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# Global Governance: Human Rights and Environmental Governance

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**This is an excerpt from *Understanding Global Politics* by Kevin Bloor. You can download the book free of charge from E-International Relations.**

Chapter four applies the aforementioned concept of global governance to the protection of human rights and our shared environment. This chapter begins with an examination of attempts by the international community to uphold the universality of human rights. Humanitarian intervention will be contextualised via the prism of international law, judicial institutions and the impact on national sovereignty. This invites a discussion of selective intervention, the responsibility to protect and Western hypocrisy on the topic of human rights. Equally, this section moves towards a discussion of the role, significance and impact of measures to address climate change. The chapter ends with an examination of the ways and extent to which institutions of global governance address and resolve pressing global issues.

## Human Rights

### *Origins and Development of International Human Rights Law and Institutions*

Whilst human rights are a relative concept, the international community often justifies humanitarian intervention on the assumption that the concept is a universal one. Human rights are upheld via domestic legislation alongside a number of international agreements and judicial bodies. There is an inherent moral (and often legal) character to the concept of human rights. Since the turn of the century, there has been an increase in the number of institutions and agreements that seek to uphold human rights.

Before we consider the various sources of authority in regards to defining human rights, there is a useful distinction to be made between positive and negative rights. The former consists of those rights that place a positive duty upon others (usually the state). An example would be the right to healthcare and social welfare provided by the government. A negative right consists of the right to non-interference (such as freedom of speech and religious worship). These are sometimes called 'civil rights' and entail those rights consistent with being a citizen of that particular state. The exercise of rights is also beholden on the recognition of an obligation to others, and that rights cannot be taken away unless due process has been followed. In addition, positive and negative rights are grounded upon the principle of equal opportunities regardless of social background. The United Nations Universal Declaration of Human Rights (UDHR) lists both positive and negative rights.

The doctrine of human rights has been influential within international law and various institutions of global governance. This process of influence has occurred alongside an expansion in the scope and scale of human rights within the context of global politics. The main sources of international law derive from treaties, conventions and general principles recognised by state and non-state actors. The obvious reference point remains the UDHR. Signed in 1948, the UDHR entails thirty articles affirming the rights of the individual. Although the declaration is not legally binding, it does provide a framework for the debate surrounding the protection of human rights and a template for humanitarian intervention. The UDHR has also provided the background for subsequent treaties and agreements

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within international law. Most notably, it marked the first step towards the formation of the International Bill of Human Rights. The three opening Articles set the tone of the document that reflect liberal discourse, emphasising: (a) that all are entitled to free and equal rights and dignity, (b) that no distinction shall be made on access to such rights based upon sovereign legal jurisdiction, and (c) that 'Everyone has the right to life, liberty and the security of person' (United Nations 1948). Other key elements include Article Seven (which deals with discrimination) and Article 20 (freedom of assembly and association).

Treaties consist of a formal written agreement between sovereign states (and in some cases international organisations) which are considered binding within international law. Treaties form a contract between the signatories involved and can take a number of forms, such as protocols, covenants and pacts. Treaties therefore impose a set of obligations recognised and upheld by the signatories. A breach of contract can result in sanctions imposed by quasi-judicial bodies. Treaties often have a regional basis and can at times play a central role within the process of regional integration. For instance, the European Court of Human Rights maintains human rights amongst every member-state of the Council of Europe, under the 1950 European Convention of Human Rights (ECHR), and thus this includes not just all continental European states, Belarus aside, but also Russia, Turkey, Azerbaijan, Georgia and Armenia to name but a few.

A convention is an agreement between different countries that is also binding upon the signatory states. International conventions cover a wide remit of areas such as trade, disarmament and human rights. Conventions play a surprisingly influential role within the anarchic system of states. In contrast, general principles consist of normative values such as justice and equitable treatment. In the context of international law, general principles act as 'gap fillers' when codified and uncoded elements do not provide a satisfactory course of action. For instance, the principles surrounding warfare consist of five inter-related areas: military necessity, unnecessary suffering, proportionality, discrimination and chivalry. As a core element of international human rights law, the Geneva Conventions have been ratified by 196 states, including all 193 United Nations member-states.

A small number of institutions are responsible for the implementation of international human rights law. First and foremost, institutions such as the ICJ and the ICC have undoubtedly helped to advance the human rights agenda. Once considered the preserve of the domestic realm, such institutions provide a framework of global governance to uphold the universality of human rights. International institutions have imposed sanctions against those who might at one time have escaped censure due to their broader significance within the Cold War. It should also be acknowledged that some of these institutions are relatively new, which should be considered when reaching an assessment of the ICC.

The effectiveness of said institutions is dependent upon a number of factors. Of these, arguably the most significant factor is the role played by national governments. The role of international institutions cannot be viewed separately from the support (or lack of support) provided by national institutions in terms of protecting human rights. The successful protection of human rights requires action at the national and international level (Cassel 2001), and thus, in a realist frame, befall subject to the demands of national interest, as all else. There are also other applicable factors to consider, such as public awareness of human rights, the impact of NGOs and the political culture of those countries in question. There was, for instance, sufficient scope within the United States for the Biden administration to present the ICC as an unwelcome intrusion upon national sovereignty, following the policy of past administrations.

The UDHR remains the most important element of international human rights law. All signatories are obligated to protect and promote human rights for their citizens in accordance with the declaration. It also provides a global standard for all others to accept. This however needs to be balanced alongside the reluctance of certain states to uphold the declaration. The abuse of human rights can at times be the direct consequence of states pursuing their own national interests (such as Israeli military strikes against residents in Gaza). In all cases, the Westphalian conception of state sovereignty trumps international law. Indeed, Articles two through seven of the UN Charter protect such claims and thereby limit external intervention (even on humanitarian grounds). Thus, international law in relation to human rights can be considered somewhat contradictory. The Human Rights Committee of the UN has also been subject to criticism for its lack of effectiveness. As with any assessment of the UN, the reluctance of the international community to transfer power and authority is a key factor.

