Introduction*

Is there not the Earth itself, its forests and waters, above and below the surface? These are the inheritance of the human race . . . What rights, and under what conditions, a person shall be allowed to exercise over any portion of this common inheritance cannot be left undecided. No function of government is less optimal than the regulation of these things, or more completely involved in a civilized society. (John Stuart Mill, *On Liberty* (1859))

Norms or ‘. . . shared expectations about appropriate behaviour held by a collectivity of actors . . .’ have been central to the study of domestic politics for over two millennia. Describing and explaining how these norms set societal standards (for example, order and justice) have occupied the minds of countless political analysts, and understanding their role is considered basic to developing robust domestic political theories. The antecedents of the term ‘norm’ derive from sociological literature and are defined in the sociological domain as ‘rules and expectations by which a society guides the behaviour of its members’. Such norms were generally considered to be of two types – either prescriptive, telling us what we can do; or proscriptive, telling us what we cannot.

In the political sphere, there is a legacy of theorizing about norms in global politics dating from Christian theology, Immanuel Kant and the scholars from the English School of International Relations. However, the study of international or global norms has traditionally been relegated to the periphery of

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3 Ibid.
5 International or global norms can be defined as ‘those expectations of appropriate behavior which are shared within international society or within a particular
study undertaken by International Relations (IR) theorists. The few theorists who studied norms dismissed them as mere shadows cast by interests, or convenient rationalizations utilized by statesmen. Today, however, across a range of theoretical and methodological approaches, scholars of all persuasions are interested in how norms emerge, evolve and decline (Axelrod and O’Keohane, 1985; Bernstein, 2001; Finnemore and Sikkink, 1998). The once controversial idea, that norms ‘matter’, is now accepted as a matter of course by all global theorists except the most recalcitrant of neorealists.

At the global level, norms can be found operating in international regimes of all persuasions and the development of a more nuanced understanding of their functions has provided a clearer picture of how regimes evolve.

Robert Keohane, building on the earlier work of John Ruggie and Ernst Haas, has argued that within a regime:

Norms contain somewhat clearer injunctions to members about legitimate and illegitimate behaviour, still defining responsibilities and obligations in relatively
general terms. The rules of a regime are difficult to distinguish from a norm; at the margins, they merge into one another. Rules are, however, more specific: they indicate in more detail the specific rights and obligations of members.11

In regimes, norms provide a basis for social learning (internalizing moral behaviour12) or to pressure and shame moral agents.13 As R. Charli Carpenter has argued, ‘Norms provide an intersubjective context in which discourse and behaviour are interpreted and either condoned or condemned by third parties. As general standards, norms are codified and (sometimes) implemented in the form of specific rules, which actors can choose to obey, break, or re-define.’14 Norms contribute to choice-making,15 without being, except in rare cases, the primary determinant of behaviour. The strength of a norm can often be gauged by public response to its transgression.16

When states make agreements, the benefits that accrue from normative compliance may not necessarily be material, but may include the need for legitimacy, status or credibility (a good global citizen).17 As norms become codified within international laws, these laws also add to the pressure to comply and become in turn good indicators of the existence and strength of their underlying norms.18

Within the International Relations (IR) discipline, most academic writing on the global environment and regimes has been based on neoliberal institutionalism (hereafter named ‘neoliberalism’), which focuses on intergovernmental

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18 Within international law, we can speak of a hierarchy of norms when it comes to examining the efficacy and durability of a norm: international treaties; customary international law; general principles of law recognized by civilized nations; judicial decisions and, lastly, teachings of the most highly qualified proponents of the various states. Boekle, Rittberger and Wagner, ‘Norms and Foreign Policy: Constructivist Foreign Policy Theory’, 19.
negotiations, institution building and regime effectiveness (Haas et al., 1993; Vogler, 2000; Young, 1998). The challenge of protecting the global environment is often conceptualized by those working within this research programme as ‘the management of inter-dependence in a system of sovereign states lacking the kind of central authorities assumed to be capable of providing order and regulation within domestic societies’. Solutions favoured are cooperation and collective action approaches that privilege the concepts of economic growth, market economies and a liberal international system.

Such writings can be considered neo as they go beyond the inter-war liberal idealist approach and the pre- and post-war institutionalists’ research agenda, to postulate that different institutional frameworks can motivate states to cooperate, especially when facing collective ecological problems. In fact, in the field of environmental multilateralism, the vast bulk of analysis is now conducted within a neoliberal framework (DeSombre, 2002; Hurrell, 1993; Porter et al., 2000).

Since the end of the Cold War, however, another research framework has emerged to challenge the dominance of neoliberalism as the preferred IR analytical approach. A renewed interest in the role of norms, ideas and interests in forming and transforming state structures led some analysts to find in constructivism a superior model for unlocking ‘the black box of interest and identity formation’. Proponents claimed that ‘state interests emerge from and are endogenous to interaction with structures’.

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19 Checkel, ‘Norms, Institutions and National Identity in Contemporary Europe’, 84. As a theory, the roots of neoliberal institutionalism can be traced back to the work of functionalists such as Ernst Haas in the 1950s, which led to the study of the concept of interdependence by those such as Keohane and Nye in the 1970s. This set in place the foundations for the development of what became regime theory in the 1980s. Rowlands, ‘Classical Theories of International Relations’, 54.


22 This is not to say that approaches such as realism and neo-Marxism cannot ‘value add’ to any analysis on global environmental issues. However, due to both size constraints, and the fact that realists and neo-Marxists are highly sceptical of the idea of morality in global society, it has been decided not to utilize their approaches in this book. Both realists and neo-Marxists are ‘masters of suspicion’ when it comes to questions of morality, reducing all moral arguments to hidden interests, so any critique of rationalism (neoliberalism) can also be applied to them. Rather, this book will focus on the two approaches which have the most to say on environmental norms, those of neoliberalism and constructivism.

