

The London School of Economics and Political Science

**EMPOWERING RESISTANCE?
'REVISIONIST' STATES AND THE UNDERLYING DYNAMICS OF INTERNATIONAL
NORM DIFFUSION**

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A thesis submitted to the Department of International Relations at the London School of
Economics and Political Science for the degree of Doctor of Philosophy,
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Abstract

This thesis analyses the empirical puzzle of purported revisionist state endorsement of international norms. It demonstrates that despite expectations of norm rejection, 'revisionist' states in fact endorse the norms that comprise the very international order they ostensibly oppose. Employing Cuba as a case study of a paradigmatic revisionist state, it assesses the reasons behind Cuban endorsement of three international norms - the elimination of chemical weapons, prohibition of torture and conservation of biological diversity - within an analytical framework comprising fifteen attributes frequently credited with international norm diffusion in extant scholarship. In doing so, this thesis proffers a revised framework for international norm diffusion in a least likely scenario, identifying the key attributes that most consistently impacted norm endorsement by a 'revisionist' state. It also dispels the myth of socialisation as either an explanatory factor behind, or result of, international norm endorsement. Rather, the findings demonstrate that international norms were harnessed and ultimately endorsed by a purported revisionist state in an attempt to constrain, shame or otherwise hold the prevailing hegemon to account, rendering international norm endorsement a form of empowerment of resistance. This study additionally raises questions regarding the very meaning of revisionism in world politics. It reveals conceptions of revisionism and deviance as subjective - indeed performative - constructs, rendered operational as devices of hegemonic consolidation only in the hands of the most powerful, thereby simultaneously refracting and propagating the stratified power relations underlying international politics.

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List of Abbreviations

AHC	Ad Hoc Committee on Chemical Weapons
AI	Amnesty International
BCSD	Business Council for Sustainable Development
BNG	Base Naval de la Bahía de Guantánamo - Guantánamo Bay Naval Base
CAT	United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CBD	United Nations Convention on Biological Diversity
CD	United Nations Committee/Conference on Disarmament
CHR	United Nations Commission on Human Rights
COP	Conference of the Parties
CW	Chemical Weapons
CWC	United Nations Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction
DNE	Domestic Norm Entrepreneur
DSC	Domestic Structural Condition
EBD WG	Ad Hoc Working Group of Experts on Biological Diversity
ECOSOC	United Nations Economic and Social Council
EJIR	European Journal of International Relations
ENMOD	Convention on the Prohibition of Environmental Modification with Military or Other Hostile Weapons
G21/G77	Group of 21/77
GC	UNEP Governing Council
GCS	Global Civil Society
GEF	Global Environmental Fund
Geneva Protocol	Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare
GRULA	Group of Latin American Heads of Mission
HR	Human Rights
ICCPR	International Covenant on Civil and Political Rights

IHC	Instituto de Historia de Cuba - Cuba Institute of History
IL	International Law
INC	Intergovernmental Negotiating Committee for the CBD
INE	International Norm Entrepreneur
INGO	International Non-Governmental Organisation
IO	International Organisation
IR	International Relations
ISRI	Instituto Superior de Relaciones Internacionales - Cuba Institute for Higher International Relations
IUCN	International Union for the Conservation of Nature
LTEBD WG	Ad Hoc Working Group of Legal and Technical Experts on Biological Diversity
MCDCED	Ministerial Conferences of Developing Countries on Environment and Development
MINREX	Ministerio de las Relaciones Exteriores - Cuba Ministry of Foreign Affairs
MNC	Multinational Corporation
NAM	Non-Aligned Movement
OAS	Organization of American States
OCIDTP	Other Cruel, Inhuman or Degrading Treatment or Punishment
OPCW	Organisation for the Prohibition of Chemical Weapons
PrepCom	Preparatory Committee
R2P	Responsibility to Protect
SR	United Nations Special Rapporteur
TAN	Transnational Activist Network
UDHR	Universal Declaration of Human Rights
UNCED	United Nations Conference on Environment and Development
UNEP	United Nations Environment Programme
UNGA	United Nations General Assembly
UNSG	United Nations Secretary-General
US	United States of America
USSR	Union of Soviet Socialist Republics
WG	Working Group

CHAPTER 1:

INTRODUCTION



Figure 1: Cuban press depicts denunciations of revisionism at the United Nations Security Council, 1992¹

When representatives of Cuba, Venezuela, Nicaragua and Sudan expressed grave concerns and sought to “review the viability of the concept” of the Responsibility to Protect (R2P) during the associated 2009 United Nations General Assembly (UNGA) debate,² they were largely dismissed as “the most doctrinaire,”³ “openly rejectionist,”⁴ “spoilers,”⁵ expressing “dissenters’ resistance.. (an) alternative kind of sabotage,”⁶ and simply unwilling “to entertain constructive debate on R2P.”⁷ These states were “expected to reject R2P on

¹ Anon, “Cuba denuncia y Estados Unidos ofende a la justicia,” *Granma* (28:103, Fri 22 May 1992), 1.

² Cuba, A1631677: <http://www.globalr2p.org/media/files/cuba-2009-r2p-debate.pdf>, 3, Venezuela, Nicaragua, Sudan, “Statements on R2P 2009 to Present”: <http://www.responsibilitytoprotect.org/index.php/document-archive/government?view=fjrelated&id=2409>.

³ Alex Bellamy, *A Responsibility to Protect* (Oxford: Oxford Scholarship Online, 2014), 4.

⁴ Melinda Negrón-Gonzales, Michael Contarino, “Local norms matter,” *Global Governance* (20:2, 2014), 264. Also: Jacinta O’Hagan, “The Responsibility to Protect” in Ramesh Thakur, William Maley (eds), *Theorising the Responsibility to Protect* (Cambridge University Press; Cambridge, 2015), 298.

⁵ Cristina Badescu, Thomas Weiss, “Misrepresenting R2P and advancing norms,” *International Studies Perspectives* (11:4, 2010), 361.

⁶ Anette Stimmer, Lea Wisken, “The dynamics of dissent,” *International Affairs* (95:3, 2019), 515.

⁷ Lauren Fitzsimons, “The Status of the Responsibility to Protect Norm in International Relations,” e-International Relations, June 2015.

both normative and interest grounds,”⁸ given, for example, “it suits the anti-imperialist rhetoric of Venezuela and Cuba.”⁹ Yet to presume norm opposition based solely upon a perception of revisionism is ill-considered. According to the United Nations Treaty Depository, Cuba, for example, has ratified over 60 multilateral treaties since 1920,¹⁰ each of which comprise and represent various international norms.

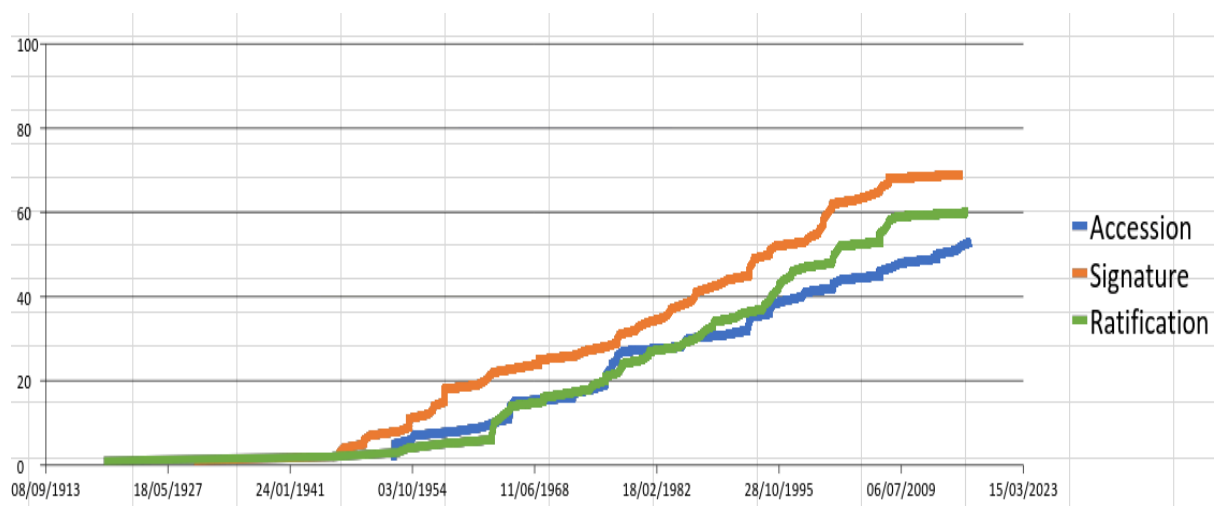


Figure 2: Date of deposit of international conventions signed, ratified and acceded to by Cuba at the United Nations Treaty Depository, 1920-2017.

Other perceived revisionist states hold similar records of international treaty endorsement.¹¹ This does not mean, of course, that the presumption of rejection should be reversed and these states should be expected to endorse international norms. It does, however, beg the question regarding why such states, which are broadly considered revisionist and often publicly oppose core elements of a prevailing international order, endorse the norms that they do.

Answers to this question in International Relations (IR) and International Law (IL) scholarship remain slightly obtuse - revisionist states are frequently either omitted from analysis of international norm evolution processes and treaty adoption, presumed to be

⁸ Negrón-Gonzales, Contarino, “Local,” 264.

⁹ Bellamy, *R2P*, 12.

¹⁰ United Nations Treaty Collection Depository pertaining to Cuba: <https://treaties.un.org/pages/TreatyParticipantSearch.aspx?clang=en>.

¹¹ United Nations Treaty Collection: <https://treaties.un.org/pages/TreatyParticipantSearch.aspx?clang=en>. In comparison, however, Sweden, Brazil, Canada ratified over 90 treaties.

rejectionist, or perceived to be targets of socialisation, following which they will no longer be revisionist. Wunderlich notes, for example, that “Among scholars—particularly those coming from a Western liberal context—there seems to be agreement that so-called “rogue states” are defined by their norm deviance and that they are to be treated as objects of normative intervention rather than agents shaping the normative order of which they are an integral part. However, deviance from international norms is very often merely presumed and lacks clear proof.”¹² Indeed, Figure 2 demonstrates it is not always the case, with a purported revisionist state endorsing international norms represented within international treaties relatively regularly, despite both perceived and self-ascribed revisionist status. By showing that important outcomes do not conform with current explanations, a compelling puzzle has been established. Borrowing from Finnemore, “Similar action (of norm endorsement) by dissimilar actors (revisionist states) in the absence of constraint is anomalous under these theories... It is precisely the similarity in behaviour where none should exist that makes these cases theoretically anomalous and worthy of investigation.”¹³

This thesis therefore explores three related research questions, in narrowing specificity. First, why do purported revisionist states endorse international norms, thereby submitting to a global governance regime they seemingly oppose? Second, how do international norms diffuse in these scenarios? Relatedly, and third, which attributes of international norm diffusion influence norm endorsement in these cases and how? By asking why revisionist states endorse international norms and identifying the key micro-processes behind international norm diffusion in this instance, this thesis addresses both causal and constitutive questions to understand and explain the very constitution of global governance - why and how ideas possess power at the international level. It does so via qualitative analysis of the reasons behind norm endorsement by one purported revisionist state in three norm studies. First, four decades of IR and IL scholarship pertaining to international norm evolution is collated and interrogated,¹⁴ and an analytical framework comprising the

¹² Carmen Wunderlich, *Rogue States As Norm Entrepreneurs* (Cham: Springer, 2019), 67.

¹³ Martha Finnemore, *National Interests in International Society* (Ithaca: Cornell University Press, 1996), 6,25. Similarly: Richard Price, “Book Review,” *World Politics* (55:4, 2003), 600.

¹⁴ Refer: Erin Graham, et al, “Review Article: The Diffusion of Policy Diffusion Research in Political Science,” *British Journal of Political Science* (43:3, 2012), 673-701 for a summary of prior policy diffusion scholarship.

fifteen attributes most frequently credited with international norm diffusion is conceptualised. These attributes are then systematically and consistently assessed for impact across three norm case studies, employing Cuba as the paradigmatic revisionist state. First, Cuban endorsement of the international security norm to eliminate chemical weapons as represented in the 1997 UN Chemical Weapons Convention (CWC) is considered. Second, attributes that held most impact over Cuban endorsement of the international human rights (HR) norm to prohibit torture as represented in the 1987 UN Convention against Torture (CAT) are identified. Finally, influence over Cuban endorsement of the environmental norm to conserve biodiversity in the 1992 UN Convention on Biological Diversity (CBD) is determined. The respective impact, manner of operation and most common configuration of attributes thus far credited in norm scholarship for international norm diffusion in these least likely scenarios is thence tested. Cross-case comparison of outcomes reveals some surprising conclusions, which offer four unique contributions to IR scholarship and practice.

First, this thesis presents a revised international norm diffusion framework for purported revisionist state norm endorsement, recognising the particular import of six of the fifteen attributes currently credited for diffusion, albeit at greater levels of complexity, plurality, multilinearity and with capacity for adverse effect. Second, it dispels the dominant myth of socialisation in constructivist norm literature. By analysing the process rather than the outcome of norm diffusion, from the perspective of the periphery rather than the core, it reveals that socialisation had no effect on norm endorsement processes or outcomes in this case. Third, in a surprising twist, the purported revisionist state in fact endorsed norms on these occasions as a form of hegemonic resistance. Norm endorsement provided Cuba with opportunities to promote its mutually perceived and self-ascribed revisionism as model international citizenship and simultaneously denounce what it perceived to be United States (US) recalcitrance. In fact, norms were endorsed by Cuba as a form of revisionist *empowerment*, in attempts to constrain, shame or otherwise hold the prevailing hegemon to account. At one stage or another, Cuba attempted to harness each norm for the intended

purpose of hegemonic norm entrapment.¹⁵ Fourth, and finally, this thesis proffers a healthy critique of constructions of revisionism in IR. It ultimately reveals revisionism as a subjective construct, successfully employed by those most powerful to consolidate their dominant status.

The thesis progresses as follows. Conceptions surrounding revisionism in IR are explored in the following chapter, including how expectations regarding revisionist state norm rejection, or endorsement via socialisation, prove inadequate and raise a compelling puzzle. The chapter then turns to the analytical framework around which the empirical data is analysed and assessed. It offers a definition of norms, revised conception of the international norm evolution cycle, and then zooms in to identify core norm diffusion attributes. These attributes comprise the analytical framework around which reasons behind revisionist state norm endorsement are subsequently determined. Chapter three outlines the methodological approach, detailing scope conditions, use of norm diffusion attributes as variables, and process tracing methodology. The chapter then documents and justifies case study selections and data sources. Chapters four to six comprise the empirical analysis. One chapter is dedicated to each norm study, recording which attributes held most influence over norm diffusion and endorsement as anticipated in associated scholarship, which held important - however not quite as expected - impact, and which proved negligible. Results across all three case studies are collated and assessed in the penultimate chapter, which presents conclusions regarding which attributes proved most significant and how, why a purported revisionist state endorsed international norms, and what this means for understandings of international norm diffusion processes, socialisation, and revisionism in IR. The final chapter distils these conclusions, outlines the contribution of this thesis, and canvasses important avenues for future research.

¹⁵ John Ikenberry, "America's unipolar order," *LSE Miliband Lecture on American Power in the 21st Century*, 2003, Ernst Haas, "Words can hurt you" in Stephen Krasner (ed), *International Regimes* (Ithaca: Cornell University Press, 1983), 213, G. John Ikenberry, et al, "Unipolarity, State Behaviour, and Systemic Consequences," *World Politics*, (61:1, 2009), 19-21.

CHAPTER 2:

CONCEPTUAL FRAMEWORK

This chapter establishes the framework around which the empirical data is analysed and conclusions drawn. It sets out the conceptual foundation of the research puzzle, through a review of scholarship pertaining to understandings of revisionism in world politics and expectations of revisionist state norm rejection. International norm evolution research across IR and IL is then interrogated to disaggregate the current myriad of occasionally conflicting explanations of international norm diffusion.¹ First, norms and the norm evolution process are defined. Second, three categories of international norm diffusion attributes - at the systemic, state and norm level - are identified, alongside their reported relation to processes of socialisation. The resulting analytical framework presents the novel means to assess international norm diffusion processes and test the respective manner and weight of influence of each norm diffusion attribute over revisionist state endorsement, in the empirical analysis that follows.

2.1 REVISIONIST STATE NORM REJECTION

Revisionist states have been labelled many things in both academic and political discourse: rejectionist, recalcitrant, deviant, counter/stigmatised, unsatiated, delinquent, rogue, pariah, evil, a have-not, unequal sovereign, outlaw, revolutionary, illiberal, outsider, dissatisfied, discontented.² The term 'revisionist' is employed for the purpose of this thesis, whilst engaging with this range of scholarship and terminology, to maintain consistency.³ Despite nomenclatural proliferation, what constitutes a revisionist state remains contested.

¹ This analysis does not aim to essentialise what constitutes a depth and breadth of theoretically complex, interrelated paradigms, however a level of generalisation is necessary given space constraints.

² Toni Erskine, "How Should We Respond to 'Delinquent' Institutions?" *Journal of International Political Theory* (4:1, 2008), 1-8, Wei Liang, "China: Globalization and the Emergence of a New Status-Quo Power?" *Asian Perspective* (31:4, 2007), 146-7, Randall Schweller, "Bandwagoning for Profit," *International Security* (19:1, 1994), 85, footnote 59, Alexandra Homolar, "Rebels without a conscience," *European Journal of International Relations* (17:4, 2010), 710, special issue of *International Politics* (51:4, 2014) especially Anna Geis, Carmen Wunderlich, "The good, the bad, and the ugly," *International Politics* (51:4, 2014), 458-65, Gerry Simpson, *Great Powers and Outlaw States* (New York: Cambridge University Press, 2004), 55-6, 281-2, Rebecca Adler-Nissen, Ayse Zarakol, "Struggles for Recognition," *International Organization* (Forthcoming, 2021), 4.

³ Alternative terms will, however, be used when quoting directly from this literature.

Much scholarship focuses on the determination of what gives rise to or causes the phenomenon of revisionist states (hereafter termed 'revisionism'), in the absence of defining what it actually is or how it is embodied.⁴ According to Chan, "the logic and evidence used to identify status-quo and revisionist states respectively are often problematic. States are usually assigned to one or the other category of this dichotomy according to an individual analyst's assertions rather than systematic reasoning and comparative data."⁵ Indeed, Ward observed that "revisionism is a poorly understood concept. It often serves as little more than an ad hoc explanation for otherwise inexplicably aggressive behavior."⁶ Nevertheless, scholars across a range of theoretical paradigms primarily agree that purported revisionist states will likely reject prevailing international norms.

2.1.a: Realist Perspectives

Traditionally, in IR scholarship, revisionism was considered within the realist paradigm as describing a challenging, primarily bellicose, rising power,⁷ such as within power-transition theory⁸ or the status inconsistency model.⁹ A growing body of research, however, now observes that because prevailing systems benefit rising powers, status-quo hegemons are actually more likely to demonstrate revisionist tendencies against rising power challenges in order to maintain their dominant status.¹⁰ This literature matured, culminating in the analytical typology recently presented by Cooley, Nexon and Ward, which contends that revisionism incorporates dissatisfaction with either or both the prevailing distribution of

⁴ Sten Rynning, Jens Ringsmose, "Why Are Revisionist States Revisionist?" *International Politics* (45, 2008), 19-39, Steve Chan, "Can't get no satisfaction?" *International Relations of the Asia-Pacific* (4, 2004), Alex Cooley, et al, "Revising order or challenging the balance of military power?" *Review of International Studies* (15, 2019), 4.

⁵ Steve Chan, "On States' Status-Quo and Revisionist Dispositions," *Issues & Studies* (51:3, 2015), 3.

⁶ Steven Ward, *Status and the Challenge of Rising Powers* (New York: Cambridge University Press, 2017), 1.

⁷ Jason Davidson, "The Roots of Revisionism," *Security Studies* (11:4, 2002), 128.

⁸ A.F.K. Organski, J. Kugler, *The War Ledger* (Chicago: University of Chicago Press, 1980), 19.

⁹ K.J. Holsti, "National role conceptions in the study of foreign policy," *International Studies Quarterly* (14, 1970), 233-309, J. Galtung, "A structural theory of aggression," *Journal of Peace Research* (1, 1964), 95-119.

¹⁰ Ian Hurd, "Breaking and making norms," *International Politics* (44:2-3, 2007), 201, Ward, *Status*, 2-5, Chan, "Satisfaction," 210,234, "States," 5-8,13-4, Adler-Nissen, Zarakol, "Recognition," 7-8, Katherine Combes, "Between Revisionism and Status-quo," *POLIS Journal* (6, 2011/2012), 1-37, Ikenberry, et al, "Unipolarity," 12-3, Rosemary Foot, Andrew Walter, "Global norms and major state behaviour," *European Journal of International Relations* (19:2, 2011), 344-7.

power and elements of the international order.¹¹ Four ideal actor types are identified: status-quo actors satisfied with both aspects; positionalist actors dissatisfied with the specific distribution of power rather than the broader international system; reformist actors concerned with the opposite; and, finally, revolutionary actors, who seek to alter both the balance of power and elements of the international system.¹² Other scholars concur, with Chan, for example, anticipating positionalist actors when he observed, “the hegemon and the international system are not synonymous. One can try to displace the current hegemon without replacing the system.”¹³

While debates remain regarding the relative relevance of capabilities, intentions, actions, risk-taking propensity, resolve, and status ambitions,¹⁴ revisionism within this stream may be broadly defined as dissatisfaction with and pursuit of the goal to reshape the status-quo, whether through a reordering of territory, status or prestige positionality, material capabilities, ordering principles, ideological regimes or dominant political systems.¹⁵ Importantly, given Cooley, Nexon and Ward’s definition of the international order as comprising an “*ecology* of military, economic, status, and other goods... (and) the ‘rules’ and ‘norms’ associated with them,”¹⁶ at least reformist and revolutionary revisionists appear to axiomatically oppose international norms in accordance with this typology. Furthermore, given classic realist contentions that norms require hegemonic buttressing for existence,¹⁷

¹¹ Cooley, et al, “Revising,” 17.

¹² Cooley, et al, “Revising,” 1-20.

¹³ Chan, “States,” 11, Alastair Johnston, “Is China a status-quo power?” *International Security*, (27:4, 2003), 10-11, Steven Ward, “Race, status, and Japanese revisionism in the early 1930s,” *Security Studies*, 22:4 (2013), Carmen Wunderlich, et al, “Non-aligned Reformers and Revolutionaries” in Harald Müller, Carmen Wunderlich (eds), *Norm Dynamics in Multilateral Arms Control* (London: University of Georgia Press, 2013), 246, Svenja Gertheiss, Stefanie Herr, “Approaching International Dissidence” in Svenja Gertheiss, et al, (eds), *Resistance and Change in World Politics* (Cham: Palgrave MacMillan, 2017), 13-5, Christopher Daase, Nicole Deitelhoff, “Reconstructing global rule by analyzing resistance,” *Internationale Dissidenz Working Paper 1/2014*, 2014, 10-3, Alastair Johnston, *Social States* (Princeton: Princeton University Press, 2008), xxii.

¹⁴ Jihwan Hwang, “Offensive Realism, Weaker States, and Windows of Opportunity,” *World Affairs* (168:1, 2005), 39-48, Erskine, “Institutions,” 6 note 2, Chan, “Satisfaction,” 216, Davidson, “Revisionism,” 125-33, Schweller, “Bandwagoning,” 99-105, Benjamin Miller, “Between the Revisionist and the Frontier State,” *Review of International Studies* (35, 2009), 85-119.

¹⁵ David Zionts, “Revisionism and Its Variants,” *Security Studies* (15:4, 2006), 632-4, Davidson, “Revisionism,” 25, Schweller, “Bandwagoning,” 87-100, Chan, “Satisfaction,” 207-16, Ikenberry, “Unipolarity,” 12, Cooley, et al, “Revising,” 4, Miller, “Revisionist,” 89, Adler-Nissen, Zarakol, “Recognition” 4,7-8: although far from realist, recognise “The discontented are frustrated with their perceived positions in the recognition hierarchy.”

¹⁶ Cooley, et al, “Revising,” 17 (original emphasis).

¹⁷ Refer: 2.3 Analytical Framework, below.

positionalists, or indeed any actor rejecting the hegemon or challenging the status-quo order, are also expected to reject norms.¹⁸ Chan, for example, concludes that “participation in and ratification of international conventions (especially treaties on arms control) could provide another sign of acceptance of and commitment to the international status-quo,” with rejection indicating the opposite.¹⁹ The only exception to realist expectations of revisionist state norm rejection is when material benefits or incentives dictate otherwise.

2.1.b: Liberal Perspectives

While realists thereby constitute revisionism at the systemic-level, liberal theories turn inward and consider certain domestic structures and internal state behaviours as deviant characteristics.²⁰ Revisionism is frequently conflated with authoritarian, left-wing, or any regime that challenges liberal democratic forms of governance in what Simpson terms ‘liberal anti-pluralism’.²¹ According to Nincic, “a non-democratic system of government is the key criterion in getting a state labelled ‘rogue’.”²² Studies show that nations moving towards democracy and open economies, for example, were more likely to endorse “US-led liberal norms” in the UNGA and thus less likely to be considered revisionist.²³ This is

¹⁸ Ikenberry, Kupchan, “Socialization,” 283-315, Robert Jervis, “Security Regimes,” Haas, “Words,” Arthur Stein, “Coordination,” Donald Puchala, Raymond Hopkins, “International Regimes” in Krasner, *Regimes*, Stephen Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999), 6,220,228, Stephen Krasner, “Sovereignty and Intervention” in Gene Lyons, Michael Mastanduno (eds), *Beyond Westphalia?* (Baltimore: The Johns Hopkins University Press, 1995), Andrew Hurrell, Terry Macdonald, “Ethics and Norms in International Relations” in Walter Carlsnaes, et al (eds), *Handbook of International Relations* (Sage: London, 2013), 71, Peter Gourevitch, “The Governance Problem in International Relations” in David Lake, Robert Powell (eds), *Strategic Choice and International Relations* (Princeton: Princeton University Press, 1999), 138,164.

¹⁹ Chan, “Satisfaction,” 216-9,233. Also: Michael Bailey, et al, “Estimating Dynamic State Preferences from United Nations Voting Data,” *Journal of Conflict Resolution* (61:2, 2017), 430-56, Combes, “Revisionism,” 3-5.

²⁰ Andrew Moravcsik, “Taking Preferences Seriously,” *International Organization* (51:4, 1997), 513-53, Homolar, “Rebels,” 721, Harald Müller, “Evilization in liberal discourse,” *International Politics* (51:4, 2014), 479.

²¹ Simpson, *Powers*, 76-8,278-315. Per: Jeffrey Checkel, “Why Comply?” *International Organization* (55:3, 2001), 553-8, Bailey, et al, “Preferences,” 430-56, James Vreeland, “Political Institutions and Human Rights,” *International Organization* (62:1, 2008), 65-101. Critique: H. Richard Friman, “Introduction” in H. Richard Friman (ed), *The Politics of Leverage in International Relations* (Basingstoke: Palgrave Macmillan, 2015), 17, Geis, Wunderlich, “Good,” 466-7, Müller, “Evilization,” 475-91.

²² In Carmen Wunderlich, “Delegitimation à la Carte” in Gertheiss, et al, *Resistance*, 84. See also: K. P. O’Reilly, “Perceiving Rogue States,” *Foreign Policy Analysis* (3:4, 2007), 297.

²³ Bailey, et al, “Preferences,” 445-9. Also: Kathryn Sikkink, “Human Rights, Principled Issue-Networks, and Sovereignty in Latin America,” *International Organization* (47:3, 1993), 434, Thomas Risse-Kappen, “Ideas do not Float Freely,” *International Organization* (48:2, 1994), 203-4, Thomas Risse, et al (eds), *The Power of Human Rights* (Cambridge: Cambridge University Press, 1999), 241-7,275-6, Judith Kelley, “Assessing the Complex Evolution of Norms,” *International Organization* (62:2, 2008), 229, G. John Ikenberry, Charles Kupchan, “Socialization and Hegemonic Power,” *International Organization* (44:3, 1990), 284,292.

reflected both theoretically in the Democratic Peace Theory,²⁴ and within real world discourse by successive US Presidents and allies who perceive “that countries that are not democratic are potential if not actual threats to the international system,” a notion Jervis argues holds “deep resonance in American history, traditions and ideology.”²⁵

Good international citizenship associated with norm endorsement thus primarily attaches to states with “strong liberal or social-democratic tradition.”²⁶ Liberal theorists contend that the internal governance structures of ‘closed’, authoritarian, socialist, or “ideologically deviant” states hinder adoption of new ideas by limiting vulnerability to both internal civil society and external influences.²⁷ Although highly complex and still contested, IL scholarship similarly considers dictatorships less likely to enter into and comply with human rights and economic treaties.²⁸ Simpson records expectations that outlaw states “are incapable of forming the correct attitude towards the international legal order... Some are serial violators of the dominant mores of the international legal order (bad). Others are a threat to the international legal order because of some internal malfunction or propensity to disorder (dangerous).”²⁹ This is reflected in liberal discourse in practice, with the 2002 US National Security Strategy, for example, asserting that ‘rogue states’ “display no regard for

²⁴ Andrew Moravcsik, “The Origins of Human Rights Regimes,” *International Organization* (54:2, 2000), 220, Bruce Russett, et al, “The Democratic Peace,” *International Security* (19:4, 1995), 164-84.

²⁵ Robert Jervis, “Socialization, revolutionary states and domestic politics,” *International Politics* (52:5, 2015), 613. See also: David Campbell, *Writing Security* (Manchester: Manchester University Press, 1998), 30-2, 134-5.

²⁶ Una Becker-Jakob, et al, “Good International Citizens” in Müller, Wunderlich, *Norm Dynamics*, 208. Also: Beth Simmons, “International Law and State Behavior,” *American Political Science Review* (94:4, 2000), 819.

²⁷ Perry Mars, “Foreign Influence, Political Conflicts and Conflict Resolution,” *Journal of Peace Research* (32:4, 1995), 438-44, Zachary Elkins, et al, “Getting to Rights,” *Harvard International Law Journal* (54:1, 2013), 88, Jay Goodliffe, Darren Hawkins, “Explaining Commitment,” *Journal of Politics* (68:2, 2006), 362, Jeffrey Checkel, *Ideas and International Political Change* (New Haven: Yale University Press, 1997), xi, Laurence Helfer, Anne-Marie Slaughter, “Toward a Theory of Effective Supranational Adjudication,” *Yale Law Journal* (107, 1997), 278, Moravcsik, “Origins,” 223-9, Tanja Börzel, Thomas Risse, “From Europeanisation to Diffusion,” *West European Politics* (35:1, 2012), 12, Sanjeev Khagram, et al (eds), *Restructuring World Politics* (Minneapolis: University of Minnesota Press, 2002), 17-8, Frank Schimmelfennig, “Strategic Calculation and International Socialisation” in Jeffrey Checkel (ed), *International Institutions and Socialization in Europe* (New York: CUP, 2007), 40-1, 214.

²⁸ Eric Neumayer, “Qualified Ratification,” *Journal of Legal Studies* (36:2, 2007), 402, Richard Nielson, Beth Simmons, “Rewards for Ratification,” *International Studies Quarterly* (59, 2015), 197-208, Thomas Miles, Eric Posner, “Which States Enter into Treaties, and Why?” *John M. Olin Law & Economics Working Article No. 420*, University of Chicago, 2008, 14-8, Oona Hathaway, “Cost of Commitment,” *Stanford Law Review* (55, 2003), 1849-54, Oona Hathaway, “Do HR Treaties Make a Difference?” *Yale Law Journal* (111, 2001), 1935-42, Edward Mansfield, et al, “Why Democracies Cooperate More,” *International Organization* (56:3, 2002), 477-513, Andrew Moravcsik, “Explaining International HR Regimes,” *European Journal of International Relations* (1:2, 1995), 157-89, Michael Barnett, “Evolution Without Progress?” *International Organization* (63:4, 2009), 621-2.