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## Key Issues in Dealing with Human Rights

### *The Impact of Human Rights on State Sovereignty*

There is an inescapable conflict between the sanctity of state sovereignty and humanitarian intervention in order to protect human rights. The institutions of global governance clearly have the capacity to implement decisions that undermine the sovereignty of the state. However, in regards to a failed (or failing) state, action taken by the international community may actually restore the sovereignty of the ruling regime. For instance, the UN mission in Sierra Leone from 1999 to 2006 helped bring stability and re-establish normality after a lengthy civil war. It should also be noted that some governments actively seek the involvement of external forces in order to restore the territorial integrity of the state.

Violation of human rights inevitably leads towards a consideration of humanitarian intervention from the international community. Given the universal character of human rights, a rogue state places its sovereignty under threat when acting in a manner contrary to international human rights law. The very existence of legal precedent in this area underlines the porous nature of state boundaries (Guillaume 2011). Authoritarian regimes in particular are more likely to ignore the rules, norms and conventions surrounding the universal character of human rights. In contrast, those countries with a political culture that respects human rights and associated liberal-democratic values are least likely to experience outside interference from the international community. Having said this, the charge of Western hypocrisy is often valid in the case of human rights abuses in countries based in North America and Europe. The United States and their allies have been reluctant to address human rights abuses in several Western countries, placing political reality above abstract normative rhetoric concerning human rights.

States that continually violate human rights are more likely to face sanctions from international institutions. For instance, in the context of the ECHR, both Russia and Turkey have been frequent visitors to the courts in Strasbourg. Nonetheless, exhibiting a tradition of liberal democracy does not necessarily mean that the government in question will fully adhere to human rights legislation. As a result of its draconian measures against terrorist organisations, the UK government has at times found itself in contravention of the ECHR.

In terms of international courts, the inability to impose effective sanctions upon rogue states such as North Korea and Venezuela underlines the undoubted significance of national sovereignty. Although there has been a great deal of progress in terms of global governance since the establishment of the UDHR, there's only so much that international institutions can do without impeding upon the sovereignty of states. This observation is central towards an understanding of the selective character of humanitarian intervention and its relative success. Academic research suggests that international human rights legislation has the least effect on those states that need it the most (Hafner-Burton and Tsutsui, 2005).

### *The Rise of Humanitarian Intervention in the 1990s*

Humanitarian intervention has proved an increasingly marked feature of global politics since the end of the Cold War. The landscape of international relations changed dramatically after the collapse of the Soviet Union. The international community gained greater scope to intervene without provoking a Soviet reprisal. A unipolar world characterised by American hegemony presented an opportunity to establish a new world order based upon liberal values of democracy and the rule of law.

Humanitarian intervention may consist of: (a) military coercion against another state with the aim of bringing any violation of human rights to an end in a given territory, or (b) the use of non-military intervention such as economic sanctions or forceful aid provision. The target of humanitarian intervention via the international community has typically been rogue states and/or failed states, although this is not always the case. Non-state organisations with global ambitions may also be targeted by the international community.

There are several factors that determine the effectiveness or otherwise of humanitarian intervention. In an era characterised by an increasing reliance upon soft power, official authorisation from the United Nations undoubtedly

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confers a degree of legitimacy upon the intervention. However, this alone is insufficient for the intervention to secure legitimacy from the stakeholders affected. In many cases, the warring parties have chosen not to recognise the legitimacy of external interference from the UN. Other factors include the relative capacity of the actors concerned, the political will to act and the existence of an exit strategy.

In terms of a successful intervention, one illustration to consider would be the 1994–95 intervention in Haiti. In the mid-1990s, Operation Uphold Democracy was designed to remove the military regime that seized power after the election of President Jean-Bertrand Aristide in 1991. The US-led intervention had the necessary political will, capacity and legitimacy to secure a clear objective (namely the restoration of democracy). The UN Mission in Haiti sent peacekeeping troops in order to maintain law and order until their eventual withdrawal in the year 2000. A similar observation applies to the actions of the international community in East Timor. The UN Transitional Administration in East Timor (UNTAET) provided an interim civil administration and a peacekeeping presence for three years until national independence was secured in 2002.

In stark contrast, the UN Assistance Mission for Rwanda (UNAMIR) is widely regarded as an abject failure. The international community was highly reluctant to intervene in the ethnic cleansing that ensued between Hutus and Tutsis. Right from the very beginning, there was a lack of clarity concerning UNAMIR's rules of engagement and overall mandate. After the initial intervention by Belgium, and the collapse of any international will to intervene; realists claimed that Rwanda was yet another illustration of power politics. Despite the liberal rhetoric of the UN, national interest triumphed over any moral considerations. The total death count in the Rwandan Civil War ranges from half a million to just over a million (about 70% of the Tutsi population). Estimates of sexual violence against women vary from around a quarter to half a million incidents (Human Rights Watch 1996).

It is too early to reach an accurate judgement about some of the on-going illustrations of humanitarian intervention. For instance, the UN is currently engaged in combat with what remains of ISIS. The international community has become involved due to human rights violations within territory controlled by Islamic extremists. There are also justifiable concerns as to the spillover implications within Syria. Fourteen countries led by the United States have executed airstrikes on Islamic State forces. With the support of the Syrian government, Russian forces have also launched bombing raids against Islamic State fighters located in Syrian territory. Whilst Islamic State has been driven back from areas in Iraq and Syria, the organisation remains a threat to international security and it would be too early to declare victory over them. If this does eventually occur, it will be one of the most successful interventions in recent years, albeit staggered and lacking in widespread mutual conduction.

## *Reasons for Selective Interventionism, Development of Responsibility to Protect and Conflict with State Sovereignty*

There are many reasons for the reluctance of the international community to intervene when faced with a humanitarian crisis. Of these, perhaps the most important is the centrality of national interests. For instance, the cause of a humanitarian crisis may be a strategic ally of the United States. This is often couched within the charge of Western hypocrisy. Similarly, the perpetrating regime may be an important ally of China or the Russian Federation. This can often lead to criticism of double standards from the permanent five of the UN Security Council, potentially blocking a resolution that would allow for intervention in the name of their own interests, and as such, wilfully undermining international security.

