁴ for accomplishing international objectives. Benefits to employing hard law, as espoused by Kenneth W. Abbott (unrelated to Frederick), include that international actors can “reduce transaction costs, strengthen the credibility of their commitments, expand their available political strategies, and solve problems of incomplete contracting.”⁵ Abbott also adds that hard law is effective principally because its rigidity, clarity, applicability make it a more compelling force. I feel that Abbott’s

argument is much more convincing both because the benefits reaped through application of hard law are more substantial and because the link between hard law and effectiveness is considerably more distinct than with soft law. Thus, the understanding presented in this paper of the direct relationship between levels of legalization and overall effectiveness of international law on a topic area is heavily drawn from his line of thinking, emphasizing hard law.

III. Statement of Hypothesis

I suggest that the support for or opposition to an aspect of international law that is voiced by a coalition of the most powerful countries in that topic area leads to variations in the levels of legalization of such international law which, in turn, determines the overall effectiveness of international law on that topic. Accordingly, I now have several variables that must be identified. My independent variable is the most powerful coalition's support for or opposition to a specific topic area of international law. This coalition's makeup is determined by the organizational structure of specific international institutions regarding the topic at hand. The variable influenced by the independent variable, hereafter referred to as the intermediate variable, is the resulting level of legalization of the law that emerges from the legislative process. Finally, my dependent variable is variation in the effectiveness of international law.

IV. Theoretical Underpinnings of Argument

Before going further, it is necessary that the theoretical underpinnings for my argument be made clear. This hypothesis is based on a realist understanding of international relations, meaning it is understood that power politics and state interest drive international affairs. Accordingly, domestic actors are not taken into account because they do not influence the outcome of international interactions. Additionally, it is important to note that international institutions discussed do not have independent impact on international law; they are merely vehicles used by

self-interested states to further their pre-existing policy objectives. Finally, this hypothesis greatly hinges on the belief that the most effective type of international legislation is hard law, a premise discussed during the review of previous academic arguments. Thorough understanding of these theoretical underpinnings may provide a better frame of reference for the measurement system, case selection and analysis, and interpretive sections that follow.

V. Measurement of Variables

The variables discussed above must be quantified with some measure of objectivity in order to evaluate the merit of the hypothesis. For the purpose of measurement, the independent variable should be broken down into two components: 1) the identification of “strong” states in the structure of an organization and 2) those states’ voiced support for or opposition to an issue. In order to pinpoint which states have the most influence in an area of international law creation, it is necessary to reference the underpinnings of international institutions tasked to create law on the specific matter. I maintain that the most powerful states tend to form a coalition of strength manifest in the structure of the organization. Thus, to differentiate strong states from weak states, I will pay attention to voting procedures within these bodies. Hence, strong state coalitions can be identified by any of the following characteristics: permanent seats on a voting council, possession of veto power, or heavy influence in a weighted voting system. Coalitions of states that possess any or all of these characteristics can be considered to have considerable strength in the organization. Coalitions that do not enjoy any of these characteristics can be considered weak regarding the topic of international legislation. In terms of the second component of this variable, measurement of state support for or opposition to an initiative in international law can be assessed through analysis of two main factors: 1) official statements from the countries involved and 2) voting records from international organizations relating to the issue at hand. Using the factors detailed

above, it is possible to get an accurate measurement of the independent variable.

In order to assess my intermediate variable, I will use the guidelines for measurement of legalization of international law as presented by Abbot et al. in their article “The Concept of Legalization.” They state that highly legalized institutions possess elevated levels of three characteristics: obligation, precision, and delegation.⁶ Each of these three characteristics can be measured individually. In terms of obligation,⁷ they state that “rules and commitments found in international agreements are regarded as obligatory...and not to be disregarded as preferences change.”⁸ Thus, levels of obligation in international law can be measured by reflecting on the historical record of adherence to its terms and the number of violations of the legislation that go unpunished. Aspects of international law that are high in obligation will have track records of high adherence and few cases of violations going unpunished. Levels of low obligation in international legislation will be identified by a record of low adherence and / or significant numbers of violations going unpunished. In terms of precision⁹, Abbott et al. state that precise sets of rules are highly elaborated, detail conditions of application, and spell out required or prescribed behavior in numerous situations. Thus, legislation that is low in precision will lack two or more of these factors. Finally, delegation¹⁰ “is the extent to which states and other actors delegate authority to designated third parties.”¹¹ International law possessed high levels of delegation “when the parties [concerned] agree to binding third-party decisions on the basis of clear and applicable rules; they are [low in delegation] when the process involves political bargaining between parties who can accept or reject proposals without legal justification.” Hence, levels of legalization will be ranked from high to low based on the levels of obligation, precision, and delegation discovered when the aspect of law is measured with the aforementioned scales. This measurement system is, admittedly, somewhat subjective. However, by referencing any topic of international law to the tests of obligation, precision, and delegation as defined above, one can get a general idea of its level of legalization.

Finally, in order to measure my dependent variable, effectiveness of international law, I will use the following standard: international law will be considered effective if it has high levels of legalization (in other words, if it is “hard law”). It will be considered ineffective if it has low levels of legalization (in other words, if it is “soft law”). Therefore, measurement of effectiveness is simply an interpretive analysis of the level of legalization on the same high to low scale. For example, if an aspect of international law is high in all three areas, the law is considered to be effective. Hence, measurement of effectiveness is based on the assumption that “hard legislation is preferable to soft legislation in accomplishing”¹² international objectives. This assumption has already been proven by several esteemed scholars of international law and has been previously discussed in this paper. In order to provide the most complete measurement of effectiveness possible, an analysis of the historical record of adherence that results from the international legislation will also be included. This variable completes the hypothesis and leads to the following prediction: if powerful states are passionately supportive of an area of international legislation, that law will be created with high levels of legalization and will thus be effective international law. I predict that the reverse, of course, will also be true. Now it is time to determine the validity of my hypothesis by testing it against two very different cases.

VI. Case 1: The New International Economic Order (NIEO) in the UN

On 12 December 1974, a 34-article “Charter of Economic Rights and Duties of States” was passed in the General Assembly (GA) of the United Nations (UN)¹³. This resolution became known as the New International Economic Order (NIEO). The NIEO called for a sea-change in international economic interactions to the overall detriment of developed nations and to the distinct advantage of lesser developed countries (LDCs). At the time it was passed in the UN, the NIEO was quite a controversial piece of international legislation, eliciting strong support or opposition by UN member-states. Although it was, in fact,

approved by the GA, the NIEO eventually came to be regarded as a failed piece of international law. According to my hypothesis, this outcome was a result of a lack of support from powerful states in the UN causing the resulting law to bear low levels of legalization, thus rendering it ineffective. A full analysis of this case is necessary for a clear and convincing test of my hypothesis.

In the United Nations, the most powerful states are the five veto-wielding members of the UN Security Council (SC). These important players carry the most weight in any UN legislation creation since they contribute most of the organization's operating budget and because they control what is passed in the SC, the organization's body responsible for the creation and enforcement of binding legislation. In the case of the NIEO, the most powerful states in the UN clearly did not support the legislation. Voting records show that the United States, the United Kingdom, and France all abstained from the roll-call vote used to pass the NIEO. It was impossible for these states to vote against a charter of "economic rights and duties" because they would be seen as hostile to development and as greedy, exploitive entities. Thus, they abstained from voting on the NIEO, silently and symbolically withholding their approval. More importantly, these most powerful states ensured that debate on the NIEO was contained within the General Assembly. It is very important to note that the GA can only issue non-binding resolutions (ie. It can only create soft law) whereas the SC can enact binding legislation (ie. It can create hard law). Since the NIEO was passed under the auspices of the GA, it was relegated to a lackluster position by the structure of the UN because great power opposition would not allow it to be debated elsewhere. Hence, we have a clear case of an aspect of international legislation without the support (and possibly with outright opposition) from the most powerful states related to the topic.