²⁹ Simpson, *Powers*, xi, 281-3, 295.

international law, threaten their neighbours, and callously violate international treaties.”³⁰ According to Homolar, “Such ‘norm deviants’ were considered highly dangerous precisely because it was believed that they could not be influenced or contained by appealing to existing international standards of behaviour.”³¹ When it comes to ‘rogue states’, therefore, “Breaking norms is regarded as their foremost attribute.”³²

2.1.c: Critical Perspectives

For postcolonial theorists, revisionism and norm rejection is a concomitant and encouraged “project of ideological resistance to ‘the imperialism of the Same’.”³³ Postcolonial scholars often promote defiance, highlighting the complicity of international norm universalisation in propagating, if not perversely legitimising, vastly unequal hierarchies, epistemicide and the silencing of alternative, subaltern norms.³⁴ According to Inayatullah and Blaney, “the dichotomy between relativism and universal objectivism turns on the prior and complete destruction of alternatives. The ethical heroism of norms constructivism has cultural genocide as precondition.”³⁵ Normative resistance, on the other hand, provides agency and empowerment to ‘norm antagonists’,³⁶ recalcitrant actors that deliberately reject international norms and assert autonomous identity to challenge the

³⁰ In Müller, “Evilization,” 480. See also: Paul Hoyt, “The ‘rogue state’ image in American foreign policy,” *Global Society* (14:2, 2000), 297-308, O’Reilly, “Rogue,” 297-8, Wunderlich, et al, “Reformers,” 248.

³¹ Homolar, “Rebels,” 710. Similarly: Hoyt, “Rogue,” 303.

³² Wunderlich, et al, “Reformers,” 248. Also: O’Reilly, “Rogue,” 311, Wunderlich, “Delegitimation,” 83.

³³ Upendra Baxi, “What may the ‘Third World’ expect from International Law?” in Falk, et al, *International Law and the Third World* (Abingdon: Routledge, 2008), 10. Also: Antony Anghie, “Evolution of International Law” in same, 47, Charlotte Epstein, “The postcolonial perspective,” *International Theory* (6:2, 2014), 295.

³⁴ Naeem Inayatullah, David Blaney, “The Dark Heart of Kindness,” *International Studies Perspectives* (13:2, 2012), 168-75, Rebecca Adler-Nissen, “The Social Self in International Relations,” *European Review of International Studies* (3:3, 2016), 36, Maria de Almagro, “Boomerangs, the rebound effect and transnational advocacy networks,” *Review of International Studies* (2018), 4, Stephan Engelkamp, Katharina Glaab, “Writing Norms,” *Alternatives: Global, Local, Political* (40:3-4, 2015), 201-18, Charmaine Chua, “Against localisation,” Arjun Chowdhury, “International norms in postcolonial time,” Rebecca Adler-Nissen, Ulrik Pram Gad, “In the post-colonial waiting room,” Charlotte Epstein, “Postcolonial Perspective” in Charlotte Epstein (ed), *Against International Relations Norms* (Abingdon: Routledge, 2017), 92-3,100-2,106-7,178,308.

³⁵ Naeem Inayatullah, David Blaney, “Constructivism and the normative” in Epstein, *Against IR*, 28-9. Also: Vivienne Jabri, “Colonial rationalities, postcolonial subjectivities, and the international” in same, 38-52.

³⁶ Chua, “Against,” 87-92,94-100. See also: Charlotte Epstein, “Stop telling us how to behave: Socialization or Infantilization?” *International Studies Perspectives* (13:2, 2012), 83, Ayse Zarakol, “What Made the Modern World Hang Together,” *International Theory* (6:2, 2014), 328, O’Hagan, “R2P,” 286, Amitav Acharya, “The Responsibility to Protect and a theory of norm circulation” in Thakur, Maley, *R2P*, 60,192-5, Ann Towns, *Women and States* (Cambridge: CUP, 2010), 50-2, Wunderlich, *Rogue*, 74-6, Alan Bloomfield, Shirley Scott (eds), *Norm Antipreneurs and the Politics of Resistance to Global Normative Change* (Routledge, 2018).

legitimacy of prevailing world orders and presumed norm-setter/follower relationships.³⁷ Noting Fanon's demand that "We today can do everything, as long as we do not imitate Europe,"³⁸ norm resistance presents as almost obligatory from this perspective.³⁹

Critical Marxist and Gramscian perspectives primarily concur. International norms, which comprise part of the hegemonic 'cultural, moral and ideological leadership' over subordinates, quell resistance via cooptation and complicit hegemonic reproduction: they must be rejected to achieve revolution.⁴⁰ Construing Gramsci's 'ideologies' as norms:⁴¹

ideologies for the governed are mere illusions, a deception to which they are subject, while for the governing they constitute a willed and a knowing deception... (they) must be combatted and their nature as instruments of domination revealed, not for reasons of morality, etc., but for reasons of political struggle: in order to make the governed intellectually independent of the governing, in order to destroy one hegemony and create another.⁴²

As Stavrianakis noted, "Strategies against hegemony require transgression to be effective. That is, they must signal an 'assault on the way social norms, beliefs, inequalities and oppressions are reproduced'... Effective strategies therefore make demands that 'cannot be met within existing structures'."⁴³ Revisionist actors are thus expected to oppose prevailing international norms, unless, or until, they are co-opted into the very system they ostensibly reject, and become no longer revisionist.

³⁷ Antje Wiener, *The Invisible Constitution of Politics* (Cambridge: Cambridge University Press, 2008), 10, Ramesh Thakur, *The Responsibility to Protect* (New York: Routledge, 2011), 181,192, Jinghan Zeng, Shaun Breslin, "China's 'new type of Great Power relations'," *International Affairs* (92:4, 2016), 775, Falk, et al, "Introduction," 3-5, Anghie, "IL," 37-8, Chowdhury, "Norms," 106-10, Adler-Nissen, Gad, "Post-colonial," 138, Sarah Phillips, "The norm of state-monopolised violence from a Yemeni perspective" in Epstein, *Against IR*, 178,187, Tarak Barkawi, Mark Laffey, "Retrieving the Imperial," *Millennium* (31:1, 2002), 115-26.

³⁸ In Jabri, "Colonial," 48-52. Also: Vivienne Jabri, "Disarming norms," *International Theory* (6:2, 2014), 385.

³⁹ Abdullahi An-Na'im, "Conclusion" in Abdullahi An-Na'im (ed), *Human Rights in Cross-Cultural Perspectives* (Philadelphia: University of Pennsylvania Press, 1992), 428-9, Miles Evers, "On transgression," *International Studies Quarterly* (61:4, 2017), 787-8, Baxi, "Third World," 10.

⁴⁰ David Forgacs (ed), *The Antonio Gramsci Reader* (New York: New York University Press, 2000), 422-4. Also: James Scott, *Weapons of the Weak* (New Haven and London: Yale University Press, 1985), 39-40,316,341.

⁴¹ Both are "instrument(s) of government of dominant groups in order to gain the consent of and exercise hegemony over subaltern classes:" Forgacs, *Gramsci*, 197.

⁴² Forgacs, *Gramsci*, 192. Also: Scott, *Weapons*, 304.

⁴³ Anna Stavrianakis, "Missing the Target," *Journal of International Relations and Development* (15:2, 2012), 233, quoting Tim Jordan, *Activism!* (London: Reaktion Books, 2002), 32,36.

2.1.d: Constructivist Perspectives

Scholars associated with constructivist theorising, meanwhile, define revisionist actors as those that challenge “existing norms and rules.”⁴⁴ Although rarely addressing revisionist states directly, ‘mainstream’ or ‘liberal’ constructivist scholarship⁴⁵ explains international norm endorsement via socialisation, “the process by which states internalize norms arising elsewhere in the international system.”⁴⁶ Checkel describes it as “a process of inducting actors into the norms and rules of a given community. Its outcome is sustained compliance based on the internalisation of these new norms.”⁴⁷ In this manner, employing Wendt’s conception of the state as an unitary actor with anthropomorphic qualities of contingent and socially constructed identities and interests,⁴⁸ states not only come to believe in the appropriateness of a norm, but the norm eventually comprises part of their very interests and identity, altering internal rule models and self-perceptions in the process.⁴⁹ In an indirect nod to revisionist state norm endorsement, Reus-Smit explains how this process holds true for all but the most deviant:

a consensus exists among the majority of states about the nature and validity of the prevailing systemic norm... The existence of ‘outlier’ states, which do not subscribe to this ideological consensus, does not compromise the argument... they will be drawn into the production and reproduction of basic institutional practices... Functional imperatives

⁴⁴ Jeffrey Legro, *Rethinking the World* (Ithaca: Cornell University Press, 2005), 10. See also: Friman, “Introduction,” 16-7, Ellen Lutz, Kathryn Sikkink, “International Human Rights Law and Practice in Latin America,” *International Organization* (54:3, 2008), 659: “ostracized ‘out-groups’ of norm breakers.”

⁴⁵ Zarakol, “World,” 312, Epstein, “Postcolonial,” “Stop telling us how to behave: Socialization or Infantilization” in Epstein, *Against IR*, 7,9-10,77.

⁴⁶ Kai Alderson, “Making Sense of State Socialization,” *Review of International Studies* (27:3, 2001), 416-7. See also: Frank Schimmelfennig, “International Socialization in the New Europe,” *European Journal of International Relations* (6:1, 2000), 109-39, Susan Park, “Theorizing Norm Diffusion Within International Organizations,” *International Politics* (43:3, 2006), 353-4, Shogo Suzuki, “Japan’s socialization into Janus-faced European International Society,” *European Journal of International Relations* (11:1, 2005), 137-64.

⁴⁷ Checkel, *Institutions*, 5,241. Also: Schimmelfennig, “Socialization,” 109-39, Park, “Theorizing,” 353-4, Thakur, *R2P*, 4, Johnston, “Institutions,” 494-5, Alderson, “Socialization,” 416-7.

⁴⁸ Alexander Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999), 43.

⁴⁹ Martha Finnemore, Kathryn Sikkink, “International Norm Dynamics and Political Change,” *International Organization* (52:4, 1998), 902, Audie Klotz, *Norms in International Relations* (Ithaca: Cornell University Press, 1995), 27-8,165-8, Tonny Knudsen, “Primary Institutions and International Organizations,” *IR502 Research Workshop Working Paper*, London School of Economics, 2017, 20-2, Johnston, *States*, 29-32, Schimmelfennig, “Calculation,” 36-41,58, Helene Sjursen, “Principles in EU Foreign Policy,” *International Institutions, Law and Ethics Workshop Paper*, London School of Economics, 2016, 2,7-8, Checkel, *Institutions*, 6-9, Johnston, “Conclusions,” 216-21, Alderson, “Socialization,” 418-24, Margaret Keck, Kathryn Sikkink, *Activists Beyond Borders* (Ithaca: Cornell University Press, 1998), 18,214, Stewart Patrick, “Evolution of International Norms” in William Thompson, *Evolutionary Interpretations of World Politics* (London: Routledge, 2001), 138-9,158-9, Michael Zürn, Jeffrey Checkel, “Getting Socialised to Build Bridges” in Checkel, *Institutions*, 246.

thus drive all but the most autarkic and recalcitrant states to participate in established fundamental institutions, and in doing so they reproduce those very institutions.⁵⁰

Indeed, some scholars argue that perceived revisionist states work hard to 'become normal' via norm endorsement, signing "onto a new norm in order to increase their own prestige or to boost state legitimacy."⁵¹ According to Ayoub, "states that have historically failed to gain international recognition are often the first to reach higher levels of norm adoption in order to improve their reputations in international hierarchies."⁵² Even if a state does so initially as a form of lip service, socialisation is claimed to be the ultimate outcome given discursive and rhetorical entrapment leads to cognitive dissonance resolution.⁵³ "It may be true," conclude Hurrell and Macdonald, "that the international system tames and socializes revolutionary regimes."⁵⁴

However, at least two limitations may be identified in relation to arguments that socialisation may explain revisionist state norm endorsement. First, the theory suffers from a 'catch 22'. Socialisation into international norm endorsement axiomatically renders the purportedly socialised revisionist state no longer revisionist upon endorsement. Second, the presumption of a one-size-fits-all socialisation process is misleading. For it relies upon a presumption of community, or habitus, within which states are vulnerable to normative conformity pressures through either inducements or desires for international legitimacy, a

⁵⁰ Christian Reus-Smit, *The Moral Purpose of the State* (Princeton: Princeton University Press, 1999), 35-6. Similarly: Harald Müller, "Arguing, Bargaining and All That," *European Journal of International Relations* (10:3, 2004), Klotz, *Norms*, 165-8, Francisco Ramirez, "Institutional Analysis" in George Thomas, et al, *Institutional Structure* (Beverly Hills: Sage Publications, 1987), 319-26, Vreeland, "Institutions," 78-9, Alderson, "Socialization," 417, Andrew Hurrell, "Power, institutions and the production of inequality" in Michael Barnett, Raymond Duvall (eds), *Power in Global Governance* (Cambridge: Cambridge University Press, 2005), 40-1, 51-2.

⁵¹ Bailey, "Arrested," 292, 305-6, 314. Contra: Haas, "Words," 242-3.

⁵² Phillip Ayoub, "Contested norms in new-adopter states," *European Journal of International Relations* (21:2, 2015), 300. Also: Ann Towns, "Norms and Social Hierarchies" *International Organization* (66:2, 2012), 189, Towns, *Women*, 194, Ramirez, "Analysis," 319-20.

⁵³ Frank Schimmelfennig, "The Community Trap," *International Organization* (55:1, 2001), 65-6, 77, Thomas Risse, "'Let's Argue!'," *International Organization* (54:1, 2000), 32, Hurrell, Macdonald, "Ethics," 72, Sikkink, "HR," 415, Joshua Busby, *Moral Movements and Foreign Policy* (New York: Cambridge University Press, 2010), 34, Risse, Ropp, "HR," 276, Zürn, Checkel, "Socialised," 249, Cora True-Frost, "The Security Council and Norm Consumption," *Journal of International Law and Politics* (40, 2007), 186, Jochen Prantl, Ryoko Nakano, "Global Norm Diffusion in East Asia," *International Relations* (25:2, 2011), 210, Emilie Hafner-Burton, Kiyoteru Tsutsui, "Human Rights in a Globalizing World," *American Journal of Sociology* (110:5, 2005), 1378, Ikenberry, Kupchan, "Socialization," 291, Richard Price, "Reversing the Gun Sights," *International Organization* (52:3, 1998), 636.

⁵⁴ Hurrell, Macdonald, "Ethics," 73.

respected reputation, or consideration as a good or equal citizen on the world stage.⁵⁵ Johnstone explains, "From a constructivist perspective, concerns about reputation and status relate to a sense of being part of a community and becoming socialised to its norms."⁵⁶ Vulnerability to community pressures or a desire to belong is thus crucial, arising "both from the availability of leverage and the target's sensitivity to leverage... Countries that are most susceptible... are those that aspire to belong to a normative community of nations."⁵⁷ Whether a state cares about belonging and how it is perceived therefore matters.⁵⁸ Accordingly, as Jervis observes, socialisation into international norms "might be true for states that want to join the prevailing order, but most revolutionary states do not."⁵⁹ Flockhart concurs, "It is not possible to socialize agents who manifestly do not wish to belong to the social group of the socializer."⁶⁰ Given the seminal definition of norms proffered by Katzenstein as "collective expectations for the proper behavior of actors *with a given identity*,"⁶¹ the very identity of a state as revisionist may immanently preclude norm endorsement.

Adler-Nissen thus identified the 'counter-stigmatiser', an actor that not only accepts stigmatisation surrounding its revisionist status but transforms "it into an emblem of pride...

⁵⁵ Nina Tannenwald, "The Nuclear Taboo," *International Organization* (53: 3, 1999), 462-3, Zarakol, "World," 318-9, Jennifer Bailey, "Arrested Development," *European Journal of International Relations* (14:2, 2008), 292-314, Bernhard Zangle, "Judicialization Matters!," *International Studies Quarterly* (52, 2008), 829-46, Price, "Review," 586-93, Thomas Weiss, Ramesh Thakur, "Framing Global Governance" in Thomas Weiss, *Thinking about Global Governance* (New York: Routledge, 2011), 150, Olga Avdeyeva, "Does Reputation Matter for States' Compliance with International Treaties?," *The International Journal of Human Rights* (16:2, 2012), 299-300, Thomas Risse, "Transnational Actors and World Politics" in Carlsnaes, et al, *Handbook*, 436-7.

⁵⁶ Ian Johnstone, "The Power of Interpretive Communities" in Barnett, Duvall, *Power*, 187-9. See also: Trine Flockhart, "Complex Socialisation," *European Journal of International Relations* (12:1, 2006), 96-7, Adler-Nissen, "Self," 36, Dana Zartner, Jennifer Ramos, "Human Rights as Reputation Builder," *Human Rights Review* (12:1, 2011), 73, Emanuel Adler, Michael Barnett, *Security Communities* (Cambridge: CUP, 1998), 418-9, 428.

⁵⁷ Keck, Sikkink, *Activists*, 23-9. Also: James Franklin, "HR Naming and Shaming" in Friman, *Leverage*, 55, Alderson, "Socialization," 416, Darren Hawkins, "Domestic Responses to International Pressure," *EJIR* (3:4, 1997), 409, Ellen Lutz, Kathryn Sikkink, "Justice Cascade," *Chicago Journal of International Law* (2:1, 2001), 5.

⁵⁸ Evers, "Transgression," 786, Johnston, *States*, 205-8, Zarakol, "World," 319, Amy Gurowitz, "The Diffusion of International Norms," *International Politics* (43:3, 2006), 310-1, 330-6, Matthew Hoffman, *Ozone Depletion and Climate Change* (Albany: State University of New York Press, 2005), 40, Jutta Weldes, "Constructing National Interests," *European Journal of International Relations* (2:3, 1996), 277-84.

⁵⁹ Jervis, "Socialization," 610-2. Similarly: Wunderlich, *Rogue*, 71.

⁶⁰ Flockhart, "Socialisation," 97. Also: Müller, "Evilization," 477.

⁶¹ Peter Katzenstein, "Introduction," in Peter Katzenstein (ed), *The Culture of National Security* (New York: CUP, 1996), 5 (emphasis mine). Also: Annika Björkdahl, "Norms in International Relations," *Cambridge Review of International Affairs* (15:1, 2002), 15, Jon Elster, *The Cement of Society* (Cambridge: CUP, 1989), 99-100, 105, Oran Young, "Regime dynamics," *International Organization* (36:2, 1982), 93, Vreeland, "Institutions," 92-3, John Gerard Ruggie, "Regimes, Transactions, and Change," *International Organization* (36:2, 1982), 196.

stigma is turned into a virtue and the deviant value their exclusionary status.”⁶² Revisionist states are empowered by their ostracism and “more likely to reject the norms and seek solidarity among the deviant,”⁶³ in what Smetana labels “justificatory rejection.”⁶⁴ Recent research takes such agency a step farther, arguing that rather than merely rejecting dominant norms, “‘oppositional’ norms (may be) promoted by not so liberal, radical norm entrepreneurs,” as Wunderlich explains:

revolutionary norm entrepreneurs are expected to champion the promotion of a fundamentally alternative normative order. Their norm entrepreneurship exceeds mere resistance against the prevalent order... (it is) marked by strong opposition to the prevalent normative order, aiming at overthrow of the existing system and the establishment of a new order.⁶⁵

Such “Opposition against and dissent over the existing normative order is often decried as ‘norm hostility’. This opprobrium hits especially ‘pariah’ states.”⁶⁶ This scholarship thereby reinforces expectations of strong and active revisionist state norm resistance, either via rejection or alternative, revolutionary, norm entrepreneurship.⁶⁷ According to constructivists, therefore, states are either socialised and thereby no longer deviant, or remain revolutionary and rejectionist in nature.⁶⁸

No matter the paradigm, IR scholarship therefore predicts that, absent material incentives, a purportedly revisionist state such as Cuba will likely hold a weak record of international treaty ratification, reject or remain indifferent towards prevailing international norms, or ultimately become socialised into norm acceptance and thus no longer revisionist.

⁶² Rebecca Adler-Nissen, “Stigma Management in International Relations,” *International Organization* (68:1, 2014), 153. Similarly: social/rebellious deviant in Erving Goffman, *Stigma* (London: Penguin Books, 1990), 170-2; ‘isolate’ in Zachary Elkins, Beth Simmons, “On Waves, Clusters, and Diffusion,” *Annals of the American Academy of Political and Social Science* (598:1, 2005), 40-1; William Schulz, “Caught at the Keyhole” in Friman, *Leverage*, 37: “Iran, Cuba, or Venezuela, may wear American condemnation as a badge of honor.”

⁶³ Adler-Nissen, “Stigma,” 154. Also: Evers, “Transgression,” 786-94, Zarakol, “World,” 313, Brent Steele, “Broadening the contestation of norms in international relations,” *Polity* (49:1, 2017), 134.

⁶⁴ Michal Smetana, *Nuclear Deviance* (Palgrave Macmillan, 2019), 42, 54-5, 79-83. Similarly: Ann Towns, Bahar Rumelili, “Taking the pressure,” *EJIR* (23:4, 2017), 768, Towns, *Women*, 50-1, Patrick, “Evolution,” 136-7, 156.

⁶⁵ Carmen Wunderlich, “Theoretical Approaches in Norm Dynamics” in Müller, Wunderlich, *Norm Dynamics*, 34-5. Also: Harald Müller, Carmen Wunderlich, “Not lost in contestation,” *Contemporary Security Policy* (39:3, 2018), 352, 357-60, Annika Björkdahl, Ivan Gusic, “Global norms and ‘local’ agency,” *Journal of International Relations and Development* (18, 2015), 274, Wunderlich, et al, “Reformers,” 21, 246-7, Adler-Nissen, Zarakol, “Recognition,” 16-7, Gertheiss, Herr, “Dissidence,” 12: labelling it “radical resistance.”

⁶⁶ Wunderlich, et al, “Reformers,” 248. Wunderlich, *Rogue*, 57.

⁶⁷ Wunderlich, *Rogue*, 76-7, 269-74.

⁶⁸ Adler-Nissen, “Self,” 35-6, Chua, “Against,” 93, 101, Alan Bloomfield, “Norm antipreneurs and theorising resistance to normative change,” *Review of International Studies* (42:2, 2016), 314.

As Geis and Wunderlich observe: “‘Rogue states’ are commonly depicted as ‘outlaws’ and outsiders to the group of ‘decent states’, not willing to abide by the central rules of the prevalent normative world order and intending to destabilize or destroy the current (normative) system... ‘rogues’ are conceptualized as deviant actors who stand out by norm-breaking features and behaviour.”⁶⁹ Although indirect, socialisation provides the rare theorisation, or “critical mid-level mechanism,”⁷⁰ to explain revisionist state norm endorsement absent material benefits. However data suggests that Cuba, for one, endorsed a range of norms while maintaining purportedly staunch revisionism. This thesis sets out to resolve this puzzle of revisionist state norm endorsement by identifying the key attributes underlying international norm diffusion and determining which most effectively facilitated norm endorsement in this revisionist state instance.

2.2 INTERNATIONAL NORMS

This section defines norms and the international norm evolution process, laying the groundwork for the final section in which core norm diffusion attributes are distilled and operationalised into an overarching analytical framework.

2.2.a: Definition of Norms

Norms are commonly defined as shared or intersubjective understandings around which behaviour is judged and expected to conform.⁷¹ Whilst initial IR scholarship referred to norms as regimes, institutions and cultural accounts,⁷² Khagram, Riker and Sikkink built

⁶⁹ Geis, Wunderlich, “Good,” 466,470. Similarly: Evers, “Transgression,” 786, Wunderlich, *Rogue*, 3,65-6,71.

⁷⁰ Alderson, “Socialization,” 429.

⁷¹ Finnemore, *Interests*, 22, Hurrell, Macdonald, “Ethics,” 69-70, Weiss, *GG*, 3-4, William Maley, “Humanitarian law, refugee protection and R2P” in Thakur, Maley, *R2P*, 250, Elster, *Cement*, 99-100,105.

⁷² John Meyer, et al, “Ontology and Rationalization in the Western Cultural Account” in Thomas, et al, *Institutional Structure*, 13,36, Donald Puchala, Raymond Hopkins, “International Regimes,” *International Organization* (36:2, 1982), 62, Stephan Haggard, Beth Simmons, “Theories of International Regimes,” *International Organization* (41:3, 1987), 491-517, Reus-Smit, *Purpose*, Alexander Wendt, Raymond Duvall, “Institutions and International Order” in Ernst-Otto Czempiel, James Rosenau (eds), *Global Changes and Theoretical Challenges* (Lexington: Lexington Books, 1989), 53, Friedrich Kratochwil, John Gerard Ruggie, “International Organization,” *International Organization* (40:4, 1986), 753-75, Friedrich Kratochwil, “The Force of Prescriptions,” *International Organization* (38:4, 1984), 685-708.

upon Katzenstein's seminal definition of norms,⁷³ to denote international norms as "the shared expectations or standards of appropriate behavior accepted by states and intergovernmental organizations that can be applied to states, intergovernmental organizations, and/or nonstate actors of various kinds."⁷⁴ Norms are not solely ideas, which are private thoughts within the minds of individuals as opposed to collective understandings of behaviour.⁷⁵ They are neither values, habits, customs, traditions, nor commands, for which mutual expectations of collective conduct may not exist.⁷⁶ Norms are also not inherently 'good'.⁷⁷ Morality is neither immanent nor inexorably attached to norms. Rather, norms are "assigned value," evolving both temporally and spatially according to the diverging perspectives of different actors.⁷⁸ International norms do not therefore equate inherently to ethical norms, and a theory of norms is not a normative theory *per se*.⁷⁹ International norms are also not necessarily legal norms, although of course they may be.⁸⁰ They are considered norms due to collective, intersubjective, and frequently self-evident, expectations of behaviour rather than definitive legal obligations or codified requirements.⁸¹ As Florini explains, "norms are obeyed not because they are enforced, but because they are seen as legitimate."⁸²

There are different types of international norms. While Goldstein and Keohane originally categorised norms into 1) world views, or large ideational forces that structure identities, 2) principled beliefs, comprising normative ideas of right and wrong, and 3) causal beliefs,

⁷³ This chapter, footnote 62.

⁷⁴ Sanjeev Khagram, et al, "From Santiago to Seattle" in Khagram, et al, *Restructuring*, 14.

⁷⁵ Amitav Acharya, *Whose Ideas Matter?* (Ithaca: Cornell University Press, 2009), 171, Risse, et al, *Power*, 7,102, Ann Florini, "The Evolution of International Norms," *International Studies Quarterly* (40:3, 1996), 364.

⁷⁶ Friedrich Kratochwil, *Rules, Norms and Decisions* (Cambridge: CUP, 1989), 65,73,88-90.

⁷⁷ Kenneth Himma, "Incorporationism and the Objectivity of Moral Norms," *Legal Theory* (5:4, 1999), 415-34.

'Bad' norms: Nenad Jaksevic, "The World's Most Dangerous Ideas," *Foreign Policy* (144, 2004), 32-3, Regina Heller, et al, "The 'dark' side of normative argumentation," *Global Constitutionalism* (1:2, 2012), 278-312, Robert Jervis, "Realism in the Study of World Politics," *International Organization* (52:4, 1998), 974.

⁷⁸ Towns, "Norms," 187. Also: Acharya, *Ideas*, 171-2, Hobbes, *Leviathan* (Oxford: Clarendon Press, 2012), 15:40.

⁷⁹ Jack Donnelly, *Universal Human Rights in Theory and Practice* (Ithaca: Cornell University Press, 2013), 8-9, Klotz, *Norms*, 14, Hurrell, Macdonald, "Ethics," 60, Emily Paddon Rhoads, *Taking Sides in Peacekeeping* (Oxford: Oxford Scholarship Online, 2016), 17.

⁸⁰ Geoffrey Garrett, Barry Weingast, "Ideas, Interests, and Institutions" in Judith Goldstein, Robert Keohane, *Ideas and Foreign Policy* (Ithaca: Cornell University Press, 1993) 203-4, Young, "Regime," 93, Kenneth Abbott, Duncan Snidal, "Hard & Soft Law in International Governance," *International Organization* (54:3,2000), 421-56.

⁸¹ Elster, *Cement*, 101.

⁸² Florini, "Evolution," 365. Also: Katzenstein, "Coping with Terrorism" in Goldstein, Keohane, *Ideas*, 268, Haas, "Words," 25, Finnemore, *Interests*, 23: "Many norms are so internalised... the norm is hard to recognise."

which embody guides or strategies to achieve objectives,⁸³ norms have since been construed as substantive, constitutive norms that affect and comprise identities, interests and ideologies on the one hand, and regulative, constraining or procedural norms that guide specific actions in accordance with substantive norms on the other.⁸⁴ Reflecting Puchala and Hopkins' theory of embedded regimes, in which single-issue norms are nested within broader, diffuse, multi-issue norms,⁸⁵ Welsh coined the term 'complex norms' to describe norms comprising multiple layers of prescription.⁸⁶ Paddon Rhoads similarly employed the terminology 'composite norm', as an heuristic tool designed to denote the diversity and dynamism *within* norms, demonstrating that even ostensibly singular norms can in fact encompass a confluence of elements, each of which may evolve tangentially or be contested.⁸⁷ While Paddon Rhoads conceptualised peacekeeping impartiality as one such complex norm, others include humanitarian intervention, R2P or multilateralism.

2.2.b: International Norm Evolution

The process through which a norm emerges and crystallises at the global level is the international norm evolution process. Although early models were often linear, static, top-down and enclosed,⁸⁸ recent conceptions envisage the process more accurately as ongoing, cyclical and contested.⁸⁹ As Sandholz argues, norm evolution actually "occurs in cycles that are linked, forward and backward, in a longer historical dynamic."⁹⁰ The norm evolution

⁸³ Judith Goldstein, Robert Keohane, "Ideas and Foreign Policy" in Goldstein, Keohane, *Ideas*, 8-10.

⁸⁴ Antje Wiener, "Enacting meaning-in-use," *Review of International Studies* (35, 2009), 183-5: fundamental norms, organising principles, standardised procedures, Patrick, "Evolution," 135-6: constitutive, regulative, evaluative, practical norms, Tannenwald, "Taboo," 437: permissive as subset of constitutive norms, Nicole Deitelhoff, Lisbeth Zimmermann, "Norms under Challenge," *Journal of Global Security Studies* (4:1, 2019), 7: proscriptive/prescriptive norms, Müller, "Arguing," 412, Thakur, *R2P*, 4, Björkdahl, "Norms," 15-6, Mona Krook, Jacqui True, "Rethinking the Life Cycles of International Norms," *EJIR* (18:1, 2010), 123.

⁸⁵ Puchala, Hopkins, "Regimes," 64.

⁸⁶ Jennifer M. Welsh, "Norm Contestation and the Responsibility to Protect," *Global Responsibility to Protect* (5:4, 2013), 384-6, "Norm Robustness and the Responsibility to Protect," *Journal of Global Security Studies* (4:1, 2019), 54,56.

⁸⁷ Rhoads, *Peacekeeping*, 6-7,13,29.

⁸⁸ Ethan Nadelmann, "Global Prohibition Regimes," *International Organization* (44:4, 1990), 484-5, Finnemore, Sikkink, "Dynamics," 887-917, Risse, Sikkink, "Socialization of international HR norms" in Risse, *Power*, 17-32.

⁸⁹ Natalie Zähringer, "Norm evolution within and across the African Union and the United Nations," *South African Journal of International Affairs* (20:2, 2013), 187, Welsh, "Contestation," 379-80,395, Jonas Wolff, Lisbeth Zimmermann, "Between Banyans and battle scenes," *Review of International Studies* (42, 2016), 515-8, Susanne Zwingel, "How Do Norms Travel?" *International Studies Quarterly* (56:1, 2012), 115-20.