With the arrival of constructivism, the old trichotomy of neorealism, neoliberalism and interpretivist approaches was replaced by a dichotomy, with constructivism at one axis and rationalism at the other. (Rationalism, as used here, encapsulates neo-utilitarianism, neoliberal institutionalism and neorealism.)

In the USA, this dichotomy (constructivism versus rationalism) can be characterized as a debate between two lenses through which politics can be observed. One lens is constructivist and may be called the logic of appropriateness. The other is rationalist and may be called the logic of consequences.

Those who ascribe to the logic of consequences imagine that actors evaluate alternative strategies according to the likely consequences, based on their individual or collective objectives. They perceive society as an aggregate of individuals seeking individual ends. Consequently, the only societal obligations they recognize are those granted by consent or contract, always within the framework of each individual’s calculated advantage. Questions of identity, rules and institutions are considered peripheral.

However, those who ascribe to the logic of appropriateness perceive action as rule based. Individuals act according to rules and practices within social constructs which are publicly known, foreseen and accepted. March and Olsen consider such rule-guided behaviour to be a conscious process where actors work through a particular situation trying to establish how to act, how and when to apply a particular norm, or how to choose among conflicting rules. The more the norms are contested, the less the logic of the case can be captured by the statement ‘good people do X’. Rather the question becomes ‘what is “good” in this scenario?’ or ‘what is the right thing to do?’ The question then becomes, ‘how do social actors choose what is the appropriate norm to apply in a given case?’

There is, of course, a significant overlap between these two logics. They are not mutually exclusive. The skill resides in determining where and how

28 Ibid.: 949–52.
29 Risse, ‘“Let’s Argue!”: Communicative Action in World Politics’, 6.
each should be applied and whether they can complement or subsume each other.  

This book seeks to explore these two methodologies in a systematic way. It asks when and under what conditions constructivism can provide a richer account than neoliberalism of the formation and evolution of the central norms in global environmental regimes. To this end, two questions will be asked:

1. Which approach has the greater explanatory power with regard to the formation and evolution of core environmental norms in environmental regimes?
2. Are the two frameworks rivals or can they be seen as complementary explanations that may be synthesized? Alternatively, is one able to subsume the other within its analysis or are they domain specific?

The focus of this inquiry will be question one, which assumes that neoliberalism and constructivism are rival approaches. Question two will be examined at the end, when the strengths and weaknesses of each methodology have been fully evaluated.

I will examine three global environmental norms in international agreements and how they become accepted by the global community. The norms chosen are:

- environmental exploitation (use and sometimes overuse of a resource);
- conservation (sustainable use of a resource);
- preservation (non-use of a resource).

And they will be examined within three case studies:

- Antarctic minerals;
- whaling regime;
- tropical timber.

These will offer an opportunity to examine the processes of normative contestation and to determine when and why certain environmental norms matter more than others.

The tropical timber regime has been selected as a ‘hard case’ for constructivists because the core environmental norm of this regime has not ‘progressed’ beyond exploitation to conservation and/or preservation. A constructivist must show that the norm of exploitation is not entirely reducible to state interests or that it is constitutive of their identities and interests. Neoliberals, on the other hand, can provide a more parsimonious explanation, as they do not privilege learned norms above intrinsic interests. Both methodologies, however, will be tested for their respective accounts of why conservation or preservation, which were strongly promoted by certain non-state actors, failed to become the dominant norm within this regime.

The other two case studies of whaling and Antarctic minerals are more explicit examples of ‘progressive’ moral normative evolution from an environmental point of view and therefore present rationalists, with their privileging of interests above moral considerations, with a challenge. In the Antarctica case, historically there had been no norm relating to mineral exploitation because it was neither technologically feasible nor economically desirable until the mid-1970s. In a sense, there was a ‘normative void’ operating since the question of mining had yet to become an issue within the Antarctic regime. The example of Antarctic mineral exploitation has been chosen because it allows for an examination of actors’ ‘contested positions’ and the process of how one particular normative position can defeat rivals to become a dominant norm within a regime. Once mining was considered likely to occur, the fact that a conservationist regime had not been put in place to regulate exploitation allowed a preservationist norm to become firmly entrenched for at least the foreseeable future.

On the other hand, the case study of whaling reveals a less clear-cut normative change. Initially, the exploitation of whaling species to the brink of extinction led to a push by whaling states and companies for a conservationist regime, under the International Whaling Commission (IWC). The failure of

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32 A project’s validity can be increased by including a ‘hard case’ where the value of the controlling variables is unfavourable to the validity of the book tested. R.B. Mitchell and T. Bernauer, ‘Empirical Research on International Environmental Policy: Designing Qualitative Case Studies’, *Journal of Environment and Development* 7, no. 1 (1998): 17. From a methodological perspective, it is important to assess counterfactual examples, as they can help to sharpen proposed arguments and enable both neoliberals and constructivists to better delimit the scope of their explanations, hopefully stimulating a theoretical dialogue with each other. Checkel, ‘Why Comply? Constructivism, Social Norms and the Study of International Institutions’, 21.

33 This is not to say that the neoliberal approach is devoid of morality. Rather it privileges a particular form of rationalist/calculative morality that decrees, at the individual level, self-interest and its pursuit as being ‘good’. At the global level, it privileges the morality of interstate cooperation as a goal.
whalers to adhere to a conservationist approach opened the door for anti-whaling states and Environmental Non-governmental Organizations (ENGOs) to propose and promote a preservationist approach that still underpins the IWC today, despite a fierce backlash from whaling states.

In these two case studies, we would expect constructivism, with its privileging of discourse, to have greater explanatory power than its rival, as in each case moral arguments were successful and preservationist norms were incorporated. However, it is also necessary to explore how far constructivists are able to rebut or address interest-driven explanations in these cases.