The resultant legislation that encompassed the NIEO was extremely low in levels of legalization. Aspects of precision and obligation were almost absent while delegation was non-existent. For example, Article 6 of the NIEO states that "it is the duty of states to

contribute to the development of international trade of goods.”¹⁴ This statement is not followed by any recommendation of how states are to go about fulfilling this duty, making the directive very imprecise. Article 2, Section 2, Part B indicates that each state has the right to “nationalize, expropriate, or transfer ownership of foreign property.”¹⁵ This “right” will obviously lead to disputes among nations related to its enforcement, yet there is no delegation of these inevitable disagreements. Article 19 states that “developed countries should grant generalized, preferential non-reciprocal treatment to developing countries”¹⁶ in virtually all fields of economic interaction. Nevertheless, there is no follow-up statement of obligation. Countries appear to have no reason to abide by the recommendations of this article, which is incredibly imprecise anyway. The article does not state how its objective is to be fulfilled, which countries should be considered developed or developing, or even how much assistance should be given. For a final example, Article 20 says that “developing countries should endeavor... to expand trade with socialist countries.”¹⁷ Once again, there is no obligation mechanism to consider nor is there any measure of precision.

So, this case presents a piece of international legislation that did not have the support of the most powerful countries regarding the topic, and that bears very low levels of legalization (as measured by precision, delegation, and obligation). The expected result would be a very ineffective piece of international legislation, which is, in fact, the case.

The historical record shows that the NIEO did not have significant impact on international trade relations. In addition, because of a lack of binding dispute settlement mechanisms, the mass of countries that passed it were powerless to address its failure. Other organizations (like the GATT and World Bank) continued to promote free trade and liberalization, thus dooming the NIEO. What started out as an attempt to use sheer numbers to outweigh strength resulted in the creation of an imprecise piece of non-binding international legislation with no aspects of delegation or obligation; the outcome of these factors was that the NIEO became a failed, ineffective piece of international legislation.

VII. Case 2: Trade-Related Aspects of Intellectual Property Rights (TRIPS) in the WTO

When the World Trade Organization¹⁸ was created out of the Uruguay Rounds of the General Agreement on Tariffs and Trade, Annex 1C was adopted as a part of the overall document (called the Marrakesh Agreement) that enacted this change. The annex, discussing Trade-Related Aspects of Intellectual Property Rights, became referred to as TRIPS. The TRIPS agreements served to address several broad issues including how basic principles of the trading system and other international intellectual property agreements should be applied, how to give adequate protection to intellectual property rights, how countries should enforce those rights, and how to settle disputes on intellectual property between members of the WTO. The TRIPS agreements have generally been considered one of the more effective aspects of international law. According to my hypothesis, this outcome was a result of significant support from powerful states in the WTO / GATT causing the resulting law to bear high levels of legalization, thus rendering it effective. A full analysis of this case is necessary for a clear and convincing test of my hypothesis.

Unlike in the United Nations case discussed above, we cannot use a simple analysis of structural voting procedures within the WTO to determine the identities of the most powerful states because there is, in fact, very little formal voting in the WTO. Most resolutions, documents, or rules are adopted by consensus.¹⁹ Thus, we must use another measure to determine the most powerful states in the topic area. It is safe to say that the most powerful countries in the WTO are the ones that contribute the most money to its operational budget (ie. those that control the key resource, money, in this case) and those that are able to present the largest and most effective delegations at the biennial Ministerial Conferences, which happen to be the organizations highest decision-making body. The logic that underpins this classification is that the countries with the largest and most effective delegations will be able to sway other nations

viewpoints and that the states who contribute the most to the organization's budget have a proportionate say in its direction.

TRIPS was championed by the most powerful states in the organization. The United States, Japan, and the members of the European Union (EU) contribute the most sizeable portion of the WTO's budget and also field the largest and most effective delegations to the conferences. Hence, they are considered to be the most powerful states regarding any topic of international legislation that emanates from this body. These states were all vociferous supporters of TRIPS and the Uruguay Round as a whole. Their support for TRIPS encouraged them to craft a document that was very highly legalized with the hope that it would prove very effective in practice.

The TRIPS agreements include extremely detailed, highly elaborated standards regarding a multitude of possible situations concerning intellectual property issues. The document goes into great specificity on each topic. For example, Article 23 of the agreement is a discussion on "Protection for Geographical Indications for Wines and Spirits."²⁰ The mere fact that an entire article is devoted to defining and explaining such a mundane topic is demonstrative that the agreement has very high levels of precision. The TRIPS agreements also provide for an enforcement mechanism and for general obligations. It immediately requires, in Article 41, that "members ensure that enforcement procedures as specified in this part are available under the[ir] law."²¹ It also authorizes, Article 45, that "judicial authorities shall have the authority to order the infringer to pay the right holder damages."²² Here, it is plain to see that signatories are expected to adhere to their obligations and that enforcement mechanisms have been set up to ensure that observance remains high. Part V of the TRIPS agreements discusses dispute settlement mechanisms. It sets up a "Council for TRIPS" in Article 64²³ and authorizes application of full WTO dispute settlement procedures. Thus, we can clearly understand that disputes have been delegated to third-parties that have a capacity to issue binding rulings on such cases.

So, this case presents a piece of international legislation that had the support of the most powerful countries regarding the topic, and that bears very high levels of legalization (as measured by precision, delegation, and obligation). The expected result would be a very effective piece of international legislation, which is, in fact, the case.

The historical record shows that the TRIPS agreements have been especially successful in meeting their objectives. TRIPS' precision has prevented any question about violations and has allowed countries to bring cases before the WTO. TRIPS' level of obligation has caused countries to change legislation regarding intellectual property.²⁴ Finally, TRIPS' delegation has allowed over 325 disputes to be brought before a settlement body.

What began as a careful attempt by passionately interested countries to craft the most highly legalized document possible resulted in the creation of a precise piece of binding international legislation with high aspects of delegation or obligation; the outcome of these factors was that the TRIPS agreements became a successful, effective piece of international legislation.

VIII. General Conclusions from Case Studies

Based on the results from the two case-studies detailed above, I would venture that my hypothesis is on the right track. In one case, opposition from powerful countries led to international legislation with low levels of legalization and virtual ineffectiveness (NIEO case). In the other case, support from powerful countries led to international legislation with high legalization levels and remarkable effectiveness (TRIPS case). This belief in the validity of my hypothesis, however, must still be viewed as preliminary for several reasons.

The two case-studies used to test my hypothesis both dealt with situations of international economic interaction and legislation. In order for a more complete assessment of the hypothesis to be conducted, additional cases from other fields of international discourse should be selected. Possible topics from which to choose supplementary cases could

include international arms control agreements, environmental accords, and human rights legislation.

It is always important to analyze potential endogeneity problems with an argument. Three significant potential issues can be raised regarding this theory. The first is that perhaps hard law does not always lead to effective law and vice versa. To address this potential pitfall, an emphasis on the historical record of adherence (which I consider synonymous with effectiveness) has been included. The second possible endogeneity problem suggests that the independent variable may actually be caused by the dependent variable. However, this logic is flawed because it “puts the cart before the horse.” Neither powerful state interest nor varying levels of legalization can be caused by variation in effectiveness of international law since it is those former factors that contribute to the latter. The third potential pitfall is the belief that the entire line of reasoning is flawed because it is impossible to compare legal documents as disparate as resolutions of the GA with WTO treaties. In response, I would like to point out that the nature of the documents created by these international organizations is directly attributable to the analytical argument described in this paper.