⁹⁰ Wayne Sandholtz, "Dynamics of International Norm Change," *European Journal of International Relations* (14:1, 2008), 103-4. Also: Bloomfield, "Antipreneurs," 318.

process thus incorporates the duration of the life and death of a norm:⁹¹ interrelated periods encompassing a norm's initial emergence on the international stage to solve a transnational problem, spread across regimes and platforms as it is adopted, continued evolution during contestation, reinterpretation and re-employment in different contexts, multiple manifestations across the course of time and space, and multiple trajectories including 'failure to launch', 'ideational decomposition', decay, regress, erosion, toothlessness, collapse, death, rebound, or even resurrection.⁹² Although an extreme simplification, the following diagram captures this process:

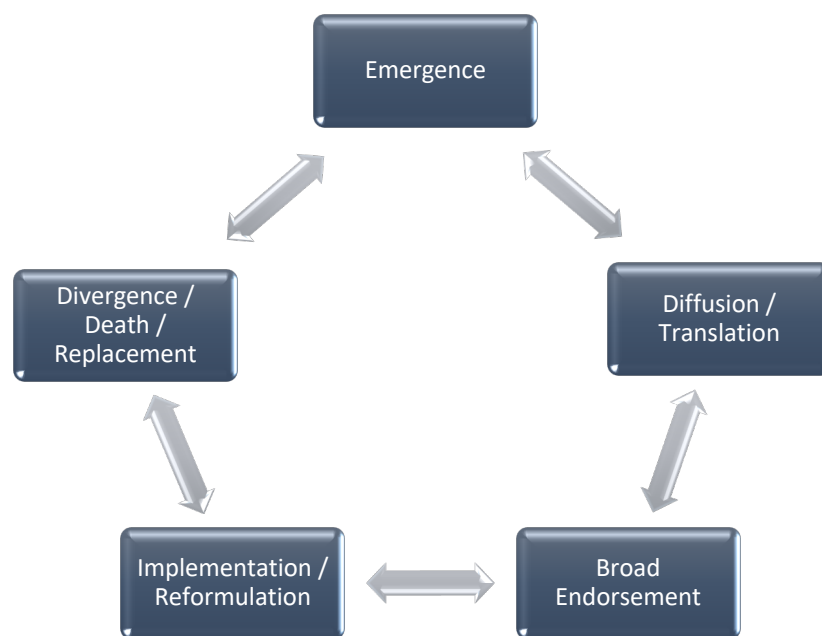


Figure 3: The international norm evolution process

The analysis in this thesis is limited to the period after a norm emerges on the international stage, evidenced via discussion and debate at a transnational level, until its

⁹¹ M. Patrick Cottrell, "Legitimacy and Institutional Replacement," *International Organization* (63:2, 2009), 217-48, Diana Panke, Ulrich Petersohn, "Why International Norms Disappear Sometimes," *EJIR* (18:4, 2011), 719-42, Christopher Kutz, "How norms die," *Ethics & International Affairs* (28:4, 2014), Müller, Wunderlich, "Not lost," 341-66, Alexander Betts, Phil Orchard (eds), *Implementation and World Politics* (Oxford: Oxford Scholarship Online, 2014), 2-8, Anette Stimmer, "Beyond Internalization," *International Studies Quarterly* (63:2, 2019), 270-80, Wayne Sandholtz, "Contestation, Robustness, and Replacement," *Journal of Global Security Studies* (4:1, 2019), 143-6.

⁹² Jennifer Hadden, Lucia Seybert, "What's in a Norm?" *Global Governance* (22:2, 2016), 249-68, Jelena Subotic, "Truth, justice and reconciliation on the ground," *Journal of International Relations and Development* (18:3, 2015), 364-5, 376-7, Matthias Hofferberth, Christian Weber, "Lost in translation," *Journal of International Relations and Development* (18:1, 2015), 75-103, Heller, "Dark side," 278-312, Diana Panke, Ulrich Petersohn, "Norm challenges and norm death," *Cooperation and Conflict* (51:1, 2016), 3-19, Welsh, "Robustness," 55, 68, Ryder McKeown, "Norm Regress," *International Relations* (23:1, 2009), 5-25.

broad endorsement via ratification in an international treaty. This is the period represented by the box labelled diffusion/translation in Figure 3, which reflects the “process through which ideas, normative standards... policies and institutions spread across time and space.”⁹³ Although the term ‘translation’ is used in lieu of ‘diffusion’ in some scholarship,⁹⁴ diffusion is employed for the purpose of this thesis to maintain consistency.⁹⁵ Given the specific focus on diffusion, how an idea is formed and appears on the global stage as well as how it evolves or is/not complied with after broad endorsement, remain beyond the scope of analysis.⁹⁶

2.2.c: International Norm Diffusion

To determine the reasons behind revisionist state norm endorsement, this thesis identifies which attributes of international norm diffusion held most influence over revisionist state decision-making. A wealth of scholarship has tackled questions regarding the international norm diffusion process, both directly and indirectly, and highlighted influential attributes. Initially, with a focus on material gains, realists primarily exogenised norm evolution processes by claiming that states alone possessed capacity to create and maintain otherwise epiphenomenal norms - norms were either in specific state interests or buttressed by an hegemonic power.⁹⁷ Rationalists contended norm endorsement depended

⁹³ Börzel, Risse, “Introduction,” 5.

⁹⁴ To capture “global norm creation and diffusion as a constant process of negotiating and re-negotiating norms”: Ole Elgström, “Norm Negotiations,” *Journal of European Public Policy* (7:3, 2000), 458,473, Acharya, “R2P,” 59,75-6, Krook, True, “Rethinking,” 110, Thakur, *R2P*, 7, Zwingel, “Norms,” 124,126, Lisbeth Zimmermann, “Same same or different?,” *International Studies Perspectives* (17:1, 2016), 105-7.

⁹⁵ Elkins, Simmons, “Waves,” 36-8.

⁹⁶ The period equates approximately to stage 2 Norm Life Cycle Framework, 2/3 Nadelmann’s common evolutionary pattern, 1-3 spiral model, (ii)/(iii) transnational diffusion framework, and up to ‘rule change’ in Sandholtz’s norm cycle, Checkel’s norm internalisation, Busby’s point of ‘empowerment’, and Prantl and Nakano’s ‘hard normatisation’: Finnemore, Sikkink, “Dynamics,” 887-917, Nadelmann, “Prohibition,” 484-5, Risse, Sikkink, “Socialisation,” 21-32, Etel Solingen, Tanya Börzel, “Introduction to Presidential Issue,” *International Studies Review* (16, 2014), 173-4, Sandholtz, “Dynamics,” 103-4, Checkel, “Comply,” 554, Busby, *MM*, 37, Prantl, Nakano, “Diffusion,” 208-209 respectively. Contra issue emergence/agenda setting: R. Charli Carpenter, “Setting the Advocacy Agenda,” *International Studies Quarterly* (51, 2007), 99-120, R. Charli Carpenter, “Vetting the Advocacy Agenda,” *International Organization* (65:1, 2011), 69-102, Darren Hawkins, “Explaining Costly International Institutions,” *International Studies Quarterly* (48:4, 2004), 782.

⁹⁷ Andrew Cortell, James Davis, “Understanding the Domestic Impact of International Norms,” *International Studies Review* (2:1, 2000), 82-3, Ikenberry, Kupchan, “Socialization,” 283-315, Krasner, *Sovereignty*, 6,220,228, Ernst Haas, “Words can hurt you,” *International Organization* (36:2, 1982), Hurrell, Macdonald, “Ethics,” 71, Gourevitch, “Governance,” 138,164, Wendt, *Social Theory*, 23, Christian Reus-Smit, “The politics of International law” in Christian Reus-Smit (ed), *The Politics of International Law* (Cambridge: CUP, 2004), 16.

on strategic cost/benefit calculations based upon instrumental logic of consequences reasoning and coercion or material or social incentives.⁹⁸ Neoliberal institutionalists and some IL scholars, for example, credited norm endorsement to coordination gains expected from, or demand for efficiency in issue areas that required, international cooperation: norms decreased transaction costs, increased information transparency, and provided road maps for new principled or causal ideas in times of uncertainty; they comprised focal points to coordinate behaviour in the absence of unique equilibrium; and they embodied frameworks for issue linkage.⁹⁹

However, taken individually, these arguments proved inadequate if not wrong. Countless international norms - such as those pertaining to criminal justice or the prohibition of land mines - are neither in state interests nor supported by a dominant hegemon. They did not decrease transaction costs to enhance international cooperation in issue areas for which states deliberately sought coordination or demanded efficiency. And they did not always provide material benefits in a cost/benefit analysis.¹⁰⁰ Constructivist scholarship addressed the resulting gap by sprinkling ideational factors and non-state actors into the norm diffusion mix. While contending that neither material, rational nor ideational factors alone are necessary or sufficient to explain diffusion, these scholars argued a combination is relevant.¹⁰¹ As Finnemore explained, "Actors conform to (norms) in part for 'rational' reasons (for instance, because of the costs involved in 'bucking the system' and the resources that become available through conformity) but also because they become

⁹⁸ Miles Kahler, "Rationality in International Relations," *International Organization* (52:4, 1998), 919-41, John Gerard Ruggie, "What Makes the World Hang Together?," *International Organization* (52:4, 1998), 855.

⁹⁹ Robert Keohane, "The demand for international regimes," *International Organization* (36:2, 1982), Oran Young, "The Politics of International Regime Formation," *International Organization* (43:3, 1989), 366-7, Miles, Posner, "States," 1-5, Garrett, Weingast, "Ideas," 12-9, 203-5, Reus-Smit, "Politics," 18-9, Robert Keohane, Joseph Nye (eds), *Transnational Relations and World Politics* (Cambridge: Harvard University Press, 1971).

¹⁰⁰ Michael Barnett, Martha Finnemore, *Rules for the World* (Ithaca: Cornell University Press, 2004), vii-viii, Klotz, *Norms*, 15-17, Risse, Ropp, "International human rights norms and domestic change" in Risse, et al, *Power*, 268-9, Florini, "Evolution," 363-7, Wendt, *Social Theory*, 377, Price, "Reversing," 613-4, Oran Young, "Political leadership and regime formation," *International Organization* (45:3, 1991), 286-7, Finnemore, *Interests*, 86-7, Stephen Krasner, "Regimes and the limits of realism," *International Organization* (36:2, 1982).

¹⁰¹ Keith Krause, "Multilateral Diplomacy, Norm Building, and UN Conferences," *Global Governance* (8:2, 2002), 260, James March, Johan Olsen, "The Institutional Dynamics of International Political Orders," *International Organization* (52:4, 1998), 949-54, Samuel Barkin, *Realist Constructivism* (Cambridge: CUP, 2010), Michael Williams, *The Realist Tradition and the Limits of International Relations* (New York: CUP, 2005), 6-10, 145-8, 204-7, Hurrell, Macdonald, "Ethics," 59, 71, Softan, "New Institutionalism," Calvert, "Explaining Social Order" in Karol Softan, et al, *Institutions and Social Order* (Ann Arbor: University of Michigan Press, 1998), 3-12, 131-63.

socialized to accept these values, rules, and roles.”¹⁰² Constructivism built upon prior paradigms by first documenting the power of international norms and the manner in which they not only constrain but enable behaviour, shape and constitute preferences, identities and interests, and even explain system change.¹⁰³ Subsequent scholarship then turned to explicating *how* this occurs, by identifying the attributes that contribute to international norm diffusion. This scholarship has been categorised into three ‘waves’,¹⁰⁴ and it is primarily from these that norm diffusion attributes may be elicited and an analytical framework compiled to determine which hold most influence over norm endorsement by a revisionist state.

Three initial caveats are in order. First, although divergently categorised for analytical clarity, there is inevitable and obvious blurring between these waves. Ayoub, for example, recognises the mutual relevance and interplay of each given “Taken individually, existing explanations are simplistic because they ignore the multiple dimensions of diffusion in a complex, multi-level interactive environment.”¹⁰⁵ This thesis itself seeks to consolidate results across the waves in order to consider and assess them holistically. Second, recent scholarship that challenges and deconstructs positivist notions of norms as stable ‘things’ - focusing instead on norms as dynamic, contested, hierarchical, structuring and constructed, partial and intangible, unfinished products, historical constructs, or even mere symbols around which identities are shaped - may be considered a fourth, critical wave.¹⁰⁶ Although

¹⁰² Finnemore, *Interests*, 28-31. Also: Sandholtz, “Dynamics,” 103-5, Wendt, *Social Theory*, 41-2, Finnemore, Sikkink, “Dynamics,” 909-15, Haas, “Words,” 57-9, Risse, Sikkink, “Socialization,” 7-10, 14-6, Geoffrey Garrett, et al, “Conclusion” in Beth Simmons, et al (eds), *The Global Diffusion of Markets and Democracy* (New York: CUP, 2002), 359-60, Elinor Ostrom, *Governing the Commons* (Cambridge: CUP, 1990), 205.

¹⁰³ Alexander Wendt, “On Constitution and Causation in International Relations,” *Review of International Studies* (24:5, 1998), 101-18, Cass Sunstein, “Social Norms and Social Roles,” *Columbia Law Review* (96:4, 1996), 913, 917, 967, Weiss, Thakur, “GG,” 300-1, Klotz, *Norms*, 17-9, 26-7, 166-8, Wendt, *Social Theory*, 24-5, 41-3, Ch. 5, Florini, “Evolution,” 366-7, Hurrell, Macdonald, “Ethics,” 68-9, Thakur, *R2P*, 4-5, Kratochwil, *Rules*, 61, 70, Audie Klotz, “Norms Reconstituting Interests,” *International Organization* (49:3, 1995), 451-78.

¹⁰⁴ Also termed ‘camps’/‘generations’: Simone Tholens, Lisa Groß, “Diffusion, contestation and localisation in post-war states,” *Journal of International Relations and Development* (18:3, 2015), 251-2, Acharya, *Ideas*, 10-4, Wunderlich, “Theoretical,” 24, Ayoub, “Contested,” 297-9, Ciaran O’Faircheallaigh, “IR theory and domestic adoption of international norms,” *International Politics* (51:2, 2014), 156.

¹⁰⁵ Ayoub, “Contested,” 300. Similarly: Keck, Sikkink, *Activists*, 199, Hans Schmitz, Kathryn Sikkink, “International Human Rights” in Carlsnaes, et al, *Handbook*, 845.

¹⁰⁶ Holger Niemann, Henrik Schillinger, “Contestation ‘all the way down’?,” *Review of International Studies* (43:1, 2017), 48, Frances Moore, “Negotiating Adaptation,” *Global Environmental Politics* (12:4, 2012), 30-48, Hofferberth, Weber, “Translation,” Welsh, “Contestation,” 379-80, 395, Wolff, Zimmermann, “Banyans,” 515-27, Zähringer, “Norm,” 187, Zwingel, “Norms,” 115-20, Wiener, *Constitution*, 38, 43, Adler-Nissen, “Stigma,”

norm diffusion attributes feature and have been elicited from this scholarship, given its primary focus on post-diffusion implementation and compliance after broad international endorsement,¹⁰⁷ it will not be additionally explicitly referenced as such within the analytical framework that follows. Third, this framework does not definitively encompass all possible attributes that may affect norm diffusion, but rather seeks to better understand and refine existing conceptions without discounting the potential that other, unidentified attributes may yield effects.

2.3 ANALYTICAL FRAMEWORK

Norm diffusion attributes have been identified and elicited from each wave of the norm literature, however they are categorised alternatively for the purpose of this thesis. As Flockhart notes, “the norms transfer process is so complex and multifaceted that practicality often prevents consideration of all the different factors that play a role.”¹⁰⁸ To facilitate such consideration, and evaluate the influence of each norm diffusion attribute in accordance with the overarching aim of this thesis, the attributes have been classified according to the level at which they pertain: whether they relate to the norm itself, to characteristics associated with the endorsing state, or to broader, systemic diffusion forces. Akin to the four waves of norm evolution literature, there is inevitable blurring between these categories.¹⁰⁹ Nevertheless, such categorisation helps clarify the attributes and structure the resulting examination and argument, while findings proffer important insights regarding the levels at which the attributes operate and arguments pertaining to socialisation. Disaggregation of norm diffusion attributes into systemic, state and norm-related levels thus comprises the analytical framework around which reasons for norm endorsement by revisionist states are best determined and assessed.

151, Bloomfield, “Antipreneurs,” 315-316, Epstein, “Postcolonial,” 294-311, “Infantilization,” 75-79, Stimmer, Wisken, “Dynamics,” 517, Wunderlich, “Theoretical,” 26, Towns, *Women*, 46, 51, 185-91, Engelkamp, Glaab, “Norms,” 203, Zarakol, “World,” 311-32, Almagro, “Boomerangs,” 5-7, Zimmermann, “Same,” 104, Björkdahl, Gusic, “Global norms,” 271-2, Steele, “Broadening,” 132-8, Antje Wiener, *Contestation and Constitution of Norms in Global International Relations* (Cambridge: Cambridge University Press, 2018), 8-9.

¹⁰⁷ Welsh, “Contestation,” 379-80, Stimmer, Wisken, “Dynamics,” 519-521, Wiener, *Constitution*, 10-2, 39-50, Subotic, “Truth,” 364-5, Birdsall, “But we don’t call it ‘torture’!,” *International Politics* (53:2, 2016), 176-97.

¹⁰⁸ Flockhart, “Socialisation,” 90.

¹⁰⁹ Further: 2.3.d: Consolidation, below.

2.3.a: Systemic Attributes

Cross-border, transnational elements operating at the global level, referred to as systemic attributes for the purpose of this thesis, comprise what may be termed the international opportunity structures for international norm diffusion.¹¹⁰ These were primarily credited by the first wave of norm evolution literature, which attributed agency for diffusion beyond the state in a 'top-down' manner - systemic attributes drove global institutionalisation and state internalisation of norms.¹¹¹ Rapid worldwide change across dissimilar state units suggested such transnational rather than state-level causes.¹¹² These elements primarily included Transnational Activist Networks (TANs)/International Non-Governmental Organisations (INGOs), International Norm Entrepreneurs (INEs), Global Civil Society (GCS), epistemic communities, and International Organisations (IOs), alongside regional, other state and Multinational Corporation (MNC) suasion. While some scholars credited one of these factors, others noted a confluence, either simultaneously or at different stages of norm evolution.¹¹³ Evidenced by the contended outcome of norm internalisation by states, this research triggered the second wave of norm evolution scholarship focused upon state socialisation. The state returned to analysis, however only as a target of socialisation and principally passive recipient of international norms via the systemic attributes.¹¹⁴ In this manner, systemic norm diffusion attributes may be considered the *drivers* or means of the socialisation of states into norm endorsement, as follows.

¹¹⁰ Herbert Kitschelt, "Political Opportunity Structures and Political Protest," *British Journal of Political Science* (16:2, 1986), 57-85, Busby, *MM*, 7, Risse, "Transnational," 435, Price, "Review," 597, Kelley, "Evolution," 229, Khagram, "Santiago," 18, Franklin Rothman, Pamela Oliver, "From Local to Global," Tammy Lewis, "Conservation TSMOs," Kim Reimann, "Building Networks from the Outside In" in Jackie Smith, Hank Johnston (eds), *Globalization and Resistance* (Rowman and Littlefield Publishers: Lanham, 2002), 117, 175-6.

¹¹¹ Finnemore, Sikkink, "Dynamics," Khagram, *Restructuring*, Risse, "Transnational," Schmitz, Sikkink, "HR," Lisa Martin, Beth Simmons, "International Organizations and Institutions" in Carlsnaes, et al, *Handbook*.

¹¹² Kristian Skrede, Michael Ward, "Diffusion and the International Context of Democratization," *International Organization* (60:4, 2006), 911-33, Garrett, "Conclusion," 344, Risse, Ropp, "HR," 273, Finnemore, *Interests*, 22, Price, "Reversing," 616, Ramirez, "Analysis" 320-1, Iver Neumann, Ole Sending, *Governing the Global Polity* (Ann Arbor: The University of Michigan Press, 2010), 6.

¹¹³ Arturo Santa-Cruz, "Constitutional, Sovereignty, and the Emergence of Norms," *International Organization* (59:3, 2005), Albert Yee, "The Causal Effects of Ideas on Policies," *International Organization* (50:1, 1996), 87, Kelley, "Evolution," Price, "Reversing," Ronald Mitchell, "International Environmental Politics" in Smith, Johnson, *Globalization*, 808, Nadelmann, "Prohibition," 480.

¹¹⁴ Brian Greenhill, "The Company You Keep," *International Studies Quarterly* (54:1, 2010), Patrick, "Evolution," Alderson, "Socialization," 415-3, Johnston, *States*, Simmons, *Diffusion*, Price, "Reversing," Checkel, *Institutions*.

2.3.a.i: International Norm Entrepreneurs

A wealth of scholarship allocates primary responsibility for international norm diffusion and state socialisation to TANs and INGOs, broadly defined as “actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchanges of information and services.”¹¹⁵ Such networks reportedly affect the emergence, development, institutionalisation and implementation of international norms by harnessing cross-boundary social mobilisation in the pursuit of principled beliefs, professionalising ‘informational power’ and practices, empowering domestic groups, accessing political elites, and employing material and ideational resources to lobby states, organisations, corporations and societies in support of international norms.¹¹⁶ In doing so, these groups effect socialisation by altering identities, interests and normative structures at the global level. As Wapner explains, environmental TANs “aim to change the way vast numbers of people see the world - by dislodging traditional understandings of environmental degradation and substituting new interpretive frames” to not only alter government policies and codify new norms, but “shift the standards of good conduct and persuade people to act differently.”¹¹⁷

According to Keck and Sikkink’s ‘boomerang pattern’, domestic advocates seek support from like-minded TANs, which place norm-violating states on the international agenda, empower local activists and pressure states from both above and below to implement international norms, via effective framing and information, symbolic, leverage and accountability politics.¹¹⁸ Although this pattern, along with related spiral models, do not

¹¹⁵ Keck, Sikkink, *Activists*, 2. See also: Price, “Review,” 580, Sikkink, “HR,” 415, Price, “Reversing,” 615, Khagram, et al, “Santiago,” 6-9, Lewis, “Conservation,” 90, Busby, *MM*, 35-7.

¹¹⁶ Emily Rodio, Hans Schmitz, “Beyond norms and interests,” *International Journal of Human Rights* (14:3, 2010), 442-59, Risse, “Transnational,” 427-39, Price, “Reversing,” 617-42, Susan Park, “Norm diffusion within IOs,” *Journal of International Relations and Development* (8:2, 2005), Ken Conca, “Protection, International Norms, and State Sovereignty” in Lyons, Mastanduno, *Westphalia*, 167, Keck, Sikkink, *Activists*, 16-29, Kathryn Sikkink, “Restructuring World Politics” in Khagram, et al, *Restructuring*, 307-16, Jacqui True, Michael Mintrom, “Transnational Networks and Policy Diffusion,” *International Studies Quarterly* (45:1, 2001), 37-40, John Boli, George Thomas, “World Culture in the World Polity,” *American Sociological Review* (62:2, 1997), 171-90, Beth Caniglia, “Elite Alliances and Transnational Environmental Movement Organizations,” Sidney Tarrow, “From Lumping to Splitting” in Smith, Johnston, *Globalization*, 153-5, 160-8, 238-45, Finnemore, *Interests*, 71-87, Jutta Joachim, “Framing Issues and Seizing Opportunities,” *International Studies Quarterly* (47:2, 2003).

¹¹⁷ Paul Wapner, “Politics Beyond the State,” *World Politics* (47:3, 1995), 321-2.

¹¹⁸ Keck, Sikkink, *Activists*, 12-24, 37. Also: Volha Charnysh, et al, “Frames and consensus formation in international relations,” *European Journal of International Relations* (21:2, 2015), 323-51, Finnemore, Sikkink, “Dynamics,” 897-9, Mitchell, “Politics,” 809-12, True-Frost, “Council,” 187, Khagram, et al, “Santiago,” 12, 16,

explicitly pertain to diffusion given post-norm endorsement application to violating states,¹¹⁹ TANs are credited with agency for diffusion via similar methods.¹²⁰ Price thus concludes that TANs are important for normative agenda setting, coalition building, solution development and implementation, given authority derived from their expertise, moral influence and claim to political legitimacy.¹²¹ Rodio and Schmitz demonstrate how self-perpetuating HR INGOs have actually narrowed understandings of international norms to those reproduced by their activism.¹²² Khagram, Riker and Sikkink conclude “One of the primary goals of transnational advocacy is to create, strengthen, implement, and monitor international norms... international nongovernmental organizations and transnational social movements are emerging as a powerful new force in international politics and are transforming global norms and practices.”¹²³

Relatedly, scholars credit GCS for a role in not only shaping and implementing global norms, but in constituting TANs themselves.¹²⁴ According to Kaldor, GCS encompasses but is not limited to civic networks, charities, NGOs, think tanks, commissions, activists, intellectuals, professionals, experts, nationalist or fundamentalist groups, workers, students, peasants, business corporations or any organisation “through which individuals can influence and put pressure on the centres of political and economic authority... (to)

Price, “Reversing” 617,627-31, Bailey, “Arrested,” 292, Busby, *MM*, 49-56,63-5,271, Price, “Review,” 596, Rothman, Oliver, “Local,” 118-29, Margaret Weir, “Ideas and the politics of bounded innovation” in Sven Steinmo, et al (eds), *Structuring Politics* (Cambridge: Cambridge University Press, 1992), 194, Doug McAdam, et al (eds), *Comparative Perspectives on Social Movements* (Cambridge: Cambridge University Press, 1996).

¹¹⁹ Risse, Sikkink, “Socialization,” Risse, “Transnational,” 438, Schmitz, Sikkink, “HR,” 839.

¹²⁰ Joshua Busby, “Bono Made Jesse Helms Cry: Jubilee 2000,” *International Studies Quarterly* (51:2, 2007), 247-75, Ayoub, “Contested,” 295-7, True, Mintrom, “Transnational,” 28-9,47-51, Weiss, *GG*, 94-5, Nadelmann, “Prohibition,” 484-5,524, Lewis, “Conservation,” 82-3, Price, “Review,” 581-3, Weiss, Thakur, *GG*, 150,302, Kelley, “Evolution,” 245, Sikkink, “Power,” 140-1, Conca, “Protection,” 160-8, Desmond McNeill, Asunción St. Clair, *Global Poverty, Ethics and Human Rights* (London: Routledge, 2009), 4,15.

¹²¹ Price, “Review,” 579-606.

¹²² Rodio, Schmitz, “Beyond norms,” 442-59.

¹²³ Khagram, “Santiago,” 4,14. Also: Klotz, *Norms*, 173, Sikkink, “Restructuring,” 301-6, Risse, Ropp, “HR,” 242-4: “transnational networks of human rights activists are indeed the single most important group of actors.”

Contra: Grillot, et al, “Assessing the Small Arms Movement,” *Contemporary Security Policy* (27:1, 2006), 60-84.

¹²⁴ Mary Kaldor, “Idea of Global Civil Society,” *International Affairs* (79:3,2003), *Global Civil Society* (Cambridge: Polity Press, 2003), Hurrell, “Power,” 42-3. Compare: Robert Cox, “Civil Society at the Turn of the Millennium,” *Review of International Studies* (25:1, 1999), 3-28, Jens Bartelson, “Making Sense of Global Civil Society,” *EJIR* (12:3, 2006), 371-95, Mustapha Pasha, David Blaney, “Elusive Paradise,” *Alternatives* (23:4, 1998), 417-50 and “Civil Society and Democracy in the Third World,” *Studies in Comparative International Development* (28:1, 1993), 3-24, Ronnie Lipschultz, “Power, Politics and Global Civil Society,” *Millennium* (33:3, 2005), 747-69.

negotiate new social contracts or bargains at a global level.”¹²⁵ Through a voice rather than a vote, GCS campaigns, lobbies, influences, educates, pressures, confronts, monitors and fights for rights and norms, driving norm diffusion and state socialisation.¹²⁶ Weiss refers to such actors as the ‘Third United Nations’, crediting them with helping “to shifts ideas, policies, priorities, and practices that are initially resisted by governments and international secretariats.”¹²⁷ Haas and Johnstone highlight the importance of a sub-set of GCS, epistemic and interpretive communities respectively, which they contend employ expertise to change public policy via credible truth claims and access to dominant political coalitions through states or IOs.¹²⁸ Indeed, Bailey, for example, claims the lack of agreement amongst one such community played an important role in the failure of the international anti-commercial whaling norm.¹²⁹

Although much less prominent, scholars have also recognised the potential for indirect impact on norm diffusion by MNCs, in the event reputation or profits are affected, in anticipation of increased regulation, or simply via sustained interaction with government agencies, such as Stavrianakis’ state/industry ‘revolving door’.¹³⁰ Each of these entities - TANs, INGOs, GCS, epistemic communities and MNCs - along with the individuals that comprise them, may be classified within the INEs described by Finnemore and Sikkink as agents that “call attention to issues or even ‘create’ issues by using language that names,

¹²⁵ Kaldor, *GCS*, 78-9,107,146. Also: “Idea,” 588-90, Ronnie Lipschutz, “Reconstructing World Politics,” *Millennium* (21:3, 1992), 392-8.

¹²⁶ Kaldor, *GCS*, 141-3.

¹²⁷ Weiss, *GG*, 10-1,45-6,50-1. Similarly: Weiss, Thakur, *GG*, 150-1,302: “the source of ideas to fill in normative gaps is now more likely than ever to be civil society.”

¹²⁸ Ernst Haas, *When Knowledge is Power* (Berkeley: University of California Press, 1990), 40-9, Peter Haas, “Introduction,” *International Organization* (46:1, 1992), 1-35, Ian Johnstone, *The Power of Deliberation* (Oxford: Oxford University Press, 2011), Ian Johnstone, “The Power of Interpretive Communities” in Barnett, Duvall, *Power*, 185-204. Also: Andrew Cooper, John English, “International commissions and the mind of global governance,” Jon Pederson, “Ideas, think-tanks, commissions, and global politics” in Ramesh Thakur, et al, *International Commissions and the Power of Ideas* (New York: United Nations University, 2005), 7,267-75, Yee, “Effects,” 86-8, Risse-Kappen, “Ideas,” 195-204, Cottrell, “Legitimacy,” 240, Checkel, *Ideas*, 4-5, Beth Simmons, et al, “Introduction” in Simmons, et al, *Diffusion*, 35-8, Steven Bernstein, “Ideas, Social Structure and the Compromise of Liberal Environmentalism,” *European Journal of International Relations* (6:4, 2000), 481-6.

¹²⁹ Bailey, “Arrested,” 307.

¹³⁰ Stavrianakis, “Target,” 229-30, Alexandra Gillies, “Reputational concerns and the emergence of oil sector transparency as an international norm,” *International Studies Quarterly* (54:1, 2010), 103-26, Solingen, Börzel, “Introduction,” 177, O’Faircheallaigh, “IR,” 156-71, Abiodun Williams, “Global governance and the Responsibility to Protect” in Thakur, Maley, *R2P*, 143, Weiss, *GG*, 11: MNCs ‘the Fourth UN’.

interprets, and dramatizes them.”¹³¹ As Wunderlich explains, “Norm entrepreneurs figure as key driving forces for norm development by identifying new ideas as problem-solving devices.”¹³² IL scholarship also acknowledges non-state entities as “increasingly key actors in the development of international legalization” securing international norms via hard and soft international law.¹³³ According to Risse, “One can probably go as far as to argue that there has rarely been a new normative issue on the international agenda which has not been promoted by transnational advocacy coalitions, INGOs, or epistemic communities.”¹³⁴

2.3.a.ii: International Organisations

Other authors focus specifically on the role in which IOs, including UN agencies, international commissions, UN conferences, and representatives such as the UN Secretary General (UNSG), diffuse norms and drive socialisation as autonomous entities.¹³⁵ Whether through advocacy, coercion, persuasion, channeling, exposure, shaming, sanctions, information definition, categorisation and dissemination, simple bureaucratic structure or enmeshment, interest convergence via institutional socialisation, acting as transnational regulatory networks, or merely providing the forum and shaping sustained interactions for ‘consensus mobilisation’ among states and with others, IOs are credited for international norm development, reification, state endorsement and state socialisation.¹³⁶ IOs are said to

¹³¹ Finnemore, Sikkink, “Dynamics,” 896-7. See also: Theo Farrell, “Transnational Norms and Military Development,” *European Journal of International Relations* (7:1, 2001), 83-4, Hoffman, *Ozone*, 49, True-Frost, “Council,” 118, Almagro, “Boomerangs,” 3, Flockhart, “Socialisation,” 104-8, Checkel, *Ideas*, 9, Gillies, “Reputational,” 109-12, Sunstein, “Norms,” 909: “people interested in changing social norms.”

¹³² Wunderlich, “Theoretical,” 28-33. Also: Müller, Wunderlich, “Not lost,” 342-3, Wunderlich, *Rogue*, 266-71, Cottrell, “Legitimacy,” 244-5, Patrick, “Evolution,” 138-9, 148-50, Kelley, “Evolution,” 226, Finnemore, Sikkink, “Dynamics,” 896-9, Sunstein, “Norms,” 929-30, 968, Young, “Leadership,” 287-302, True-Frost, “Council,” 182-7, William Maley, “Humanitarian law, refugee protection and the Responsibility to Protect,” Michael Byers, “International Law and the Responsibility to Protect” in Thakur, Maley, *R2P*, 124, 251-2.

¹³³ Abbott, Snidal, “Law,” 450-4. See also: True-Frost, “Council,” 124-6.

¹³⁴ Risse, “Transnational,” 436.

¹³⁵ Michael Barnett, Martha Finnemore, “The Politics, Power, and Pathologies of International Organizations,” *International Organization* (53:4, 1999), 699-732, True-Frost, “Council,” 121, 176-81, Welsh, “Contestation,” 372, Andrew Cooper, et al, “Preface,” Cooper, “Like-minded nations” in Andrew Cooper, et al (eds), *Enhancing Global Governance* (New York: United Nations University Press, 2002), vii, 14, Cooper, English, “Commissions,” 19-22, Pederson, “Ideas,” 275, Capie, “R2P,” Bernstein, “Ideas,” 475-7, Tarrow, “Lumping,” 241, True, Mintrom, “Transnational,” 48-9: ‘lightning rods’ that channel norms.

