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INTERNATIONAL ENVIRONMENTAL TREATIES AND STATE BEHAVIOR: FACTORS INFLUENCING COOPERATION, by **Denise K. DeGarmo**. Routledge, 2005. 192pp. Hardback. \$70.00.

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Judged by the admittedly unscientific method of eyeballing mass media stories, environmental issues have joined those of war and peace, human rights and international commerce in engaging the time and talents of diplomats and transnational politicians. “Global warming,” “Kyoto protocol,” “climate change” and the “deicing” of the Arctic and Antarctic now generate front page stories in mainstream newspapers and magazines. Until quite recently, many academics toiled in obscurity trying to decipher the hieroglyphics of the environment. Besides the natural scientists who worry about its bio- and geo-physical elements, social scientists and lawyers who seek to connect policies and politics with the environment have come to dominate the field. But perhaps perversely, as the issues in a hitherto highly technical area of life are rendered intelligible, and opened-up for debate by the literate mainstream, academics find new methodologies for their rarification. “Empiricism,” constructed through statistical analysis has in recent years become the darling of the social sciences in this undertaking. Through “rigorous” statistical analysis, correlations and causal relationships that might otherwise go unnoticed are established. And since this is all supposedly part of the scientific method, their policy implications are conveyed as if they were the products of the Laws of Nature.

Denise K. DeGarmo, in *INTERNATIONAL ENVIRONMENTAL TREATIES AND STATE BEHAVIOR*, joins the quest to establish through statistical analysis the factors that determine state accession to international environmental treaties. Focusing on the period 1972-2000, she identifies 38 relevant treaties. Using these as her raw material, she tests nine discrete hypotheses including the following:

- A state is more likely to be party to a “resource management” agreement than it is to a “pollution control” environmental treaty.
- A state is less likely to be party to an environmental treaty if the treaty imposes constraints on its military behavior.
- A state is more likely to subscribe to an international environmental treaty if a “great power” spearheads the negotiation of the treaty.
- A state is more likely to subscribe to an environmental treaty whose costs are equitably distributed.
- A state is less likely to join a treaty if it is required to transfer technology under the terms of the treaty.
- States are more likely to subscribe to environmental treaties that require the monitoring of state behavior.
- States with high income are more likely to be parties to International [*208] Environmental treaties than those with low income.
- States with free institutions are more likely than those without to be parties to international environmental treaties.
- The likelihood of a state being party to an International Environmental treaty increases with its vulnerability to the particular threat regulated under the treaty.

The statistical evidence, DeGarmo claims, confirms all but one of these hypotheses. The exception is that which posits that the likelihood of state accession depends on the constraint on military behavior imposed by the treaty. To flesh out what might account for this errant proposition, she undertakes a contextual evaluation of the five treaties that formed the universe for testing the hypothesis. One of the treaties prohibits the development or stockpiling of bacteriological, biological and toxins as weapons; another treaty prohibits the military or other hostile use of environmental modification techniques; while the other three treaties are related to issues of nuclear technology. One such treaty regulates the “physical protection” of nuclear material; a second the notification of “nuclear accidents,” and the third, “assistance in the case of a nuclear accident.” On the basis of her contextual reading of these five treaties, she adduces five grounds that explain the disjuncture between her hypothesis and the statistical evidence.

First, the treaties are only incidentally about the environment. Thus, for example, the 1972 London Convention on the stockpiling of bacteriological weapons primarily deals with military rather than environmental concerns. “In other words, this is not an international environmental treaty that requires modification of military behavior, but rather an international military treaty that has environmental implications”(p.100).

Ditto, for the three treaties on the handling of nuclear material and nuclear accidents.

Secondly, the political environment within which the treaty was negotiated may have skewed the predictive quality of the statistical evidence. Thus, that the London Bacteriological treaty was negotiated in the climate of nascent East-West détente is offered as an explanation for the negative correlation between prediction and evidence.

Thirdly, the absence from the treaties of compliance monitoring mechanisms permits dishonest behavior. Parties can sign treaties (presumably reaping whatever rewards flow from membership) without having to pay the dues of membership. Thus, DeGarmo contends that, despite being parties to the 1972 London Bacteriological Convention, China, Cuba, Ethiopia, Italy, Pakistan, and Vietnam “remain suspected of engaging in the very behavior (developing, producing, and stockpiling) prohibited by the treaty” (p.101). She goes farther (and for reasons that I take up later in this review, it is worth quoting her in some detail):

So in reality, the treaty has no real impact on the military behavior of its parties. . . . Even though Iran and Iraq (both known biological weapons states) are parties to this treaty, they used these weapons against each other during the [*209] Iran-Iraq War of the 1980s. Furthermore, Iraq used biological weapons against its own people—the Kurds—at the end of the 1980s, and the possession of these weapons by Iraq during the Gulf War (1991) created the risk of them being used during the conflict. So even though known possessors of biological weapons and technology are parties to this treaty, the treaty does not preclude the use of such weapons and technology by parties to the treaty. (p.101).