In terms of future research tasks, an interesting corollary to this theory could be considered. It might be appealing for an institutionalist or constructivist IR scholar to explore how the role played by the levels of legalization present in the institutions themselves affects outcomes (ie. Would the TRIPS agreements have been effective if they had been negotiated in an international organization with lower inherent levels of legalization?) or if the degree of collective action problems within individual movements might explain the success or failure of these projects. Since neither of these topics fully embrace the realist understanding of international relations (because they both imply that the internal dimensions of the institutions are at least partially independent of the interests of powerful states), they are outside the scope of this paper. Nonetheless, they remain interesting points to ponder.

The research done on these two case-studies seems to indicate that the support for or opposition to an aspect of international law that is voiced by a coalition of the most powerful countries in that topic area leads to variations in the levels of legalization of such international law which, in turn, determines the overall effectiveness of international law on that topic. Hopefully future research on more cases can be carried out to test the true validity of this hypothesis. Perhaps this understanding of the causes of variation in the effectiveness of international legislation will prove helpful to those dedicated to ensuring its success.

Notes

1. The argument is presented as part of Ryan Goodman and Derek Jinks' essay "How to Influence States: Socialization and International Human Rights Law" that appeared in the *Duke Law Journal*, Vol. 54, 2004. While focusing on a specific type of international law (human rights), they necessarily make reference to something upon which their argument hinges: levels of effectiveness in international law. They conclude that there is no set way to accurately gauge such efficacy in a majority of cases and, as such, each question and situation in international law must be handled on a case-by-case basis.

2. Goldstein, Judith and Lisa Martin. "Legalization, Trade Liberalization, and Domestic Politics: A Cautionary Note." In *Legalization and World Politics*, edited by Judith Goldstein et al. Cambridge, MA: MIT Press, 2001. Goldstein and Martin make this argument on page 219 of their article. It sums up their point that legalization itself is not problematic; it's the unintended consequences of legalization that pose the problem. Since they believe these consequences to be both powerful and inevitable, they assert that lower levels of legalization are better and lead to greater effectiveness.

3. Abbott, Frederick M. "NAFTA and the Legalization of World Politics: A Case Study." In *Legalization and World Politics*, edited by Judith Goldstein et al. Cambridge, MA: MIT Press, 2001. (pg. 163). This statement succinctly captures Abbott's belief that the assured benefits of highly legalized international law far outweigh any potential negative consequences.

4. Ibid, pg. 163.

Modus Vivendi

5. Abbott, Kenneth W. and Duncan Snidal. "Hard and Soft Law in International Governance." In *Legalization and World Politics*, edited by Judith Holdstein et al. Cambridge, MA: MIT Press, 2001. (pg. 38).
6. Abbott et al. "The Concept of Legalization." In *Legalization and World Politics*, edited by Judith Goldstein et al. Cambridge, MA: MIT Press, 2001.
7. Abbott et al. further clarify obligation to mean "that states or other actors are legally bound by a rule or commitment in the sense that their behavior thereunder is subject to scrutiny under general rules, procedures, and discourse of international law" (pg. 17).
8. Ibid. pg. 25.
9. Abbott et al. further clarify precision to mean "that rules unambiguously define the conduct they require, authorize, or describe" (pg. 17).
10. Abbott et al. further clarify delegation to mean "that third parties have been granted authority to implement, interpret, and apply the rules; to resolve disputes; and (possibly) to make further rules" (pg. 17).
11. Ibid. pg. 31.
12. Abbott, Frederick M. "NAFTA and the Legalization of World Politics: A Case Study." In *Legalization and World Politics*, edited by Judith Goldstein et al. Cambridge, MA: MIT Press, 2001. (pg. 163).
13. A good resource, called "About the United Nations: An Introduction to the Structure and Work of the UN", can be used to develop a quick understanding of the UN and how it works in order to more fully comprehend the justification used to determine the identities of most powerful states. This introduction to the organization can be found on its website at the link provided in the references section.
14. United Nations Document Centre. *Resolutions Passed in the Twenty-ninth Session of the General Assembly*. "3281 (XXIX) Charter of Economic Rights and Duties of States." pgs. 50-55. Chapter 2, Article 6 can be found reprinted in its entirety on page 52 of the aforementioned source. The full text of this document can be accessed at the following web address: <http://www.un.org/documents/ga/res/29/ares29.htm>.
15. Ibid. pg. 52.

16. Ibid, pg. 54.

17. Ibid, pg. 54.

18. A good resource, called “What is the WTO?”, can be used to develop a quick understanding of the WTO and how it works in order to more fully comprehend the justification used to determine the identities of most powerful states. This introduction to the organization can be found on its website at the link provided in the references section.

19. It is important to note that consensus in the WTO is regarded somewhat differently than in many other international bodies. Whereas most organizations only adopt something by consensus if it has the support of all members, the WTO will adopt things by consensus as long as no single state feels so strongly against the topic that they must oppose it. In other international organizations, consensus symbolizes universal agreement. In the WTO, consensus symbolizes a lack of passionate disagreement.

20. World Trade Organization. WTO Legal Texts website. “Annex 1C Trade-Related Aspects of Intellectual Property Rights (TRIPS). <<http://www.wto.org/english/docs_e/legal_e/legal_e.htm#TRIPS>>. This article can be found in its entirety on page 10 of the agreement. The entire document can be accessed at the link provided above.

21. Ibid, pg. 19.

22. Ibid, pg. 20.

23. Ibid, pg. 27.

24. This requirement of implementing legislation is outlined in Article 63.2 of the TRIPS agreement.

**The U.S. War on Drugs:
Policy Failure and Strategies for Success**

Ben Trentlage

INTRODUCTION

At the start of the 1970s the United States was faced with an emergent problem of daunting proportions. Authorities across the nation reported ever-increasing concern over the rapid growth in the non-medical use of harmful drugs and other substances. Such misuse, termed ‘drug abuse,’ came to be synonymous with urban decay, crime and poverty. On October 27, 1970 the U.S. government took the first step toward effectively combating the problem with the passage of the Comprehensive Drug Abuse Prevention and Control Act. Within this legislation was contained the Controlled Substances Act (CSA), which provided the legal basis by which the manufacture, importation, possession, and distribution of certain drugs could be regulated by the federal government. The legislation served to consolidate multiple laws regulating the manufacture and distribution of narcotics, stimulants, depressants, hallucinogens, anabolic steroids, and chemicals used in the illicit production of controlled substances.¹ Illegal substances of greatest concern generally fell under the heading of ‘narcotic drug,’ which, as defined by the CSA, refers to opium, opium derivatives, and their semi-synthetic or totally synthetic substitutes, as well as cocaine and coca leaves.²

Subsequent to the passage of the drug control legislation of 1970s, President Richard Nixon officially initiated what would come to be known as the War on Drugs. Facing constantly increasing levels of illegal substance abuse within the U.S. and booming international production, what was once a sidebar issue had become a major component of U.S. domestic and foreign policy. Nixon’s all-out offensive on drug abuse, or America’s “public enemy number one,” would be led by the formation of the Special Action Office for Drug Abuse Prevention, currently the White House Office of National Drug Control Policy (ONDCP).³ In 1973 the

Drug Enforcement Agency (DEA) was created as the major institution that would conduct action to enforce the new drug control laws of the United States. This marked the beginning of a struggle to control illegal drugs that would span decades and consume billions of dollars.