¹³⁶ Jeffrey Chwieroth, “Testing and Measuring the Role of Ideas,” *International Studies Quarterly* (51, 2007), 5-30, David Bearce, Stacy Bondanella, “Intergovernmental Organizations, Socialization, and Member-State interest Convergence,” *International Organization* (61:4, 2007), 703-33, Weiss, *GG*, 50-1, 150-1, Greenhill, “Company,” 129-31, 143, Hurrell, “Power,” 37-42, Hurrell, Macdonald, “Ethics,” 72-8, Mitchell, “Politics,” 812-5, Park, “Norm,” 111-41, “Theorizing,” 342-61, True-Frost, “Council,” 181-2, Lisa Martin, Beth Simmons, “Theories and Empirical Studies of International Institutions,” *International Organization* (52:4, 1998), 729-57.

build, shape, articulate, promote, establish, transmit and teach norms to states,¹³⁷ as “conveyor belts for the transmission of norms... They are the missionaries of our time.”¹³⁸ McNeill and St. Clair conclude that IOs are the primary ‘response-able’ moral authorities in the international sphere with a duty to promote norms.¹³⁹

2.3.a.iii: State Suasion

Other research focuses specifically on state capacity to influence norm adoption and socialisation, via deliberate or implicit suasion,¹⁴⁰ the dominance of one state over another in an hierarchical and unequal international system,¹⁴¹ coalitions of like-minded or middle power states acting as ‘norm brokers’,¹⁴² provision/withdrawal of state support/resources to or pressure on behalf of INEs and IOs,¹⁴³ conditional bilateral, economic, military or other assistance between states,¹⁴⁴ public or private diplomatic suasion or sanctions, including within international bodies,¹⁴⁵ embodiment of successful role models from which others may learn,¹⁴⁶ or simple state behaviour, given norms are both products of, and influences upon, state actions.¹⁴⁷ In this respect scholars note the importance of ‘critical states’: states particularly affected by, or capable of affecting, the norm in question, for whom endorsement is essential or who possess exemplary moral or political standing.¹⁴⁸ According

¹³⁷ Martha Finnemore, “International Organizations as Teachers of Norms,” *International Organization* (47:4, 1993), 565-97, Bruce Russett, “A neo-Kantian perspective,” Barnett, Adler, “Security communities” in Adler, Barnett, *Security Communities*, 381,420-4, Barnett, Finnemore, “Power,” 161-84, Alexandra Ghescu, “Security institutions as agents of socialization?” *International Organization* (59:4, 2005), 973-1012.

¹³⁸ Barnett, Finnemore, *Rules*, 33, Barnett, Finnemore, “Politics,” 712-3.

¹³⁹ McNeill, St. Clair, *Global Poverty*, 3,10-7. Similarly: Barnett, Adler, “Security,” 420-1.

¹⁴⁰ Including traditional realist hegemonic support/material pressure, but also ideological influence: Patrick, “Evolution,” 134-64: ‘hegemonic legitimation/socialisation,’ Nadelmann, “Prohibition,” 485,524, Cooper, “Like-minded,” 1, Florini, “Evolution,” 375, Hurrell, “Power,” 37-44,50-1, Mitchell, “Politics,” 807-8.

¹⁴¹ Robert Axelrod, “An Evolutionary Approach to Norms,” *American Political Science Review* (80: 4, 1986), 1103-4, Ikenberry, Kupchan, “Socialization,” Simmons, “Introduction,” 10-2, Thakur, *R2P*, 182-3, Janice Bially Mattern, Ayse Zarakol, “Hierarchies in World Politics,” *International Organization* (70:3, 2016).

¹⁴² David Capie, “Localization and Resistance,” *Security Dialogue* (39:6, 2008), 654, Cooper, “Like-minded,” 3-11, Evans, “Foreword,” Cooper, English, “Commissions,” Pederson, “Ideas,” in Thakur, et al, *Commissions*, vii-viii,15-7,270, Weiss, *GG*, 94-5, Price, “Reversing,” 625, Wunderlich, “Theoretical,” 32: ‘niche diplomacy’.

¹⁴³ Tarrow, “Lumping,” 231,242, Hurrell, “Power,” 44,50, Stavrianakis, “Target,” 230-1, Risse, Ropp, “HR,” 244-7,268-9, Finnemore, Sikkink, “Dynamics,” 900, Kelley, “Evolution,” 244-5.

¹⁴⁴ Sikkink, “HR,” 422-7, Hurrell, “Power,” 40, Simmons, et al, “Introduction,” 11-2, Donnelly, *HR*, 195-9.

¹⁴⁵ Donnelly, *HR*, 201-5, Conca, “Protection,” 162-5, Klotz, *Norms*, 27,165, Jack Donnelly, “State Sovereignty and International Intervention” in Lyons, Mastanduno, *Westphalia*, 131.

¹⁴⁶ Thakur, *R2P*, 5-6, Patrick, “Evolution,” 145,155, Simmons, et al, “Introduction,” 2,7.

¹⁴⁷ Ian Hurd, “Constructivism” in Christian Reus-Smit, Duncan Snidal (eds), *The Oxford Handbook of International Relations* (Oxford: Oxford University Press, 2008), Santa-Cruz, “Constitutional,” 683.

¹⁴⁸ Mitchell, “Politics,” 811, Busby, *MM*, 37, Thakur, *R2P*, 8,159, Finnemore, Sikkink, “Dynamics,” 901.

to Patrick, “most successful norms have enjoyed the political sponsorship of at least one state.”¹⁴⁹

2.3.a.iv: Regional Suasion

Additional scholarship notes the power of regional influences, including pre-existing regional normative structures,¹⁵⁰ designated normative or thematic regional bodies,¹⁵¹ subtler intended or incidental forms of regional institutional persuasion and diffusion,¹⁵² conditionality clauses for membership of or relations with regional bodies or the provision of regional aid or assistance,¹⁵³ simple geographic proximity and sensitivity “to the nuances of regional culture and practice,”¹⁵⁴ or even geographic contagion through which states learn from or are positively influenced by their neighbours.¹⁵⁵ Gilardi, for example, documents an anecdote of regional norm diffusion in South America when “Venezuela literally copied and pasted Mexico’s legislation: the Venezuelan legislation made reference to the wishes of the Mexican legislature and the need to be consistent with the Mexican constitution. Worse still, the original Mexican list had included Venezuela, and thus by copying the Mexican list, Venezuela succeeded in blacklisting itself.”¹⁵⁶ Although rarely quite so patent, regional influence is thus said to impact international norm diffusion and state socialisation.

2.3.a.v: World Context

Finally, at the systemic level, analysts credit cataclysmic world events, dramatic transboundary threats, exogenous shocks, triggers, or simple permissive windows of opportunity as ‘critical junctures’ in which ‘ideational vacuums’ facilitate norm diffusion at

¹⁴⁹ Patrick, “Evolution,” 148. Similarly: Sandholtz, “Dynamics,” 103,124.

¹⁵⁰ Acharya, “How Ideas Spread,” *International Organization* (58:2, 2004), 269-70, Santa-Cruz, “Constitutional.”

¹⁵¹ Sikkink, “HR,” 420,432,439, Solingen, Börzel, “Introduction,” 177, Capie, “Localization,” 638-9,654, Zartner, Ramos, “HR,” 83-7. Contra: Donnelly, “State Sovereignty,” 134-41.

¹⁵² Avdeyeva, “Reputation,” 299-316, Axelrod, “Evolutionary,” 1105-6, Acharya, *Ideas*, 24.

¹⁵³ Judith Kelley, “International Actors on the Domestic Scene,” *International Organization* (58:3, 2004), 425-57, Checkel, *Institutions*, Hurrell, “Power,” 40, Simmons, “Introduction,” 12-3, Zartner, Ramos, “HR,” 85.

¹⁵⁴ Schulz, “Caught.” Also: Franklin, “HR,” 37,53, David Strang, John Meyer, “Institutional Conditions for Diffusion,” *Theory and Society* (22:4, 1993), 487-511.

¹⁵⁵ Simmons, et al, “Introduction,” “Conclusion,” 5-7,38,349-53: ‘proximity contagion’, Acharya, “Ideas,” 247, Acharya, *Ideas*, 16-7: ‘regional demonstration effect’, Simmons, “IL” in Carlsnaes, et al, *Handbook*, 819-35.

¹⁵⁶ Fabrizio Gilardi, “Transnational Diffusion” in Carlsnaes, et al, *Handbook*, 459.

the global level.¹⁵⁷ While scholars initially observed global normative change following periods of intense international upheaval, such as war,¹⁵⁸ recent research recognises other crises - oil spills, nuclear accidents, genocide - as clarifying requirements for new solutions and prompting renewed focus on issue-specific norms.¹⁵⁹ At a broader level, experts note the permissive or restrictive effects of systemic events, such as the end of the Cold War, the commencement of the US War on Terror, global technological innovations or certain UN reforms - the temporal context - as altering the normative structure within which norms rise or fall.¹⁶⁰ Exogenous events, referred to as 'world context' or 'world time', are thus considered drivers of international norm diffusion and state socialisation.¹⁶¹ According to Weiss, the "birth and survival of ideas within the UN - or their death and suppression - invariably reflect events and are contingent upon world politics and the global economy... timing is everything."¹⁶²

2.3.b: State-Level Attributes

Challenging what presents as Western-centric notions of 'good' international norms 'taught' to, if not coerced upon, "targets of socialisation" or 'bad' states via the above-listed attributes,¹⁶³ responses to systemic-oriented scholarship focused on the capacities of states

¹⁵⁷ Duncan Green, *How Change Happens* (Oxford: Oxford Press Scholarship Online, 2016), 52, Welsh, "Robustness," 54, Flockhart, "Socialisation," 91, Mitchell, "Politics," 807, Risse-Kappen, "Ideas," 204, Farrell, "Norms," 82-5, Young, "Politics," 365-72, Solingen, Börzel, "Introduction," 175-6, Bloomfield, "Antipreneurs," 326, Weiss, Thakur, "GG," 300, Donnelly, *HR*, 194, Acharya, "Ideas," 246-7, potentially Alex Wendt, "Anarchy is what states make of it: the social construction of power politics," *International Organization* (46:2, 1992), 420.

¹⁵⁸ Samuel Barkin, Bruce Cronin, "The State and the Nation," *International Organization* (48:1, 1994), 108, Finnemore, Sikkink, "Dynamics," 909, Patrick, "Evolution," 160,165, Russett, "Neo-Kantian," 383.

¹⁵⁹ Janne Nolan, "Sovereignty and Collective Intervention" in Lyons, Mastanduno, *Westphalia*, 176-7, Haas, *Knowledge*, 45-8, Price, "Reversing," 622-3, Busby, "Jubilee," 252-3, Michael Byers, "International Law and the Responsibility to Protect" in Thakur, Maley, *R2P*, 123, Florini, "Evolution," 378-85, James Morrison, "Shocking Intellectual Austerity," *International Organization* (70, 2016), 175-207.

¹⁶⁰ Busby, *MM*, 16,44,255-6, Young, "Regime," 110, Sikkink, "Power," 156,167, Kelley, "Evolution," 224-9,244-51, Mitchell, "Politics," 807-11, Cooper, English, "Commissions," 9, Checkel, *Ideas*, 11,127-30, Schmitz, Sikkink, "HR," 833, Reimann, "Networks," 173,178, Welsh, "Contestation," 372.

¹⁶¹ Harald Müller, et al, "Winds of Change" in Müller, Wunderlich, *Norm Dynamics*, 141, Weir, "Ideas," 195, Solingen, Börzel, "Introduction," 176,184, Finnemore, Sikkink, "Dynamics," 909, Risse, Ropp, "HR," 264.

¹⁶² Weiss, *GG*, 47,61.

¹⁶³ Andrew Cortell, James Davis, "When Norms Clash," *Review of International Studies* (31:1, 2005), 6-7, Adler-Nissen, "Self," 35-6. Transnational norm 'teachers' to 'reluctant states': Finnemore, "IOs," Farrell, "Norms," 80-1, Khagram, et al, "Santiago," 16, Börzel, Risse, "Introduction," 7, Barnett, Adler, "Security," 422, Risse, Ropp, "HR," 271, Price, "Reversing," 617,639, Russett, "Neo-Kantian," 377,380, Finnemore, *Interests*, 12-3, Florini, "Evolution," 367, Adler, Barnett, "Framework," 45, Johnston, *States*, 26-7, True-Frost, "Council," 126, Alastair Johnston, "Treating International Institutions as Social Environments," *International Studies Quarterly* (45:4,

to not only create but reshape international norms in accordance with national attributes.¹⁶⁴ This was primarily contended by the third wave of norm evolution scholarship, which returned agency to the state not simply as a norm taker/follower but norm giver/setter in a 'bottom-up' "*project* of domestic social and political actors."¹⁶⁵ This wave argued the difference in timing, manner and extent of international norm adoption and state socialisation could only be explained through unit-level analysis, given that the international system remained constant while state responses to norms differed.¹⁶⁶ Johnston explains, "Clearly the pace, process, and outcome of socialisation inside one (international) environment will be affected by socialisation in a previous (domestic) environment. Actors are usually not blank slates when they enter new social environments."¹⁶⁷ Similarly, Zürn and Checkel conclude that "the effects of socialisation are often weak and secondary to dynamics at the national level... (We) have much to gain by 'bringing the domestic back in'."¹⁶⁸

In this manner, state-level norm diffusion attributes comprise a type of *filter* for the socialisation of states into norm endorsement. They represent permissive or prohibitive conditions at the domestic level that operate as windows or shutters of opportunity for the drivers of socialisation at the systemic-level. As such domestic opportunity structures for norm diffusion and socialisation, national contextual settings warrant targeted analysis. According to Tholens and Groß, "Instead of remaining at the level of assessing the extent to which such domestic factors serve as 'obstacles' or 'scope conditions' for norm diffusion, however, the contributors have gained even more from studying these trajectories in their

2001), 493-4, Gheciu, "Security," 973-1012. Challengers: Bloomfield, "Antipreneurs," 313-4, Engelkamp, Glaab, "Norms," 208-11, Welsh, "Contestation," 395, Zarakol, "World," 313,328, Acharya, *Rethinking Power, Institutions and Ideas in World Politics* (London: Routledge, 2014), 12-3,185, Charlotte Epstein, "Interrogating the Use of Norms in International Relations," *International Studies Perspective* (13:2, 2012), 121.

¹⁶⁴ Liesbet Hooghe, "Several Roads Lead to International Norms" in Checkel, *Institutions*, 88, Chua, "Against," 89-90, Engelkamp, Glaab, "Norms," 203, Wiener, "Meaning," 181, Weldes, "Interests," 280.

¹⁶⁵ Alderson, "Socialization," 419,428 (original emphasis). See also: Jeffrey Checkel, "International Norms and Domestic Politics," *EJIR* (3, 1997), 473-95, Amitav Acharya, "Norm Subsidiarity and Regional Orders," *International Studies Quarterly* (55:1, 2011), 95-123 and "'Idea-shift'," *Third World Quarterly* (37:7, 2016), Kathryn Sikkink, "Latin American Countries as Norm Protagonists of the Idea of International Human Rights," *Global Governance* (20, 2014), 389-404, Zimmermann, "Same," 98-115, Björkdahl, Gusic, "Global," 265-87, Jeffrey Legro, "Which Norms Matter?" *International Organization* (51:1, 1997).

¹⁶⁶ Cortell, Davis, "Clash," 3-25, True, Mintrom, "Transnational," 34, Schimmelfennig, "Calculation," 38, Risse-Kappen, "Ideas," 187-8,212-3.

¹⁶⁷ Johnston, "Conclusions," 222-3. Wiener, "Meaning," 185, Zarakol, "World," 312, Zwingel, "Norms," 119-25.

¹⁶⁸ Zürn, Checkel, "Socialised," 242-62. Similarly: Flockhart, "Socialisation," 97-8.

own right.”¹⁶⁹ This section thus considers state-level norm diffusion attributes in their own right - state agency via the ‘feedback loop’, national identity, domestic structural conditions (DSCs), domestic norm entrepreneurs (DNEs) and local salience - in order to determine precisely how much “the domestic constellation plays a crucial role”¹⁷⁰ in revisionist state norm endorsement and purported socialisation.

2.3.b.i: Feedback Loop

In focusing international norm diffusion analysis at unit-level, scholars first observed the bottom-up origin of norms, wherein established domestic norms diffuse ‘up’ into international society. Acharya defined this as a process of norm subsidiarity, empowering and affording agency to non-Western, ‘Third World’, or otherwise ‘weak’ nations.¹⁷¹ Subsequent theories proposed the opposite with ongoing processes of contestation leading to state reformulation of international norms domestically for internal implementation. Norms are adapted - not simply reframed or grafted but *reconstituted* - in accordance with local cognitive priors to enhance domestic ‘fit’. Prantl and Nakano, for example, “offer a dynamic explanation of norm diffusion that identifies how regional actors deconstruct and reconstruct global norms in order to make them fit domestic beliefs and identities.”¹⁷² Acharya and others labelled this a process of constitutive norm localisation,¹⁷³ while Wiener referenced alternative ‘meanings-in-use’ following international institutionalisation and interplay with divergent social and cultural practices.¹⁷⁴ Norms are thus validated not through socialisation but deliberation, negotiation and resistance to socialisation by states, where local agency as a type of filter is paramount. Zwingel explains:

¹⁶⁹ Tholens, Groß, “Diffusion,” 249,260. Also: Hooghe, “Roads,” 64,70, Prantl, Nakano, “Diffusion,” 211.

¹⁷⁰ Harald Müller, “Agency is Central” in Müller, Wunderlich, *Norm Dynamics*, 359.

¹⁷¹ Acharya, *Ideas*, 159-60, *Rethinking*, 218-37, “R2P,” 69, “Idea-shift,” 1159-67. Also: Thakur, *R2P*, 6,181-2, Katzenstein, “Terrorism,” 285, Santa-Cruz, “Constitutional,” 664,683, Towns, “Norms,” 182-3, Sikkink, “Latin American,” 398-400, Eric Helleiner, “Principles from the Periphery,” *Global Governance* (20:3, 2014), 359-60.

¹⁷² Prantl, Nakano, “Diffusion,” 205,209-10.

¹⁷³ Acharya, *Ideas*, 4-30,143-69, “Ideas,” 239-75, “Idea-shift,” 1158, *Rethinking*, 12,185-207,219, “Subsidiarity,” Lisa Groß, “The journey from global to local,” *Journal of International Relations and Development* (18:3, 2015), 311-36, Capie, “Localization,” Thakur *R2P*, 6, Björkdahl, Gusic, “Global norms,” 265-87, Zimmermann, “Same,” 99,105-11, Wolff, Zimmermann, “Banyans,” 525-7, Tholens, Groß, “Diffusion,” 255-7, Zwingel, “Norms,” 121-2, Subotic, “Truth,” 364-5, Michael Banton, “International norms and Latin American states’ policies on indigenous peoples,” *Nations and Nationalism* (2:1, 1996), 102.

¹⁷⁴ Wiener, “Meaning,” 176-82, *Constitution*, 6-16,39-47. Also: Birdsall, “Norm,” Kees van Kersbergen, Bertjan Verbeek, “Politics of International Norms,” *European Journal of International Relations* (13:2, 2007), 217-38.

the notion of the local as sufficiently powerful to contest the homogenizing influence of globalization helps us see the complexity and variety of the many possible processes of 'norm implementation'... It represents a vision of contextualized self-determination that no idea or norm negotiated "somewhere" should be closed to further negotiation when applied 'elsewhere'.¹⁷⁵

These theories explain divergent domestic implementation of norms, counter traditional norm-maker/taker dichotomies and contest the unadulterated operation of norm diffusion attributes as socialisation drivers in systemic-oriented scholarship.¹⁷⁶ They also reflect IL scholarship regarding state use of reservations and declarations in international agreements to ascribe alternative normative meanings through qualified contingent treaty endorsement.¹⁷⁷

This research culminated in the contention that local norm alterations reflect back upon the international realm to revise global norm meanings.¹⁷⁸ As Adler-Nissen noted, "the 'norm-taker' may influence the normative order in ways that go beyond recent constructivist arguments about local norm reinterpretation and resistance."¹⁷⁹ The agency of the state in international norm diffusion is thereby further enhanced. While Finnemore acknowledged it earlier,¹⁸⁰ Acharya coined the label 'norm circulation'. Interweaving theories of subsidiarity with localisation, he outlined a two-way process of contestation between transnational moral agents and regional, domestic or local agents, in which norms are created either at the systemic level and constitutively localised, or formed locally and repatriated internationally during a period of contestation, reformulation and consolidation.¹⁸¹ Negrón-Gonzales and Contarino considered this process a normative 'feedback loop' in which states not only accept international norms, but harness the power to reject or reshape them through hard or soft feedback in accordance with domestic norm

¹⁷⁵ Zwingel, "Norms," 122. See also: Niemann, Schillinger, "Contestation," 40-3, Tholens, Groß, "Diffusion," 252, Subotic, "Truth," 376-7, Welsh, "Contestation," 380-1, Wolff, Zimmermann, "Banyans," 523-5.

¹⁷⁶ Acharya, *Rethinking*, 13, 184-5, 206, "Ideas," 239, "R2P," 69, *Ideas*, 14-5, 167-9, Prantl, Nakano, "Diffusion," 210, Wiener, *Constitution*, 10, 45, Welsh, "Contestation," 380, Prantl, Nakano, "Diffusion," 213.

¹⁷⁷ Neumayer, "Ratification," 397-9.

¹⁷⁸ David Lewis, "Who's Socialising Whom?," *Europe-Asia Studies* (64:7, 2012), 1219-37, Sandholtz, "Dynamics," True, Mintrom, "Transnational," 28, 34, Deitelhoff, Zimmermann, "Norms," 13, Björkdahl, "Norms," 18.

¹⁷⁹ Adler-Nissen, "Stigma," 171-2.

¹⁸⁰ Finnemore, *Interests*, 136: "contingent, local results may become internationalised and institutionalised as part of the global normative structure in important ways, thus influencing the content of international normative structure at a later time."

¹⁸¹ Acharya, "R2P," 73-7, *Rethinking*, 13. See also: Zwingel, "Norms," 116, O'Hagan, "R2P," 302.

hierarchies.¹⁸² Prantl and Nakano conclude that during such feedback loops, “the norm has been reconstructed and deconstructed at the regional and national levels and fed back into the global discourse” to modify the very content of the norm.¹⁸³

Although often associated with purported emerging powers,¹⁸⁴ this feedback loop reflects the overarching mutual constitution of agents and structures in the international system. It occurs explicitly, as Hurd explains, when states are “both socialized to norms and strategic calculators that manipulate them... (reflecting) the mutual constitution of state practice and international norms.”¹⁸⁵ And it occurs implicitly through an adaptive and evaluative process of mutual feedback when “Agents’ internal rule models coevolve with their social context (including international norms) – a context that their actions and interactions have created.”¹⁸⁶ There is thus a symbiotic relationship between state socialisation and norm reconstruction via a process of mutual interaction.¹⁸⁷ This process in which state agency in fact socialises and remoulds norms, thereby filtering and refining the work of systemic socialisation drivers, is characterised in this thesis as the ‘feedback loop’.

2.3.b.ii: National Identity

Deemed “a prior causal factor” and “filter” of norm diffusion and state socialisation,¹⁸⁸ national identity reflects how citizens and leaders envisage their state in terms of values, interests, ambitions and ethics. It is true that “states are never finished as entities,” “always in a process of becoming,” and “marked by an inherent tension between the various

¹⁸² Negrón-Gonzales, Contarino, “Local.”

¹⁸³ Prantl, Nakano, “Diffusion,” 205, 210: from global to regional to national -> state feedback/self-correction adjust norm properties to actual/desired output -> results feed back altering norm properties -> norm softens, increasingly acceptable -> greater state socialisation. Similarly: Sandholtz, “Dynamics,” 103-4: Rule structures (general normative structure) -> actions (complementary/divergent implementation) -> disputes (norm content/application) -> arguments (normative reasoning/discourse, interpretations/modifications) -> norm change -> rule structures, etc. True, Mintrom, “Transnational,” 29, Towns, Rumelili, “Pressure,” 767-9.

¹⁸⁴ Brazil’s Responsibility While Protecting or China’s Responsible Protection remodelling of R2P, for example: Ruan Zongze, “Responsible Protection,” *China International Studies* (34:6, 2012), 19-41, O’Hagan, “R2P,” 298-303, Prantl, Nakano, “Diffusion,” 213-5, Oliver Stuenkel, Matthew Taylor (eds), *Brazil on the Global Stage* (New York: Palgrave MacMillan, 2015), 9-11, Negrón-Gonzales, Contarino, “Local,” 260-8, Hadden, Seybert, “Norm,” 262, Zeng, Breslin, “China,” 775, Welsh, “Robustness,” 60-1, Rosemary Foot, “The Responsibility to Protect (R2P) and its Evolution,” *St Antony’s International Review* (6:2, 2011), 47-66.

¹⁸⁵ Hurd, “Breaking,” 201-9, “Constructivism.” Similarly: Sandholtz, “Dynamics,” 102.

¹⁸⁶ Hoffman, *Ozone*, 42, 48. Also: Johnston, *States*, 27, Wiener, “Meaning,” 180: structuring/constructed norms.

¹⁸⁷ Adler-Nissen, “Stigma,” 153, Lewis, “Socialising,” 1220.

¹⁸⁸ Gurowitz, “Diffusion,” Tina Freyburg, Solveig Richter, “National identity matters,” *Journal of European Public Policy* (17:2, 2010), 264.

domains that need to be aligned for an ‘imagined political community’ to come into being.”¹⁸⁹ Nevertheless, identity may be defined as “the social meanings and practices through which an actor becomes distinctively recognizable or known as such, enabling the becoming of an acting ‘self’.”¹⁹⁰ National identity thus comprises a complex confluence of dynamic material, socio-economic, historical, rhetorical and intersubjective factors, that may include but are not limited to linguistic, racial, ethnic, cultural, colonial/imperial, political, institutional, or military associations of belonging.¹⁹¹ Such conceptions shift in response to both internal and external stimuli,¹⁹² yet proponents claim they implicitly affect state receptiveness to the systemic drivers of socialisation and international norms. According to Hooghe, the “institutions of one’s country of birth also tend to be most influential.... (humans) acquire basic beliefs about democracy, freedom, community, race, and rudimentary political allegiance and partisanship during adolescence... So an international official’s nationality comes with distinctive cultural baggage.”¹⁹³ According to Fey, et al, the “impact of power status on policies is mediated by self-images, political traditions, domestic politics, and interests as defined by the ruling elites.”¹⁹⁴ These directly impact state decisions regarding international norms and thus the efficacy of systemic socialisation drivers. National “ideological predispositions and conceptions of identity” thereby impact international norm diffusion.¹⁹⁵

This understanding of national identity encompasses conceptions of state preferences, political, strategic or organisational culture or ideologies and political will, frequently identified in scholarship as prerequisites for international norm diffusion.¹⁹⁶ Political will,

¹⁸⁹ Campbell, *Security*, 12. Also: 31-2,91, Gurowitz, “Diffusion,” 313,330, Freyburg, Richter, “National,” 267, Rebecca Adler-Nissen, Alexei Tsinoi, “International Misrecognition,” *European Journal of International Relations* (25:1, 2019), 5-8: “identities are inherently unstable and incomplete.”

¹⁹⁰ Towns, *Women*, 42-3: ‘stipulated’ instead of ‘given’ identity to account for “always in-the-making.”

¹⁹¹ Wendt, *Social Theory*, Chs. 5-7, Gurowitz, “Diffusion,” 310-2. While interrogating how national identity affects norm diffusion, determining identity constitution and construction is beyond the remit of this thesis.

¹⁹² Wendt, *Social Theory*, 20-1, Flockhart, “Socialisation,” 94-5, Weldes, “Interests,” 280-9.

¹⁹³ Hooghe, “Roads,” 69-70. Similarly: Johnston, “Conclusions,” 212-4,222-3: “State agents’ first and most intensive period of socialisation occurs inside the main institutions of state socialisation.”

¹⁹⁴ Marco Fey, et al, “Established and Rising Great Powers” in Müller, Wunderlich, *Norm Dynamics*, 195.

¹⁹⁵ Hooghe, “Roads,” 87-8. Also: Weldes, “Interests,” 280, Wiener, “Meaning,” 185, Checkel, “Comply,” 564, Zarakol, “World,” 312, Wunderlich, *Rogue*, 263.

¹⁹⁶ Klotz, *Norms*, 169-72, Price, “Review,” 592, Risse, Ropp, “HR,” 261, Prantl, Nakano, “Diffusion,” 210.

‘Political will’: Donnelly, *HR*, 194,210, Krasner, *Sovereignty*, 32,227. ‘State preferences’: Sunstein, “Norms,” 913. ‘Strategic culture’: Jeffrey Taliaferro, “Neoclassical Realist Theory of International Politics”, *Foreign Policy*

culture and preferences are guided by self-image and national identity perceptions. Donnelly, for example, attributed South American amenability toward human rights norms to the legacy of persistent national political struggles against violations.¹⁹⁷ Tannenwald documented how US self-perception as a 'civilised nation' led to the nuclear taboo, while Risse and Ropp demonstrated that modification of human rights policies in Morocco followed questioning of the enlightened identity and self-image of the monarch.¹⁹⁸ Bailey contended the failure to associate the anti-whaling norm with a 'liberal state' identity contributed to its arrested development, while Sikkink showed that European adoption of human rights norms was in response to a perceived juxtaposition between European and Soviet national identities at that time.¹⁹⁹ Meanwhile, both Simmons and Elkins, and Solingen and Börzel, demonstrated increased norm diffusion among states with similar cultural and religious identities,²⁰⁰ while Towns argued it may be either unimaginable - or alternatively imperative - for a state to endorse a given norm depending on its self-identity.²⁰¹ Indeed, the association between norm diffusion and national identity lies within the very definition of norms: norms establish appropriate behaviour for actors *with a given identity*.²⁰² According to Hurrell, it is therefore "impossible to produce a credible account (of norm diffusion) without understanding, first, the particular historical construction of the states involved; secondly, the processes by which both interests and identities are created and evolve; and thirdly, the ways in which interaction and enmeshment reinforce these changes."²⁰³

2.3.b.iii: Domestic Structural Conditions

A broad array of research contends that domestic structural conditions also affect international norm diffusion.²⁰⁴ DSCs incorporate political institutions, opposition

Analysis Lecture Series, London School of Economics, 2016. 'Organizational ideologies': Checkel, *Ideas*, 7,10-1,125. 'Organisational culture': Legro, "Norms," 44-6,58-9. 'Political culture': Flockhart, "Socialisation," 98-9.

¹⁹⁷ Donnelly, *HR*, 200.

¹⁹⁸ Tannenwald, "Taboo," 437-8,460-2 Similarly: Risse, Ropp, "HR," 241.

¹⁹⁹ Bailey, "Arrested," 305-6, Sikkink, "Power," 167.

²⁰⁰ Beth Simmons, Zachary Elkins, "The Globalization of Liberalization," *American Political Science Review* (98:1, 2004), 176-87, Solingen, Börzel, "Introduction," 175-6.

²⁰¹ Towns, *Women*, 52. Also: Zwingel, "Norms," 122, Freyburg, Richter, "National," 266, Zarakol, "World," 323-5.

²⁰² Katzenstein, "Introduction," 5, Finnemore, *Interests*, 22, Sunstein, "Norms," 913,967, Wendt, *Social Theory*.

²⁰³ Andrew Hurrell, "An emerging security community in South America?" in Adler, Barnett, *Security*, 249.

²⁰⁴ Robert Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," *International Organization* (42:3, 1988), 434,441-50,460, Finnemore, Sikkink, "Dynamics," 893, Kenneth Schultz, "Domestic

coalitions/party constellations, governance structures, state/society relations, domestic constituencies, economic development and stability, and/or public administration procedures.²⁰⁵ These structures impact state responses to international norms and socialisation drivers by influencing national identity,²⁰⁶ filtering norms in accordance with preferences,²⁰⁷ empowering/delimiting actor agency,²⁰⁸ constraining/enabling systemic attributes and DNEs,²⁰⁹ facilitating/hindering norm adherence/implementation,²¹⁰ or impacting cost/benefit analyses of decision-makers. For example, whether a regime is a democracy, in which represented leaders ostensibly consider opinions of the electorate when determining international norm endorsement, or an autocracy, in which decisions may instead reside with unelected elites, reportedly impacts norm diffusion.²¹¹ The level of openness - the social and political porosity of a country to new ideas and international suasion – operates similarly, with domestic political change towards democracy frequently heralded as increasing norm endorsement.²¹² In this manner, DSCs reportedly influence state norm responses and filter systemic drivers of socialisation, thus impacting international norm diffusion.