Secondly, humanitarian intervention may prove difficult to achieve due to the power balance between various states. During the Cold War, there were clearly defined spheres of influence within the liberal democratic and communist world. Humanitarian intervention within that defined sphere of influence could have instigated all-out war between the US and the Soviet Union. As a consequence, intervention was always on a selective basis. Dictatorial regimes committed several atrocities with the support of either Washington or Moscow.

Another plausible explanation for selective intervention is the inability of the international community to reach a common position. Any member of the P5 can impose a technical veto upon possible UN intervention stemming from Article Seven. Selective intervention is also the result of the international community's reluctance to address violations of human rights by powerful states. For instance, human rights violations by the Chinese government

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against dissidents have been met with a muted response from the international community. It seems highly improbable that territory controlled by The People's Republic of China would be subject to any form of humanitarian intervention. This observation also applies to other great powers on the world stage, and those states supported by a powerful ally (such as Israel with the US).

Martin Binder (2015, 2017) argues that the response from the UN is based upon four factors. The first of these is the extent of human suffering and the pressure generated by such violations. UN intervention also depends upon the threat to neighbouring countries and regions. This may derive from the spread of terrorism, civil strife and an influx of refugees (as in the case of Bosnia during the 1990s). The UN must also consider the ability of a target state to resist such intervention. This was certainly a consideration in the case of the Gaddafi regime in Libya, prior to the 2011 intervention. Finally, humanitarian intervention can be further understood by the level of material and reputational resources available to the UN (as in the case of the Ivory Coast in 2004). The combination of such factors offers a valid explanation of selective intervention.

The actual consequences of selective intervention are debatable. On the downside, it could be argued that it undermines the entire legitimacy of the United Nations. Successful intervention on humanitarian grounds requires this crucial element of soft power (Nye, 1990), and legitimacy is undermined when intervention is designed to serve the economic interests of the powerful. However, it could also be argued that selectivity is desirable because it prevents the UN becoming embroiled in poorly thought-out commitments (Roberts and Zaum, 2008). For instance, the UN has been reluctant to intervene in the Syrian Civil War due to its sheer complexity. It must also be acknowledged that the Assad regime has support in the Security Council from both Russia and China.

The relationship between state sovereignty and the responsibility to protect (R2P) is a fascinating issue to consider. It is based upon the principle that sovereignty comes with certain duties and obligations that broadly match with the most basic predicates or norms of liberal democracy. These are based upon the norms and values inherent within international law (most notably over human rights). The principle has formed debate over planned intervention in countries such as Libya, Kenya and Sudan.

It is often claimed that the doctrine of R2P is an infringement upon the sovereignty of the state. This seems a relatively uncontroversial judgement given that it enables the UN and the wider international community to intervene as an act of last resort. However, the former Secretary General of the UN, Ban Ki-moon, argues that R2P actually reinforces sovereignty. This is because the international community intervenes without consent only when that state concerned is allowing (or committing) mass atrocities. In these situations, the state no longer upholds the duties and in certain cases may be unable to do so. Intervention thereby supports – rather than undermines – the sovereignty of the state.

In order to properly assess the relationship between state sovereignty and the R2P doctrine, it is useful to consider real-life examples. Although authorisation was secured in the case of Libya in 2011, there was criticism of the selective character of humanitarian intervention and as a means to achieve regime change. The notion of R2P was therefore undermined due to the phenomenon of 'mission creep' within a failed state. This term is used to describe an unplanned long-term commitment arising during the course of a military campaign. In the same year, both China and Russia vetoed an attempt by the United States to gain a resolution invoking R2P within the Syrian Civil War. The Russian Federation and the Chinese government claimed that Washington had abused the doctrine within Libya and therefore acted contrary to the notion of upholding state sovereignty.

The most controversial aspect of the R2P is the third pillar and the use of military intervention. The use of military instruments as a necessary adjunct to successful intervention on humanitarian grounds has its detractors and supporters. The deployment of troops and other military hardware undoubtedly raises the stakes in the debate concerning R2P and the sovereignty of the state. Given the complexity of cost-benefit analysis, the international community will always have to balance a number of variables when considering military intervention on humanitarian grounds.

*Western Double Standards / Hypocrisy*

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As far as humanitarian intervention is concerned, the charge of Western hypocrisy is based upon two factors. Firstly, the 'West' adopts a selective approach towards humanitarian intervention. Some of the most powerful countries within global affairs have opposed humanitarian intervention against an important ally. For instance, Israel is a long-term ally of the United States and repeated human rights violations against the Palestinians have been largely ignored by the UNSC, of which the US is a permanent member. In contrast, the actions of rogue states, as classified by Washington, have been dealt with on an effective and co-ordinated basis. The 'West' has also been complicit in turning a blind eye to the actions of human rights abuses in supportive states. For example, violations against journalists and members of minority groups within Saudi Arabia have been largely ignored. To take just one example, in 2018 the journalist Jamal Khashoggi was murdered in the Saudi consulate in Istanbul, Turkey after his criticism of the Saudi government.

As a consequence of Western hypocrisy, the international community has often refused to intervene, regardless of the humanitarian tragedy unfolding. This usually occurs either because: (a) an ally of the West has been involved in some manner (such as Saudi Arabian forces in Yemen), or (b) there were no vital national interests involved. The latter is the more common of the two and can be applied to humanitarian crises in Darfur (2003–2009) and Sri Lanka (1983–2009). In the case of the former, attempts by the Sudanese government to defeat separatists have contributed to thousands of casualties. Rather, in the case of the latter, the Sri Lankan government had a hand in the murder of thousands in their conflict against the Tamil Tigers. The 'West' have also been accused of hypocrisy in their failure to deal effectively with the quagmire of the Syrian Civil War, which began during the Arab Spring.