Nearly thirty years later, the “war” continues. While critics suggest that the effort to cease illegal substance abuse in the U.S. might be best carried out through domestic policy, the strategies currently employed by the U.S. government are almost entirely based in foreign policy. The U.S. National Drug Control Strategy (NDCS) affirms that the drug trade is inherently a market phenomenon and that “as we interrupt the supply of drugs we make them more scarce and more expensive, diminishing drug use and leading some to seek treatment.”⁴ This supply-side focus may be explained by the scores of studies which pronounce the utter failure of domestic anti-drug policies such as the DARE program.⁵ In any case, it is extraordinarily difficult to obtain an objective analysis of the War on Drugs due to the highly political nature of the subject.

Yet, as the examples examined hereafter indicate, efforts to halt international production of illegal substances and transit of such substances to American markets have largely resulted in failure. In an effort to accomplish the goals of the War on Drugs, various strategies have been implemented around the world. But the production and trafficking of illegal drugs continues, and the amount of narcotics entering the U.S. remains largely unchanged. Thus, the following questions must be posed: Why has the U.S. War on Drugs failed to stem the flow of illicit substances across U.S. borders? How have the three regions of drug producing and trafficking countries been affected by the War on Drugs? What have been the specific successes and failures of the counter-narcotics strategies employed by the United States? What new strategies could be employed by U.S. policy makers to more effectively pursue the War on Drugs? Through an examination of available statistical evidence, the continuing negative impacts of illegal drugs on the U.S. are presented along with an assessment of the limitations of previous U.S. counter-drug policies. This analytical process culminates in the development of possible

new strategies for success in the U.S. struggle to control illegal substances, which continues to take a great economic toll and claim many lives.

THE EXTENT OF THE U.S. DRUG PROBLEM

The first step to making meaningful progress in the War on Drugs must be to gain an understanding of the extent of the illicit drug problem. According to a June, 2005 Issue Brief prepared for Congress by the Congressional Research Service (CRS), approximately 14 million Americans, or roughly five percent of the U.S. population, purchase illegal drugs and use them at least once per month.⁶ The estimated economic impact of this market for narcotics varies somewhat but generally appears as \$60 - \$70 billion per annum spent by consumers. In addition to this, the U.S. government spends nearly \$75 billion each year on efforts to enforce domestic counter-narcotics laws and to stem the tide of illicit substances entering the States. In 2004 the White House Office of National Drug Control Policy (ONDCP) released a detailed report entitled *The Economic Costs of Drug Abuse in the United States* containing annual estimates of the monetary impact of illicit substance abuse in the United States. Constantly on the rise, the damage to the U.S. economy for 2002 was marked at over \$180 billion. This figure is calculated from the estimated \$15.8 billion in health care costs resulting from illicit substance abuse, \$36.4 billion of social welfare and criminal justice, and an immense \$128.6 billion in workplace productivity losses. Additionally, it was reported that in 2000 U.S. drug users spent an estimated \$64 billion on illicit drugs.⁷ And with governmental budgetary requests constantly increasing in an effort to gain results, the economic stakes of the War on Drugs continue to rise.

It would be unfair to only consider the impacts of the War on Drugs on the U.S. economy since the societal consequences are similarly daunting. On a human level, the struggle to stem the flow of illicit substances into the States bears the purpose of saving lives and ending or preventing drug abuse. Alongside the economic problems already discussed reside a host of negative externalities for the individual drug

user. As tersely summarized by Miron and Zwiebel: “drug users suffer diminished health, decreased earnings and moral degradation.”⁸ But the human impact of the illegal drug trade reaches far beyond this simplification and cannot be isolated to the individual citizen. The multi-billion dollar market for illegal substances in the United States and internationally, “promotes crime, destroys inner cities, spreads AIDS, corrupts law enforcement officials and politicians, produces and exacerbates poverty and erodes the moral fabric of society.”⁹ Furthermore, the addictive nature and high price of many of the drugs targeted by U.S. counter-narcotics policies have been cited as significant contributors to violent crime and property crime in the United States. As the 2002 *NDCS* indicates, more than 20 percent of inmates in state prisons and 60 percent of inmates in federal prisons are serving time for drug law violations.¹⁰ In addition, it has been estimated that nearly 50 percent of the trial time of the American judiciary system is filled by cases involving drug law and that the time of roughly 400,000 police officers is devoted to narcotics crime.¹¹ As lawyer and author William F. Buckley Jr. told the New York Bar Association regarding the drug question: “We are speaking of a plague... a plague for which no cure is at hand, nor in prospect.”¹²

Globally, the significance of the trade in illegal drugs continues to grow. In 1997 the global market for illicit substances was estimated to be valued at \$400 billion, or nearly 8 percent of the \$5 trillion total value of legal world exports for the same year.¹³ Moreover, each year the market for illicit substances supplied to the United States generates billions of dollars in illegal profits. As Deepak Lal outlined in 2003, a kilogram of cocaine base product sells for \$650 - \$1000 (U.S. dollars) in Bolivia or Peru, can be processed into cocaine hydrochloride for export at \$900 - \$1200, sell for \$13,000 - \$40,000 wholesale in the U.S., and finally reach consumers at a retail price between \$17,000 and \$172,000.¹⁴ Such enormous profits easily lend themselves to the corruption of government officials and provide drug trafficking organizations with the resources to effectively evade and compete with law enforcement agencies. Often, these organizations also put their profits to use infiltrating legitimate

economic structures and challenging the authority of weak national governments. What is more, according to the *NDCS* and the U.S. Drug Enforcement Administration (DEA) 2002 report, *Drug Trafficking in the United States*, at least four-fifths of all the illicit drugs consumed in the U.S. originate in foreign countries and are smuggled into the States.¹⁵ As the DEA (2002) indicates, a large part of the market for methamphetamine is supplied by laboratories in Mexico while the one-fifth of drugs originating within the United States are mostly illegal hallucinogens and psychotherapeutic drugs.

CURRENT STRATEGIES

The War on Drugs waged by the United States of America is a conflict that takes place on many fronts in many nations around the globe. For the purposes of budgetary organization, the nations of interest to the U.S. in the War on Drugs have been divided into three regions based on geographical location by the Bureau for International Narcotics and Law Enforcement Affairs (INL). The first and largest region, known as the Andean Counterdrug Initiative (ACI), includes South American countries such as Bolivia, Peru and, most importantly, Colombia. The second region, referred to as the Western Hemisphere, includes Latin American and Caribbean countries such as Haiti, Guatemala, and, most notably, Mexico. The final region, referred to as South Asia, is the newest of the three, and includes two states: Pakistan and the increasingly important Afghanistan. Within these three regions, U.S. policy makers have turned to a multifaceted policy to conduct the War on Drugs utilizing five distinct strategies.

The first of these strategies is the eradication of narcotic crops. In order to reduce production of illicit narcotics, the U.S. supports various programs to eradicate coca, opium, and marijuana in many countries. Specifically, the U.S. supports eradication by providing producer countries with chemical herbicides, technical assistance and specialized equipment, and spray aircraft.¹⁶ Also the U.S. Agency for International Development (USAID) funds programs that are designed to eradicate illicit substance

crops by supporting economic growth and providing alternative employment for those who are currently involved in the growth, production, or processing of narcotics.