Politics and International Relations" in Carlsnaes, et al, *Handbook*, 491-3, Lobell, et al, *Neoclassical Realism* (Cambridge: CUP, 2009), Andrew Cortell, James Davis, "How Do International Institutions Matter?" *International Studies Quarterly* (40:4, 1996), 451-78.

²⁰⁵ Peter Hall, "The movement from Keynesianism to monetarism" in Steinmo, et al, *Politics*, 96-7, 106-9, Thomas Risse-Kappen, "Public Opinion, Domestic Structure, and Foreign Policy in Liberal Democracies," *World Politics* (43:4, 1991), 484-93, Rothman, Oliver, "Local," 120-8, Schimmelfennig, "Calculation," 32-40, Solingen, Börzel, "Introduction," 184-5, Simmons, "IL," 825, Flockhart, "Socialisation," 98-9, Marco Steenbergen, et al, "Measuring Political Deliberation," *Comparative European Politics* (1, 2003), 42.

²⁰⁶ Katzenstein, "Terrorism," 288-9.

²⁰⁷ Thakur, *R2P*, 8, Prantl, Nakano, "Diffusion," 210, Johnston, *States*, 15, True, Mintrom, "Transnational," 34-49, Finnemore, Sikkink, "Dynamics," 893, Kathleen Thelen, Sven Steinmo, "Historical institutionalism in comparative politics" in Steinmo, et al, *Politics*, 7-9, 23-7.

²⁰⁸ Hooghe, "Roads," 70-3, Thelen, Steinmo, "Institutionalism," 22, Weir, "Ideas," 192-200.

²⁰⁹ Lewis, "Conservation," 76-90, Risse-Kappen, "Ideas," 187-8, 209-14, Keck, Sikkink, *Activists*, 5-10, 202, Risse, Sikkink, "Socialisation," 17-8, Checkel, *Ideas*, x-xii, 126-8, Tarrow, "Lumping," 238, Reimann, "Networks," 174-5.

²¹⁰ Combes, "Revisionism," 10, 17, Risse, Ropp, "HR," 277, Weiss, Thakur, "GG," 151, Thakur *R2P*, 6, 8.

²¹¹ Katya Ivanova, "The life of norms," *A thesis submitted to the European Institute of the London School of Economics for the degree of Doctor of Philosophy*, 2016, 168, Gilardi, "Diffusion," 471-81, Miles, Posner, "Treaties," 14-8, Weir, "Ideas," 197, 210, Checkel, *Ideas*, 7-12, 125-30, Vreeland, "Institutions," 65-6, 92-3.

²¹² Edward Mansfield, Jon Pevehouse, "Democratization and International Organizations," *International Organization* (60:1: 2006), 137-67, Risse, Ropp, "HR," 241-7, 275-6, Kelley, "Evolution," 229, Ikenberry, Kupchan, "Socialization," 284, 292, Sikkink, "HR," 434, Price, "Review," 593, Klotz, *Norms*, 32, Avdeyeva, "Reputation," 314-5, Ayoub, "Contested," 298, True, Mintrom, "Transnational," 50-1, Lewis, "Conservation," 78-80, Risse, Ropp, "HR," 260-4, Busby, *MM*, 6, Johnston, "Conclusions," 214-5, Keck, Sikkink, *Activists*, 12-3, Jackie Smith, Hank Johnston, "Globalization and Resistance" in Smith, Johnston, *Globalization*.

2.3.b.iv: Domestic Norm Entrepreneurs

Relatedly, scholars highlight the influence of domestic lobby groups, civil society movements, NGOs and individual activists - collectively termed DNEs – on socialisation drivers and international norm diffusion.²¹³ Particular importance is attached to DNEs with direct access to decision-makers/making,²¹⁴ however this is not essential given the boomerang, spiral and norm life cycle frameworks, for example, point instead to DNE indispensability for the causal effect of TANs.²¹⁵ Although occasionally conceding insufficiency as a solitary variable, scholars nevertheless document DNE relevance in relation to local political dis/empowerment of a norm via framing to enhance/dispel domestic resonance, localise or maintain norm salience, shape society, rework and diffuse norms internationally, shame violators, educate and distribute information, pressure adoption, and facilitate or service implementation.²¹⁶ DNEs therein hold significance both for the efficacy of systemic socialisation drivers and norm diffusion generally.

2.3.b.v: Salience

Finally, despite some IL scholarship recognising the seriousness with which states approach international treaty obligations,²¹⁷ others argue norms may be endorsed given simple state indifference: acquiescence due to habit-driven behaviour, path dependency, signaling for other benefits, or mere lip service through international treaty endorsement for which there is no intention to implement in practice.²¹⁸ Such endorsement likely only

²¹³ Merouan Mekouar, "No Political Agents, No Diffusion," *International Studies Review* (16, 2014), 206-16, Busby, *MM*, 6, Finnemore, *Interests*, 2, Keck, Sikkink, *Activists*, 1, Cortell, Davis, "Clash," 22-5, Acharya, "Ideas."

²¹⁴ Policy gatekeepers/entrepreneurs/networks, veto players, insider proponents: Busby, *MM*, 11-3, 56-62, 266-7, "Jubilee," 254-5, Weir, "Ideas," 191-6, Risse-Kappen, "Opinion," 485-6, Price, "Reversing," 616, Acharya, "R2P," 69, Rothman, Oliver, "Local," 117, Solingen, Börzel, "Introduction," 177, Risse-Kappen, "Ideas," 186-7, 203-10, Tannenwald, "Taboo," 462, Zangl, "Judicialization," 847-8, Avdeyeva, "Reputation," 310-1, Price, "Review," 592-4, Gareth Evans, "The evolution of the Responsibility to Protect" in Thakur, Maley, *R2P*, 23.

²¹⁵ Schmitz, Sikkink, "HR," 841-5, Risse, Sikkink, "Socialization," 22-5, Keck, Sikkink, *Activists*, 203-7, 216-7, Price, "Review," 587-95, Kaldor, *GCS*, 96-7, Rothman, Oliver, "Local," 117-29, Ayoub, "Contested," 296-301, Reimann, "Networks," 173-7, Conca, "Protection," 151, 161-6, Finnemore, Sikkink, "Dynamics," 896, Sikkink, "HR," 425-35.

²¹⁶ Checkel, *Ideas*, 8-9, 124, Bailey, "Arrested," 292-314, Nadelmann, "Prohibition," 480-5, Busby, *MM*, 51, Nolan, "Sovereignty," 177, Acharya, "R2P," 75-7, Price, "Reversing," 638-9, Putnam, "Diplomacy," 443-8, Kelley, "Evolution," 245-6, Zangl, "Judicialization," 484, Sikkink, "Power," 167-70, Tannenwald, "Taboo," 462, 464, Risse-Kappen, "Public Opinion," 510-11, O'Faircheallaigh, "IR," 156-69.

²¹⁷ Barbara Koremenos, *The Continent of International Law* (Cambridge: CUP, 2016), 12-3.

²¹⁸ Jana Von Stein, "Do Treaties Constrain or Screen?," *American Political Science Review* (99:4, 2005), 611-22, Steele, "Broadening," 133, Schmitz, Sikkink, "HR," 834, True, Mintrom, "Transnational," 47, Weir, "Ideas," 192, Greenhill, "Company," 127, Legro, "Norms," 54-5, Neumayer, "Ratification," 398-401, Zwingel, "Norms," 117, Haas, *Knowledge*, 43, Hathaway, "Cost," Hathaway, "HR."

occurs when norms hold low salience with the state in question.²¹⁹ Salience is defined, according to Foot and Walter, “as the extent to which, in a given issue area, global norms and associated behavioural rules and principles impinge directly on the organization of domestic social and political life.”²²⁰ Johnston therefore reports that when “the issue at stake is highly volatile, is contested, and touches on the identities of majority and minority populations,”²²¹ more than mere ‘persuasion’ from the systemic socialisation drivers is required for norm endorsement. Conversely, in their study on R2P, Negrón-Gonzales and Contarino conclude “Low-salience states... by definition lack strategic interests regarding R2P. These nations, without exception, either have been silent on R2P in international forums, or have embraced the norm... *when it doesn’t really matter*, norms do matter.”²²² In this manner, high local salience may operate to filter out socialisation drivers, while minimal salience is expected to ease norm endorsement and diffusion.

2.3.c: Norm-Related Attributes

Elements of the above are echoed in the final category of attributes that reportedly impact international norm diffusion and the socialisation of states: characteristics of the norm itself. These attributes are drawn from norm evolution scholarship across the waves and may be considered *enablers* or *impeders*, or positive/negative force-multipliers, of the socialisation of states into norm endorsement. These attributes increase or decrease the likelihood of norm endorsement and the success of the drivers of socialisation at the systemic-level. Despite inevitable crossover between the levels of categorisation, norm-related attributes comprise norm substance, internal characteristics, norm origin, domestic resonance, and international concurrence.

2.3.c.i: Norm Substance

First in this norm-related category is the ‘issue area,’ ‘character,’ ‘intrinsic nature,’ ‘social appropriateness,’ ‘legitimacy,’ ‘normative compliance pull,’ ‘theoretical persuasiveness,’

²¹⁹ Busby, *MM*, 52: when “an issue becomes temporally compelling to decisionmakers.”

²²⁰ Foot, Walter, “Global,” 329-52.

²²¹ Johnston, “Conclusions,” 212.

²²² Negrón-Gonzales, Contarino, “Local,” 269 (emphasis mine).

‘intrinsic appeal,’ ‘intrinsic value,’ or ‘inherent attractiveness’ of the norm itself.²²³

According to Evans, “Ideas matter... (they) are more powerful than is commonly understood. Indeed the world is ruled by little else.”²²⁴ Decision-makers may therefore be influenced by an idea they deem personally valuable or appropriate.²²⁵ Busby, for example, emphasises “the importance of morality and other motivations that were not strictly instrumentally rational or self-interested and how those concerns could lead to costly acts of altruism when policy gatekeepers believed those values to be important.”²²⁶ This attribute does not attach to the decision-maker, however, as Patrick notes, “international selection operates mainly on norms themselves, rather than on norm carriers... Potential norms must win over relevant experts and moral authorities within government and civil society on the basis of their theoretical appeal, ethical resonance, or practical relevance.”²²⁷

Yet there is little consensus regarding what type of norm content or substance holds greatest influence. Initially, “the most important inducement” for international norm emergence is an issue that transcends national borders and requires a multilateral solution.²²⁸ Following that, Keck and Sikkink contend that most successful norms are those “involving bodily harm to vulnerable individuals... and issues involving legal equality of opportunity,”²²⁹ while Donnelly argues that human rights norms in particular “have moral and political authority that goes well beyond their backing by power (force),”²³⁰ in what he terms “the ideological hegemony of the proposed project. The seemingly inescapable normative appeal of human rights.”²³¹ Gertheiss and Herr refer simply to the compellability

²²³ Combes, “Revisionism,” 1-37, Bailey, “Arrested,” 300-4, Price, “Review,” 598, Ayoub, “Contested,” 298, Florini, “Evolution,” 376, Zangl, “Judicialization,” 828-9, Yee, “Effects,” 92-3, Ikenberry, Kupchan, “Socialization,” 293, Sunstein, “Norms,” 916-7, Patrick, “Evolution,” 157, respectively.

²²⁴ Gareth Evans, “Lessons and Challenges” in Jared Genser, Irwin Cotler (eds), *The Responsibility to Protect* (New York: Oxford University Press, 2012), 376-8. Similarly: Weir, “Ideas,” 88: the “power of vested interests is vastly exaggerated compared with gradual encroachment of ideas.”

²²⁵ Busby, “Jubilee,” 251, *MM*, 67, Tannenwald, “Taboo,” 462.

²²⁶ Busby, *MM*, 255, 271: “the importance of moral motivations.”

²²⁷ Patrick, “Evolution,” 134, 148, 164.

²²⁸ Nadelmann, “Prohibition,” 481.

²²⁹ Keck, Sikkink, *Activists*, 27, 204. Similarly: Hawkins, “Institutions,” 785-6.

²³⁰ Donnelly, *HR*, 57, 171-2. Also “State Sovereignty,” 145: “International HR policies rest largely on the fact that they seem to be demanded by morality.”

²³¹ Donnelly, *HR*, 195. See also: Price, “Reversing,” 616-9, 640, Nadelmann, “Prohibition,” 481-90, 524-5: import of ‘moral proselytism’, “international criminal law is most potent - indeed, some would say that it only exists - when it reflects not just self-interest but a broadly acknowledged moral obligation.”

of “basic notions of human dignity common to most cultures.”²³² Others, however, contend the opposite. Thakur, for example, argues that “At the international level, one of the most likely arenas for normative dissonance is that of human rights, precisely because of alternative moral frameworks.”²³³ Charnysh, et al, claim “*the inherently state-empowering crime-fighting approach is much more likely to appeal to a broader coalition of states than are human rights obligations toward foreigners.*”²³⁴ Mazower similarly documents the “prudential limits to a morality-based foreign policy.”²³⁵ However, international security norms are deemed classically difficult to attain given contrasting “incentives for establishing such regimes and the obstacles to so doing are especially great in the security arena because of the ‘security dilemma’.”²³⁶

Norm type enables or impedes the efficacy of other diffusion attributes and socialisation drivers and filters, with researchers reporting that environmental TANs experience greater success in states with open DSCs, while HR TANs hold greater effect in states deemed closed.²³⁷ Normative breadth and scope is also considered relevant, albeit with contrasting explanations. Reflecting the characterisation of norm-related attributes as socialisation enablers, Hooghe contends “Socialisation is more likely for norms that concern large or diffuse values in life.”²³⁸ Similarly, but with a divergent outcome, Zürn and Checkel argue “that socialisation is easier with respect to superficial as opposed to deeper, norms.”²³⁹ Irrespective, the clout of a particular issue area and compellability of the substance of the norm is considered impactful upon international norm diffusion and may ease or hinder systemic socialisation drivers and filters.

2.3.c.ii: Internal Characteristics

Second, a norm’s internal characteristics, including its strength (prominence, universality, permanence, resilience, stability, durability or long-standing legitimacy despite challenges or

²³² Gertheiss, Herr, “Dissidence,” 19.

²³³ Thakur, *R2P*, 3.

²³⁴ Charnysh, et al, “Frames,” 332 (original emphasis).

²³⁵ Mark Mazower, *Governing the World* (Penguin Press: New York, 2012), 395.

²³⁶ Jervis, “Security regimes.”

²³⁷ Smith, Johnston, “Globalization,” 7, Smith, “Conservation,” 76, Bailey, “Arrested,” 300, Busby, *MM*, 7.

²³⁸ Hooghe, “Roads,” 71.

²³⁹ Zürn, Checkel, “Socialised,” 251.

breach), and clarity (specificity, precision, internal coherence, simplicity or determinacy of guidelines/obligations for behaviour) operate similarly.²⁴⁰ According to Thakur, “A preliminary distinction can be made between ‘robust’ and ‘soft’ norms. Annika Björkdahl and Sean McMahon define robustness in terms of specificity (clarity of meaning and comprehension), durability (longevity) and concordance (how widely shared they are in the family of nations),”²⁴¹ with ‘soft’ norms lacking one or more of these features and thus less likely to enable endorsement and socialisation. Doyle implicitly noted the weakness of R2P’s internal characteristics, for example, when he reported that its multiple understandings led to confusion over application,²⁴² Hadden and Seybert contended the “shifting content” and “absence of increased normative cohesion” hindered the norm of sustainable development,²⁴³ while Bailey argued the lack of clarity and ambiguous requirements of the anti-whaling norm facilitated its reframing by oppositional groups and impeded adoption.²⁴⁴ According to Percy, “Precision is an often cited feature of law, and moreover many scholars see a relationship between precision and the evolution of a norm.”²⁴⁵

A minority of voices, however, argue the opposite. Krook and True contend “that norms diffuse precisely because — rather than despite the fact that — they may encompass different meanings, fit in with a variety of contexts, and be subject to framing by diverse actors,”²⁴⁶ while Neumayer considers that human rights norms attract adherents precisely because “human rights treaties often use vague language that is open to interpretation as to its precise meaning.”²⁴⁷ Critiques similarly exist within IL scholarship, which note that

²⁴⁰ Stephen Krasner, “Structural causes and regime consequences,” *International Organization* (36:2, 1982), 5, Legro, “Norms,” 34-5, Florini, “Evolution,” 374-9, Stimmer, Wisken, “Dynamics,” 516-8, 528-9, Cottrell, “Legitimacy,” 240, Solingen, Börzel, “Introduction,” 183, Thakur, *R2P*, 180, Prantl, Nakano, “Diffusion,” 208-9, Finnemore, Sikkink, “Dynamics,” 906-8, Bailey, “Arrested,” 300, Nadelmann, “Prohibition,” 484-5, Wunderlich, “Theoretical,” 39, Gertheiss, Herr, “Dissidence,” 19, Negrón-Gonzales, Contarino, “Local,” 269.

²⁴¹ Thakur, *R2P*, 180. Robustness: Deitelhoff, Zimmermann, “Norms,” 3-9, , Welsh, “Robustness,” 58, 66-8, Lantis, Wunderlich, “Resiliency dynamics of norm clusters,” *Review of International Studies* (44:3, 2018), 574.

²⁴² Michael Doyle, *The Question of Intervention* (New Haven: Yale University Press, 2015), 110, 134-6. Compare: Welsh, “Contestation,” Thakur, Maley, “Introduction,” 9-10, Edward Newman, “Responsibility to Protect,” in Thakur, Maley, *R2P*, 132-6, Badescu, Weiss, “Misrepresenting,” 369-70, Welsh, “Robustness,” 59-60, 63-4, 66-8.

²⁴³ Hadden, Seybert, “Norm,” 249-68.

²⁴⁴ Bailey, “Arrested,” 300-4.

²⁴⁵ Sarah Percy, “Mercenaries,” *International Organization* (61:2, 2007), 389. Refer 2000 Special Issue including Abbott, et al, “Concept of Legalization,” *International Organization* (54:3, 2000), 421-56, for examples.

²⁴⁶ Krook, True, “Rethinking,” 105-11. Similarly: Panke, Petersohn, “Norms,” 724-5, Panke, Petersohn, “Challenges,” 15, Evers, “Transgression,” 787-92, Wunderlich, “Theoretical,” 28.

²⁴⁷ Neumayer, “Ratification,” 399.

within “a number of well-established areas of international law with strong records of influence and compliance, norms are relatively imprecise,”²⁴⁸ while Percy argues that the very precision of the anti-mercenary norm led to its flawed legal articulation and weakening status.²⁴⁹ Thus, while internal characteristics of clarity and durability may prove portent, so may the malleability and vulnerability of the norm to reformulation in line with moderately divergent state interests.²⁵⁰ When assessing the relevant import of this attribute to norm diffusion and revisionist state norm endorsement, clarification of operation and impact of these parameters will be ascertained as well.

2.3.c.iii: Origin

Third, experts argue that deference to or respect for the perceived source of a norm - whether individual, state, regional or institutional²⁵¹ - may also increase its attraction,²⁵² while doubt pertaining to origin legitimacy or manner of diffusion may prove a hindrance.²⁵³ As such, norm origin may enable or impede norm endorsement and diffusion, and the socialisation drivers and filters. According to Zarakol, “Some may adopt norms just because they are Western, and others reject them for just that reason.”²⁵⁴ Acharya contends “receptivity to a new international norm is likely to be higher if the responsibility for its creation and diffusion is seen to be more broadly shared than being credited to any particular group... the origins and vantage points of the creators mattered.”²⁵⁵ From an IL perspective, Franck concurred, arguing that “countries are more likely to regard treaties as legitimate and are therefore more likely to support and comply with treaties that have been negotiated in a process that even less powerful countries regard as fair.”²⁵⁶ Kessler goes so far as to argue that the creation of perceptions of impartiality are essential for norm success: “norms need to be made stable in order to be able to ‘guide’ action and produce

²⁴⁸ Finnemore, Toope, “Legalization,” 747.

²⁴⁹ Percy, “Mercenaries,” 387-392.

²⁵⁰ Via the feedback loop, Charnysh, et al, “Frames,” 324, Kersbergen, Verbeek, “Politics,” 221-2.

²⁵¹ Bernstein, “Ideas,” 465-6: the “perceived legitimacy of the source of new ideas.”

²⁵² Acharya, “R2P,” 60, Axelrod, “Evolutionary,” 1104, Newman, “R2P,” 131.

²⁵³ Mohammed Ayoob, “Third World Perspectives on Humanitarian Intervention and International Administration,” *Global Governance* (10:1, 2004), 99-118, O’Hagan, “R2P,” 286-303, Acharya, “R2P,” 74, Foot, Walter, “Global,” 334,347, Newman, “R2P,” 136-43, Thakur, *R2P*, 13,73,180, Siddharth Mallavarapu, “Colonialism and the Responsibility to Protect” in Thakur, Maley, *R2P*, 306-22.

²⁵⁴ Zarakol, “World,” 311,313,328.

²⁵⁵ Acharya, “R2P,” 60. Also: “Idea shift,” 1158, Ayoub, “Contested,” 309, Welsh, “Robustness,” 58-9.

²⁵⁶ In Neumayer, “Ratification,” 402.

‘positions’. Stability is gained by making the origin disappear, by (making) evanescence rule. In the end, the imaginaries of the market, law, and the public need to be represented as being impartial.”²⁵⁷ Norm origin or source is therefore deemed an important attribute of international diffusion, that may enable or impede state socialisation.

2.3.c.iv: Domestic Resonance

Resonance between the norm and local norm hierarchies/cognitive priors is also claimed to impact state responses to international norms. According to Negrón-Gonzales and Contarino, “local norms significantly drive positions unless a crisis or other strategic interest dictates otherwise.”²⁵⁸ While this may be viewed as comprising a state-level attribute, given its relevance relates to the resonance of the content of the norm with domestic environments, it is considered a norm attribute for the purposes of this thesis. Risse explains, “A ‘resonance’ hypothesis has been developed by students of international norms trying to explain their differential diffusion in domestic practices. The more new ideas promoted by transnational coalitions resonate with preexisting collective identities and beliefs of actors, the more policy influence they will have.”²⁵⁹ Busby concurs, arguing the importance of “messages (that) resonate with local value structures,” considering “cultural resonance” one of three crucial factors for norm endorsement: “countries are most likely to embrace normative commitments that are framed to fit with local cultural traditions. Frames that lack such a cultural match should be less successful.”²⁶⁰

This was recognised early by Finnemore, who observed that “compromises arrived at may be contingent on local circumstances and personalities and are likely to reflect the local norms and customs with which international norms have had to compromise.”²⁶¹ Klotz,

²⁵⁷ Oliver Kessler, “The Contingency of Constructivism,” *Millennium* (45:1, 2016), 60.

²⁵⁸ Negrón-Gonzales, Contarino, “Local,” 256-7, 263-70: when resistance due to “rigid national norm hierarchy... states should not be expected to reconcile the global norm to their domestic normative frames.” See also: Cortell, Davis, “Understanding,” 73-6, “Clash,” 6-9, “Institutions,” 451-78, Checkel “Comply,” 563-81, Tholens, Groß, “Diffusion,” 257-8, Risse-Kappen, “Ideas,” 209-14, Yee, “Effects,” 93, Gilardi, “Diffusion,” 471, Zwingle, “Norms,” 118, Schmitz, Sikkink, “HR,” 834, Zarakol, “World,” 319, Thakur, *R2P*, 8, Florini, “Evolution,” 379, Capie, “Localization,” 639, Price, “Review,” 596, Björkdahl, “Norms,” 18, Farrell, “Norms,” 79-80: ‘cultural match’, Busby, “Jubilee,” 253, Deitelhoff, Zimmermann, “Norms,” 8, Lutz, Sikkink, “HR,” 659.

²⁵⁹ Risse, “Transnational,” 437-8. Also: Keck, Sikkink, *Activists*, 202-4. Contra: Risse, Ropp, “HR,” 272.

²⁶⁰ Busby, *MM*, 11, 51, 55. Risse, “Transnational,” 434, Rothman, Oliver, “Local,” 119, Keck, Sikkink, *Activists*, 26.

²⁶¹ Finnemore, *Interests*, 136. Compare: True, Mintrom, “Transnational,” 41.

similarly, provided evidence that anti-apartheid sanctions were adopted in the US only once the issue resonated within domestic race relations, while the matter was initially ignored in the UK due to lack of domestic discourse on racial equality.²⁶² Katzenstein also compared the effect of divergent domestic resonance upon norm adoption in post-WWII Germany and Japan.²⁶³ The norm's fit with historically constructed local normative priors is thus pertinent: "the more congruent are the norms and behavioural expectations generated by domestic and international actors" the more likely a state will be to endorse them.²⁶⁴ Resonance of content between a norm and domestic normative hierarchies is therefore deemed an important attribute of international norm diffusion and may operate to enable or impede state socialisation.

2.3.c.v: International Concurrence

A similar argument holds at the international level. Although "global normative frameworks can be complex, multilayered and evolving phenomena that exhibit internal inconsistencies,"²⁶⁵ it remains rare for incompatible or contradictory norms to coexist at equal levels of preponderance upon endorsement.²⁶⁶ For this reason, normative concordance or at least coherence with pre-existing international norms, fundamental institutions and surrounding 'social structure'²⁶⁷ - in what may be termed the international normative framework²⁶⁸ - is considered significant to norm diffusion and endorsement. While this attribute could also be categorised as systemic, the focus on the environmental resonance of the content of the norm also renders it best understood as norm-related for the purpose of this framework. Hurrell and Macdonald explain: "an interconnected

²⁶² Klotz, *Norms*, 33.

²⁶³ Katzenstein, "Terrorism."

²⁶⁴ Barnett, Adler, "Security," 429. Similarly: Acharya "Subsidiarity," Negrón-Gonzales, Contarino, "Local," 209-211, Zimmermann, "Same," 105, Tholens, Groß, "Diffusion," 249-52.

²⁶⁵ Foot, Walter, "Global," 334.

²⁶⁶ Percy, "Mercenaries," 383-386, Robert Jackson, "The Weight of Ideas in Decolonisation" in Goldstein, Keohane, *Ideas*, 113-4, Thakur, *R2P*, 73, 179, although contrary norms exist during emergence, contestation, polarisation: Jonathan Symons, Dennis Altman, "International Norm Polarization," *International Theory* (7:1, 2015), 61-95, Sandholtz, "Contestation."

²⁶⁷ Hawkins, "Institutions," 784-5, Bernstein, "Ideas," 465-502: "contagion of legitimacy" of interlinked normative networks, Park, "Theorizing," 353-6, Price, "Reversing," 616, 628-31, Florini, "Evolution," 376-9, Bailey, "Arrested," 290, Finnemore, Sikkink, "Dynamics," 908, Kelley, "Evolution," 246, Price, "Review," 597, Wiener, "Meaning," 182: 'historical contingency'.

²⁶⁸ Gertheiss Herr, "Dissidence," 19, Sikkink, "Restructuring," 302-6, Sandholtz, "Dynamics," 103-9, Santa-Cruz, "Constitutional," 664-70, Hurd, "Constructivism," 303, Thelen, Steinmo, "Institutionalism," 2.

normative system in which historical development and the evolution of specific legal doctrines or concepts over time play a crucial role. Thus, the content of a particular norm and the degree of obligation that attaches to it is related to its place within this broader normative order.”²⁶⁹ According to Maley:

Norms rarely emerge in virginal form. They arise in the context of concerns that have often long preoccupied those who seek to promote norms as solutions to political problems, and often take shape alongside other norms and rules that may have something to offer. It may be quite important that new protective norms not undermine existing normative structures.²⁷⁰

Indeed, recent scholarship documents the increased resilience of norms embedded within stable, established ‘norm clusters’ - defined as “collections of aligned, but distinct, norms or principles that relate to a common, overarching issue area” - which represent a third, intervening layer between norms and the international normative structure.²⁷¹ Risse and Ropp, for example, credit “the increasing strength and robustness of both the international human rights regime and the transnational advocacy networks,” for the rise of certain HR norms, Cottrell observes the importance of the prior Convention on Certain Conventional Weapons in enabling the Ottawa Mine Ban Treaty, and Bellamy defends R2P with the argument “that consensus on R2P was possible precisely because it did not change—or even seek to change—the basic international rules governing the use of force.”²⁷² The impact of resonance with international normative frameworks also operates in reverse, with Weir researching instances in which the “interaction of ideas and politics over time created a pattern of ‘bounded innovation’ in which some ideas became increasingly unlikely to influence policy,”²⁷³ thereby inherently enabling or impeding socialisation via norm endorsement simultaneously. Either way, as Patrick observes, the “direction of normative change (and the consolidation of protonorms into new collective standards) will be mediated by the norm’s logical, affective, and moral continuity with

²⁶⁹ Hurrell, Macdonald, “Ethics,” 70-3: “past institutional choices affect the present choice of norms and the framework within which strategic interaction takes place.”

²⁷⁰ Maley, “Law,” 255. Also: Gillies, “Reputational,” 108-9, Florini, “Evolution,” 376-7: “Any new norm must fit coherently with other existing norms.. (norm) legitimacy depends crucially on such coherence.. emerging norms must make the case that they are logical extensions of that law-or necessary changes to it.”

²⁷¹ Lantis, Wunderlich, “Resiliency,” 571-9. See also: Welsh, “Robustness,” 68, Sandholtz, “Contestation,” 146, Panke, Petersohn, “Norms,” 724, Thakur, *R2P*, 180,187.

²⁷² Bellamy, *R2P*, 14. Similarly: Risse, Ropp, “HR,” 260, Cottrell, “Legitimacy,” 239-42, O’Hagan, “R2P,” 286, Williams, “GG,” 157, Thakur, *R2P*, 180, UNSG in Welsh, “Robustness,” 54.

²⁷³ Weir, “Ideas,” 189,192. Similarly: Bailey, “Arrested,” Symons, Altman, “Polarization,” 70.

current institutions and identities.”²⁷⁴ Normative concurrence with prevailing international structures is important: “The idea must therefore squarely match its environment.”²⁷⁵

2.3.d: Consolidation

These fifteen attributes comprise the analytical framework around which reasons for revisionist state norm endorsement may be identified and assessed. The respective impact and operation of each attribute is tested in three norm observation studies and a cross-case comparison establishes which among them most consistently influenced norm diffusion and endorsement in the revisionist state case. Determining which attributes thus far credited with norm diffusion hold such significance, both as anticipated in the norm literature outlined above or not, permits refinement of international norm diffusion theories. In doing so, arguments pertaining to state socialisation are also tested, given the inter-relation between international norm endorsement and the socialisation of states.²⁷⁶ Specifically, norm literature has been drawn upon to propose consideration of systemic norm diffusion attributes as drivers of state socialisation, state-level attributes as filters, and norm-related attributes as enablers of or impediments to socialisation. As Flockhart explains, socialisation “emanates from a socializing agent located outside the norm receiving domestic society” (systemic attributes), while state-level attributes act “as ‘filters’ because they determine the speed with which socialization might take place.”²⁷⁷ Through influencing norm endorsement these attributes thus contribute simultaneously to international norm diffusion and state socialisation.

For the sake of parsimony, the analytical framework may be summarised as follows:

²⁷⁴ Patrick, “Evolution,” 144-8, 159, 164.

²⁷⁵ Garrett, Weingast, “Ideas,” 205. Also: Wunderlich, “Theoretical,” 39, Badescu, Weiss, “R2P,” 359.

²⁷⁶ Harold Koh, “Review: Why Do Nations Obey International Law,” *The Yale Law Journal* (106:8, 1997), 2599-659, Simmons, “IL,” 356-7, Risse, “Transnational,” 436-7, Lutz, Sikkink, “HR,” 659, Klotz, *Norms*, 165, Flockhart, “Socialisation,” 89-118, Symons, Altman, “Polarization,” 66, Gheciu, “Security,” 973-1012, Lewis, “Socialising,” 1219-37, Johnston, “Institutions,” 487-515, Cortell, Davis, “Clash,” 6-7, Keck, Sikkink, *Activists*, 29, Jeffrey Lewis, “The Janus Face of Brussels,” *International Organization* (59:4, 2005), 937-71, Cortell, Davis, “Understanding,” 81-4, Ann Kent, “China’s International Socialization,” *Global Governance* (8:3, 2002), 343-64.

²⁷⁷ Flockhart, “Socialisation,” 99, 104. Also: Smith, Johnston, “Globalization,” Zürn, Checkel, “Socialised,” Lewis, “Conservation,” Rothman, Oliver, “Local.”