Accusations of hypocrisy were particularly noticeable during the Cold War. In order to defeat the threat and spread of Soviet Communism, the United States and its Western allies supported a number of right-wing dictatorial regimes. Human rights violations were a feature of several Western allies, including the Shah of Iran and General Pinochet in Chile. However, the West was prepared to ignore such violations in order to keep on friendly terms with important strategic allies – gaining both political and financial capital in the process. After the end of the Cold War, former allies did on occasion become enemies. In such cases, they were able to use military hardware previously purchased from Western powers.

A particularly clear illustration of this argument concerned Iraq under Saddam Hussein. During the Iran-Iraq War (1980–88), the US and the UK provided arms to Iraq. However, during both the Gulf War (1990–91) and the Iraq War (2003), US-led invasions of Iraq saw these exact same arms used against the US. Despite claims of humanitarian intervention in the 2003 instance, the US Bush administration and the Blair-led British government were accused of seeking international authorisation and legitimisation for the invasion of Iraq in order to impose regime change. The appearance of ulterior motives in the 2003 American-led intervention in Iraq remains one of the most controversial military conflicts of the twenty-first century.

## Environmental Governance

### *The Role and Significance of the United Nations Framework Convention on Climate Change*

The United Nations Framework Convention on Climate Change (UNFCCC) is an international environmental Treaty dating back to the 1992 Rio de Janeiro Summit. Officially, the role of the United Nations Framework Convention on Climate Change (2021) is to 'stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system'. The UNFCCC is also the name of the UN Secretariat department thus responsible for the implementation of the convention.

The UNFCCC specifies limits upon greenhouse gas emissions and provides a framework for a series of international environmental agreements. The signatories to the convention have met on an annual basis since the mid- 1990s. Signatory nations establish national measurements of greenhouse gas emissions. Having said this, the significance of the convention is greatly limited by the absence of an effective enforcement mechanism. It is also constrained by the barriers posed by national sovereignty and disagreement amongst states over how to approach the issue of climate change, let alone a common measure of emissions.

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The first major agreement under the UNFCCC was the Kyoto Protocol, signed in 1997. The first stage of the Kyoto Protocol established legally binding obligations for developed countries to reduce greenhouse gas emissions by an average 5% reduction in comparison to 1990 levels over the five-year period (2008-2012). The second stage was negotiated via the Doha amendment. However, this being said, implementation of the second stage was limited and the Kyoto process eventually lost momentum. Attention then shifted towards the Paris Agreement which was outlined and agreed upon at the end of 2015.

In terms of its positive impact, the convention enjoys a broad sense of legitimacy due to the urgent need to tackle climate change. It is telling to note that membership is near unanimous, with almost all states becoming members of the convention. It has also provided a stable basis in order to make progress towards emission targets. For instance, the Kyoto Protocol represented the first-ever legally binding agreement to address climate change. It is also worth noting that the original Kyoto Protocol reduced CO<sub>2</sub> emissions beyond the targets set (Shishlov et al., 2016). However, there are several limitations that need highlighting when reaching an assessment of the UNFCCC.

The most important constraint upon the UN convention is the lack of an effective enforcement mechanism. This has undoubtedly contributed to the failure of the UNFCCC to meet the goals of carbon dioxide emissions. Although the Kyoto Protocol did have a legal mechanism in place, its effectiveness was limited by the refusal of several major emitters to sign up to uphold the accord, chiefly the US. The multilateral character of the institution also makes it problematic to secure an effective and lasting agreement. Most notably, there is a sharp division between the developed world and the less developed economies. The North-South divide has been graphically exposed within a number of international environmental agreements. The withdrawal of major economies (such as Canada, the US and Japan) from the second stage of Kyoto greatly undermined its overall impact. In the absence of a supranational set of institutions, it seems improbable that divisions between the wealthy economies and LEDCs can ever be fully resolved.

There is also the tendency towards building consensus on the basis of the lowest common denominator. Given the need for unanimity, it is often possible for countries to raise objections in relation to their own national or economic interests and thereby stall the overall process. This, inevitably, results in the failure to achieve a meaningful and lasting response to climate change. This has also contributed towards certain countries switching towards alternative agreements. For instance, the Climate and Clean Air coalition sought to reduce short-lived climate pollutants. It is a voluntary partnership led by governments throughout the world. In addition, the use of benchmarks is widely seen as inequitable given the vast difference in economic costs towards meeting overall targets.

Given the existence of Article Three in the convention, climate measures have sought to avoid restricting international trade. Some would argue there is an unavoidable tension here between economic development and protection of the environment. Given the existence of state sovereignty based upon the Westphalian conception, there is always the opportunity to prioritise growth and development over limiting the negative externalities caused by economic activity. Perhaps the clearest illustration of this argument is China – the country with the largest carbon emissions footprint (Climate Action Tracker 2021).

Any assessment of the UNFCCC requires a comparison with other environmental agreements. In the case of ozone depletion, the Montreal Protocol (1987) can claim a greater level of success than the agreements undertaken as part of the UN convention. The regulatory framework agreed upon at Montreal has been shown to be more effective than attempts to address climate change in the Kyoto agreement. Environmental agreements reached on a regional or even bilateral basis can also be considered as part of a broader assessment of the UNFCCC.

## *The Intergovernmental Panel on Climate Change*

The Intergovernmental Panel on Climate Change (IPCC) is dedicated to providing the world with scientific information relevant towards an understanding of climate change. The IPCC is an intergovernmental body of the United Nations that provides reports that contribute towards the work of the aforementioned UNFCCC. Established in 1988, membership of the IPCC is open to the World Meteorological Organisation and the UN Environment Programme (UNEP).

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The IPCC does not carry out original research or monitor climate change. Instead, it offers an assessment of published literature on an objective and measured basis. In terms of its positives, the IPCC can be said to stimulate research into climate science. For instance, reports entail an assessment on research gaps in order to generate further investigation. The fifth assessment report, published in 2013 by the IPCC, provided valuable scientific input into the Paris Agreement. According to its official website, the planned sixth assessment report is the most ambitious in the history of the organisation, due to be released fully in 2022 and with the first Working Group Report published in 2021 (Intergovernmental Panel on Climate Change 2021).