The analysis proposed will contribute to the substantive literature on norm origin, development and replacement of competing norms in the following ways:

- It will show the value of examining both effective and ineffective norms (that is, norms that were not taken up).
- It will examine the competing neoliberal and constructivist approaches to determine which one is superior or if there is potential for complementarity or synthesis.
- It will highlight the need to consider alternative explanations that can potentially advance both the positivist and interpretivist normative research agendas.
- Lastly, it will help stakeholders understand norm change and the strategies and tactics necessary to bring about successful environmental change.

Although descriptions and evaluations of norms in environmental literature proliferate, studies as to why people adhere to particular norms are rare. Even in strategic studies of norms, little analysis has been carried out on the dynamics of norm articulation and internalization and ‘... how [norms] can get started, how a partial norm can be sustained and become well established and how one norm can displace another’. 34 Both neoliberalism and constructivism have examined the crucial role of norms within environmental regimes, but as Jeffrey Legro argues:

The literature on norms has generally mis-specified their impact because of several conceptual and methodological biases ... by concentrating on showing that norms

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‘matter’ analysts have given short shrift to the critical issues of which norms matter, the ways they matter, and how much they matter relative to other factors.\(^{35}\)

Richard Price notes that constructivism research has been limited by being mostly concerned with analysing ‘good’ norms that are perceived as successful.\(^{36}\) Cynthia Weber challenges constructivists to explain ‘why one set of knowledge claims “wins” and why others are left behind’.\(^{37}\) Neoliberal analysis to date is also lacking in providing a complete explanation as to why certain norms are successful and why others fail.

Legro posits that analysts, whatever their theoretical persuasion, have two biases relevant to the study undertaken here, which has rendered their analyses flawed. The first bias is an inability to perceive ‘norm robustness’ as separate from the effects attributed to the norm.\(^{38}\) There is such a plethora of norms competing in the international arena that one can always ‘discover’ a norm to explain an effect cited. It is crucial, therefore, to be able to understand why some norms are more influential than others in a particular forum. The second bias is that most analysis to date focuses on norms perceived to have ‘worked’ rather than examining case studies where norms have failed or become out-of-date. As Legro correctly argues, ‘[w]hy norms did not emerge or were not consequential is as important as why they did or were’.\(^{39}\)

This book responds to these criticisms by Legro, Price and Weber by seeking to discover which of the environmental norms of exploitation, conservation and preservation ‘won’ (or at least predominated) in a given situation of normative contestation and why. This entails exploring how much rival norms have played a critical role within negotiations to create environmental regimes and when and how normative transformation was brought about. It will ask how much the successful norm has mattered relative to other norms and material factors and will also examine cases of norm failure, where ‘progressive’ environmental norms such as conservation and preservation were unsuccessful (such as the case of tropical timber where conservation has failed to supplant exploitation).


\(^{39}\) Ibid.: 34.
Unlike much of the research into norm behaviour, this book is primarily concerned then with analysing competing norms. Before engaging with the research questions posed, it is necessary to gain an understanding of the philosophical and practical distinctions between the three norms under scrutiny: exploitation, conservation and preservation.

THE NORMS OF EXPLOITATION, CONSERVATION AND PRESERVATION

All three norms examined in this book started as domestic norms but became global due to the increasingly international character of environmental problems and the transnational activism of ENGOs. It is easier to understand this norm diffusion using a constructivist framework that allows us to unpack multiple and differing meanings of social terms and explore their intersubjective meaning or meanings. For constructivists, such global norms are social and arise from ‘. . . moral debate and dialogue between states’ and other global actors involved in regime negotiations. Thus norms have histories that ‘. . . emerge out of complex processes of communicative action’ involving many stakeholders engaged in a dialogue and contest. The global environmental norms examined here are not categorical; rather they have evolved over time, using the language favoured by various norm advocates to advance their cause. Such practices have then determined the legitimacy of global actors within social contexts.

It is useful to begin with an examination of the norms of exploitation, conservation and preservation from a philosophical viewpoint before embarking on an analysis of how such norms compete within environmental regimes. This is not to say that there is one correct definition of the terms examined. Advocates, as will be seen in the case studies, use differing and sometimes multiple definitions of norms to advance their cause. Many proponent...
enly conflate the terms when defining their positions and some advocates hide their real position within the rhetorical definitions of another.\footnote{For an example of conflation, see Birnie and Boyle, who define conservation in preservationist terms as: ‘. . . to keep in safety or from harm, decay or loss; to preserve in being; to keep alive’. Patricia W. Birnie and Alan E. Boyle, \textit{International Law and the Environment}, 2nd edition (Oxford: Oxford University Press, 2002), 550. While conservationist rhetoric about the need to save the environment is standard, it would be a brave state or company that would argue in this day and age for reckless exploitation of a resource to occur. Rather the position is put that global resources needs careful conserving or ‘wise use’ to ensure there are resources available for future generations of humans.} However, offering conceptual distinctions, based on a long history of environmental philosophical engagement, will help to shed light on the varieties of ways in which the norms are deployed and/or understood by social agents.