Systemic-Level Attributes (Socialisation Drivers)	State-Level Attributes (Socialisation Filters)	Norm-Related Attributes (Socialisation Enablers/Impeders)
International Norm Entrepreneurs	Feedback Loop	Norm Substance
International Organisations	National Identity	Internal Characteristics
State Suasion	Domestic Structural Conditions	Origin
Regional Suasion	Domestic Norm Entrepreneurs	Domestic Resonance
World Context	Salience	International Concurrence

Figure 4: International norm diffusion attributes²⁷⁸

While some scholars credit one attribute, others acknowledge a confluence. As already highlighted, many are quite obviously and inherently interrelated. It is unlikely that an INE will promote a norm if it is deemed redundant, incoherent or weak, for example, and whether DNEs hold influence may depend upon DSCs. Similarly, there is a relationship between the socialisation efforts of a regional body and the national identity, for example, of a state. As already indicated, some attributes also clearly operate on multiple levels. Given this, and despite inherent simplification, the following diagram provides a more accurate representation of the attributes and their interplay:

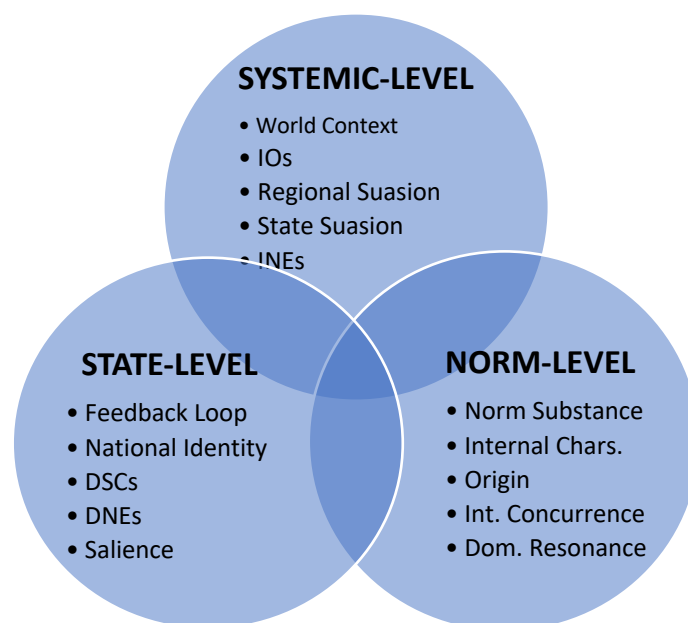


Figure 5: Three interrelated levels of international norm diffusion attributes

²⁷⁸ Additionally: Acharya, *Ideas*, 166.

Without occluding the potential existence of others – now, in the past, or in the future - these are the attributes overwhelmingly credited in norm scholarship, albeit often independently and occasionally in diverging ways via different case studies, as effecting international norm diffusion and state socialisation. However, little attention has been paid to addressing their respective impact and precise manner of influence within one consolidated and holistic study, to determine whether any configuration of attributes might prove prevalent. This is especially the case in relation to revisionist state norm endorsement, as Vreeland notes: “further research on the development of norms among authoritarian countries is required... Future work should explore how international pressure interacts with the domestic institutions of dictatorship.”²⁷⁹ As detailed in the next chapter on research design, this is precisely what this thesis addresses.

²⁷⁹ Vreeland, “Institutions,” 93.

CHAPTER 3:

RESEARCH DESIGN

This thesis tests the respective impact and manner of operation of attributes thus far credited in norm scholarship for international norm diffusion. It determines which attributes proved most influential to revisionist state norm endorsement and how. In doing so it discloses insights regarding the presumed socialisation process and why a purported revisionist state endorses international norms. It ascertains whether systemic norm diffusion attributes acted as drivers of socialisation, whether state-level attributes operated as filters, and whether norm-related attributes enabled or impeded socialisation as anticipated in associated literature. This chapter documents the approach through which answers to these questions have been obtained, analysed and assessed. It commences with an outline of the methodological design, listing scope conditions and the use of the fifteen norm diffusion attributes as descriptive variables via a qualitative process tracing methodology. The case studies are then outlined and justified, including the use of Cuba as a single state case study in conjunction with three norm observation studies. The chapter concludes with details regarding the empirical data from which assessments are made and conclusions drawn, including the method of collection and structure of subsequent analysis.

3.1 METHODOLOGICAL APPROACH

3.1.a: Scope Conditions

3.1.a.i: Micro-Level Analysis

Noting that “the usual understanding of agents and structures as constituting the major forces of world politics is incomplete without an understanding of the *processes* of world politics,”¹ this thesis focuses on the processes underlying international norm diffusion. The micro-processes that reportedly lead to the endorsement of international norms and potential state socialisation - the fifteen norm diffusion attributes – thus comprise the focus

¹ Neta Crawford, *Argument and Change in World Politics* (Cambridge: Cambridge University Press, 2002), 2. Smetana, *Deviance*, 33 concurs.

of analysis. They are the factors that “operate at an analytical level below that of a more encompassing theory; they increase the theory’s credibility by rendering more fine-grained explanations.”² They may be distinguished from macro-level processes as set out in the following diagram:³

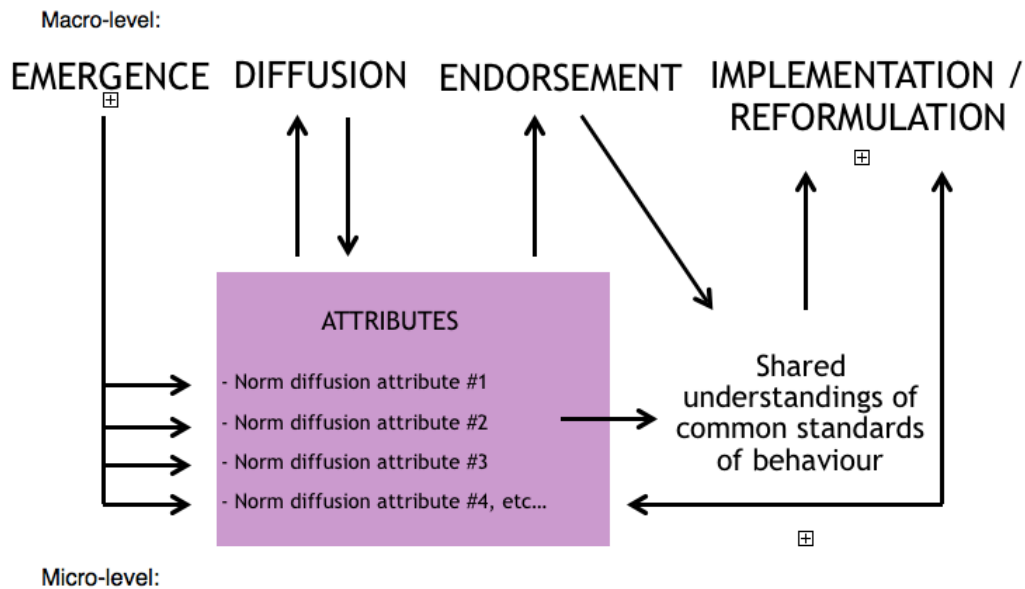


Figure 6: Adaptation of Coleman’s Boat demonstrating the micro-level analysis of international norm diffusion attributes, which affect the macro-level international norm evolution process⁴

As Hedström and Ylikoski argue, it is only through identification of such micro-level causal mechanisms, which generate macro-level observations, that deeper explanatory understanding may be attained.⁵ Specifically, according to Johnston “the ontology of social constructivism should point researchers squarely in the direction of these microprocesses... it may indeed matter a lot, when explaining state behavior... the value-added of the sociological turn in the international relations subfield rests heavily on showing what socialisation microprocesses look like, how they are supposed to work, and whether they

² Checkel, “Institutions,” 9.

³ Per Wendt, *Social Theory*, 42, Ch. 4.

⁴ Peter Hedström, Petri Ylikoski, “Causal Mechanisms in the Social Sciences,” *Annual Review of Sociology* (36, 2010), 59. Countering Epstein, “Postcolonial,” 4: “To engage with the normative at the level of practices, as norms constructivism does, is therefore to leave untouched the orders of knowledge that sustain them.”

⁵ Checkel, “Institutions,” 9.

⁶ Hedström, Ylikoski, “Mechanisms,” 59.

matter in a very common sense way.”⁶ Akin to Wiener, this thesis therefore asks what works on norms and norm diffusion, with particular regard to revisionist state norm endorsement, rather than the broader question regarding how norms work.⁷ It thus deviates “the focus of the study from how ‘the ought becomes the is’ to how ‘an ought is made an is’,”⁸ especially “when seen from the periphery.”⁹

For the purpose of this thesis, these micro-level attributes are distinguished from their own underlying or associated techniques, mechanisms, resources, tools or strategies. These sub-elements are diverse yet interrelated and include discursive tools (argument, persuasion, framing, grafting, branding, praising, shaming), bargaining strategies (coercion, signaling, competition, diversion, deception, circumvention, symbolic action utility maximization), socialisation mechanisms (emulation, learning, role modeling, educating, information campaigning, advertising, interpreting), and material resources (sanctions, communication technology, economic capabilities, security threats, aid donations, foreign investment, trade flows). The disaggregation between the micro-level attributes and these sub-element techniques remains unclear in norm scholarship due to divergent lexicon. For while Towns refers to the latter as useful taxonomies,¹⁰ O’Faircheallaigh labels them ideational and material strategies or resources,¹¹ Solingen and Börzel term them causal mechanisms,¹² Moravcsik refers to policy instruments,¹³ Johnston socialisation microprocesses,¹⁴ Gilardi diffusion categories,¹⁵ Tholens and Groß instruments,¹⁶ Sunstein

⁶ Johnston, *States*, xiv-xv, 17-20, 44. For lack of and need for such analysis: Alderson, “Socialization,” 416, Patrick, “Evolution,” 140, citing Ruggie: “corresponding micropractices that may have transformative effects must be identified and inventoried.”

⁷ Wiener, *Norms*, 8. See also: Bernd Bucher, “Acting abstractions,” *EJIR* (20:3, 2014), 742-65.

⁸ Almagro, “Boomerangs,” 8.

⁹ Epstein, “Symposium,” 121.

¹⁰ Towns, “Norms,” 184-5.

¹¹ O’Faircheallaigh, “IR,” 155-176.

¹² Solingen, Börzel, “Introduction,” 173-87. See also: Börzel, Risse, “Introduction,” 14.

¹³ Moravcsik, “Explaining,” 160-78.

¹⁴ Johnston, “Institutions,” 495-506. Similarly: Johnston, *States*, 22-32, 197-8. Prantl, Nakano, “Diffusion,” 209-18, Price, “Reversing,” 616-23, True-Frost, “Council,” 180-5, Finnemore, Sikkink, “Dynamics,” 895-905, Ryan Goodman, Derek Jinks, “How to Influence States,” *Duke Law Journal* (54:3, 2004): “non-coercive acculturation.”

¹⁵ Gilardi, “Diffusion,” 460-9. Also: Dietmar Braun, Fabrizio Gilardi, “Taking ‘Galton’s Problem’ Seriously,” *Journal of Theoretical Politics* (18:3, 2006), 299, Florini, “Evolution,” 375-80, Miles Kahler, “Evolution, Choice, and International Change” in Lake, Powell, *Choice*, 165-82.

¹⁶ Tholens, Groß, “Diffusion,” 251.

tools,¹⁷ Busby a coercion-conversion continuum,¹⁸ and Checkel mechanisms that “connect things; they are ‘recurrent processes linking specified initial conditions and a specific outcome’.”¹⁹ The attributes that comprise the focus of this study are none of these. Rather, to paraphrase Weber, the attributes under analysis here operate as the switchmen at railway junctions that determine the trajectory along which norms proceed, as opposed to the tracks - or underlying mechanisms - upon which they travel.²⁰

3.1.a.ii: Norm Endorsement

The point of conclusion of analysis, given specific focus on the norm diffusion period, is Cuban ratification of the treaties embodying the norms in question. Although norms remain contested following official international recognition and may also crystallise in the absence of legal codification,²¹ the point at which a treaty embodying a norm enters into force symbolises what Price describes as the reversal of the burden of proof for a norm.²² The norm contained within that treaty is deemed to have attained broad international acceptance at that time.²³ Ratification, or when an international norm is institutionalised within a national legal system - as opposed to simply signature, which represents an intent to codify - thus demonstrates official norm endorsement by a state for the purpose of this thesis.²⁴ Treaty ratification, rather than signature, thus mitigates allegations that endorsement may be a figurative gesture entailing no intention to comply, rendering debate regarding the motivations behind norm endorsement futile.²⁵ Instead, the critical juncture represented by treaty ratification aligns with the stage described by True-Frost as “a distinct moment in the process of diffusion when an actor formally acknowledges and declares a

¹⁷ Sunstein, “Norms,” 948-52.

¹⁸ Busby, “Jubilee,” 250-1.

¹⁹ Checkel, “Institutions,” 6-14. Also: “Norms,” 477-9, “Comply,” 559-63. Busby, *MM*, 6,15-6,39, Martin, Simmons, “IOs,” 335, Hooghe, “Roads,” 66, Ayoub, “Contested,” 298, Tannenwald, “Taboo,” 462-5.

²⁰ In John Hall, “Ideas and the Social Sciences” in Goldstein, Keohane, *Ideas*, 48.

²¹ Martha Finnemore, Stephen Toope, “Alternatives to ‘Legalization’,” *International Organization* (55:3, 2001), 743-58, Khagram, “Santiago,” 15, Puchala, Hopkins, “Regimes,” 88-9, Abbott, Snidal, “Law,” 456, Betts, Orchard, “Introduction,” 9-10, Abbott, et al, “Legalization,” Sarah Percy, *Mercenaries*, 246.

²² Price, “Reversing,” 617, 631-3. Similarly: Patrick, “Evolution,” 162, Busby, *MM*, 8-9.

²³ Finnemore, Sikkink, “Dynamics,” 900-1, Puchala, Hopkins, “Regimes,” 64, Betts, Orchard, “Introduction,” 8, Katzenstein, “Terrorism,” 269, Khagram, et al, “Santiago,” 14-5, Wiener, “Meaning,” 191, Koremenos, *IL*, 8-9.

²⁴ Betts, Orchard, “Introduction,” 5, Hawkins, “Institutions,” 782.

²⁵ Hurrell, Macdonald, “Ethics,” 72, Alderson, “Socialization,” 418-20, Busby, *MM*, 37, Bernstein, “Ideas,” 467.

particular norm's relevance to its work."²⁶ According to Percy, "The creation of international law is a clear signal that states believe a particular action or behavior to be problematic."²⁷

3.1.b: Variables

The dependent variable in this research is international norm endorsement signified by treaty ratification. Given this, there is no variation in behaviour outcome and this represents a study of similarity. Such research is beneficial given that "studies of similarity can allow investigators 'to *eliminate* some hypothesised causes, which can be a useful first step in causal analysis.'"²⁸ This thesis does so by employing and assessing the fifteen international norm diffusion attributes as descriptive independent variables. Empirical analysis of their respective impact across three norm studies in a 'competitive test' permits delineation of which most frequently influenced norm endorsement by a revisionist state, and whether any particular configuration of variables proves common.²⁹ In doing so it addresses Patrick's call that:

It will be the task of future research to address the intriguing implications of multiple selection pressures operating simultaneously on the transmission of international norms... what determines which one has the greatest impact?... The several selective forces identified above are unlikely to possess equivalent importance for the global evolution of norms. To determine their relative weight, investigators will need to conduct qualitative research on historical instances of normative change.³⁰

This thesis responds directly to this call and determines which of the attributes frequently credited for international norm diffusion held impact over revisionist state norm endorsement, both as anticipated in associated theories and the analytical framework outlined in chapter two, or otherwise.

²⁶ True-Frost, "Council," 117.

²⁷ Percy, "Mercenaries," 387: "the utility of law is that it serves an expressive function, formally restating social values and norms."

²⁸ Finnemore, *Interests*, 25-26, quoting Collier: "Theoretical anomalies should be investigated, and if those anomalies are anomalies of similarity, then we need methods to investigate similarity."

²⁹ Tannenwald, "Taboo," 439: competitive tests permit empirical evaluation of autonomous influence of variables, despite lack of complete autonomy amongst them.

³⁰ Patrick, "Evolution," 163.

Given the focus on norms endorsed in UN treaties, the variable of IO suasion remains somewhat constant across the case studies. As Gourevitch conceded, “Research cannot proceed effectively by putting all variables into play... methodological bets are vital.”³¹ However, as will be demonstrated, important insights regarding the application and influence of this attribute are nevertheless gained. By incorporating three levels of attributes, this thesis also adopts Reus-Smit’s notion of holistic, as opposed to systemic, constructivism. It accommodates “the full spectrum of conditioning factors, forego(es) the parsimonious elegance of systemic theorizing” and sets out to determine “how domestic and international social phenomena interact to condition the norms and rules that structure international orders.”³² Indeed, according to George and Bennett, “it is useful to develop models that incorporate both agent-centred and structure-centered mechanisms, so that theories can address how certain kinds of agents... operate in certain kinds of social structures.”³³

As Zions notes, “Prior to engaging in the case study analysis, it is also necessary to operationalise the variables.”³⁴ The following indicators, derived from associated literature, provide a guide for assessment of the variables in each case study:

Level	Attribute	Indicators
Systemic Attributes	IO suasion	Involvement of IO, or its representatives, in public support for/encouragement of norm; facilitation or establishment of negotiating bodies, committees, conferences, conventions, treaties to further norm; decision-maker reference to IO impact.
	Regional suasion	Involvement of regional organisation, or its representatives, in public support for/encouragement of norm institutionalisation; prior regional codification, declarations, plans of action regarding norm; decision-maker reference to associated regional commitments or institutional support/suasion.

³¹ Gourevitch, “Governance,” 164. Also: Yee, “Effects,” 84: to avoid infinite regress, instead of attempting to provide ideal explanatory text, analysts should rather explain parts of this ideal and key causal mechanisms, Finnemore, *Interests*, 5: “The cases do not and, indeed, cannot ‘prove’ that this approach is ‘right’. Proof of this kind is impossible in social inquiry. They can, however, demonstrate its utility.”

³² Reus-Smit, *Purpose*, 166-7. Similarly: O’Faircheallaigh, “IR,” 156, referencing Price.

³³ Alexander George, Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge: MIT Press, 2005), 145.

³⁴ Zions, “Revisionism,” 641.

	State suasion	Public/private, direct/indirect, encouragement from other states to develop/endorse norm; references to meetings/dialogue with other state representatives encouraging norm formalisation/endorsement; decision-maker reference to impact of state suasion.
	International norm entrepreneur suasion	Public/private pressure from INEs to endorse norm; representative meetings with decision-makers; effective lobbying at/involvement in international forum; campaigns to shame/lobby state endorsement; decision-maker reference to INE activities/suasion.
	World context	Decision-maker reference to influence/importance of global event, incident, change, issue, act, expectation upon norm endorsement.
State Attributes	National identity	State representative reference to particular values, ideals, events, culture, history, ideologies, beliefs, policies said to embody national principles, identity, priorities, ambitions in relation to norm. ³⁵
	Feedback loop	Whether state has interest/power to influence, contest, reformulate norm according to stated preferences; whether norm changed in accordance with state wishes or goals.
	Domestic structural conditions	Whether state political/institutional structure impacted norm endorsement - governance regime, functioning of legislature, executive, judiciary, electoral process, civil society, political culture, economic situation - per decision-maker reference in national discourse, national press, UN negotiations, ministerial instructions.
	Domestic norm entrepreneur suasion	Public/private pressure from DNEs to endorse norm; meetings with state representatives; effective lobbying at/involvement in relevant national/international forum; campaigns/protests aimed at suasion; decision-maker reference to DNE activities/suasion.
	Salience	Whether norm pertains to important, controversial, prominent, consequential domestic issue, according to government statements, internal correspondence, press reports, national discourse. ³⁶
Norm Attributes	Domestic resonance	Long-standing public attitudes within prior legislation, policy, official declarations endorsing/rejecting norm; prior legislation, policy, support for contradictory norm; sympathetic reporting for norm in domestic press; national rhetoric in support of norm. ³⁷
	Origin	Whether state respects purported/ostensible origin of norm per positive/negative statements regarding/relations with source.
	International concurrence	Complementarity with international normative structure; concurrence/contradiction of key norm elements with pre-existing international norms, law, rules, UN resolutions, initiatives, conferences, prevailing discourses, international norm hierarchies, fundamental institutions.

³⁵ Gurowitz, "Diffusion," 311.

³⁶ Cortell, Davis, "Understanding," 70-2.

³⁷ Kratochwil, *Rules*, 33, Busby, *MM*, 55.

	Internal characteristics	Clarity, specificity, prominence, resilience, universalism or malleability of norm according to negotiation records, decision-maker statements, expert observations. ³⁸
	Substance	Import of overarching norm issue-area; decision-maker reference to immanent power/appeal/persuasiveness of norm content, import, paramountcy, urgency, non/derogability, non/universality.

Figure 7: Table of indicators to assess influence of each descriptive variable norm diffusion attribute

3.1.c: Methodology

The goal of this thesis is to test the respective influence of the fifteen variables in relation to the specific case of a revisionist state. While ‘perspectivism’ is employed for this purpose - “foregrounding, and mining, the particular, without already collapsing it back (yet again) onto the universal”³⁹ - research findings facilitate the making of provisional generalisations regarding norm diffusion models, processes of socialisation, and conceptions of revisionism.⁴⁰ An interpretivist, qualitative epistemology and process tracing methodology forms the foundation for this testing of external criteria and norm diffusion theories in three norm observation studies.⁴¹ Process tracing provides the most appropriate avenue to identify the manner in which causal variables interact, or not. According to George and Bennett, “Process-tracing is particularly useful for obtaining an explanation for deviant cases, those that have outcomes not predicted or explained adequately by existing theories... Process tracing of deviant cases offers an opportunity to differentiate and enrich

³⁸ Panke, Petersohn, “Norms,” 725: “precision/imprecision of norms is operationalized through the extent to which norms have clearly defined procedures... vague norms entail complex undefined concepts, indistinct or conflicting procedures, and exceptional clauses that increase the interpretational leeway.”

³⁹ Epstein, “Postcolonial,” 10: theorising without universalising: “What is eschewed here, specifically, is a particular form of theorising that conflates the general with the universal. The latter is a specific form of generalising that works to erase its own standpoint... the ‘vision from nowhere’.”

⁴⁰ Gayatri Spivak, “Subaltern Studies” in Ranjit Guha, Gayatri Spivak (eds), *Selected Subaltern Studies* (New York: OUP, 1988), 17: “Theoretical descriptions cannot produce universals. They can only ever produce provisional generalisations, even as the theorist realises the crucial importance of their persistent product.”

⁴¹ Christian List, Laura Valentini, “The Methodology of Political Theory” in Herman Cappelen, et al, *The Oxford Handbook of Philosophical Methodology* (Oxford: Oxford University Press, 2016), 14-9, Hurrell, Macdonald, “Ethics,” 60-4, Beth Simmons, Daniel Hopkins, “The Constraining Power of International Treaties,” *American Political Science Review* (99:4, 2005), 623, Roger Spegele, *Political Realism in International Theory* (Cambridge: CUP, 1996), 231-43, Busby, *MM*, 10-1, Andrew Moravcsik, “Trust, but Verify,” *Security Studies* (23:4, 2014), 663-4, Andrew Bennett, Jeffrey Checkel (eds), *Process Tracing* (Cambridge: Cambridge University Press, 2015), 4,18: “use of evidence from within a case to make inferences about causal explanations of that case.”

the general theory.”⁴² Process tracing also most effectively reconstructs decision-making processes, albeit inevitably incompletely,⁴³ to ascertain what motivated Cuban decision-makers to endorse the norms under analysis. As noted by Busby:

If we want to understand both motivation and how the policy came together, ‘process tracing’ offers a way to understand the entire chain between cause and effect. Process tracing is a kind of qualitative case study method that political scientists use to look in detail at how decisions were made all along the way and, to the extent we can know, how they were justified internally and externally.⁴⁴

The fifteen norm diffusion attributes are therefore compared, contrasted and ultimately assessed for import and manner of influence across the three norm studies through a process tracing lens. Based on the broad range of IR and IL scholarship on international norm evolution, this methodology satisfies Bennett and Checkel’s ‘meta-theoretical’ standard, by reconstructing previously hypothesized causal processes within broader structural-discursive contexts alongside consideration of alternative pathways and equifinality.⁴⁵

Despite limitations surrounding “our inability to adequately penetrate the human consciousness” and determine precise reasons for behaviour,⁴⁶ examining discourse provides key evidence of motivating factors, especially in relation to “ideational phenomena” and norm endorsement.⁴⁷ According to Klotz:

Focusing on consistencies in assumptions within decision-making processes - evident in discourse - reduces our dependence on divining individuals’ thoughts and motivations... and offers a tool for tracing changes in dominant global norms to the domestic decision-making processes. Examining discourse is a key area for applying process-tracing methodologies.⁴⁸

Motivations and intentions are best understood not through actions or behaviour, but analysis of communicative processes and speech acts: decisions - and, crucially,

⁴² George, Bennett, *Case*, 212-5.

⁴³ Spegele, *Realism*, 233-5.

⁴⁴ Busby, *MM*, 49. Keck, Sikkink, *Activists*, 34-5, Santa-Cruz, “Constitutional,” 670, Rhoads, *Peacemaking*, 11.

⁴⁵ Bennett, Checkel, “Tracing,” 21. George, Bennett, *Case*, 157, 215, define equifinality, ‘multiple convergence’, ‘plurality of causes’, and ‘multiple causality’ as multiple causal pathways to similar outcomes.

⁴⁶ Nadelmann, “Prohibition,” 480. Similarly: Steenbergen, et al, “Deliberation,” 26, 43.

⁴⁷ Patrick, “Evolution,” 136, Vivien Schmidt, “Discursive Institutionalism,” *Annual Review of Political Science* (11:2, 2008), 305-13, Cortell, Davis, “Understanding,” 71-7, Hadden, Seybert, “Norm,” 254, Checkel, “Norms,” 482-3, Wiener, *Constitution*, 74-5, Finnemore, *Interests*, 23-4, Gillies, “Reputational,” 104, Yee, “Effects,” 94-5.

⁴⁸ Klotz, *Norms*, 33.

justifications for them - emerge through communicative argumentation.⁴⁹ Articulation immanent to such argumentation reveals stimuli for decisions and the “meanings on which action is then based.”⁵⁰ This is particularly the case for norms embodied in international treaties given “Legalization entails a specific form of discourse, requiring justification and persuasion in terms of applicable rules and pertinent facts.”⁵¹ Language matters. Justifications provide unique insights into factors that influence decisions. Even if actors misrepresent genuine motivations,⁵² they become entangled within rhetorical ‘self-entrapment’, with behaviour changing according to ‘rhetorical momentum’ and ‘discursive validation’.⁵³ The language or rhetoric employed may reflect, for example, the compelling content of the norm itself, the impact of particular external influences, ideological alignment, or structural constraints. Analysis of the communicative trail leading to international norm endorsement thus provides key insights into influencing factors. As Crawford concludes, “argument analysis is a way to understand and explain normative change in world politics.”⁵⁴

While cognisant of inescapable power plays within all communicative forays,⁵⁵ what state representatives say and the language they use to justify decisions thus provide evidence of these motivations and help identify which attributes hold most power in the norm diffusion process. According to Doty, discursive evidence may be found in “the numerous memorandums, intelligence reports, and research papers that circulate within policy circles... Even speeches and press conference statements produced for specific purposes.”⁵⁶ The actors comprising the focus of study are thus the relevant decision-makers, diplomats,

⁴⁹ Roxanne Doty, “Foreign Policy as Social Construction,” *International Studies Quarterly* (37:3, 1993), 302-5, Phillips, “Violence,” 150, Steenbergen, et al, “Deliberation,” 25-6, Hawkins, “Institutions,” 784, Risse, “Argue,” 7-11, Kratochwil, *Rules*, 5-8, 13, 29-32, 43, Charnysh, “Frames,” 328-3, Klotz, *Norms*, 29-30, Finnemore, Sikkink, “Dynamics,” 892, Krook, True, “Rethinking,” 105, Cortell, Davis, “Clash,” 9, Sandholtz, “Dynamics,” 106-9.

⁵⁰ Weldes, “Interests,” 285.

⁵¹ Abbott, Snidal, “Law,” 429.

⁵² Tannenwald, “Taboo,” 439, Busby, *MM*, 47-8, Kelley, “Evolution,” 37.

⁵³ Risse, “Argue,” 32-3, Risse, Ropp, “HR,” 276, Patrick, “Evolution,” 160, Yee, “Effects,” 94-5.

⁵⁴ Crawford, *Argument*, 2.

⁵⁵ Iver Newmann, “Discourse Analysis” in Audie Klotz, Deepa Prakash, *Qualitative Methods in International Relations* (Basingstoke: Palgrave MacMillan, 2001), 70-3, Krook, True, “Rethinking,” 105.

⁵⁶ Doty, “FP,” 303. Also: David Howarth, Yannis Stavrakakis, “Introducing discourse theory and political analysis” in David Howarth, et al, *Discourse Theory and Political Analysis* (New York: Manchester University, 2000), 4, Hadden, Seybert, “Norm,” 254, Bennett, Checkel, “Tracing,” 33-4, Busby, *MM*, 49.

civil servants, political elite and 'policy gatekeepers'.⁵⁷ As Ikenberry and Kupchan note, "For norms to have a consequential effect on state behavior, they must take root within the elite community."⁵⁸ Doty agrees: "the state, as an international subject, is constructed by the discursive practices of those who speak about, write about, and act on its behalf."⁵⁹ The medium comprising the primary focus of study is therefore the respective treaty deliberations.⁶⁰ The statements, opinions and insights of state representatives attending the relevant international conferences, committees, deliberations and debates, alongside decision-makers within the Cuban government and foreign ministry, were examined to interrogate how each attribute affected responses. Through the prism of process tracing analysis, motivations behind Cuban endorsement of the three international norms is reconstructed and the most significant norm diffusion attributes identified.⁶¹

3.2 CASE STUDIES

3.2.a: Single State Case Study

The fifteen attributes therefore represent Ostrom's "complex array of variables as a framework rather than as a model" - a map of the broad terrain, or family of models, that generally account for all complexity or available options.⁶² The goal of this research is to narrow this general map of norm diffusion to identify the model that best addresses the particular puzzle of the paradigmatic, crucial, deviant case. The revisionist state is crucial given it is least likely to exhibit the given outcome of norm endorsement and thus presents

⁵⁷ Busby, *MM*, 55-63, 255, 266-70.

⁵⁸ Ikenberry, Kupchan, "Socialization," 284, 294, 314. See also: Daniel Byman, Kenneth Pollack, "Let Us Now Praise Great Men," *International Security* (25:4, 2001), 133-6, Checkel, *Ideas*, 5-10, Morrison, "Austerity," 175-207, Caniglia, "Alliances," 155-8, Putnam, "Diplomacy," 456-8, Solingen, Börzel, "Introduction," 174-84, Young, "Political," 281-308, Krasner, *Sovereignty*, 7-9, Weldes, "Interests," 281-3, Desmond King, "The establishment of work-welfare programs in the United States and Britain" in Steinmo, et al, *Politics*, 242.

⁵⁹ Doty, "FP," 310.

⁶⁰ Charnysh, et al, "Frames," 332-3, Elgström, "Negotiations," 472: "norm spread is the result of both communicative action and strategic interaction, in this case labelled norm negotiations... focus on the elements of negotiation in norm diffusion processes is therefore necessary."

⁶¹ Akin to Checkel, "Comply," 565-6.

⁶² Ostrom, *Governing*, 214-5, given information is complex and dynamic, theorists are not omniscient observers and human error renders all theoretical models incomplete.

utility for hypothesis testing.⁶³ The case is deviant in that current theories cannot predict, and are unable to explain why, such a revisionist state would in fact endorse international norms.⁶⁴ According to George and Bennett, such a single state case study, in conjunction with multiple 'no variance' norm observations,⁶⁵ is appropriate in this instance given the detailed, specific information that may be generated for theory testing and development purposes.⁶⁶ Gerring agrees:

The researcher hopes that causal processes identified within the deviant case will illustrate some causal factor that is applicable to other (more or less deviant) cases. This means that a deviant-case study usually culminates in a general proposition, one that may be applied to other cases in the population.⁶⁷

In this instance the deviant population pertains to revisionist states and the overall model for refinement is international norm diffusion. A single deviant state case study is particularly apt given the lack of prior dedicated analysis to revisionist state norm endorsement. To paraphrase Paddon Rhoads, this approach thus 'provides a strong empirical base, which allows for additional case research and conceptual refinements. To include a second or third case would have required sacrificing depth for the sake of breadth. Given the paucity of conceptual analysis on revisionist states as well as the intrinsic importance of the Cuban case, objectives of (complete) generalizability are less applicable in this context.'⁶⁸ Nevertheless, given this 'hard-case design', the attributes identified as holding most impact in this least likely case will arguably resonate in others.⁶⁹

⁶³ John Gerring, "Case Selection for Case-Study Analysis" in Janet Box-Steffensmeier, et al (eds), *The Oxford Handbook of Political Methodology*, (Oxford: Oxford Handbooks Online, 2008), 659-64.