The second strategy utilized by the United States to control the international narcotics trade is the interdiction of drug shipments and support of foreign law enforcement. This tactic is often implemented through the State Department aiding a foreign government to seize illegal drugs by providing intelligence, training, equipment, or funding to local law enforcement agencies. Often, this strategy includes attacking and disrupting large aggregates of criminal power, to immobilize their top leaders and to sever drug traffickers' ties to the economy and to the political hierarchy.¹⁷ A third strategy often attempted in the War on Drugs is the assurance of international cooperation by bilateral and multilateral diplomatic initiatives. This policy is quite important, since nearly every other element of U.S. international narcotics control strategy is dependent on international cooperation to some degree. At the same time, it is quite difficult to implement this policy due to the absence of meaningful enforcement systems.

A fourth approach used by the U.S. to control the production and flow of international narcotics is the use of economic sanctions or restriction of foreign aid to nations involved in the production or trafficking of drugs. There are a broad range of economic sanctions at the disposal of the government, ranging from termination of foreign aid to suspension of air transportation. Under current law on International Drug Control Certification Procedures the President is required to submit to Congress a list of major drug producing and trafficking nations, indicating any nations that have "failed demonstrably" to meet counternarcotics obligations.¹⁸ Those that fail become ineligible for foreign assistance. The final and newest strategy employed by the U.S. to combat illegal drug production and traffic involves the development of domestic institutions in producer or trafficker countries. This process often comprises strengthening of judicial and law enforcement institutions, or the

development of institutional infrastructures or programs conducive to fighting the illegal drug trade or institutional corruption.

Orchestrating counter-narcotics operations in the three defined regions, utilizing the five defined strategies, U.S. policy makers have identified the primary goal of U.S. international narcotics policy as the reduction of the supply of illicit narcotics flowing into the United States, with a secondary goal of the reduction of the amount of illicit narcotics cultivated, processed, and consumed worldwide.¹⁹ Thus, in order to examine the efficacy of the strategies employed by the U.S. in the War on Drugs these objectives must be maintained as standards of measurement for success or failure.

PERSPECTIVES ON THE WAR ON DRUGS

While scholars examining the U.S. War on Drugs may not always agree, they are usually able to find at least one point of consensus: that the War on Drugs has resulted in failure. Accounts of successes in the effort to halt the illicit drug trade are few and far between, more often coming from the Bureau for International Narcotics and Law Enforcement Affairs (INL) office of the State Department than from social scientists. Even so, the occasional news article proclaiming some small victory by counter-narcotics forces, however ephemeral, is often enough to result in a renewed surge of debate and exposition regarding what could and should be done to increase success in the War on Drugs.

Perhaps representative of the loudest, or at least most constant, outright opposition to the U.S. War on Drugs are the scholars of the CATO Institute, a public policy research foundation based in Washington, D.C. Each year, CATO prepares a handbook of policy recommendations for the U.S. Congress which includes a section on the failure of the international War on Drugs. The policy brief prepared by CATO cites the problems of corruption, political violence, the destruction of civil society, the distortion of economic activity, and increased financing of terrorism as direct results of the United States' "prohibitionist" War on Drugs. Interestingly enough, the INL of the U.S. State Department blames the

same problems on the illegal drug trade. The scholars at CATO recommend the immediate termination of the War on Drugs and an opening of markets to drug-source countries' legal goods.²⁰

Most scholars writing on the international War on Drugs do not go so far as the CATO institute to recommend that the fight against illegal drugs be ended without delay. Instead, these scholars attempt to analyze the policies of the U.S. counter-narcotics regime, determining the specific successes and failures of a strategy in a particular country. The work of Bartilow and Eom is emblematic of this type of literature. In their work the two analyze U.S. bilateral interdiction agreements with drug transit countries and conclude, among other things, that in order to secure the cooperation of foreign governments the U.S. may need to increase foreign aid to the Caribbean basin nations.²¹

There even exists a small body of literature strongly in support of the U.S. War on Drugs. These articles emphasize the successes of the struggle to decrease narcotics production in specific countries and call for a redoubling of efforts along the traditional strategic lines of international drug control. An example of this type of scholarship can be found in the conclusions of Dario E. Teicher which claim that the War on Drugs in Colombia is "entering a new perhaps-decisive phase." Teicher continues to claim that 'Remember 9/11' could be the battle cry that brings U.S. military support to the Colombian Armed Forces, as he makes a case for the intertwining of the War on Drugs with the War on Terror.²²

What is lacking in the literature on the subject is an organized examination of the five strategies - eradication, interdiction, cooperation, sanctions, and institutions - employed by the U.S. within the three regions - Andean, Western Hemisphere, and South Asia - in order to achieve the two goals of reduced foreign production and, consequently, reduced supply to the United States. Thus, this article continues with an examination of the evidence indicating the limitations of U.S. counter-narcotics strategies in the War on Drugs. The focus is limited to the three countries receiving the most U.S. funding: Colombia, Mexico, and Afghanistan, from the Andean, Western Hemisphere, and South Asia

regions, respectively. Based on observations of the available evidence, recommendations for more effective strategies are then developed.

THE ANDEAN REGION: COLOMBIA

The Andean Counterdrug Initiative, as outlined by the INL, consists of all South American countries involved in the cultivation or production of illicit drugs. The Andean region is unique in that it is the only geographical area in the world where the source of cocaine, the coca plant, is cultivated. The countries of Colombia, Peru, and Bolivia account for the vast majority of all production in the region, with Colombia in turn dominating its neighbors by an overwhelming margin. According to the 2005 International Narcotics Control Strategy Report (INCSR) published by the U.S. Department of State, Colombian drug producers are responsible for over 70 percent of the world's coca cultivation and refine nearly 90 percent of the saleable cocaine entering the international market. With regard to the American market, the Colombian drug industry is cited as responsible for well over 90 percent of the cocaine and 50 percent of the heroin entering the United States. As the INCSR clearly states, "cocaine... remains our primary drug threat."²³ Thus, U.S. policy makers have consistently focused on the necessity of carrying out the War on Drugs in Colombia in order to effect a meaningful reduction in the worldwide supply of illicit drugs, especially cocaine.

As one of the oldest targets of the U.S. War on Drugs, Colombia has experienced each of the five major counter-narcotic strategies to a significant extent. At the forefront of these strategies have been eradication and interdiction campaigns reaching an unprecedented scale. With the support of the U.S., the Anti-Narcotics Police Directorate (DIRAN) and Colombian military forces have administered herbicides by air and manually removed swaths of drug crops, usually measured in hectares (1 hectare = 10,000 square meters or 2.471 acres). According to statistics compiled in the 2005 INCSR, only a meager 5,600 hectares of Colombian coca were eradicated in 1996. Over the past decade, the amount of eradicated crops has consistently grown to a record setting

Modus Vivendi

136,555 hectares destroyed in 2004, a twenty-four fold increase. When these numbers are compared to the overall coca cultivation it can be seen that roughly eight percent of all Colombian coca was destroyed in 1996 while approximately 50 percent was destroyed in 2003. This increase would suggest an increase in the effectiveness of the strategy of eradication. Yet due to the massive increase in coca cultivation, the potential amount of refined cocaine produced in Colombia grew from 300 metric tons in 1996, reaching an overwhelming 839 metric tons in 2001, and remained at a high 460 metric tons in 2003. Of these amounts of potential produced cocaine, interdiction programs led to the seizure of approximately 8 percent in 1996, 7 percent in 2001, and 25 percent in 2003. At first glance these figures seem to indicate that the strategies of eradication and interdiction have resulted in success. The following table serves to better illustrate the numerical data, including hectares (ha) of land cultivated for coca production, eradicated coca crops, the remaining potential coca harvest, potential metric tons (mt) of refined cocaine produced, actual cocaine interdicted, and the remaining potential for refined cocaine transported to the U.S.:

**Table 1: Colombian Coca Eradication & Interdiction Statistics
(1996-2004)**

	2004	2003	2002	2001	2000	1999	1998	1997	1996
Estimated Cultivation (ha)	-	246,667	267,145	254,051	183,571	167,746	-	98,500	72,800
Eradication (ha)	136,555	132,817	122,695	84,251	47,371	43,246	-	19,000	5,600
Potential Harvest (ha)	-	113,850	144,450	169,800	136,200	122,500	101,800	79,500	67,200
Potential Cocaine Produced (mt)	-	460	571	839	580	520	435	350	300
Cocaine Interdiction (mt)	148.20	114.00	94.00	57.30	69.00	22.73	54.70	34.00	23.50
Potential Cocaine Transported to U.S. (mt)	-	346	477	781.7	511	497.27	380.3	316	276.5

Adapted From: U.S. Department of State, Bureau for International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report*, 2005.