The concept of ‘exploitation’ has received scant conceptual analysis compared to the concepts of conservation and preservation.\footnote{Alan Wertheimer, \textit{Exploitation} (Princeton, NJ: Princeton University Press, 1996), 5.} One of the few authors to explore the meaning of the general concept in any depth is Alan Wertheimer, who has argued that, at the most general level, exploitation occurs when ‘A takes unfair advantage of B’, thus connoting a wrongful action.\footnote{Ibid.: 5, 10.} However, Wertheimer does not consider the exploitation of nature by humans.\footnote{Ibid.: 10–12.} Taylor, rather than defining exploitation per se, speaks in terms of an exploitative attitude, which he defines as occurring ‘whenever nature is thought of as nothing more than a vast repository of resources, both physical or biological, to be developed, used and consumed by humans for human ends’.\footnote{Paul W. Taylor, \textit{Respect for Nature: A Theory of Environmental Ethics} (Princeton, NJ: Princeton University Press, 1989), 95.}

Even in the ecophilosophical literature the concept of exploitation has been only cursorily explored as part of an over-arching Western narrative of the domination of nature. Most ecophilosophical attention has been devoted to the new environmental norms that have challenged exploitation, namely conservation or preservation.\footnote{Warwick Fox, \textit{Toward a Transpersonal Ecology: Developing New Foundations for Environmentalism}, 1st edition (Boston, MA: Shambhala, 1990), 152–3.} Taylor has argued that, for some, the advancement of Western civilization is intricately bound up with the domination of nature in pursuit of the goal of ensuring a better life for the bulk of humanity.\footnote{Taylor, \textit{Respect for Nature: A Theory of Environmental Ethics}, 95.} Alternatively, some ecophilosophers have made the point that there is a conceptual link between the exploitation of nature and the exploitation of...
disadvantaged groups within society, such as women or indigenous peoples, but again the term is not spelt out but rather left undefined and generally understood as ‘bad’.52

Humankind has traditionally attempted to portray and justify its environmentally exploitative practices as beneficial to itself. For example, Francis Bacon argued that the dominion of the planet by humans gave them the right to utilize nature for their own exclusive benefit.53 Such exploitation has been described as springing from the human belief that there is an ‘inherent right to take and plunder’ natural resources, a belief that has often been justified by referring to the biblical passage that God gave dominion of the planet to humanity for its own uses.54

However, it is possible to perceive exploitation as good, if it is in the service of a higher moral goal, for example, the provision of a better quality of life for the citizens of a state. Taylor has argued that within a human ecology, there is nothing morally wrong with choosing an exploitative attitude towards nature, since from a human-centred ethical standpoint, the environment is ‘rightly controlled, transformed and consumed in the service of human interests alone’ and ‘... [A]side from their actual or potential usefulness to humans, they lack all worth’.55

States have historically viewed their exploitation of natural resources, both domestic and global, as a right and in some cases as a good.56 Principle 21 of the Stockholm Declaration (1972) has enshrined this internationally recognized right to the effect that ‘States have the sovereign right to exploit their own resources pursuant to their own environmental policies...’.57 Exploitation of resources such as those examined in this book – minerals, whales or timber – has long been accepted as a corollary of state sovereignty.

54 Peter Brown, Ethics, Economics and International Relations: Transparent Sovereignty in the Commonwealth of Life (Edinburgh: Edinburgh University Press, 2000), 44.
For the purposes of this book, it will be necessary to advance a working definition of ‘exploitation’ as it applies to nature. The definition will need to encapsulate both a pejorative application of the word as well as a non-pejorative one (descriptive merely of the unrestrained use of natural resources). Consequently, the term will be understood, drawing on the work of Taylor, as referring to a situation where humanity treats resources as merely instrumental, to be developed and consumed, without consideration for the survivability of the resource, the overall ecosystem or the rights of future generations of humans. This definition incorporates the idea that such resource usage is unsustainable with no consideration for resource replenishment or for the integrity of the overall ecosystem from which it is drawn.

A major problem in analysing the norm of exploitation, then, is that in contemporary times, given its commonly accepted pejorative meaning, arguments for the unrestrained or minimally restrained utilization of a resource are rarely couched in the language of exploitation by its proponents, who prefer to use the language of sustainable utilization or conservation. It is ultimately an empirical question whether the argument proposed by a stakeholder is a conservationist one or whether it is exploitationist under the ‘cover’ of the language of conservation. For example, we shall see that in the case of whaling, many whaling states such as Japan and the Soviet Union, despite a stated commitment to conservationist principles, continued to engage in exploitative whaling practices, leading to the near extinction of certain whale types. However, the choice not to use the explicit language of exploitation also provides a revealing indication that support for the norm has waned.

In contrast to the norm of exploitation, the norms of conservation and preservation have enjoyed prominence and influence within global environmental regimes. In the nineteenth and early twentieth centuries, the domestic debate between those advocating conservationism and those promoting preservationism led to the creation of the first wave of domestic ENGOs. That domestic debate is now being played out on a global scale and the role played by the transnational successors of these domestic ENGOs will form a key part of this book.

Human understanding of the need to conserve resources is an ancient one. The ancient idea of conservation can be found in such early texts as the

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Conservationism as a concept:

concedes that nature is not inexhaustible: accordingly, that there are limits to material growth and that husbandry must therefore be practiced because it becomes necessary to consider the interests of human generations as yet unborn when determining courses of action.62

The conservationist approach is bound up with the production process and regards the non-human world merely in terms of its utility.63 Therefore a conservationist perspective treats the biosphere as a potential resource for human consumption.64 Such conservation can be of renewable or non-renewable resources, providing there is a husbanding of the resource for use.65

This norm can be seen as a breaking away from the exploitative practices of the past and accepting a more rational, cautious approach to the husbanding of potentially scarce resources. Mark Smith has argued that the idea of conservationism has tended to act as a brake ‘... to moderate the pressures for an exploitative [my italics] “free for all” inherent in the drives which propel actions in economic markets’, thus ameliorating damaging practices of the past.66 Rodman argues that resource conservation as a norm replaced ‘the reckless exploitation of forests, wildlife, soils etc.’ with an ‘ethical and legal requirement that “natural resources” be used “wisely”, in the interests of humanity at large rather than in the interests of a mere few, and considered over the “long run” rather than the short term’.67 Robyn Eckersley supports this position and argues further that resource conservation can be seen as the first step away from unrestrained development.68

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64 This approach ‘... mirrors Judeo-Christian traditions, especially in its anthropocentric outlook. Nature and natural entities are not sacred, have no end or justification in and of themselves, and exist solely as means in terms of which human ends might be fulfilled.’ Max Oelschlager, *Idea of Wilderness: From Prehistory to the Age of Ecology*, new edition (New Haven, CN: Yale University Press, 1993), 287.
Conservation is in many ways the least controversial environmental norm since it has at its heart a utilitarian, human-centred perspective that seeks the greatest good for the greatest number of humans, a perspective that resonates deeply with many cultures and stakeholders. It embodies a rhetoric of restraint which suits the interests of states seeking better economic returns from their resources. Scientists have often been the transmitters for conservationist norms, since the approach that resources should be wisely used and husbanded for future generations has been central to agriculture and forestry.