⁶⁴ Deviant/outlier cases are those in which "outcomes are not what traditional theories would anticipate": George, Bennet, *Case*, 75, Gary Goertz, James Mahoney, *A Tale of Two Cultures* (Princeton: Princeton University Press, 2012), 186-8.

⁶⁵ When case selection is based around the same dependent variable: here, international norm endorsement.

⁶⁶ George, Bennett, *Case*, 13,32-3,76,81,215, contra Gary King, et al, *Designing Social Inquiry* (Princeton: Princeton University Press, 1994). Also: Bent Flyvbjerg, "Five Misunderstandings About Case Study Research," *Qualitative Inquiry* (12:2, 2006), 230, Rhoads, *Peacekeeping*, 13: the "rigorous single-case research approach chosen here allowed me to go narrow and deep, and is necessary to explicate in sufficient detail the process."

⁶⁷ Gerring, "Selection," 15.

⁶⁸ Paddon Rhoads, *Peacekeeping*, 13. Similarly: Busby, *MM*, 10-1: "to explore the outliers and difficult cases and to understand causal processes more clearly... to explore in some depth country cases for which many of the dominant accounts... have some difficulty explaining."

⁶⁹ Zangle, "Judicialization," 832.

Like the deviant case, this study is also paradigmatic in that it seeks to “develop a metaphor or establish a school for the domain that the case concerns,”⁷⁰ in this instance, explanations for norm endorsement by purportedly revisionist states. This contributes to theory development by refining current understandings of international norm diffusion.⁷¹ It performs a building block role by addressing a gap in the scholarship regarding the specific phenomenon sub-type of norm endorsement by revisionist states via hypothesis testing, the charting of relevant causal pathways and variable conjunctions, and, ultimately, provision of a typological theory.⁷² According to George and Bennett:

typological theorising attempts to outline the conditions under which a particular causal mechanism has a defined effect, and the differing effects it has in different contexts, by modeling recurrent combinations and interactions of mechanisms. In short, typological theorising offers the promise of cumulation without losing sensitivity to context.⁷³

A typological theory is particularly appropriate given it develops complex contingent generalisations based upon recurrent conjunctions of certain variables derived from multiple observations within a single case study.⁷⁴ Haas’ caveat is also apt: “To avoid even the appearance of inflated claims, I maintain that the typological argument I offer falls short of constituting a theory... (these) are not full explanations of what happened... I am not testing my approach against rival explanations because other approaches are not rivals.”⁷⁵ This concurs with one of the goals of this thesis to refine rather than rival existing theories regarding norm diffusion in accordance with outcomes from this single paradigmatic deviant case. This is important, as George and Bennett note, given “identification and analysis of deviant cases and of cases characterized by equifinality are useful for developing contingent generalizations... The importance of developing conditional generalizations of limited scope, a form of middle-range theory, is emphasized.”⁷⁶ Put simply, this research works “with a single case study to generate a working hypothesis for follow-up studies.”⁷⁷

⁷⁰ Flyvbjerg, “Misunderstandings,” 230-3.

⁷¹ George, Bennett, *Case*, 20.

⁷² Cortell, Davis, “Understanding,” 86, George, Bennett, *Case*, 76-8, 215: “Each block - a study of each subtype - fills a ‘space’ in the overall theory or in a typological theory... Its generalisations are more narrow and contingent than those of the general ‘covering laws’ variety that some hold up as they ideal, but they are also more precise and may involve relations with higher probabilities.”

⁷³ George, Bennett, *Case*, 12, 32, 149, 207.

⁷⁴ *Ibid*, 146-9.

⁷⁵ Haas, *Knowledge*, 7-9.

⁷⁶ George, Bennett, *Case*, 216.

⁷⁷ Wiener, *Constitution*, 71.

Conceding the dynamism of revisionist perceptions, which fluctuate temporally, spatially, thematically and agentially,⁷⁸ Cuba is employed for the time period and purpose of this study as a classic paradigmatic revisionist state. Cuba consistently condemned the international order under perceived US unipolarity within national discourse,⁷⁹ and publicly and frequently upheld that “Our best contribution to the future of us all is resistance. And we will resist, for Cuba and for all humanity.”⁸⁰ To quote Cuba’s Central Party Committee, “We will never comply with the ‘status quo’ that imperialism intends to impose on humanity, nor its draconian laws nor its peddlers of morality without scruple.”⁸¹ In practice, Article 12 of the Cuban Constitution “espouses the principles of proletarian internationalism and the combative solidarity of the people,” in which Cuba “considers that its help to those under attack and to the people that struggle for their liberation constitutes its internationalist right and duty; recognising the right of the people to repel imperialist and reactionary violence with revolutionary violence,” and basing its relations “on socialist internationalism, and the common objectives of the construction of the new society.”⁸² ideals that directly contradicted dominant liberal capitalist orders. According to Wunderlich, “export of the revolution was a key ideological element of Castro’s vision for the country,”⁸³ which “reject(ed) the very idea of a world order shaped by Western - or rather US - hegemony and... advocate(d) alternative normative visions with strong anti-imperialist traits.”⁸⁴

⁷⁸ McKeown, “Regress,” 10, Hurd, “Breaking,” 44, Goffman, *Stigma*, 163-4, Geis, Wunderlich, “Good,” 470, Combes, “Revisionism,” 24, Adler-Nissen, “Stigma,” 154, Gertheiss, Herr, “Dissidence,” 15, 21.

⁷⁹ Nidia Diaz, “Cumbre de la Tierra: La esencia de sus debates,” *Granma* (28:94, Sat 9 May 1992), 6, Anon, “Comenzó con polémico tema última ronda negociadora de la Cumbre de Río,” *Granma* (28:96, Wed 13 May 1992), 5, Orfilio Peláez, “A las puertas de ECO’92: Defender el derecho a la vida,” *Granma* (28:105, Tue 26 May 1992), 3, Fidel Castro, “Conferencia de las Naciones Unidas sobre Medio Ambiente y Desarrollo: Suplemento Especial - Mensaje de Fidel,” *Granma* (28:120, Sun 14 June 1992), 1-8, Gustavo Robreño, “Cumbre de la Tierra: balance y perspectivas: Sin esfuerzo conjunto del Primer and Tercer Mundos no habrá soluciones,” *Granma* (28:123, Sat 20 June 1992), 5, Jesus Cutiño, “Concluyó realmente la guerra fría?” *Granma* (29: 262, Fri 31 Dec 1993), 10, Felix Astudillo, “Solos o acompañados?” *Granma* (30:49, Thu 10 Mar 1994), 3, Adler-Nissen, “Stigma,” 166, Lana Wylie, “Special Case of Cuba,” *International Journal* (67:3, 2012), 670-1.

⁸⁰ Juan Bosque, “Discurso de Juan Almeida Bosque,” *Granma* (28: 183, Fri 4 Sep 1992), 5.

⁸¹ Comité Central Del Partido, “Declaraciones del Comité Central Del Partido,” *Granma* (3:125, Thu 18 May 1967), 8. Also: Anon, “Vietnam se ha convertido en la bandera,” *Granma* (4:258, Fri 25 Oct 1968), 7.

⁸² E/CN.4/1989/46, 10-11.

⁸³ Wunderlich, “Delegitimation,” 87. Also: *Rogue*, 263, Wylie, “Cuba,” 684, R. J. Vincent, *Human Rights and International Relations* (Cambridge: CUP, 1986), 61-2, Zions, “Revisionism,” 648, Adler-Nissen, “Stigma,” 168, Jervis, “Socialization,” 611: “the desire to remake the world is one central revolutionary impulse.”

⁸⁴ Wunderlich, “Delegitimation,” 90.

Voting preferences in the UNGA demonstrate that Cuba has most frequently and consistently voted against the “US-led liberal order” since the 1959 revolution.⁸⁵ Politically, the regional Organization of American States (OAS) suspended Cuba in 1962 due to its communist government, and Cuba rejected its 2009 attempted reconciliation claiming ongoing subjugation and US subservience.⁸⁶ Economically, Cuba withdrew from the International Monetary Fund in 1964 and co-founded the Bolivarian Alliance for the Americas in 2004 to counter US economic influence and global neoliberal order.⁸⁷ Ideologically, by viewing the international as an arena of global class struggle rather than a society of states, Cuba also effectively disputed prevailing normative foundations and core understandings of legitimacy and justice in international relations, thereby aligning with conceptions that revisionists “do not just question the normative foundations of existing political institutions and regulations; they frequently seek to institute radically different concepts of political order.”⁸⁸ According to Adler-Nissen, Cuba created its own “independent value system,” when it established a separate ‘system of honour’ to reject discriminatory labels proffered by the US against alleged rogue states.⁸⁹

Cuba’s persistent and public attachment to a political, economic and ideational identity in direct contradistinction to the prevailing US-led liberal world order - despite economic embargos, diplomatic rebuke, IO ostracism and material and social costs⁹⁰ - reflects one of the realist perspectives of revisionism as comprising a clear articulation of revisionist goals (statements) coupled with willingness to pursue them at cost (behaviour).⁹¹ Such “fundamental resistance to key elements of an order”⁹² also aligns Cuba with the hypernationalist revisionist ideology identified by Miller as additionally integral to

⁸⁵ Bailey, et al, “Preferences,” 441-4.

⁸⁶ Wylie, “Cuba,” 669-70, Adler-Nissen, “Stigma,” 169.

⁸⁷ Adler-Nissen, “Stigma,” 168, Wylie, “Cuba,” 671.

⁸⁸ Gertheiss, Herr, “Dissidence,” 11. See also: Thakur, *R2P*, 144, akin to USSR: Müller, “Arguing,” 424.

⁸⁹ Adler-Nissen, “Stigma,” 168, 172.

⁹⁰ Rodolfo Casals, “Introduce EE.UU. clima de confrontación en debates: Comisión de Derechos Humanos,” *Granma* (25:51, 1 Mar 1989), 1, 6, Editorial, “David, Goliath y los convidados de piedra,” *Granma* (28:105, Tue 26 May 1992), 3. Davidson, “Revisionism,” 125-6.

⁹¹ Davidson, “Revisionism,” 126, 129, Zions, “Revisionism,” 632-3, 641 referencing Wolfers.

⁹² Gertheiss, Herr, “Dissidence,” 13.

revisionism.⁹³ In accordance with Gertheiss and Herr's observation that "Dissidence manifests when actors claim to be opposed to rule *or* when representatives of a dominant order denounce others as lawless troublemakers,"⁹⁴ Cuba not only self-identified and acted as a revolutionary entity but was also broadly perceived as such. Indeed, Cuba is consistently referenced as one of *the* key revisionist actors in IR.⁹⁵ In real world discourse, successive US administrations have labelled Cuba a 'backlash state', 'outpost of tyranny', 'Beyond the Axis of Evil', and amongst the 'confederation of terrorist states,' 'Troika of Tyranny,' 'Triangle of Terror,' 'wolf pack of rogue states' and "outlaw states run by the strangest collection of misfits, loony tunes, and squalid criminals since the advent of the Third Reich."⁹⁶ In scholarship, Adler-Nissen identifies Cuba as the prime example of a counter-stigmatiser: Cuba "openly challenged US military and political power" and re-ordered dominant moral discourses to ultimately render the stigmatiser the transgressor." Accordingly, "Through counter-stigmatisation, Cuba has become a symbol of resistance to US imperialism and a pluralist international society."⁹⁷ Cuba thus also aligns with the most extreme conception of revisionism proposed by Cooley, Nexon and Ward, the revolutionary state, which "rejects and challenges the international status quo at its most basic levels... the hegemonic leadership of the system and/or the constitutive norms, principles, and rules that undergird the system's hierarchic and normative structure."⁹⁸ Cuba embodied the ideal paradigmatic deviant state case study required for this research.

⁹³ Miller, "Revisionist," 94.

⁹⁴ Gertheiss, Herr, "Dissidence," 12,15-6 (emphasis mine): "dissidence as an empirically observable phenomenon may be looked at in two ways - either as 'self-ascribed' or as 'other-ascribed'... when actors are accused of violating the fundamental rules of the game... and when actors style themselves as political renegades rising up against oppression." See also: Evers, "Transgression," 789, Gurowitz, "Diffusion," 310.

⁹⁵ O'Reilly, "Perceiving," 305-6, Hawkins, "Responses," 426, Chan, "Satisfaction," 211, Elkins, Simmons, "Waves," 41-2, Geis, Wunderlich, "Good," 464-8, Müller, "Evilization," 483, Smetana, *Deviance*, 46-9, Wunderlich, "Delegitimation," 81-7, Homolar, "Rebels," 711, Hoyt, "Rogue," 302-9, Richard Falk, "Human Rights in Capitalist and Socialist Third World Countries," *Universal Human Rights* (1:2, 1979), 29.

⁹⁶ Refer: Anon, "US expands 'axis of evil'," *BBC News*, 6 May 2002, John Bolton, "Remarks by National Security Advisor Ambassador John R. Bolton on the Administration's Policies in Latin America," *The White House Statements*, 2 November 2018, Tina Nguyen, "The White House's 'Troika of Tyranny' is now a 'Wolf Pack of Rogue States'," *Vanity Fair*, 16 January 2019, Karen DeYoung, "Trump administration announces new measures against Cuba," *The Washington Post*, 17 April 2019, Adler-Nissen, "Stigma," 165-7, Geis, Wunderlich, "Good," 464, Wunderlich, "Delegitimation," 82-3, *Rogue*, 58-60.

⁹⁷ Adler-Nissen, "Stigma," 169. Similarly: Schultz, "Caught," 37.

⁹⁸ Cooley, et al, "Revising order," 8. Additionally: Ward, *Status*, 2: radical revisionist.

3.2.b: Multiple Norm Observation Studies

Selection of the three norm studies was based on Cuban treaty ratification in the 1990s, a period during which both Cuban rejection of the purported unipolar international order⁹⁹ and US containment of 'rogue states' was heightened: "According to the former National Security Advisor Anthony Lake, the United States as the sole superpower 'has a special responsibility... to neutralize, contain and, through selective pressure, perhaps eventually transform these backlash states into constructive members of the international community'."¹⁰⁰ The timeframe also aligns with Cuba's troublesome 'Special Period', when state leaders would likely have been preoccupied with urgent domestic considerations rather than international norm endorsement.¹⁰¹ Yet, according to Figure 2, it was nonetheless a period of increased international treaty accession by Cuba.¹⁰² This restricted time period of analysis also ensures comparison of cases across consistent systemic and national environments, so that both domestic and international political opportunity structures are as static as possible. For case selection purposes, data obtained from the United Nations Treaty Collection show Cuba ratified the following international treaties, 1990-1999 (inclusive):

Issue Area	Convention	Conclusion	Date of Deposit
HR	International Convention against Apartheid in Sports	New York 10/12/1985	11/12/1990
HR	Convention on the Rights of the Child	New York 20/11/1989	21/08/1991

⁹⁹ Miguel Rivas, "Otra prueba de la unipolaridad," *Granma* (29:10, Thur 14 Jan 1993), 4. Also: Vasuki Nesiah, "Resistance in the Age of Empire" in Falk, et al, *IL*, 216, Ikenberry, et al, "Unipolarity," 6-10, Combes, "Revisionism," 32: "the current system and international order is clearly dominated by western, predominantly American, ideas and norms."

¹⁰⁰ Geis, Wunderlich, "Good," 467. Also: Jabri, "Colonial," Rajagopal, "Counter-hegemonic," 66, Astudillo, "Solos o acompañados," 3, Cutiño, "Concluyó realmente la guerra fría," 10: "Even though, according to some theories, the cold war officially concluded in December 1991, imperial policies with respect to Cuba have acquired more dramatic nuance since then."

¹⁰¹ Further: E/CN.4/1992/27,29, E/CN.4/1993/39,31-32, E/CN.4/1992/SR.34,19-20, E/CN.4/1992/SR.34/Add.1,4, E/CN.4/1995/52,6-7,20, Amnesty International, *Amnesty International Report, 1991* (London: Amnesty International Publications, 1991), 73.

¹⁰² United Nations Treaty Collection Depository pertaining to Cuba:
<https://treaties.un.org/pages/TreatyParticipantSearch.aspx?clang=en>.

Environ.	United Nations Framework Convention on Climate Change	New York 09/05/1992	05/01/1994
Environ.	Convention on Biological Diversity	Rio de Janeiro 05/06/1992	08/03/1994
Economic	International Sugar Agreement, 1992	Geneva 20/03/1992	14/10/1994
HR	Agreement establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean	Madrid 24/07/1992	13/12/1994
HR	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	New York 10/12/1984	17/05/1995
Economic	Grains Trade Convention, 1995	London 07/12/1994	16/10/1995
Other	Agreement to establish the South Centre	Geneva 01/09/1994	17/11/1995
Security	United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Vienna 20/12/1988	12/06/1996
Environ.	United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa	Paris 14/10/1994	13/03/1997
Security	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction	Geneva 03/09/1992	29/04/1997
Environ.	Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer	London 29/06/1990	19/10/1998

Figure 8: List of international treaties ratified by Cuba during the 1990s¹⁰³

Given the logic of this inquiry, norms that Cuba was least likely to endorse were selected for analysis.¹⁰⁴ As outlined in the opening section of each empirical chapter, these cases involved high anticipated material, legal or financial costs, alternative ideological pre-dispositions, allegations of Cuban breach and/or opposing Cuban foreign policy statements.

¹⁰³ United Nations Treaty Collection, Participant Search for Cuba, filtered by Ratification and Date of Deposit: <https://treaties.un.org/pages/TreatyParticipantSearch.aspx?clang=en>.

¹⁰⁴ Busby, *MM*, 47-8: "By looking for cases where countries acted against their short-run, material interests or where their material interests were not clear-cut, we can get a better handle on what drove decision-making."

In order to minimise the potentially biased effect of heterogenous issue area selection and enhance a level of contingent generalisability, norms were chosen according to three different issue areas; the environment, security and human rights. In accordance with these scope conditions and in light of Figure 8, the following norms, reflected in the below UN Conventions, comprise the norm case studies for this research:

Issue Area	Norm	Convention	Cuban Ratification
Environ.	Conservation of Biological Diversity	UN Convention on Biological Diversity (CBD)	08/03/1994
HR	Prohibition of Torture	UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	17/05/1995
Security	Elimination of Chemical Weapons	UN Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC)	29/04/1997

Figure 9: Table of International Norm Case Studies

3.3 EMPIRICAL DATA

3.3.a: Sources

Multiple sources of information have been collated, examined and assessed to address the question regarding why Cuba endorsed these norms. First, rarely accessed, let alone analysed, primary source archives from the Cuban Ministry of Foreign Affairs (MINREX) provided detailed correspondence between Cuban delegates, ministries and ministers regarding Cuban positions and priorities on respective treaty deliberations and norm development.¹⁰⁵ Although inevitably incomplete, these documents offered an impressive and unique array of confidential and extremely valuable insights. Second, articles from the Party-run state newspaper, *Granma*, were combed for national public discourse regarding

¹⁰⁵ Accessed from Archivos del Ministerio de Relaciones Exteriores de Cuba, Avenida de los Presidentes, La Habana, Cuba, March-April, May-June 2019. The author assumes responsibility for all translations.

each norm throughout the respective periods of international negotiation.¹⁰⁶ Third, the full range of relevant UN reports and convention negotiations were examined, including, for example, every verbatim plenary report of the UN Committee/Conference on Disarmament (CD) for the CWC between Cuban membership in 1979 and CWC adoption in 1993, each summary record of the UN Commission on Human Rights (CHR) that referenced the agenda item on torture until 1996, and minutes for every session of the United Nations Environment Programme (UNEP) Governing Council throughout CBD negotiations.¹⁰⁷ Fourth, associated INGO reports and daily bulletins were reviewed alongside, fifth, post-hoc reporting from diplomats directly involved in respective negotiations. As elaborated further below, interviews were not undertaken as originally intended with Cuban decision-makers. Finally, secondary sources provided further context, contentions and insights regarding the diffusion and Cuban endorsement of the three norms.

3.3.a.i: CWC

A wealth of UN records was analysed for the international norm to eliminate chemical weapons as reflected in the CWC, with particular attention to each CD plenary meeting record from the first in 1979 to the 648th following CWC adoption in 1993, Ad Hoc Committee on Chemical Weapons (AHC) Reports 1982-1992,¹⁰⁸ all associated UNGA First Committee Verbatim Records between 1977-1993, as well as annual records from the *UN Yearbook on Disarmament*. *Granma* articles referencing CW were scoured between 1966-1993, employing the *Diario Granma Archives Index* as an initial search tool,¹⁰⁹ although with manual attention to key dates beyond that. Of crucial import, however, was primary source material from MINREX Archives, 1960-1995, which explicitly and critically recounted detailed norm negotiations and Cuban perspectives. These holdings provided comprehensive correspondence between Cuban ministries, departments, military experts and ministers with delegates, diplomats and others regarding CWC negotiations. Although

¹⁰⁶ Accessed from Biblioteca Nacional José Martí, Avenida 20 de Mayo, La Habana, Cuba, August-September 2018, March-April 2019. The author assumes responsibility for all translations.

¹⁰⁷ To spare the reader footnotes of even greater length, all UN documents are cited by report number only. A fully itemised primary source bibliography may be obtained from the author upon request, or records are available to access from the UN Document Depository at <https://documents.un.org/prod/ods.nsf/home.xsp>.

¹⁰⁸ AHC minutes/verbatim records remain unpublished and unavailable for analysis.

¹⁰⁹ Latin American Network Information Center, The University of Texas, Austin: <http://lanic.utexas.edu/la/cb/cuba/granma/>.

available records were unquestionably incomplete, and omitted highly classified material, they nevertheless provided a great deal of otherwise unobtainable and unique insight into motivations behind Cuban CWC endorsement. Over 450 pages of notes were taken for these primary source materials in this case study alone. Post-hoc records from CWC negotiators, including Australian delegate Trevor Findlay, but also, more importantly, one of the Cuban delegates, Dr. Magda Solés, complemented additional secondary source material and post-event commentary pertaining to the norm, the CWC and the negotiation and endorsement process.

3.3.a.ii: CAT

For the international norm to prohibit torture represented in the CAT, the myriad of UN reports, draft conventions, resolutions and summary records on the topic were analysed from 1948 to the conclusion of CAT negotiations in 1984, including from the UNGA Plenary, Third Committee, Economic and Social Council (ECOSOC), Sub-Commission on Prevention of Discrimination and Protection of Minorities, CHR plenary and issue-specific Working Group (WG).¹¹⁰ Given that Cuba did not ratify the treaty until 1995, CHR and CAT Conference of the Parties' (COP) reports were also analysed between 1985-1996. MINREX archives pertaining to HR and CHR deliberations for the period 1978-1995 were requested. Although an unknown number of documents were not made available, particularly classified CAT-related documentation between 1980-1984, documents between 1978-1979 and 1985-1995 contained revelatory private missives between Cuban CHR delegates and government departments and ministers, including lengthy and meticulous reports of CHR sessions, and external correspondence between Cuban representatives and the UN, Non-Aligned Movement (NAM), socialist allies and others. These similarly provided rare and very valuable insights into Cuba's international HR strategy and decisions regarding the CAT. *Granma* articles between 1978-1995 were also analysed in relation to both the norm to prohibit torture and CAT negotiations, signature and ratification. Fourth, Amnesty

¹¹⁰ WG minutes also remain unavailable: J. Herman Burgers, Hans Danelius, *The United Nations Convention against Torture: A Handbook* (Dordrecht: Martinus Nijhoff Publishers, 1988), v: "The principal source materials which have been published are the seven reports submitted by the Working Group to the Commission on Human Rights during the period 1978-1984. No records were made of the deliberations in the Working Group. Most of the proposals tabled in the course of these deliberations had the form of conference room papers that have not been published. Several interesting details of the elaboration of the Convention are registered only in the memories of those who took part in the drafting work."

International (AI) Annual Reports between 1977-1996 were reviewed, alongside post-hoc reporting from individuals directly involved in the negotiations, including Antonio Cassese, former Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities that recommended the CHR WG in 1977, Nigel Rodley, former UN Special Rapporteur on Torture, 1993-2001, and head of AI's Legal and Intergovernmental Organisations Office, 1973–1990, and Burgers and Danelius, CHR CAT WG Chairman-Rapporteur, 1982-1984, and Swedish CD representative and CWC informal consultations chair respectively.¹¹¹ Finally, secondary sources provided additional insights regarding CAT evolution and endorsement.

3.3.a.iii: CBD

Primary source material was first obtained for the norm to protect biological diversity as embodied in the CBD from the *Granma* archives at the National Library of Cuba. Having previously employed the *Diario Granma Archives Index* as an online search mechanism to obtain references for articles pertaining to biological diversity, biotechnology, the CBD or the UN Conference on Environment and Development (UNCED), hard copies were examined alongside additional manual searches across key dates. Although occasionally incomplete, deteriorated or somewhat illegible, these articles nevertheless provided profound insights on key Cuban concerns, priorities, motivations and stances in relation to the norm as presented to the domestic public. UN reports regarding CBD negotiations between 1987-1992 were also canvassed, including associated UNGA Resolutions, UNEP Governing Council sessions, WG, Intergovernmental Negotiating Committees (INCs) and UNCED PrepCom reports.¹¹² A third source of valuable primary source material was obtained via the daily *INGO Earth Negotiations Bulletins* produced during UNCED PrepCom IV and UNCED, which attendees reported “was required reading for delegates and press... many of the official diplomatic telegrams which were sent back each night to capitals relied heavily on the Bulletin’s concise and well-informed reports. UNCED in reality was a many-ringed circus, but somehow the Bulletin’s reporters managed to be wherever they needed to be.”¹¹³ First-

¹¹¹ Burgers, Danelius, *UNCAT*, v,31.

¹¹² CBD International Secretariat Documents Manager Officer confirmed WG/INC verbatim records/minutes remain published and publicly unavailable.

¹¹³ Stanley Johnson, *The Earth Summit* (London: Graham and Trotman, 1993), 3.

hand material was also sourced from post-hoc recordings by those directly involved in negotiations, such as UK delegates Fiona McConnell and Stanley Johnson, Danish representative and regular WG Chairman, Veit Koester, Chilean representative and INC Chairman, Vincente Sanchez, head of the Swedish delegation, Ulf Svenssen, and UNCED Secretary-General, Maurice Strong. Finally, a range of secondary sources provided additional details and insights.

3.3.b: Obstacles and Challenges

As with the majority of the INGO reports, approximately half of the primary source UN documents were available online, and accessed through the UN Official Document system.¹¹⁴ Those not electronically accessible or yet to be digitised were nevertheless available in hard copy from the UN archives depository within the LSE Library Special Collections: months were spent at the LSE Library Women's Reading Room pouring through over 600 CD Plenary reports and six years' worth of UNEP GC reports, for example. The LSE and British Libraries also provided access to the large range of post-hoc but first-hand accounts of negotiations and relevant secondary sources. Both the *Granma* articles and MINREX documentation, however, required in-country fieldwork and ultimately rather challenging first-hand archival research. What follows illustrates the difficulties faced in the course of this research. The aim is neither to excuse nor explain any potential deficiencies in the findings, but to serve as a cautionary tale for those considering similar research.

3.3.b.i: First Fieldwork, August-September 2018

An initial scoping expedition was undertaken to Havana, Cuba, during August-September 2018. The purpose of this trip was to secure an individual academic exchange with the Universidad de Habana, attempt to locate interviewees identified as Cuban diplomats in relevant treaty negotiations, and obtain access to the Biblioteca Nacional de Cuba José Martí and Archivo Nacional de la República de Cuba. Whilst I had previously sought contact with each of these entities from London via email and web-based queries, the rare responses received were not conducive to contact during this trip. Once in-country, I was

¹¹⁴ <https://documents.un.org/prod/ods.nsf/home.xsp>.

unable to locate intended interviewees and the University was closed for summer vacation. I was able to talk my way into the National Archives, despite its purported summer closure, however quickly ascertained that the majority of its records were pre-1950 and thus of little utility for this research. At the National Library I was able to register for access to special collections and obtain historical copies of *Granma*. However, the process was agonisingly slow: given the summer holidays, the library was only open publicly between 10am and 1pm during weekdays - when it was not suddenly and frequently closed for fumigation - with *Granma* requests restricted to one month per request and between a 15 minute but quite often one hour delay between request and receipt. Owing to the arbitrary closures, already restricted hours, limit on requests, and delay in receipt of documents - in addition to external personal impediments surrounding access to basic necessities and daily food provisions - only 20 to 30 *Granma* articles were able to be accessed, read, translated and noted on average per week.

3.3.b.ii: Second Fieldwork, March-April 2019

Three goals were attached to the second fieldwork trip to Cuba. The first was to complete all *Granma* research, which proved successful. The second was to make contact, secure and undertake interviews with Cuban diplomats identified as involved in negotiations for the three treaties under consideration. I had obtained necessary institutional ethics approval, compiled required consent forms and interview briefs, and confirmed the list of potential interviewees and their possible locations. The list, unfortunately, had contracted quite considerably due to the death of or inability to locate many of the former diplomats. As an example, of the 12 Cuban delegates and decision-makers identified as involved in CBD negotiations, three had passed away, three were aged in their 80s but unable to be located, no trace could be found of five since their involvement in said negotiations, and one was identified as fired from the government under mysterious circumstances, however working from a particular medical clinic in Havana as of February 2019. I managed to locate the clinic, wind my way through its labyrinthine halls to find the individual, introduce myself and my research, and request an interview. The individual refused to be interviewed, however, citing the length of time since CBD negotiations as the reason for refusal. Other attempted interviews were similarly stymied, primarily due to death or an inability to locate and contact.

Semi-structured interviews were thence removed as a primary source for this research and replaced with the third goal of this trip: access to MINREX Archives. Following recommendation from a Cuban academic who had previously worked for MINREX, I contacted two institutes in Havana to request Archival access; the Instituto de Historia de Cuba (IHC) and Instituto Superior de Relaciones Internacionales (ISRI). Once again, I had attempted prior contact via both email and online queries with no success. Once in Cuba however, I was able to locate the IHC, present my letter of introduction and wait a few days for a meeting with the Director. Whilst obliging and supportive, the Director kindly advised there was nothing the IHC could do as I required authorisation from ISRI. I repeated the process at ISRI, again waiting several days to secure an interview and introduction with the relevant Director, and again being told that I would actually first require a letter of authorisation and support from the IHC. The entire process commenced again, however on this occasion the IHC Director provided a letter of authorisation, which I was then able to submit to the ISRI Director, who undertook to process the authorisation over the next few weeks. Naturally, on the very day of my departure from Havana, I received notification that my authorisation request had been processed and I had been granted approval to access the MINREX Archives.

3.3.b.iii: Third Fieldwork, May-June 2019

During my fortnight return to London following the second trip, US sanctions against Cuba were raised, the Venezuelan crisis exacerbated diminished Cuban access to crucial imports, national rationing had been implemented and daily survival became an even greater struggle.¹¹⁵ Upon arrival my only bank card was cancelled due to purported suspicion of fraud and I spent the following three weeks without access to any funds, trekking across Havana to plead for assistance from every bank, potential money transfer outlet, and multiple embassies. In conjunction with a prior early morning visit by an unidentified officer in uniform requesting biographical and travel details, scant access to food or basic necessities and an inability to pay for even a bottle of water let alone

¹¹⁵ Anon, "Cuba to increase rationing amid shortages," *BBC News*, 11 May 2019, Pascal Fletcher, "Cuba's government mocked by stampede of ostrich memes," *BBC News*, 24 April 2019.

accommodation or travel to the airport, this period involved personal challenges. In terms of research, I returned to ISRI the day after my arrival, a Monday, only to be told that they could not find my authorisation and to return the following day. I returned the following day to be told they had found the authorisation, however the head librarian was away so I must return, again, the following day. I returned on the Wednesday, however was granted access only to the ISRI library rather than MINREX Archives: although this proved useful as I fortuitously obtained access to Solés' thesis on the CWC, it was not the access I had been led to expect. ISRI again undertook to resolve the issue, however given MINREX Archives were only open on Mondays, Wednesdays and Fridays between 09:00-11:00 and 14:00-16:00, ISRI asked me to return the following Friday. Upon return I was advised the Archives were closed given only one specialist was available during the morning and the building was shut for fumigation that afternoon.