In recent years at least it would seem that interdiction has become increasingly effective as a strategy since the total amount of cocaine seized in 2004 was 30 percent higher than the year before. However, when the amounts of eradicated crops and interdicted cocaine are compared to the annual expenditures of the U.S. in the form of aid to Colombia the picture is rather bleak. Over the past decade, U.S. aid to Colombia has increased nearly 900 percent, from a meager \$88.6 million in 1997 to nearly \$800 million in 2005. Despite the \$770.2 million dollars of anti-drug funds given to Colombia by the U.S., approximately 346 metric tons of cocaine were produced in 2003, nearly a 10 percent greater production of cocaine than in 1997 when U.S. aid to Colombia equaled only \$88.6 million. The budgetary data also serve to explain the sudden spike in coca cultivation and cocaine production in 2001 as the amount of U.S. aid to Colombia dropped from nearly \$1 billion in 2000 to approximately \$250 million in 2001, a 75 percent decrease in funds. The table that follows illustrates the budgetary trends in U.S. aid to Colombia since 1997:

Table 2: U.S. Economic Aid to Colombia (millions of dollars)
(1997-2005)

	2005	2004	2003	2002	2001	2000	1999	1998	1997
Military & Police Assistance Programs Subtotal:	629.5	546.8	621.0	401.9	242.6	765.3	308.8	112.5	88.6
<i>Percentage of Total</i>	81%	79%	81%	77%	98%	78%	97%	100%	100%
Economic and Social Assistance Programs Subtotal:	152.1	149.3	149.2	120.3	5.7	212.0	8.8	0.5	0.0
<i>Percentage of Total</i>	19%	21%	19%	23%	2%	22%	3%	0%	0%
Grand Total:	781.6	696.1	770.2	522.2	248.3	977.3	317.6	113.0	88.6

Adapted From: The Center for International Policy's Colombia Program, *U.S. Aid to Colombia Since 1997: Summary Tables*, February 7, 2005.

Although the three remaining counter-narcotics strategies employed by the U.S. – international cooperation, sanctions/economic aid, and institutional development - have all played a major role in Colombia, the success of these policies is questionable. Clearly, the vast majority of eradication and interdiction operations have been undertaken through the cooperation of the Colombian and U.S. governments. Policy makers in Washington, D.C. have sent U.S. advisors to Colombia from agencies such as the Central Intelligence Agency, the Drug Enforcement Agency, and the Defense Intelligence Agency, just to name a few. Colombia's modern day interest in cooperation is often linked not to self-interest but instead to coercion resulting from President Clinton's decertification of the nation during 1996-97. At the time, Colombia was marked as a nation that had "failed demonstrably" to meet its counternarcotics obligations under the law on International Drug Control Certification Procedures and was thus marked as ineligible for U.S. foreign assistance.²⁴ The U.S. cited the pervasive influence of the illegal drug industry in Colombian society and the Colombian government's weak efforts to intensify the war on traffickers as justification for the removal of economic aid and the threat of further sanctions.²⁵

With legitimate industries facing the menace of sanctions, the Colombian government immediately set out to regain 'certified' status and began to cooperate with the U.S. by undertaking large-scale eradication and interdiction initiatives. The U.S. government responded by "massively increasing, in 2000, aid to Colombia to \$1.3 billion, most of which has gone to the military, and by subsequently expanding the Counterdrug initiative in the Andean region."²⁶ Colombia continues to receive the vast majority of the U.S. foreign aid flowing into South America, having received nearly one half-billion dollars in 2004, or 65 percent of the aid to the region. This aid has not been without consequences, however, as critics of the U.S. 'certification' program point out that U.S. dollars are increasingly being funneled into the fight against various illegal armed groups such as the Revolutionary Armed Forces of Colombia (FARC) which are becoming ever more difficult to distinguish from drug cartels.²⁷

Indeed, there is no distinction made, by either the U.S. or Colombian government, as to what organization an arrested person belongs. Each of the astounding 63,791 prisoners taken in the name of the War on Drugs in 2004, from FARC militants to drug kingpins are classified together. And while the judicial system of Colombia is in the process of transitioning to an oral accusatorial system under the influence of the U.S., there are those who argue that the U.S.-orchestrated drug war in Colombia has weakened the rule of law and the institutions of civil society.²⁸ This process may soon manage to completely undermine the once well-rooted Colombian democracy as the country's leaders, supported by U.S. policy makers, increasingly utilize the War on Drugs to make war on opposition groups such as FARC.

WESTERN HEMISPHERE: MEXICO

For the purposes of Department of State counternarcotics budgeting, the Western Hemisphere region refers to the Bahamas, Guatemala, Haiti, Jamaica and Mexico. Of these Latin American and Caribbean nations, Mexico receives the lion's share of funding from the United States, having garnered an estimated 88 percent of the regional counternarcotics aid in 2005.²⁹ This southern neighbor of the U.S. has gained such inordinate attention due to its position as the leading conduit of illegal narcotics into the United States. During 2004 it is estimated that at least 300 metric tons of cocaine entered the U.S. markets, 90 percent of which was smuggled through Mexico. The majority of the narcotics that enter the U.S. arrive in Mexico by maritime means, shipped in fast moving boats operating mostly in the Pacific between the northern coast of South America and the Gulf of California. Once on Mexican soil, illegal narcotics are transported by land northward and across the U.S. border. As reported in the 2005 INCSR, Mexico has also become the second largest supplier of heroin to the U.S., the largest foreign source of marijuana, and a major producer and transit point for methamphetamines.

Mexico was not always the center of attention for the War on Drugs in Latin America. During the first half of the 1980s it was more

common for drug cartels to transport their goods to the U.S. markets via various Caribbean routes. However, the U.S. crackdown on these routes during the mid-1980s led to a great increase in strength and influence of Mexican drug cartels.³⁰ During the 1990s, officials in the War on Drugs spoke of this process as the “Colombianization” of Mexico as drug-related violence spread and reportedly took the lives of various Mexican ruling party officials. Narcotics related corruption in Mexico has historically been quite high and has led to the arrest of hundreds of police officers at the direction of the Vicente Fox administration. During his time in power President Fox has pushed for ambitious reforms, encouraged by the U.S., that would reorganize federal law enforcement agencies, introduce oral testimony at criminal trials, and create a more professional public defender system.³¹ The necessity of these measures is certain as it is reported that Mexican drug cartels continue to be run by incarcerated leaders and that a member of President Fox’s security staff was recently dismissed after being accused of selling information to the Juarez cartel.³² Yet the reforms have not been enacted, thus illustrating the difficulty of implementing institutional reform as a strategy for success in the War on Drugs.