Scientists and associated experts contribute to the process on a voluntary basis. The eventual report is then reviewed by representatives of national governments. This level of oversight derives from the concern expressed by the Reagan administration (1980–88) about the unrestrained influence of independent scientists and UN bodies. Reports produced by the IPCC therefore require some input from official representatives of participating governments. The summary for the policymakers section is subject to line-by-line approval from delegates in order to reflect the views of various governments.

The significance of the IPCC is based upon the reputation formed within the scientific community. It represents the leading authority on climate change and, in recognition of this, the institution was awarded the Nobel Peace Prize in 2007. It would be impossible to imagine the UNFCCC operating effectively without some input from the IPCC. However, this being said, the panel has been subject to a degree of justifiable criticism. Of these, perhaps the most important critique is that some of the data published has been incorrect (IPCC, 2010). For instance, the projected date for the melting of the Himalayan glaciers overstates the impact of climate change. The publication of incorrect data is a serious matter as it enables climate change deniers to claim that the issue as a whole is a hoax. In the United States, right-wing politicians have often seized upon these mistakes. For instance, the Republican Senator James Inhofe once claimed that 'man-made global warming is the greatest hoax ever perpetrated on the American people' (Cosgrove-Mather 2005). It also creates the political environment in which figures within the Trump administration (including the President himself) could downplay the significance of the threat, contributing to the rejection of the 2015 Paris Agreement prior to the Biden administration reversing this position in 2021.

From the opposing angle, the IPCC has faced criticism for its conservative character. In doing so, it has been accused of minimising the pace and impact of sea temperature rises. Publication of reports based upon the lowest common denominator does little to address the seriousness of a problem facing all of humanity. Scientific research has shown that estimates offered by the IPCC understate the risk of a projected rise in sea levels. This, for instance, is a critique often taken up by radical pressure groups, such as Extinction Rebellion (2019), who cite the conservatism of the IPCC as part of the 'climate emergency' issue.

As with other provisions of information, there is always the problem that data soon becomes out-of-date. Since the IPCC works on a schedule, any significant findings that do not meet the submissions deadline will not be included in the published report. This is a major shortcoming given that reports are widely regarded as the ultimate scientific authority into the matter, and that our knowledge of the changing climate constantly adapts. It has also been claimed that political lobbying from the United States has impacted the leadership of the Panel (Pearce 2002). Under the influence of ExxonMobil, the Bush administration sought to remove a climate scientist from the chairmanship of the IPCC. This clearly undermines the autonomy of the international panel. Whilst the IPCC enables a more informed decision, it does not necessarily mean that decisions taken are in any way free from political influence. On a final note, it has also been claimed that the voluntary basis of providing information deters scientific experts in the field.

## *The 2021 COP-26 Meeting in Glasgow*

In 2021, the UN's Conference of the Parties (COP) held its 26th summit in Glasgow, UK. The high-profile conference brought together the majority of the world's countries in an attempt to tackle climate change. The high-profile conference is a very clear illustration of global governance in action. However, the failure of the world's largest polluter, China, to send its premier, Xi Jinping, dealt a major blow to the overall credibility of the conference (Ortega 2021). The effectiveness of any final agreement reached at the conference was also hampered by the non-attendance of the Russian president, Vladimir Putin.



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In common with other forums of global governance, the UN's COP26 is constrained by the concept of national sovereignty. Governments always have the capacity to announce policies that match their own perceived national interests. For instance, Prime Minister Narendra Modi announced that India would cut its emissions to net zero by 2070. The goal is in clear contrast to the summit's overall commitment for states to reach net-zero by 2050. In terms of meeting environmental goals, there is no institution within the UN effective enough to ensure that countries meet their commitments. This problem is particularly acute in the context of major polluters. As an emerging economy and one of the BRICS, India is the third largest polluter in

the world. The same critique applies to China, who announced a commitment to achieve carbon neutrality by 2060. However, the United States (and the EU) aim to achieve net zero ten years earlier. Essentially, it seems unlikely that such targets can be coordinated. The Glasgow Climate Pact also failed to gain unanimous agreement to limit temperature rises to 1.5 degrees Celsius. Equally, its central pledge to 'phase out' the use of coal was replaced with the pledge to 'phase down' the use of coal.

It must of course be noted that the conference did achieve certain goals. For instance, it should not be neglected that this is the first ever climate agreement to 'phase down' the use of coal. The deal also provides more financial assistance to developing countries to help adapt to the impact of climate change. There was also a bilateral agreement reached between the United States and China on emissions. However, the conference faced the same problems that all such agreements tend to run into, such as placing the short-term national interest above long-term considerations for future generations.

## **The Extent to Which These Institutions Address and Resolve Contemporary Global Issues**

The concept of state sovereignty lies at the fulcrum of understanding global politics. It has direct and indirect implications in regards to human rights, the environment and efforts made by the international community to prevent conflict. Within its defined territory, the state is able to implement policies that reflect its own perceived interests. The effectiveness of international law is thereby heavily constrained by the concept of state sovereignty.

In principle, relations between states are based upon equality. As such, one state cannot force another to adopt a particular course of action and no state has the right to intervene within another. This means that states must rely upon international agreements, treaties and protocols in order to address issues of a transnational or truly global character. In seeking to prevent conflict, there are numerous agreements that states should adhere to. In regards to environmental protection and upholding human rights, it should be noted that the overwhelming majority of international organisations and regional bodies are intergovernmental. Only supranational institutions have the authority to compel states to adopt a certain course of action, and these are conspicuously absent in relation to human rights and the environment. The inherent problem with intergovernmental institutions is the tendency to reach a compromise absent of any decisive action.