If the saving of a resource is from utilization rather than for utilization, however, we are generally speaking of ‘preservation’. John Passmore defines preservation as: ‘. . . the attempt to maintain in their present condition such areas of the earth’s surface as do not yet bear the obvious marks of man’s handiwork and to protect from the risk of extinction those species of living beings which man has not yet destroyed’. Max Oelschlager expands on this by arguing that preservationists reject the notion that nature is merely a resource, instead prizing wilderness values, species rarity and diversity. Anne and Paul Erlich are typical of those who espouse a preservationist viewpoint in that they argue that the biosphere has a right to exist. Thus, at its heart, preservationism accords an intrinsic or non-instrumental value to the world, even if it conflicts with human interests.

The preservationist argument often has spiritual overtones. According to Neil Carter, it ‘represents an attitude of reverence towards nature’. However, resource preservation can be argued on both intrinsic and instrumental grounds. An instrumental approach maintains that humans derive value from the non-human world if the resources enjoyed by humans are allowed to exist unaltered. Such utilization includes using nature psychogenetically (psychological health and maturity), for recreation (gymnasium), for worship.

74 Hay, Main Currents in Western Environmental Thought, 33.
(cathedral), as a retreat (asylum), a laboratory, an art gallery, a silo of genetic
diversity,75 a monument or simply as a place to marvel and wonder at.76

Passmore, however, takes it as axiomatic that ‘true’ preservationist argu-
ments must rely on the concept of intrinsic value. This position is at odds with
many preservationist theorists, who also include instrumental arguments to
support the preservation of nature.77 However, while it is possible to argue
preservationist positions from an instrumental perspective, doing so does a
disservice to the intentions of many global actors advocating preservation,
who argue that whales or other creatures deserve not to be culled because they
intrinsically have a right to exist.78 At the global level, ENGOs have been
primary advocates (with some success) for the position that this intrinsic
strand of preservationism should underpin global environmental regimes
concerned with the management of species and wilderness areas.

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75 The most politically influential arguments for preserving biodiversity appeal
to their potential instrumental value to humans for example, medicines, as opposed to
an argument based on the intrinsic value of nature. Sessions, ‘Ecocentrism, Wilderness,
and Global Ecosystem Protection’, 96. Therefore, humanity ‘... should preserve as
wide as possible a range of genetic diversity because there is no way of anticipating
what our future needs might happen to be’. Godfrey-Smith, ‘The Rights of Non-
Humans and Intrinsic Values’, 31. For many environmentalists, however, this instru-
mental approach to preservation is morally bankrupt because ‘... to categorize and
quantify the benefits of what they take ... is a flawed approach to ... preservation
...’. M.P. Nelson, ‘An Amalgamation of Wilderness Preservation Arguments’, in
Environmental Ethics: An Anthology, ed. A. Light and H. Rolston III (Malden, MA:
Blackwell Publishing, 2003), 432.

Nelson further expands on those categories and argues that preservation can be argued
(and possibly) justified on the following instrumental grounds: its use as a classroom;
on ontogeny grounds (we are what we are because of our environment); cultural diver-
sity (diversity of cultures depends on a variety of ecosystems); national character
(designated wilderness areas symbolically enshrine national character); such areas
allow self-realization as per the tenets of deep ecology; disease sequestration (viruses
in a damaged ecosystem are under extreme selective pressure). When humans enter
such a region they bring out potentially deadly epidemics; salvation of freedom (poten-
tial sanctuaries from oppressive governments) and that it is ‘mythopoetic’ (serves as a
perfect location for viewing the history of myth) amongst other arguments. Nelson, ‘An
Amalgamation of Wilderness Preservation Arguments’, 423–8. Sessions further
proposes that preservation as an argument can be justified in terms of ‘the minding
animals argument’, whereby humanity needs wild animals in a pristine ecosystem so
humans can prosper, because human intelligence is ‘bound to the presence of animals’.

77 W. Godfrey-Smith, ‘The Value of Wilderness’, Environmental Ethics 1

Bryan Norton argues, at least in the short term, that there is little difference between advocating conservationism and preservationism, since both views are dedicated to saving ecosystems and species. However, the two views often diverge at critical moments and may be traced to differing philosophical belief systems. A conservationist may only save a resource for use at a future time, whilst a preservationist desires to keep it forever untrammelled and protected. Thus, sooner or later, they will find themselves at loggerheads. The case studies examined in this book bear this out, since conservationists and preservationists seek goals and advocate practices which are, at times, totally disparate.

NORMS AND STAKEHOLDERS

Norms do not come out of the ground like dragon’s teeth nor do they spring out of the ether. They emerge through the complex interaction of stakeholders arguing new precepts or designing and implementing new strategies within normative and policy debates. The three norms of exploitation, conservation and preservation are constantly being proposed, challenged or supplanted by stakeholders, as the dominant moral norm underpinning global environmental regimes. An understanding of how such norms interact, transform or replace each other is vital to better comprehend how global environmental regimes are created and maintained.