The statistical data on institutional reform is not very encouraging. Had meaningful improvements to the Mexican judicial and law enforcement systems taken place during the past decade, it would be expected that the number of drug related arrests and subsequent prosecutions of drug offenders would have risen. Despite claims that the Secretariat of National Defense and the Attorney General’s Office of Mexico have continued to act forcefully against personnel who engaged in corrupt policies, as the data compiled in the 2005 INCSR indicates, there has been no significant increase in the number of arrests made through the War on Drugs in Mexico. In fact, in 2002 arrests related to the drug war in Mexico had declined to only 63 percent of the 1996 ten year high mark of 11,245, and only managed to recover to about 90 percent of the 1996 level in 2004. Taken at face value, declining rates of arrests could seem to be an indicator of success in the War on Drugs if lower arrest rates could be linked with lower drug-activity. Sadly, as the 2005 International Narcotics

Control Strategy Report indicates, Mexican drug-activity has increased greatly since 1996. And while extraditions of drug offenders to the United States has become increasingly common over time, no active drug kingpin has been extradited. According to the 2005 INCSR, numerous extradition requests have been denied based on the Mexican prohibition against life sentences and on failure by the U.S. to meet new technical requirements. As the following table illustrates, it would appear that the U.S. efforts to influence reforms resulting in stronger Mexican narcotics law enforcement have remained stagnant.

Table 3: Mexico Drug-Related Arrest Statistics (1996-2004)

Arrests	2004	2003	2002	2001	2000	1999	1998	1997	1996
Nationals	10,106	7,653	6,930	9,784	-	10,261	10,034	10,572	11,038
Foreigners	146	139	125	189	-	203	255	170	207
Total Arrests	10,262	7,792	7,055	9,973	-	10,464	10,289	10,742	11,245

Adapted From: U.S. Department of State, Bureau for International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report*, 2005.

Due to Mexico's status as a major transit center for drug traffic to the United States, the country has not implemented the strategy of crop eradication as is widely used in Colombia. Instead, the U.S. has pushed for greater interdiction of drug shipments moving through Mexico before they are able to be smuggled across the border into Texas, New Mexico, Arizona, or California. Overall, the efforts of the U.S. to encourage interdiction of illegal shipments of drugs on the Mexican side of the border have accomplished mixed results. Over the past decade, Mexican officials working in conjunction with the U.S. have consistently seized an average of 25 metric tons of cocaine per year. While many narcotics policy makers hail such consistency as a sign of success and dedication, it seems clear that with an average of 300 metric tons of cocaine entering the

U.S. each year there is significant room for improvement. As the data presented below serve to illustrate, while there have been occasional annual improvements in drug interdiction in Mexico, the amounts of seized narcotics have fluctuated both upward and downward, without much sign of sustained success. The following table outlines seizures of kilograms (kg) of opium, heroin, and methamphetamine, metric tons (mt) of cocaine and cannabis, and total number of drug labs destroyed where the data is available:

**Table 4: Mexico Drug Interdiction Statistics
(1996-2004)**

Seizures	2004	2003	2002	2001	2000	1999	1998	1997	1996
Opium (kg)	435.00	189.00	310.00	516.00	270.00	800.00	150.00	340.00	220.00
Heroin (kg)	270.00	165.00	282.00	269.00	268.00	258.00	120.00	115.00	363.00
Cocaine (mt)	25.00	20.00	12.60	30.00	18.30	33.50	22.60	34.90	23.60
Cannabis (mt)	1,838.00	2,019.00	1,633.00	1,839.00	1,619.00	1,459.00	1,062.00	1,038.00	1,015.00
Methamphetamine (kg)	590.00	652.00	457.00	400.00	555.00	358.00	96.00	39.00	172.00
Labs Destroyed	-	-	13	28	-	-	7	8	19

Adapted From: U.S. Department of State, Bureau for International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report*, 2005.

Unlike the specific case of Colombia, the U.S. government has never opted to utilize the strategy of decertification and subsequent sanctioning with Mexico. To many scholars of U.S. counternarcotics policy this appears to have been a significant mistake given the powerful evidence pointing towards the prevalence of drug-related corruption throughout the Mexican government and judicial system.³³ As the 2005 INCSR points out, there are still instances of judges arbitrarily dismissing evidence against or releasing well-known drug traffickers. Some policy makers question whether Mexico could achieve greater results in the War

on Drugs should the U.S. opt to exercise the coercive threat of sanctions as seen in Colombia. However, use of the economic sanctions against Mexico is prevented by several factors, not the least of which is the North American Free Trade Agreement (NAFTA). As scholars at the CATO institute have noted, the inconsistency of U.S. drug policy toward Colombia and Mexico is plain, but the internal contradictions of U.S. foreign policy would probably become too conspicuous were Washington to threaten sanctions against a partner in NAFTA.³⁴ In addition to the concerns over contradictory policies, many in the U.S. government fear that even the threat of U.S. sanctions of Mexico would have an enormously destabilizing effect on not only the Mexican economy but potentially Mexican society. Should sanctions placed on Mexico result in a level of violence and social disorder comparable to that in Colombia, the U.S. could not help but feel the repercussions.

SOUTH ASIA: AFGHANISTAN

One of the newer additions to the United States' list of priorities in the War on Drugs is the South Asian region, specifically Afghanistan. As a whole, the region includes both Afghanistan and Pakistan and received over \$250 million of counternarcotics funding from the U.S. in 2004, nearly five times more funding than the Western Hemisphere region. Perhaps the growing importance of South Asia as a crucial front for the battle against illegal drugs is best illustrated by the region's growing monetary aid from the United States. According to the 2005 INCSR, the region has been slated to receive an increased budget of \$300 million in 2006, approximately 87 percent of which will be collected by Afghanistan. The newly developed budgetary attention for Afghanistan comes at a time when, although Colombia and Mexico are still the largest sources of heroin transported to the U.S., some Afghan opiates have begun to reach markets in the United States. This trend has been attributed to the ever worsening situation of illegal substance production in the country and has not been slowed by improvements in political and economic circumstances.

There is not such extensive data available on the progress of the War on Drugs in Afghanistan as for other countries due to the fact that only recently has the U.S. effort to disrupt the supply of illegal substances made its way to the South Asia region. Yet the data that is available paints a daunting picture. Despite \$220 million dollars of funding in 2004 poppy cultivation hit a record high of 131,000 hectares, an increase of more than 60 percent over 2003. This booming cultivation has set Afghanistan apart as the world's largest producer of opium gum, the basic substance used to make heroin. According to data compiled in the 2005 INCSR and the United Nations' 2005 *World Drug Report*, during 2004 the illegal drug industry in Afghanistan produced approximately 4,200 metric tons of opium gum, dwarfing the production of second-place Burma where only 292 metric tons were produced.³⁵ Accordingly, Afghanistan's production of refined heroin was estimated to be an enormous 582 metric tons, twenty times larger than Burma's potential 28 metric tons. With such booming production of illegal drugs it has been estimated that anywhere from 40 to 60 percent of Afghanistan's GDP can be attributed to the cultivation and trade of illegal substances. Such enormous agricultural cultivation and production of opium places Afghanistan in imminent danger of becoming completely economically dependent on the illegal drug trade and on the verge of becoming a narcotics state.³⁶ The following table illustrates the total hectares (ha) of agricultural land devoted to opium poppy cultivation and the total metric tons (mt) of opium produced in Afghanistan during the past decade:

Table 5: Afghanistan Opium Cultivation & Production Statistics (1995-2004)

	2004	2003	2002	2001	2000	1999	1998	1997	1996	1995
Opium Cultivation (ha)	131,000	80,000	74,000	8,000	82,000	91,000	64,000	58,000	57,000	54,000
Opium Production (mt)	4,200	3,600	3,400	185	3,276	4,565	2,693	2,804	2,248	2,335

Adapted From: United Nations, Office on Drugs and Crime, *World Drug Report*, 2005.