Another related issue to consider is that international law generally suffers from a lack of adequate enforcement. International institutions are often under-funded. There is also a marked propensity towards vague and generalised wording alongside very little actual substance behind the self-congratulatory rhetoric of international agreements. There is, for instance, no effective enforcement mechanism available to impose sanctions upon the United States as to its treatment of detainees at the Guantanamo Bay Detention Facility, in Cuba. Washington D.C. is not a signatory to the Rome Statute of the International Criminal Court, and none of its allies exercise much influence over the world's only military superpower. Imposing sanctions against a member of the permanent five is also deeply problematic. Based upon Article 94 of the UN Charter, any judicial criticism made against one of the P5 (or its allies) would almost certainly be vetoed within the Security Council, undermining the power of international law in the face of the sovereign national interests of the P5 states. Moreover, if the UNSC refuses to enforce a judgement against another state there is no method of forcing the state to comply.

Having said this, the process of globalisation has to some degree changed how sovereignty operates. The international community is now more willing to accept that intervention is justifiable on humanitarian grounds than in previous years. The very existence of international human rights law also provides an institutional framework by

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which to protect and uphold the universality of such rights. Furthermore, the interconnectedness of globalisation enables some states to escape the debilitating dichotomy between economic growth and environmental protection. Equally, there is a growing emphasis amongst sovereign states upon sustainable development that is consistent with the overall themes of globalisation.

In regards to dealing with conflict, international law is widely seen as ineffective in addressing and resolving issues arising. The conditions for just war (*jus ad bellum*) and the conduct of just war (*jus in bello*) are binding upon all states. For instance, there is an obligation to make every effort to avoid killing non-combatants during a military conflict. However, this does allow states to target combatants who intentionally make use of human shields (as used by Hamas during the 2014 Gaza War). Laws also apply to individuals and members of the armed forces. Parties are bound by the laws of warfare to the extent that compliance does not in any way interfere with legitimate military goals. This is a relatively open-ended phrase that provides national armies with a wide degree of interpretation.

Secondly, the laws of war are based upon consensus. As a consequence, the content and interpretation of such laws are at times contested, which dilutes their meaning and value. For instance, there is no consensus on the contested issue of private security combatants or mercenaries. The international quasi-judicial system lacks the resources to fully implement the Geneva Conventions on the humanitarian treatment of both combatants and non-combatants in war. The ability to bring rogue states and powerful states to justice is always highly problematic for institutions. As with human rights and the protection of the environment, the key stumbling block is that of state sovereignty.

## *The Performance of the International Courts, Including Controversies*

The performance of the international judicial system is subject to a number of valid criticisms. Of these, the most common is that of systemic bias. For example, the ICC has been accused of displaying a certain bias against Israel. The Israeli Prime Minister Benjamin Netanyahu once called a report into alleged war crimes by the Israeli state against Palestinians as 'pure anti-Semitism' (Heller 2019). It should be noted that Israel is not a signatory of the International Criminal Court.

The Court has also been criticised for demonstrating a bias against African countries. Each of the forty-four individuals indicted by the prosecutor's office come from the African continent. It is a figure which seems incongruous, especially given that alleged human rights abuses are identifiable in every region of the world. In 2017, three African states threatened to leave the court due to accusations of bias. However, the ICC has pointed out that its record reflects requests made by governments within Africa. It is also claimed that the African Court of Human and Peoples' Rights has been unwilling (or unable) to pursue human rights violations in the continent alone.

Another controversial area is that trials can only be brought against individuals rather than countries and organisations. From a similar angle the remit of the court could be expanded as its present range only covers genocide, crimes against humanity and war crimes. A further problem undermining the effectiveness of the ICC is that almost a third of states (most notably the United States) have refused to grant the court jurisdiction in their territories. As a result, the ICC has been unable to properly address human rights abuses amongst powerful entities like China and the United States. According to Amnesty International (2021), torture and repression is implemented by the Chinese government against political opponents to the government alongside ethnic minorities, such as the Uyghur Muslims in Xinjiang. Moreover, the treatment of dissidents and minority groups is characterised by arbitrary detention and forced indoctrination, labelled as 're-education' (Newlines Institute 2021).

## *Shallow Ecology Versus Deep Ecology*

The term ecologism is often interpreted as the study of our 'natural household'. Ecologism is based upon an assumption that all living organisms (both human and non-human) are mutually dependent within a broader ecosystem. The main ideological division amongst ecologists is between so-called 'shallow-greens' and 'deep-greens'.

In terms of their view on human nature, shallow-green ecologists are anthropocentric, where humanity is at the centre

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of their outlook and ultimate concerns. Shallow-greens therefore advocate an enlightened lifestyle choice and adopt a moderate stance within the political process. The shallow-green approach also views capitalism as consistent with the broader objectives of the environmentalist movement. Individuals can adopt their consumerist habits in order to protect the environment. In accordance with shallow-green thinking, the path towards lasting influence lies in a constructive engagement with the political process. It is therefore a strand of thought relatively close to the centre of the political spectrum and places an emphasis on adapting behaviour within our already existent frameworks of economics and politics.

In complete contrast, deep-green ecology adopts a radically different approach. Whereas shallow-greens are anthropocentric, deep-greens are ecocentric. Deep-green ecologists argue that our purpose in life should be to live in harmony with nature, as opposed to privileging ourselves over it. The most significant contribution from deep-green ecology derives from the 'Gaia hypothesis' where James Lovelock (1979) argued that Gaia (the Ancient Greek Goddess of the Earth) will destroy anything that presents a threat to it. For Lovelock, the view that 'we' need to save the planet is an anthropocentric fallacy.

According to shallow-greens, those who adopt ecocentric assumptions are more interested in philosophical thought rather than achievable objectives. From the opposing angle, shallow ecologism is used in a prerogative sense for compromising the entire ethos of the green movement. Deep-greens contend that the conventional political process will never provide an opportunity for securing the goals of ecologism. Most notably, powerful vested interests like the military-industrial complex will always block the green cause. There is also the question of gaining public support. Nonetheless, it may be the case that human behaviour within a democratic system is never going to change in an adequate manner.