Karen Litfin points out that ‘the knowledge-based nature of environmental problems has opened up the playing field to a profusion of unconventional players’ whose roles and motivations must be examined to understand how global environmental regimes are created and evolve. Further, researchers must also be aware that norms are not advanced in a vacuum and all advocates confront ‘highly contested’ arenas where their norms ‘must compete with other norms and perceptions of interests’. This book will examine this contestation to determine how norms originate and transform over time to

become dominant within a global environmental regime. Neoliberal analysis of global environmental regimes has traditionally tended to confine itself to states and their interests, but constructivism has opened the door to a host of non-state actors such as ENGOs, scientists, corporations and international organizations. These state and non-state ‘normative stakeholders’ all play a role in creating and transforming global environmental regimes and their norms.  

For decades, IR theorists privileged the state as the central locus of study. Since the end of World War II, ‘. . . the international world has been formally levelled into one and only one constitutional category: sovereign states’. IR theorists consider states to be the most important global actor because individual states can domestically alter the behaviour of their citizens through the twin means of coercion or persuasion, with repercussions for the global sphere. Paul Wapner argues trenchantly, ‘. . . even those who focus on the role of norms, values and shared ideas understand them in terms of interstate behaviour. They acknowledge and study them only to the degree that these ideas are involved in the formulation of state interests.’

One cannot examine normative interaction without considering the role of states, because states enter into the bargaining that produces the global environmental regimes and their norms. Neoliberals, therefore, place the state at the centre of their analysis of regimes, by focusing on the state interests that shape the bargaining. They also emphasize inter-state activities, such as the creation of international organizations that further states’ interests. In the environmental regimes examined in this book, states are the main actors involved in shaping new norms and challenging or defending old norms. As we shall see, particular states have, in certain circumstances, been staunch proponents of global environmental protection. For example, the support of both the United States of America and Australia was critical to the strengthening of the

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86 Wapner, ‘Horizontal Politics: Transnational Environmental Activism and Global Cultural Change’, 40.
regime to ban commercial whaling. However, states have also been active exploiters of resources leading to global environmental degradation. As Eckersley describes it, ‘...there is no shortage of detailed historical accounts of the various ways in which particular states (whether communist or capitalist, developed or undeveloped) have acted as resource plunderers ...’, so an understanding of their role as both protector and despoiler is critical.89

However, constructivists studying global issues are increasingly discounting traditional statist frameworks, instead regarding states as one among a plethora of actors on the global scene.90 This allows constructivist researchers to include an analysis of the advocacy role of non-state actors and their impact on a regime’s normative structure. The ideas and norms that shape international environmental regimes usually arise from globalizing networks of concerned citizens, leading NGOs and/or scientists, arguing for models of environmental change from one forum or bureaucracy to another, until they capture a powerful bureaucracy, state or coalition of states to champion their model.

The development of norms within global environmental regimes cannot be adequately explained without regard to NGOs and their campaigns to influence global environmental regimes. In the nineteenth and early-twentieth centuries, the first wave of environmentalists focused on wildlife protection and preserving national resources. The second wave (1960s and 1970s) saw ENGOs mount campaigns on global environmental problems and quality of life issues in technologically advanced societies.91 The 1980s saw ENGOs at the zenith of their power, developing from being primarily domestic, small and underresourced organizations into global entities with vast resources.92 While precise information is unavailable, it is estimated that by the 1990s there were over 100,000 ENGOs operating globally, with millions of members.93

90 Wapner, Environmental Activism and World Civic Politics, 42; Eckersley, ‘Greening the Nation-state from Exclusive to Inclusive Sovereignty, Economy and Ecology’, 1–2.
93 Wapner, Environmental Activism and World Civic Politics, 2.
ENGO members share a common concern about environmental degradation. ENGOs aim to inculcate in people an ‘ecological sensibility’, with the aim of moving people to act more responsibly towards the environment. Wapner argues that the ENGOs’ mission is to ‘identify and manipulate cultural frames of reference to persuade ordinary citizens throughout the world to adopt environmental values’. This approach has often enabled ENGOs to be in the vanguard in promoting new global environmental norms.

Like all NGOs, ENGOs can operate at multiple levels, including local, national and global levels. This book is concerned primarily with those ENGOs that operate at the global level and focus on regional or global environmental protection, such as Greenpeace, WWF and Friends of the Earth. The ENGOs’ impact on the global scene is linked to their ability to

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95 Ibid.: 46.
96 Ibid.: 49.
98 Greenpeace was created in 1969 under the name, Don’t Make Waves Committee, a splinter group of Sierra Club members and peace activists. Jacqueline Vaughn Switzer, *Environmental Politics: Domestic and Global Dimensions*, 4th edition (Belmont, CA: Thomson/Wadsworth, 2004), 41. In 1972, it formally took the name Greenpeace, with the aim of being a transnational environmental activist group. Paul Kevin Wapner, ‘Politics Beyond the State: Environmental Activism and World Civic Politics’, *World Politics* 47, no. 3 (April) (1995): 320. Greenpeace seeks to replace traditional interpretations of exploitationist practices with new frameworks of understanding. Wapner, ‘Politics Beyond the State: Environmental Activism and World Civic Politics’, 321. In Wapner’s words, Greenpeace: ‘targets the global cultural realm. It clues into internationally shared modes of discourse, such as moral norms, symbols, and scientiﬁc argument, and it manipulates them to induce people to pursue, what Greenpeace assumes are, environmentally sound practices.’ Wapner, *Environmental Activism and World Civic Politics*, 14–15.
99 The WWF was founded in 1961 and established a global headquarters in 1962 in Gland, Switzerland. Since then it has funded or been involved in 4000 projects in over 140 states. It involves itself in primarily conservationist projects in differing geographic areas, for example, the Pacific, Africa. Originally, the WWF interpreted conservation as merely saving species. Over time, it realized that this approach was not working and it shifted to attempting to preserve ecosystems. It prefers to work closely with local peoples to create tailored indigenous conservationist solutions. Wapner, *Environmental Activism and World Civic Politics*, 77–83.
100 Friends of the Earth (FoE) was created in 1969 as a splinter group of the Sierra Club. Since that time, it has grown to have chapters in over 50 states with up to a million members. Friends of the Earth aims to alter global economic, social and cultural processes to better reﬂect environmental sensibilities. In particular, it seeks to influence states to commit to environmental protection by direct lobbying or embar-
exert political influence over states and other actors by direct action campaigns, publicity campaigns, conferences and the use of celebrities to raise public awareness of global environmental issues.101 ENGOs raise public awareness of environmental issues, lobby decision-makers, organize boycotts and monitor and implement global agreements.102 ENGOs have also been crucial for regime maintenance by monitoring potential and actual transgression of global environmental treaties.103