With the potential for ever increasing Afghani drug production in mind, the United States has begun to implement each of the five strategies commonly utilized in the War on Drugs. The Government of Afghanistan, led by President Hamid Karzai, has granted its cooperation to the U.S. and has begun to review a new drug law that would bring the country in line with international standards for anti-drug laws. The U.S. has supported the development of institutions within Afghanistan through the training of a special National Interdiction Unit by the DEA and by advocating the creation of the position of Deputy Minister for Counternarcotics to oversee drug enforcement activities. The Central Poppy Eradication Force was also created at the encouragement of the U.S. in order to carry out crop eradication missions across the country. These efforts to implement meaningful action in the War on Drugs in Afghanistan have been hindered by the major problem of the lack of governmental control over outlying territory. In addition, similar to problems faced in Mexico, there is a great deal of drug-related corruption below the national level in Afghanistan which threatens the authority of the central government. In order for the War on Drugs to succeed in Afghanistan, the central government will have to establish authority over the entirety of the country in order to enforce national drug laws. Policy makers in the U.S. hope to make a significant impact on drug production in Afghanistan through continuing economic aid aimed at the development of crop diversification and economic improvement leading to general job growth.

STRATEGIES FOR SUCCESS

One of the greatest lessons of the U.S. War on Drugs seems to be one of diminishing marginal returns to spending. That is to say, as the U.S. has continued to increase its counter-drug funding for currently employed strategies across the globe during the past decade, the production of illegal substances has not fallen proportionally. Instead, the production of illegal substances, including some of the most dangerous drugs such as cocaine and heroin, has increased as has the amount of such substances making its

way across U.S. borders. Thus, the time has come for U.S. policy makers to seriously examine the successes and failures of the strategies currently employed and to consider alternative strategies for success in the continuing War on Drugs.

Perhaps one of the small successes in the case of Colombia has been that of the “carrot and the stick.” The threat of economic sanctions, as implemented under the Clinton administration, and the subsequent re-granting of economic aid served to coerce the Colombian government into assuming a more active stance in the War on Drugs. Based on the data available, it would seem that this strategy is responsible for effectively coercing Colombia into increasing eradication and interdiction operations during the late 1990s, and it appears that such a use of the “carrot and the stick” could be emulated with other states perceived as unwilling to carry out the War on Drugs locally. This strategy would most likely enjoy a large measure of success granted that the state to be influenced is highly dependent on U.S. markets. Yet the “stick” of sanctions could not be wielded indiscriminately. If imposed on an already weak regime such as exists in Afghanistan, economic sanctions could serve to undermine governmental authority and could even create increased support for the production of illegal drugs through economic desperation. Thus, a fine balance must be struck between the use of sanctions and positive incentives. It is important that U.S. policy makers always consider the stability of a state before electing to implement sanctions. Without proper consideration of local governmental authority, the U.S. runs the risk of escalating the power of rebellious domestic groups such as the FARC in Colombia, the large group of corrupt “narcotraficantes” in Mexico, or the drug lords of the Afghan countryside.

At the same time it could be argued that that U.S. policy makers should consider a strategy that goes beyond simply attempting to eliminate the supply of illegal drugs and attacks the underlying causes of production. Thus, a major alternative strategy for success in the War on Drugs would be one that supports the economic development of drug producing and trafficking nations, which are generally characterized by weak legitimate

domestic economies. According to this strategy, it is not enough to simply eradicate or interdict entire crops of coca or opium since the impoverished populations of many countries are dependent on such crops for survival. By pursuing a strategy focused entirely on eliminating drug crops the U.S. would only increase the poverty and desperation of local farmers and producers, increasing the likelihood that they would continue to return to the narcotics industry, notable for its high profit margins and relative ease of entry abroad. Thus, it is crucial that strategies be implemented to replace illegal crops with legal, sustainable ones and to promote the economic growth of drug producing countries such that agricultural economies based on drug production are replaced by legitimate agricultural activities and urban economic growth. In practice, this strategy could theoretically be implemented through the development of free trade with drug producing states, thus allowing legitimate industries unfettered access to the American market and spurring job creation and economic growth. In theory, this strategy could also be implemented through increased support of development institutions already in place such as the World Bank. The pursuit of such a strategy in the War on Drugs would not only benefit the U.S. through decreasing the supply of illegal drugs to the U.S. but would also serve to bolster struggling economies and decrease economic disparity around the globe.

Another school of thought might consider the current strategies employed by the United States to be flawed in that they tackle the War on Drugs from the wrong direction. By this manner of thinking, the struggle to combat drug abuse within the U.S. would best be fought not on the international front of countries involved in drug production and transportation but instead on the home front. It could be argued that by converting the War on Drugs from an international to a domestic battle the U.S. might see results including falling domestic consumption – reduced domestic demand for drugs – followed by a decrease in illegal drugs entering the U.S. – decreased supply. In practice, a domestic based strategy for the War on Drugs could reallocate the funds currently at work in the supply-side fight against illegal substances to the national level,

funding any number of initiatives. These specific strategies could include increases in border security to prevent drugs from entering the U.S., support for local law enforcement agencies charged with enforcing drug law, the development of drug education programs for citizens, and expansion of rehabilitation clinics for drug abusers. Support for a domestic based strategy as such would be strengthened if it could be proven that overall supply of illegal drugs to U.S. markets has very little or no effect on demand. In essence, if current drug abuser were to continue using drugs regardless of supply conditions and current non-drug abusers were to continue to refrain from drug abuse also regardless of supply conditions it could be argued that the philosophy of a supply side War on Drug is fundamentally flawed. Obviously, more research is needed in this field before definitive conclusions can be drawn.

Finally, a new strategy for success in the War on Drug that has gained a measure of theoretical legitimacy during recent years calls for the legalization of various illegal substances. According to this theory, whereas the production of illegal drugs historically has been based overseas, a legitimate agricultural industry devoted to the production of currently illegal drugs would most likely be centered in the U.S. given the high output and efficiency of American farmers. Thus, were illicit drugs to be granted legal market presence much of the industry could be controlled through federal regulations and taxation. Economic theory would suggest that the revenue generated through legalized drug sales by American companies in addition to tax revenue would outweigh expenses incurred due to loss of productivity or medical expenses incurred by drug users. In addition, the U.S. would be able to reallocate billions of dollars currently utilized in the struggle to control illegal drugs both domestically and abroad. If the assumptions regarding legalization already outlined could be considered true it would also be possible to argue that drug legalization in the U.S. would effectively weaken the drug production industry abroad, forcing economies currently dependent on the illegal drug trade to move towards other areas of production.

As years pass by and U.S. spending in the War on Drugs continues to rise the question of developing new strategies for success becomes of ever more pressing concern. Although initiatives to combat the production of illegal substances have seen limited success, the international drug industry continues to grow, becoming ever more decentralized and spreading throughout the globe, wherever agricultural land and resources are available. One of the most crucial effects of these trends is the constantly rising cost of continuing the War on Drugs utilizing the traditional strategies currently employed. Sooner or later, the budgetary demand on the United States will become too great to support the investment required in order to see meaningful returns in the War on Drugs. Thus, it would be best that policy makers begin to consider alternative strategies for success sooner rather than later. Now is the time to examine the possibilities for change in the struggle to control illegal substances and to consider the global consequences of continued implementation of traditional strategies. With so much at stake, both economically and in terms of international stability and security, the U.S. cannot afford to postpone a renewed debate regarding the three decades old War on Drugs.

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