## *Sustainable Development and the Tragedy of the Commons*

Sustainable development can be defined as that level of development that meets the needs of the present without compromising the ability of future generations to meet their needs. It usually entails an environmental dimension and provides the basis for targets agreed upon by the United Nations. Sustainable development can also be viewed as a form of generational justice between the living and those yet to be born. This latter point reflects the Burkean concept of a social contract between those who are dead, those who are living and those still yet to be.

The actual meaning of sustainable development is unclear because there is no agreed consensus as to what should be sustained. The term has also expanded from the original Brundtland Report towards something of a public relations-exercise. On a deeper level, there is arguably no such thing as a sustainable use of a non-renewable resource. As many of the planet's resources are non-renewable, sustainable usage of such resources may well prove impossible. If we adopt a pessimistic outlook, economic development may eventually lead towards the depletion of non-renewable resources. Simply put, it is undoubtedly very difficult to reconcile economic development with the protection of the environment.

The tragedy of the commons bears an obvious relationship to the issue of sustainable development. Individuals in pursuit of their own narrow interests act in a manner contrary to that of the common good. The global commons are therefore under threat from the rational actions of consumers and companies. Given the dynamics of globalisation, governments can do relatively little to mitigate consumer choice and decisions taken by major companies. Whilst they can impose policies and nudge economic agents towards the correct behaviour, this alone is not enough.

The tragedy of the commons casts considerable insight into economic growth and development. According to the basic economic problem, we need to allocate limited resources towards the satisfaction of unlimited wants. A capitalist economic system facilitates consumer choice and could therefore be viewed as consistent with protection of the environment. Shallow-greens contend that consumers are able to adopt their behaviour in order to preserve the global commons. Deep-greens however do not believe that capitalism is consistent with ecologism. It is an economic system based upon instant gratification rather than long-term considerations of the environment.

The tragedy of the commons illustrates the true complexity of ensuring sustainable development. In the absence of a

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world government, it seems improbable that states will sacrifice their own interests for some common greater good. It also requires democratic governments to place the interests of future generations over that of securing re-election. This has often proved a recurring problem when seeking to reach an effective international agreement in order to address environmental concerns. Powerful states in particular have often declared that their domestic way of life will not be threatened by international institutions.

## *Strengths and Weaknesses of International Agreements – Including Key Highlights from Rio, Kyoto, Copenhagen and Paris*

During the 1992 Earth Summit, held in Rio de Janeiro, the member states of the United Nations came together and settled upon a number of common themes. The Rio Declaration outlined 27 principles intended to guide countries towards sustainable development. The Earth Summit resulted in the Rio Declaration on Environment and Development. The Earth Summit at Rio also instigated a series of international agreements that signify a co-ordinated attempt to combat global warming. It ultimately laid the foundation for later agreements reached at Kyoto (1997), Copenhagen (2009) and Paris (2015).

The impact and significance of the Rio Summit is somewhat mixed. On the plus side, agreement was reached so that signatories should not carry out any activities on the lands of indigenous peoples that would cause environmental degradation. The Rio Summit also instigated the UNFCCC. However, the convention lacks an enforcement mechanism. It should also be noted that the world's largest economy (the US) refused to sign the proposed convention on biological diversity.

The Kyoto Protocol implemented the objective of the UNFCCC. It commits signatories to reduce their greenhouse gas emissions. It is based on the scientific consensus that global warming is a man-made phenomenon. Adopted in 1997, the Kyoto Protocol finally entered into force in 2005. Perhaps the main success of Kyoto is the notion of differentiated responsibilities. In order to secure agreement amongst a range of countries at very different stages of economic development, it was acknowledged that each country holds different capabilities in relation to addressing climate change. The obligation was stronger upon developed economies based on their historical role in damaging the atmosphere.

The first commitment period secured compliance from signatory states, but several states refused to participate in the second stage. Although the second commitment period was finalised in 2012, a number of major economies failed to accept the new targets such as Canada, Russia and Japan. Most notably, the United States Senate refused to ratify the Kyoto Protocol.

The Copenhagen Summit marked the fifteenth conference of the parties to the UNFCCC. According to timelines agreed upon before the summit, the Copenhagen summit of 2009 pledged to outline the framework for climate change mitigation beyond 2012. The resultant accord agreed that measures should be taken to keep temperature increases below 2 degrees centigrade.

Developed countries also pledged \$100 billion a year to help developing countries. However, it was not legally binding and did not specify any binding commitment to reduce CO2 emissions. Given disagreements amongst the sovereign states, the document did not receive unanimous approval. Within the media, the summit was widely described as 'Broken-hagen'.

Under the aforementioned UNFCCC, the Paris Agreement on greenhouse gases and global warming was adopted on 12 December 2015. The long-term temperature goal is to limit the increase to 1.5 degrees Celsius. There is also an obligation that signatories report on their contribution towards tackling global warming. Although virtually all countries are signatories the Trump administration pledged to withdraw from the Agreement and did so, prior to the successor Biden administration formally re-joining in February 2021. The impact of the Paris Agreement is also weakened over a lack of clarity as to which clauses are voluntary and legally obligatory.

## *Obstacles to International Cooperation and Agreement*

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The refusal of the Trump administration to accept and implement the Paris Agreement is indicative of a deeper malaise within international relations. In a number of cases, member states place their own perceived national interests above a threat to the global commons. Westphalian sovereignty is one of the most significant barriers towards international cooperation and agreement.

In order for a sovereign state to sign up to and adhere to international agreements, it must view that agreement as a match with their own interests. In order for states to view international agreements in such a manner, a number of associated variables may prove relevant. Most notably, a democratic society must have the space for a civil society to exist that favours action to address climate change. States must also feel they have little choice but to accept the international consensus. Naturally, a global superpower, such as the US, has greater leeway to ignore such agreements when compared to less powerful states. Having said this, even a minor power such as New Zealand refused to accept the second stage of the Kyoto Protocol, a state often thought of as adhering to international norms and collective interest.