Fourth, the treaty obligations often were worded vaguely and were based on the lowest common denominator so that in reality, they imposed minimal sacrifices on their signatories. The reputational value of being a signatory may thus have outweighed any minimal changes in military behavior that compliance would have necessitated.

Finally, the emergence of a crisis often drove the negotiation and adoption of these treaties, and may have outweighed concerns over the consequences for military behavior of these purportedly “environmental” treaties.

To standard contextualists – i.e. those who subscribe to and practice empiricism by looking for supporting evidence in history, structures and anecdotal evidence – these observations would seem virtually self-evident. If they were confirmed by statistical evidence, one would welcome them. But recall that, for DeGarmo, context is a fall-back undertaking for probing the disparity between hypothesis and statistical evidence. One might thus validly ask, what factors explain the positive congruence that she finds in the remaining eight of her hypotheses? The answers might make for a rich and interesting study, but that is not what this book is about.

Treaties are at the core of international relations. In a non-hierarchical political environment, treaties remain the one assured tool by which legal claims are formalized. Because treaties frame legal rights, and because legal rights often are invoked as trumps over politics and non-legalized norms, there is a good deal of interest in understanding how states get to decide those norms, standards and/or practices that ought to be legitimated through treaty. Given the increasing importance of the environment in international relations and politics, understanding factors that shape how

and why states choose to embed the adoption of some environmental norms, but not others, is clearly a project of immense importance for academics and practitioners alike. To the extent that statistical evidence meaningfully can shed light on the project, it is a tool that should be exploited. Doing so, however, requires care and nuance. These features are lacking in DeGarmo's INTERNATIONAL ENVIRONMENTAL TREATIES AND STATE BEHAVIOR.

Take, as an illustration, the use of 38 treaties entered into over a period of 28 years by varying combinations of more than 150 states on subjects as diverse as the prevention of desertification, the exploitation of ocean resources, and the notification of nuclear accidents, as raw material for testing nine discrete hypotheses that posit correlations between a state's willingness to enter into treaties on a broad range of factors, [*210] such as the subject matter of the treaty, the internal institutions of the state, and the significance of state vulnerability to an environmental threat. Even under surefooted hands, questions will arise as to methodology and the accuracy of the results. Skepticism however likely will be moderated if the reader is given clear and cogent explanations regarding choice of variables. Such explanations are the exception in this text. How were the nine hypotheses derived, and what others were considered and rejected? One searches in vain for reflections on such issues of methodology. The closest consists of amorphous references to various schools of international relations thought. The hypotheses are somehow derived from critiques of "realism," "neorealism," "institutionalism," and "social constructivism," but how these schools of thought generate and frame the boundaries of the hypotheses are not clearly articulated. Moreover, DeGarmo does not address the rich literature in the legal field on why states sign treaties, nor does any of her hypothesis seem to take into account the significance, if any, of legal culture to state behavior.

Looseness in conveying ideas is not confined to methodological issues. Elementary information – discursive and descriptive -- is casually misrepresented. To take an example already hinted at, in discussing Iraq's compliance with the London treaty on Biological Weapons, DeGarmo apparently confuses "biological" with "chemical" weapons. Similarly, while discussing the United States position on technology transfers in the environmental field, she writes: "The U.S. argued that biotechnology research and patents on gene stocks involved intellectual property rights which were owned by private companies and controlled by other international regimes, most notably the GATT" (p.102). It is difficult to imagine the United States arguing that intellectual property rights are "controlled" by the GATT. To be sure, the U.S. might have argue that the GATT/WTO regime has primary (or even exclusive) jurisdiction over issues raised with regard to regulation of international intellectual property rights, but asserting the existence of jurisdiction hardly is tantamount to conceding control. Attention to such distinctions frequently is missing elsewhere in the book, especially in those chapters (2 and 3) that present and evaluate schools of intellectual thought.

In short, scholars interested in a rigorous study – statistical or otherwise – of factors that influence the accession by states to international treaties, or their compliance to such treaties, will find in this book less than they rightfully should expect.

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