ENGOs influence global environmental negotiations by putting forth information, ideas and frameworks that would not otherwise have been available to delegates.104 As Thomas Princen has noted, ‘[i]n negotiations that have few precedents, little predetermined structure, an ill-defined agenda, and fuzzy outcome expectations, simply sitting at the table confers influence’, which can be critical in achieving normative transformation.105 There are two basic models of NGO action relating to global environmental regimes. One is the ‘network model’ (for example, the Antarctic and Southern Ocean Coalition) and the other is the ‘NGO leader model’, where one wealthy global NGO leads the way (for example, Greenpeace with its 3.3 million members worldwide in the case of whaling). The lead NGO model is best suited to lobbying that requires concentrated resources (for example, ships to monitor and publicize the practice of whaling) and the network model is ideal for environmental problems that are diffuse and variable across different regions (for example, pesticides).106

On the global scene, Greenpeace and other ENGOs have been crucial in promoting a preservationist ethic within the regimes of whaling and Antarctica. Both regimes have, to some extent, adopted the preservationist ideal as their central norm. Their success has depended largely on their ability to enter negotiations as a full participant, either directly or through agents acting as ventriloquists for small states.

rasssing states to implement environmental treaties. Wapner, Environmental Activism and World Civic Politics, 121–7.


103 Wapner, ‘Horizontal Politics: Transnational Environmental Activism and Global Cultural Change’; 42.


105 Kellow, ‘Norms, Interests and Environmental NGOs: The Limits of Cosmopolitanism’, 619.

In the case of tropical timber, however, ENGOs have been unable to negotiate as full participants or through proxy states and this is one reason the campaign to prevent exploitation of tropical forests has been unsuccessful to date.

The assessment of the global political role of NGOs, particularly that of ENGOs, has to date been incomplete. Helmut Breitmeier and Volker Rittberger are critical of current NGO scholarship, arguing that despite the plethora of material written on NGOs, there is still 'little systematic knowledge about which actions of which types of NGOs have the greatest impact on international political processes'.

Another group of global actors that has become increasingly important within global environmental regimes are scientists, who provide the technical knowledge and language, as well as encouraging debate and calling on states to act responsibly and comply with existing agreements. This expert knowledge converts readily into political influence in a number of environmental regimes, such as Antarctica and whaling. For many regimes, one of the initial key steps to environmentally protecting a regime is the building of a global scientific consensus that agrees on the issue boundaries and narrows any uncertainties, allowing negotiation to take place. As stated above, many scientists (for example, cetologists) argue from conservationist positions that reflect their scientific beliefs and training.

Transnational Corporations (TNCs) have also become involved in global environmental regime creation and propagation, particularly in the cases of whaling and tropical timber. A TNC can be defined as a ‘business that undertake[s] production, sales, and investment within multiple countries and across national boundaries’. What differentiates them from other companies is their quasi-detachment from any one state and their ability to function outside of state control. The sheer scale of these companies means they have a

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111 Ibid.
greater impact on global resource extraction and utilization than many states, since they control assets greater than the gross national product of some nations.\(^\text{112}\) Such power has not always been wielded ethically and TNCs have traditionally been considered as organizations that have opposed or reduced the spread of environmental causes to ensure their continuing access to raw materials as well as being a source of pollution.\(^\text{113}\)

A study by David Humphreys, Kelly Lee and Michael Pugh has revealed four main routes whereby TNCs have exerted influence:

- They have acquired official representation as members of, or expert advisors to, government delegations negotiating regimes.
- They have organized themselves into associations which are then granted NGO observer status at UN-sponsored negotiations.
- Individual representatives from TNCs have been elected as chairs of committees. For example, in the case of the International Tropical Timber Organization (ITTO), a prominent international timber trader, Ernesto Sanvictores (owner of Armitico and chairman of the Philippines Wood Products Association), was elected chair of the International Tropical Timber Council (ITTC).
- TNCs have provided development assistance to members of various international bodies, such as the ITTO.\(^\text{114}\)

In the last few decades, corporations have come to be recognized as major actors on the global scene. With this recognition has come greater awareness of both the environmental damage such entities can do and their potential to act as agents of moral change. Since many corporations cannot exist without access to global resources, they tend not to advocate preservationist ideals but rather positions on a spectrum from outright exploitation to conservation.

TNCs have been responsible for some of the worst cases of exploitation, such as the destruction of tropical forests in Sarawak. On the other hand, other


TNCs have advocated a conservationist position similar to those of certain ENGOs. Where corporate power is strong, particularly in influencing state policy, we can expect to see an exploitative or conservationist norm underpinning a global environmental regime, as in the case of tropical timber.