A similar situation applies to the protection of human rights. The language of those documents that uphold the universal character of human rights derives from an individualistic and Liberal mindset. This is built upon assumptions that do not necessarily translate well to certain parts of the world. For instance, it was only in 2004 that the Arab League adopted the principles contained in the UDHR. Even then, the UN High Commissioner for Human Rights said that the Arab Charter was incompatible with universal human rights (particularly regarding women's rights and capital punishment for children). The Charter has also been criticised for setting human rights standards below the internationally recognised norm.

Autocratic and totalitarian regimes have routinely ignored such documents in the knowledge that the international community adopts an inconsistent approach to human rights violations. It is a fact that powerful states such as China (or regional powers like Israel) have routinely ignored international human rights law with no effective sanctions from the UN. Similarly, the US has violated human rights in their treatment of terrorist suspects without facing any major consequences (Amnesty International 2020).

There is also a major division between the developed and developing worlds with regards to climate change. Once again, this can cause considerable difficulties when seeking to secure an agreement to reconcile different interests and perspectives. From the viewpoint of the developed world, the level of pollution generated by the developing world is of major concern. It also provides a potentially unfair advantage for LEDCs over developed economies. Similarly, the Global South can rightly point out that the worst culprits in terms of carbon emissions are the developed economies in the Global North. This has made it very difficult to gain agreement over emission targets, with the North favouring current measures whereas the South prefers historic levels.

Concerning tackling global poverty, the gap between the developed and developing world also poses certain problems. To the developing world, the global marketplace is protected by developed countries in the case of agriculture. Despite their free-market rhetoric, the farming sector of prominent Western economies is heavily protected. There is also a degree of hypocrisy shown by the developed North in regards to market-based policies. The Washington Consensus preaches that those states in economic difficulties should implement policies of marketisation and privatisation, whilst developed countries are free to impose trade restrictions. Given that access to lucrative markets in North America and Europe would greatly assist economic growth in the emerging economies, the issue will always prove significant during negotiations in the WTO.

Finally, there is a clear division over responsibility in regards to environmental damage and global poverty. Given their economic development, it may seem obvious that the developed world is more responsible for pollution than the emerging economies. However, the reality is more complex as China is now the biggest polluter on the planet (Ortega 2021; Union of Concerned Scientists 2020). Given its considerable economic power and influence; other countries are understandably reluctant to take action against Beijing.

In regards to global poverty, economic development within Africa has been hampered by the legacy of colonialism. The accumulated wealth of former colonialists is based to some extent upon the exploitation of labour and natural

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resources within their former colonies. This however is problematic to address within international forums (such as potential repatriations). Gaining an accurate measurement is also a difficult one to resolve in the context of emissions. Given the lack of supranational bodies, it is always problematic to identify precise data out of those states that manipulate their own figures.

## *The Role and Significance of the Global Civil Society and Non-state Actors*

Global civil society can be thought of as activists and pressure groups that operate across national borders. Often defined in a narrow sense as new social movements, global civil society seeks to influence policymakers in governments and international institutions. The main focus of global civil society tends to be upon liberal values such as the protection of human rights. A number of organisations fit neatly into our understanding of global civil society, such as trade unions, indigenous groups, charities, faith-based organisations and NGOs.

The term global civil society has grown in popularity since the end of the Cold War and the resultant emergence of globalisation. Sometimes dubbed the 'third sector' (after states and commerce), global civil society has the capacity to mobilise people and shape the decision-making process. In order to underline the significance of the third sector, one estimate suggests that NGOs across forty countries employ approximately 54 million full time workers with a volunteer workforce of over 350 million (Jezard 2018).

The impact of NGOs upon the political process is debatable. From a positive angle, they provide expertise and improve the quality of legislation. They also perform a democratic function as they hold institutions and decision-makers to account. NGOs and global civil society can raise awareness of crimes against humanity and genocide. They may even force governments who might be reluctant to intervene on humanitarian grounds to assist victims of human rights abuses. In a more practical sense, such organisations routinely provide public services to many of the most vulnerable. They also foster engagement amongst citizens and seek to empower communities (particularly those who speak on behalf of indigenous groups). This may even entail providing disaster preparedness and management.

On the flipside, the impact of such groups is often relatively low within autocratic regimes. Governments that operate on this basis tend to marginalise (or just ignore) the third sector. Whilst NGOs and other associated groups can, and indeed do, raise international awareness, they may have very little direct influence upon certain regimes. This observation also applies to those countries which lack a political culture that encourages debate, transparency and engagement. As with other pressure groups, overall influence depends upon several inter-related factors.

It should also be acknowledged that technological developments tend to assist their operations. Activities that would at one time have been censored or suppressed can often be shared throughout the world at the click of a button. The wave of democratic reforms that characterised the Arab Spring is a particularly striking illustration of this argument. It has also proved easier to mobilise civil society groups via the use of technology (such as during the 2007 Saffron Revolution in Myanmar). In addition, drone technology has been harnessed by environmental groups in order to expose illegal poaching of endangered species.

## **Conclusion**

Chapter four sought to consider the attempts made on behalf of the international community to uphold universal human rights and global environmentalism. Intervention on a humanitarian basis provides considerable insight into notions of international law, judicial bodies and the sovereignty of the state. An examination of humanitarian intervention inevitably leads us towards the charge of hypocrisy. Equally, the international community also faces a number of salient issues and barriers that are integral towards the fight against climate change, running up against questions of power and influence over the international system as a whole.

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**Kevin Bloor** is an author, Principal Examiner and teacher. He has over twenty years of experience in the social sciences and is the author of several texts and educational resources such as *Understanding Global Politics*, *The Definitive Guide to Political Ideologies*, *Understanding Political Theory* and *Sociology: Theories, Theorists and Concepts*. He holds a BA in Politics and International Relations and an MA in International Relations, both from Staffordshire University, and an MPhil in Government from Manchester University.