International Organizations (IOs) are ‘... the bureaucracies that often result from governments working together to solve their problems’. They are often overlooked in regime analyses. The International Whaling Commission (IWC) and the International Tropical Timber Organization (ITTO) are examples. IOs can resolve disputes, manage conflicts, shape international discourse incentives and elaborate norms. Thus they are ‘actors’ in the regime sense. They may not overtly advocate a particular normative position, but their structure and character can ensure whether a norm becomes dominant or not. In the case of the Scientific Committee on Antarctic Research (SCAR), which considers itself an IO as opposed to an ENGO, its scientific advice has been crucial in providing evidence to support a preservationist position to protect Antarctica’s fragile ecosystem.

All of these state and non-state actors seek to establish their preferred norm as dominant within the relevant global environmental regimes. Actors seeking to justify a new norm ‘... try to associate their prescriptions with values that are already accepted as normative within the relevant speech community’. The constructivist Kathryn Sikkink notes that new ideas or norms are likely to be successful if they mesh with pre-existing ideas and philosophies. The best way to ‘graft’ a moral idea or norm at the global level is when it is ‘... consistent with intersubjective beliefs about the behavior and goals of ideal states’. In the cases studied here, states’ own conception of themselves as ‘good environmental citizens’ can create conducive conditions for the acceptance of moral norms.

AIM AND STRUCTURE

To recapitulate, this book proposes to unpack the notion of normative transformation within global environmental regimes and explore the following questions:
• Which of the two international relations paradigms used here to investigate global environmental regimes, neoliberal institutionalism and constructivist analyses, has the most explanatory power when it comes to normative transformation within the three case studies examined?
• How can we explain the ascendancy of some environmental norms over others? In particular, how can we explain the rise of, and resistance to, conservation and preservation norms over exploitation norms in environmental regimes?
• Can the two approaches of neoliberalism and constructivism be melded to offer a more robust or rounded analysis of normative transformation or are they incompatible and specific to particular conditions and circumstance?

For decades, the competing schools of neoliberalism and constructivism have both been guilty of exchanging little information, focusing inward on their own theoretical understandings and choosing case studies that suit their own analyses.119 To bridge this apparent chasm, this book aims to pose to each of the two theories of neoliberalism and constructivism a set of ‘hard questions’ via an examination of the same three case studies. In the cases of both whaling and Antarctica, can neoliberals explain the dominance of the norm of preservation since it cannot obviously be explained in terms of states’ ‘interests’? Can constructivism account for normative transformation in these two cases without resorting to an explanation of the use of material levers by actors? In the case of tropical timber, can constructivists explain the role of norms where there are obvious material interests at stake? Answering these questions will enable a more nuanced understanding of the relative strengths and weaknesses of the two theoretical approaches.

To answer the proposed questions, this text will investigate the discursive fora and contexts through which the examined norms were negotiated. This includes examining the proffered arguments put forward by actors and the ideational frameworks utilized to defend positions. The strategies and tactics employed to persuade and manipulate other actors are also analysed, along with a critical reading of the way the normative preferences of the parties are transformed through social interaction. This allows a contrast to be made between norm-driven explanations and interest-driven explanations concerning regime negotiation and normative transformation.

The remainder of this book is organized as follows:

Chapter 1 provides a critical examination of neoliberal institutionalism, focusing on key proponents, its privileging of state interests and how it conceives and analyses norms versus interests, within the three case studies. It sets out a methodology useful to analyse normative transformation and asks how rationalists can account for moral behaviour in norm change.

Chapter 2 undertakes a similar exploration of constructivism, focusing on how norms become accepted or rejected within the global community and the constructivist claim that norms are not merely regulatory but constitutive. Their concept of ‘persuasion’ is also examined and the willingness of constructivists to analyse stakeholders other than states. It tests a methodological framework developed by Martha Finnemore and Kathryn Sikkink.

Chapter 3 is the case study of Antarctica. It begins with the history of the exploration of the continent and early attempts to exploit the region. It lays out the creation of the Antarctic Treaty system and the various treaty negotiations within that system to protect the region. It uses both a rationalist and a constructivist perspective to analyse treaty negotiations within the Antarctic Treaty Committee Meetings (ATCMs), in particular discussions concerning the designation of Antarctica as a ‘world park’. It also examines normative positions as propounded by various parties involved in the negotiations, both state and non-state, to determine which approach has the most influence.

Chapter 4 is the case study of whaling. It outlines a history of whaling exploitation over the centuries and the various attempts, both within and without the IWC (International Whaling Commission), to impose a conservationist regime. This is set against the backdrop of increasing hunting of whales using efficient whale-hunting techniques by fewer states. Paradoxically, as the exploitation of whales accelerated, many states stopped whaling on economic grounds and this chapter explores to what extent this was a significant contributory factor in preservationism becoming dominant in the IWC. Using rationalist and constructivist research techniques, the chapter analyses campaigns by states and NGOs to promote an understanding of the uniqueness and intelligence of whales. It considers whether strategic efforts or moral persuasion have been more successful in creating a whaling moratorium and what has occurred subsequent to the imposition of that ban.

Chapter 5 is the case study of logging, particularly the over-logging and subsequent environmental degradation in the Asia-Pacific. It applies both neoliberal and constructivist perspectives to examine why attempts by members of the ITTC and ENGOs to limit over-logging have been so unsuccessful.

The Conclusion sets out the tentative lessons we can draw from the origin and evolution of environmental norms, the interaction of the actors involved and the potential impact such normative change can have on actors’ interests and their effects on global environmental institutions. It offers some tentative
suggestions about the implications of this research for the promotion of moral norms applicable to other global environmental problems and expresses the hope that neoliberalism and constructivism may be combined to produce a more rounded analysis that is greater than the sum of its parts.\textsuperscript{120}

\footnotesize{\textsuperscript{120} Oran R. Young, ‘Hitting the Mark: Why Are Some International Environmental Agreements More Successful than Others?’, \textit{Environment} 41, no. 8 (1999): 28.}