It was not until the following Monday, therefore, that I was first permitted access to the MINREX Archives and finally obtained an initial tranche of requested material. Within the hour, however, I was asked to pack up and leave given my authorisation letter was 'not specific enough': a new authorisation letter was required specifying the precise range of requested documentation. The process began again and I spent the remainder of the week between the IHC and ISRI attempting to secure renewed authorisation and approval. I finally obtained access the following week, however while granted general access, each document was reviewed and filtered before receipt, with varying degrees of permission depending upon the rigour (or boredom) of that session's minder. The Archives were also repeatedly and randomly closed - whether due to purported flooding, an electrical outage, water shortage, staff training, Fathers' Day, the anniversary of Che's death, the anniversary of Che's birthday, the anniversary of a battle Che commandeered, the anniversary of Che's appointment as Director of the Bank of Cuba - and the opening hours were increasingly and inexplicably shortened, until sessions were called off half way through and eventually cancelled completely. Nevertheless, for the duration of this fieldwork only two other scholars obtained such access, and both reported refusal of access to other colleagues. Furthermore, the Archives provided a wealth of unique and valuable information that compensated a great deal for the absence of interview data. Ultimately, as the following case studies demonstrate, these trials and tribulations were 'vale la pena' (worth it).

3.3.c: Analytical Structure

Results obtained from this data are presented in the following three empirical chapters: the first pertains to the CWC, the second the CAT, and the third the CBD. Each chapter follows the same structure to facilitate cross-case comparison. Each commences with a brief introduction of the norm and its respective international treaty, including definition and a general timeline of evolution. To establish the least likely aspect of each case, reasons for anticipated norm rejection by Cuba as a revisionist state are outlined. Given the goal of this thesis is to test the respective import and manner of operation of attributes credited for international norm diffusion, empirical analysis is then undertaken with regard to each, sectioned according to level and type of influence. Each analysis therefore begins with the attributes that held the greatest influence in accordance with expectations set out in the analytical framework. The next section then documents the attributes that held influence, however not as anticipated in associated literature, indicating need for revision of the overarching framework. The attributes that held negligible influence over the case in question are then considered, highlighting the need for greater amendment of, or at least prioritisation within, the analytical framework. Following individual case analyses, comparisons are drawn across cases in the penultimate chapter to identify correlations or consistencies regarding the attribute variables, and assess what results might mean for understandings of international norm diffusion, socialisation and revisionism in IR. The final chapter summarises these conclusions, outlines their contribution to both scholarship and practice, and identifies important avenues for further research.

CHAPTER 4:

INTERNATIONAL SECURITY NORM

The Elimination of Chemical Weapons

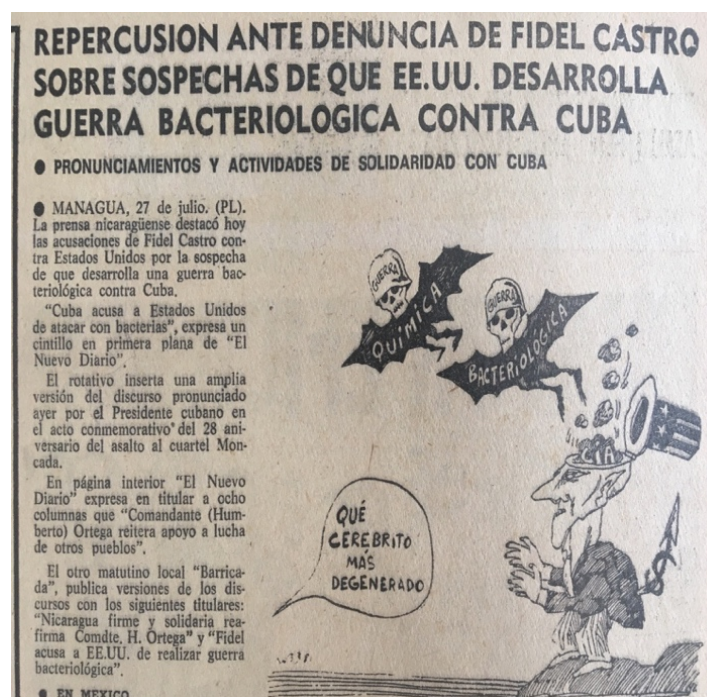


Figure 10: 'Impact of denunciation by Fidel Castro of suspicions that the US develops bacteriological war against Cuba.'¹

4.1 INTRODUCTION

English language scholarship on the international security norm to ban chemical weapons (CW), as represented within the *United Nations Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction* (CWC),² allocates credit for norm codification primarily to the US and secondarily to the USSR³ and 'Australia Group' - a "group of advanced industrial states (that)

¹ Anon, "Repercusión ante denuncia de Fidel Castro sobre sospechas de que EE.UU. desarrolla guerra bacteriológica contra Cuba," *Granma* (17:177, Tue 28 July 1981), 5.

² <https://www.opcw.org/chemical-weapons-convention>.

³ Trevor Findlay, *Peace through Chemistry* (Canberra: Peace Research Centre, 1993), 3-6, Floyd Bloom, "Editorial: Ratify the Chemical Weapons Convention," *Science* (276:5310, 1997), 179, George Quester, "Mismatched Deterrents," *International Studies Perspective* (1:2, 2000), 175, Walter Krutzsch, et al, "Introduction and General Issues" in Walter Krutzsch, et al (eds), *The Chemical Weapons Convention* (Oxford: Oxford Public International Law, 2014), 8.

first met in 1984 to harmonise their (chemical) export control policies”⁴ - particularly in the context of the end of the Cold War and in response to Iraqi employment of CW in the 1980s.⁵ Kelle, for example, contends that “the exercise of compulsory power by a limited number of states – the two superpowers plus, to a lesser degree, the fifteen participants of the Australia Group – served as a catalyst for institutional development to occur at the global level.”⁶ Similarly, Morel argues “Western democracies have been the major driving force behind the convention.”⁷ Yet this prevailing narrative neglects a large part of the story behind the norm’s international diffusion and, particularly, its endorsement by Cuba.

This chapter presents a more holistic picture that offers two unique contributions to both international norm and CWC-related scholarship. First, while recognising the significance of certain norm diffusion attributes, analysis reveals the impact of some differed dramatically from that conceived in associated literature and outlined in the analytical framework. Indeed, the lack of influence as expected - particularly from systemic socialisation drivers - raises doubts regarding the purported socialisation of revisionist states via norm endorsement. Second, the most significant attributes facilitating norm endorsement in this case in fact related to the recalcitrance and threat posed by the *US*, and not traditional rogue states. Revealingly, this case thereby documents the endorsement and attempted appropriation of an international norm by a purported revisionist state seeking to constrain the hegemon, rather than endorsement via revisionist state socialisation as anticipated in norm scholarship.

The chapter commences with an introductory section that defines the norm as embodied in the CWC, provides a general timeline for international diffusion, outlines reasons for why Cuban norm rejection was anticipated, and delineates the resulting puzzle of Cuban endorsement. Employing the table of indicators outlined in Figure 7 as the basis for

⁴ Alexander Kelle, “Power in the Chemical Weapons Prohibition Regime and the Organisation for the Prohibition of Chemical Weapons,” *International Politics* (55:3-4, 2018), 404. See also: James Seevaratnam, “The Australia Group,” *The Nonproliferation Review* (13:2, 2006), 401-15, Müller, “Agency,” 339.

⁵ Fey, et al, “Established,” 166-70, Müller, “Change,” 149-50, Findlay, *Peace*, 10-2, Quester, “Deterrents,” 175.

⁶ Kelle, “Power,” 403-8, 417.

⁷ Benoit Morel, “Verifiability and Enforceability of the Chemical Weapons Convention” in Benoit Morel, Kyle Olson (eds), *Shadows and Substance* (Boulder: Westview Press, 1993), 231. Also: Findlay, *Peace*, 5-9 credits “renewed Western resolve, Australian ingenuity.”

assessment, analysis is then undertaken of the impact of each norm diffusion attribute set out in the analytical framework. The attributes that held sway over Cuban endorsement as anticipated are detailed in the first section. The next considers those attributes that held influence, however not quite as expected, while the penultimate section identifies attributes with negligible effect. The chapter concludes with a review of preliminary conclusions drawn from this case.

4.1.a: Definition of Norm

Akin to all international treaties, the CWC comprises a range of norms, including CW demilitarisation and non-proliferation, international assistance and protection, and cooperation in the peaceful employment of chemistry.⁸ However, the “main purpose of the CWC is to abolish all chemical weapons... (an) ambitious task of eliminating an entire class of weapon from the world,”⁹ through the dual ‘fundamental goals’ of “complete, irreversible and verified destruction of existing CW stockpiles... (and) prevention of re-emergence.”¹⁰ The CWC is thus not simply a ban on CW use, as embodied within the 1925 *Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare* (Geneva Protocol) and customary international law,¹¹ but rather targets the elimination of their very existence, on earth, for all time.¹² According to the US delegate, “This prohibition will be absolute.”¹³ The CWC thus represents a landmark in the field of international disarmament,¹⁴ constituting “a critical international

⁸ Alexander Kelle, “The Third Review Conference of the Chemical Weapons Convention and Beyond,” *International Affairs* (89:1, 2013), 143-53, Kelle, “Power,” 405-13.

⁹ James Fry, “Sovereign Equality under the Chemical Weapons Convention,” *Journal of Conflict and Security Law* (15:1, 2010), 46. Similarly: J. P. Perry Robinson, “Origins of the Chemical Weapons Convention” in Morel, Olson, *Shadows*, 38, Kelle, “Power,” 417.

¹⁰ Kelle, “Conference,” 143-4. Also: Harald Müller, et al, “Regime Conflicts and Norm Dynamics” in Müller, Wunderlich, *Norm Dynamics*, 67.

¹¹ CD/PV.277,11, A/C.1/37/PV.57,17, Findlay, *Peace*, 2, Krutzsch, et al, “Introduction,” 3, Magda Solés, “La Convención sobre la Prohibición del Desarrollo, la Producción el Almacenamiento y el Empleo de las Armas Químicas sobre su Destrucción,” *Tesis en Opción al Grado Científico de Doctor en Ciencia Política*, Universidad de La Habana, Facultad de Filosofía, 2011, 24.

¹² Krutzsch, “Introduction,” 7. Also: Quester, “Deterrents,” 167-8, Kelle, “Conference,” 143-4, Fry, “Equality,” 46.

¹³ CD/PV.635,3-4,8-9. See also: CD/PV.478,6: “For the first time on a multilateral level, States have agreed to a complete prohibition of an entire category of weapons together with appropriate enforcement machinery,” Brad Roberts, “The Chemical Weapons Convention and World Order” in Morel, Olson, *Shadows*, 13.

¹⁴ Nikita Smidovich, “Russian and Other Perspectives” in Morel, Olson, *Shadows*, 56, Fry, “Sovereign,” 46.

norm against which the behaviour of every State in the international community will be judged.”¹⁵

4.1.b: Timeline of Diffusion

Concern regarding poisoned weaponry reportedly follows “an ancient and culturally diverse line, going back at least as far as the earliest recorded attempts at restraining warfare.”¹⁶ The first official international declarations on the subject were agreed at the 1874 Brussels Conference, and then the 1899 and 1907 Hague Peace Conferences, which prohibited use of asphyxiant gas projectiles and venomous weapons.¹⁷ While the “traumatic experience with chemical weapons during the First World War made the international community aware of the barbarity of these weapons and led to the conclusion of the Geneva Protocol,”¹⁸ it was:

no more than a no-first-use agreement, even one that positively legitimized possession or acquisition of the weapons of chemical and biological warfare in order to provide for the law-enforcing sanction of possible retaliation in kind... If CBW was to be precluded, the ban would have to be on the weapons themselves, not just on their use.¹⁹

Negotiations for such a ban were held but failed under the auspices of the League of Nations,²⁰ although intermittent progress was subsequently achieved with the classification of CBW as weapons of mass destruction in 1948, and the first UNGA resolution on the matter in 1966.²¹

CW prohibition was placed on the agenda of the Conference on Disarmament (CD)²² in 1968, reportedly following “Egypt’s resort to poison gas warfare in the Yemen and, more

¹⁵ US: CD/PV.635,6. Similarly: CD/PV.641,8, Krutzsch, et al, “Introduction,” 3, Findlay, *Peace*, 1.

¹⁶ Robinson, “Origins,” 40. See also: Richard Price, “A Genealogy of the Chemical Weapons Taboo,” *International Organization* (49:1, 2018), 80-4.

¹⁷ Price, “Genealogy,” 81-3, Solés, “Convención,” 23-4, Findlay, *Peace*, 2, Robinson, “Origins,” 40.

¹⁸ Federal Republic of Germany: CD/PV.512,8. See also: “Conference of States Parties to the 1925 Geneva Protocol and Other Interested States on the Prohibition of Chemical Weapons: Final Declaration,” *International Legal Materials* (28:4, 1989), 1020-1022, Robinson, “Origins,” 38-39, Müller, et al, “Regime,” 67.

¹⁹ Robinson, “Origins,” 39. Similarly: Müller, et al, “Regime,” 67.

²⁰ CD/PV.249,13, Robinson, “Origins,” 39.

²¹ UNGA Resolution 2162 B (XXI): Robinson, “Origins,” 37,48.

²² Originally the Ten-Nation Committee on Disarmament (1959-62), Eighteen-Nation Disarmament Committee (1962-68), and Conference of the Committee on Disarmament (1969-78), Cuba joined when it became the 40 member Committee of Disarmament (1979-83), renamed the Conference on Disarmament (from 1983).

conspicuously, the upsurge in the chemical warfare... which the United States, not yet a party to the Geneva Protocol, was conducting in Vietnam.”²³ Despite 14 UNGA resolutions stressing the urgency of CW prohibition between 1968 and 1978, the separation of CW and biological weapons in 1971, the *United Nations Convention on the Prohibition of Bacteriological (Biological) and Toxin Weapons* (CBW) in 1975, and submission of draft conventions on CW, little substantive progress was made until bilateral superpower consultations commenced on the subject in 1977.²⁴ The 1978 UNGA First Special Session on Disarmament then directed the CD to commence work on CW prohibition institutionalisation,²⁵ which it did in 1979, establishing an Ad Hoc Committee/Working Group on CW (AHC) in 1980.²⁶ However, “It had become a standing joke at the Conference on Disarmament in Geneva, which negotiated the treaty, that the Chemical Weapons Convention would forever be ready in just two more years. The political will seemed lacking, the technical problems appeared too severe and the lumbering negotiating apparatus looked incapable of ever producing any treaty, much less one as complicated as the CWC.”²⁷ The CWC was not adopted by the CD until 3 September 1992, over one decade later.²⁸ UNGA First Committee approval followed closely afterwards on 12 November 1992, with an unprecedented 145 sponsoring countries, including Cuba.²⁹ The CWC was officially endorsed by the UNGA Plenary without vote in Resolution 47/39 on 30 November 1992,³⁰ and opened for signature at the January 1993 Paris Conference, when Cuba, alongside 130 other states, became original signatory parties.³¹ Entry into force was triggered on 31 October 1996 upon the 65th ratification, fixing date of CWC entry at 29 April 1997.³² Cuba ratified the CWC that very day, four days after the US.³³

²³ Robinson, “Origins,” 37,48. Also: Müller, et al, “Beyond the State” in Müller, Wunderlich, *Dynamics*, 320.

²⁴ A/C.1/36/PV.42,26, Findlay, *Peace*, 2, Robinson, “Origins,” 48-9, CD/PV.3,17,25, CD/PV.8,21-22, CD/PV.22,5, CD/PV.26,10-11, CD/PV.28,19,24, CD/PV.29,6,12,32,38, CD/PV.31,33,38, A/C.1/36/PV.42,26.

²⁵ Refer: 4.3.a.i: International Organisations.

²⁶ CD/PV.1, CD/PV.202,19. Findlay, *Peace*, 2-3.

²⁷ Findlay, *Peace*, 1.

²⁸ CD/PV.635,8,54,57,99, United Nations Centre for Disarmament Affairs, *The United Nations Disarmament Yearbook, Volume 18, 1993* (New York: United Nations Publications, 1994), 28, Solés, “Convención,” 35, Daniel Feakes, “Introduction and General Issues: Adoption of the Convention” in Krutzsch, et al, *CWC*, 17.

²⁹ A/C.1/47/PV.4,47, A/C.1/47/PV.12,62, A/C.1/47/PV.28,28, A/C.1/47/PV.12,62, A/C.1/47/PV.14,28, Disarmament Affairs, *Yearbook*, 36,41, Findlay, *Peace*, 17-8.

³⁰ Disarmament Affairs, *Yearbook*, 36,39-41, Findlay, *Peace*, 18.

³¹ CD/PV.636,8, Disarmament Affairs, *Yearbook*, 293, Feakes, “Introduction,” 17.

³² Feakes, “Introduction,” 24.

³³ https://en.m.wikipedia.org/wiki/List_of_parties_to_the_Chemical_Weapons_Convention, Solés, “Convención,” 80.

4.1.c: Why Cuban Rejection was Anticipated

Yet analysts had presumed that Cuba, under the Castro regime, would remain revisionist in this field. According to Roberts, “Some likely holdout states are led by aging dictators whose successors may well seek concrete steps to signal their intent to re-join the international community. Iraq, North Korea, Cuba, and Syria stand out as possible examples.”³⁴ A confluence of factors certainly hindered Cuban endorsement. As noted by Smidovich, “the national decisions to ‘join the club’ will also be heavily influenced by a whole range of ‘external’ factors, including the attitudes of neighbouring countries, the ‘logistical’ ability to implement the convention, and financial costs of participation.”³⁵ The following review demonstrates that each of these aspects and more contributed to expectations of Cuban rejection.

4.1.c.i: Rejection of International Control

Historically, Cuba had demonstrated reticence if not outright rejection of regional and international disarmament agreements involving international control, especially if the US was involved. A 1963 Cuban speech to the UNGA, for example, announced that “Cuba cannot subscribe to a treaty in which one of the signatory powers is the very protagonist, simultaneously, of a series of activities and exercises against our country in a policy... of undeclared war.”³⁶ A 1967 *Granma* article provides valuable insight into Cuban perspectives on UN disarmament and verification agreements, and is worth reciting at length:

The UN has absolutely not served to give people the least security, and, far from that, has generally also been an instrument for validating the crimes and misdemeanours of the yankee imperialist... It is because of this that we, Cuban revolutionaries, have not subscribed and will never subscribe to agreements regarding the cessation or prohibition of nuclear tests or against proliferation of this type of weapon, such as agreements under UN auspices, even though in the reality of our current technical development, that does not imply anything other than a position of principle. The imperialist yankees... develop

³⁴ Roberts, “CWC,” 3,6: noting “precedent for international cooperation against renegade states.” Also: Robinson, “Origins,” 41: “where political leaderships have little accountability for their actions... poison gas is nowadays to be seen as a weapon less of democracies than of dictatorships.” However, of the above-listed states, Cuba was the only original CWC signatory.

³⁵ Smidovich, “Russian,” 59.

³⁶ República de Cuba, “Discurso pronunciado por el Representante Permanente de Cuba ante la Asamblea General de las Naciones Unidas en Sesión Plenaria Celebrada el Día 7 de Octubre de 1963,” 11-2.

all the death machines and instruments of chemical and bacteriological war... the right of countries threatened by imperialism to develop defensive measures, whatever they may be, is irrevocable. It is because of this that we refuse to accept the US right to impose (restrictions on)... that type of weapon that our country, constantly threatened, must possess, and much less still accede to inspection of our territory, because it would be equivalent to validating the aggressors' right to decide on the weapons that their future victims should or should not possess.³⁷

Concern over national sovereignty, non-interference and an inviolable right to self-defence was reflected in Cuban rhetoric throughout CD deliberations, both in the general field of disarmament,³⁸ and with specific regard to the CWC and its 'straightjacket' verification provisions.³⁹ According to a private memo from the Cuban Communist Party Central Committee in 1992, the "CWC contemplates a complete system of verification via inspections in situ that has no precedent... This would be the first time that Cuba accepts, in an international document, inspection on its territory."⁴⁰ Internal MINREX documentation from 1990-1991 listed various aspects of the proposed CWC supervisory mechanism and inspection procedures as "must change,"⁴¹ given "They are too much,"⁴² of "tremendous cost, (and) not necessarily appropriate for the objective."⁴³ Reluctance to submit to international control increased the likelihood of Cuban CWC rejection.

4.1.c.ii: Financial Burden

Experts acknowledge that the "verification system for the CWC is the most ambitious in the history of arms control and disarmament,"⁴⁴ with "Estimates of direct costs of annual

³⁷ Comité Central Del Partido, "Declaraciones del Comité Central Del Partido: No Rehuiremos El Combate," *Granma* (3:125, Thu 18 May 1967), 8: "What result can the renunciation of the development of peoples' defensive measures have, other than to provide the imperialists with ideal conditions to subject the world to their terror and blackmail?"

³⁸ A/C.1/43/PV.17,48-50, A/C.1/44/PV.12,33, A/C.1/47/PV.14,31-2, A/C.1/44/PV.41,28, CD/PV.641,19.

³⁹ Fry, "Sovereign," 46,55-6. Also: Disarmament Affairs, *Yearbook*, 40-1, Roberts, "CWC," 1,4, CD/PV.617,19, CD/PV.635,29, A/C.1/47/PV.31,39-40, A/C.1/47/PV.11,8, CD/PV.635,3, A/C.1/46/PV.10,7: Cuba: "types of inspection... must constitute an essential minimum and must be as unintrusive as possible." (sic)

⁴⁰ Partido Comunista de Cuba, Comité Central, "Re: 3/32- De: Carlos Aldana Escalante, A: Carlos Lage Dávila," 15 June 1992, 2.

⁴¹ Misión Permanente ante la Oficina de las Naciones Unidas, "De: Embajador José Pérez Novoa, A: Viceministro MINREX Raúl Roa Kourí," 17 August 1990, 33-4,149.

⁴² Ibid, 185.

⁴³ Misión Permanente ante la Oficina de las Naciones Unidas, "R/S No. 563- De: Embajador José Pérez Novoa, A: Ministro MINREX, Isidoro Malmierca," 4 July 1991, 3-5.

⁴⁴ Findlay, *Peace*, 2. Similarly: Morel, Olson, "Introduction," xviii,xix, Kathleen Bailey, "Problems with the Chemical Weapons Convention" in Morel, Olson, *Shadows*, 29-30.

on-site inspection... in the hundreds of millions of dollars.”⁴⁵ Such costs concerned many CD delegations,⁴⁶ yet Cuba particularly raised issues and submitted alternative financial system proposals repeatedly to the AHC,⁴⁷ CD Plenary⁴⁸ and UNGA First Committee.⁴⁹ In a private letter to the AHC Chair the MINREX Minister pleaded that “this organ should adopt a mechanism of determination of its budget that takes account of the economic difficulties experienced by the majority of developing countries.”⁵⁰ Within the 1990 draft CWC review, the Cuban expert lodged no fewer than four separate queries regarding how, and by whom, various Convention costs would be covered.⁵¹ The CWC imposed a large financial burden on State Parties, disincentivising Cuban endorsement.

4.1.c.iii: Implementation Costs

Compliance costs induced similar concerns, given the “CWC could create legal problems during implementation in many countries.”⁵² As subsequently noted by Cuban CD delegate Solés, the “multidisciplinary dimension of the Convention” instilled obligations upon “diverse sectors” of Cuba’s military, police, customs, industry and research facilities, which not only required new legislation and regulations, but also new institutions, mechanisms of coordination and supervision, and financial resources.⁵³ A private memo from the Central Committee reveals particular anxieties over lack of resources to ensure CWC compliance: Cuban ministries had been unable to execute required national trial inspections, for example, and had resisted establishment of the mandatory National Authority given “an

⁴⁵ Lewis Dunn, “Making a Global Chemical Weapons Ban Work” in Morel, Olson, *Shadows*, 75.

⁴⁶ Examples: CD/PV.398,5-6, CD/PV.635,52, CD/PV.543,19, CD/PV.460,5, CD/PV.538,13, CD/PV.550,11, CD/PV.559,5, CD/PV.598,12, CD/PV.617,13, CD/PV.626,4, CD/PV.624,8, CD/PV.635,5, CD/PV.635,18-19, CD/PV.635,45-6, CD/PV.640,3, A/C.1/47/PV.11,8, Disarmament Affairs, *Yearbook*, 27.

⁴⁷ Working Paper entitled ‘Aspects and principles of a system for funding the budget of the future Organization for the implementation of the CWC’: CD/1170,8.

⁴⁸ CD/PV.603,4: “necessary to strike an appropriate balance between what is required for a reliable and effective system and what can be viable without creating a financial burden which is unnecessary, costly and may even discourage universal adherence.”

⁴⁹ A/C.1/46/PV.10,7.

⁵⁰ MINREX, “RS/1319- De: Ministro Isidoro Malmierca, A: Sr. Hans Dietrich Genscher,” 10 March 1992, 2.

⁵¹ Including Technical Support, “the problem of (OPCW) costs,” that “All (PrepCom) costs must be suffered by the Convention and must not be financed by quotas from State Parties,” that diplomats “must include in general discussion” inspection costs: Misión Permanente ante la Oficina de las Naciones Unidas, “RS-259- De: Embajador José Pérez Novoa, A: Ministro MINREX Isidoro Malmierca,” 21 March 1990, 1,3,21,31,131,147.

⁵² Morel, Olson, “Introduction,” xviii.

⁵³ Solés, “Convención,” 81-3.

instruction exists not to create, in these moments, new organs or structures.”⁵⁴ Decision-makers held deep concerns that “If we accept the Convention, and up until now all indications are that this will be the recommendation raised for consideration by the government, we have to be sure, with sufficient time, that the country is prepared to assume the commitments derived in it, and by the preparatory work that has been done, this does not seem to be an easy task.”⁵⁵ Indeed, members of the Party expressed confidential reluctance to sign the CWC given reputational concerns associated with potential breach due to inadequate resources to implement:

in the political terrain, a breach, or even the suspicion of breach on the part of Cuba, could unleash a propaganda campaign that would prejudice us in all senses... despite having actively participated in the negotiating process for the Convention text, already officially declaring in Geneva that we do not possess CW and determining our positions with clarity, still many country delegations have doubts that Cuba will sign the convention. It is evident that incredulity is being stimulated by campaigns against Cuba.⁵⁶

Such concerns over implementation costs only exacerbated expectations of Cuban norm rejection.

4.1.c.iv: Guantánamo Bay

Cuba suffered an additional, unique, impediment to CWC ratification. According to *Granma* in 1992, “Cuba cannot assume commitments nor responsibilities in the remit of the Convention on Chemical Weapons faced with their possible presence on the insular territory of the Guantánamo naval base usurped by the US... Cuba is a nation that cannot accept the least commitment thanks to the possible presence of CW production installations in Guantánamo.”⁵⁷ Private MINREX documents reveal such concerns echoed across every level of government, from the national Group of Disarmament studying the proposed convention,⁵⁸ to the Cuban military expert analysing the 1990 draft treaty,⁵⁹ the Working

⁵⁴ Comité Central, “Re: 3/32,” 1-3. For CWC National Authority requirements: Disarmament Affairs, *Yearbook*, 32-3, Kelle, “Power,” 411, Bailey, “Problems,” 30.

⁵⁵ Comité Central, “Re: 3/32,” 3. Other country concerns: CD/PV.632,6.

⁵⁶ Comité Central, “Re: 3/32,” 2: “breach can (also) occasion us practical prejudice in the economic terrain.”

⁵⁷ Anon, “Fija Cuba su postura en relación con acuerdo sobre armas químicas,” *Granma* (28:158, Fri 31 July 1992), 7.

⁵⁸ Misión Permanente ante la Oficina de las Naciones Unidas, “RS-723- De: Embajador José Pérez Novoa, A: Ministro MINREX, Isidoro Malmierca,” 17 July 1990, 1-2.

⁵⁹ Misión Permanente, “De: Embajador José,” 21,73-4,95-6 for additional examples.

Group assessing the 1992 penultimate draft convention,⁶⁰ and the MINREX Minister himself, who noted “our Government will not be in a condition to report on the existence or otherwise of chemical weapons in the Naval Base of Guantánamo, nor assume any responsibility for the withdrawal or destruction of chemical weapons and the installations that could exist on said Base, responsibility that must fall entirely upon the US Government.”⁶¹ The CWC presented Cubans with the dilemma of simultaneously denouncing responsibility for the base (BNG), yet nevertheless insisting that the territory remained legally theirs.⁶² Cubans were nonetheless forced to announce publicly that “Because of this, the Government of Cuba cannot assume any commitment or any responsibility within the context of the aforementioned Convention that relate to the possible presence of chemical weapons or production facilities for such weapons on the territory of the said base.”⁶³ Yet the CWC did not legally exempt such a scenario, and expectations of Cuban rejection consolidated.

4.1.c.v: Allegations of Breach

Finally, claims abounded that Cuba not only possessed CW, but had employed CW as recently as 1988-89 in Angola.⁶⁴ These allegations echoed through the UN community, with evidence presented to the UN Sub-Commission on Minorities in 1989 and the matter included on the agenda of a Swedish workshop preparing CWC entry into force in 1992.⁶⁵ Although Cuban diplomats requested that MINREX provide “any information that could be useful to curb intentions to defame Cuba,” and MINREX responded with instructions “to

⁶⁰ MINREX, “RS-2865- De: Ministro Isidoro Malmierca, A: General De Brigada Guillermo Rodríguez del Pozo,” 10 April 1992, 1.

⁶¹ MINREX, “RS: 3667- De: Ministro Ricardo Alarcón, A: Dr. Carlos Rafael Rodríguez, Vicepresident de los Consejos de Estados,” 24 June 1992, Annex 1,1-2. Similarly: Solés, “Convención,” 80.

⁶² VicePresident Consejo de Ministros, “RS/3457- De: Carlos Rafael, A: Ministro a.i. de Relaciones Exteriores, Alcibíades Hidalgo,” 1 July 1992: concerned about: “the impression that Guantánamo Base is part of north american territory, but... it should remain clear that it constitutes an usurpation of Cuban territory by north american forces. It is clear that the troops accumulated and military resources utilised there, including atomic weapons, are the responsibility of the north american party that usurps this portion of Cuban territory and that the Cuban Government is not in a position to report on the existence or not of CW in this part of the national territory occupied illegitimately. Care must be taken in all formulations that are made of this.”

⁶³ CD/PV.628,17. Additionally: Cuban statement in 1992 AHC Report, CD/1170,18.

⁶⁴ The Sussex/Harvard Information Bank on CBW Armament and Arms Limitation listed Cuba as employing toxic warfare in 1957 internal fighting and 1988-89 Angola intervention: Robinson, “Origins,” 41-3.

⁶⁵ MINREX, “Ref: Nota RS/494 de Ginebra, De: Ana María González, A: Pedro Núñez Mosquera, Director DAM,” 17 November 1992, 1.

send arguments that permit counteracting this presumed enemy action,”⁶⁶ expectations of Cuban CWC endorsement were likely low as a result.

4.1.d: Endorsement Conundrum

It was thus considered ‘remarkable’ when Cuba co-sponsored the CWC upon its UNGA First Committee adoption.⁶⁷ Yet Cuba had supported it from the very beginning. *Granma*, for example, heralded Cuban co-sponsorship of the 1969 UN resolution on the subject,⁶⁸ the Cuban “delegation was instructed to vote in favour of” three draft resolutions urging pursuit of CWC negotiations in 1971,⁶⁹ and Cuba co-sponsored several UN resolutions between 1977 and 1981 authorising associated CD deliberations.⁷⁰ By March 1992, the MINREX Minister had assured his counterpart holding the AHC Chair, that “you can count on my personal dedication to the objective to work in pursuit of achievement of an effective, universal and non-discriminatory convention... you can count on the firm support of Cuba.”⁷¹ By November, the assurance was official: “The Government approved the signing of the Convention.”⁷² MINREX documents show that Cuba initiated the ratification process in August 1994, and deposited the treaty four days after the US in 1997.⁷³ Given all that contributed to expectations of Cuban CWC rejection, endorsement presents a puzzle.

4.2 INFLUENCE AS EXPECTED

The initial answer to this puzzle may be found in six of the international norm diffusion attributes. Using the indicators set out in Figure 7, this section documents how the systemic

⁶⁶ Ibid, 1.

⁶⁷ Findlay, *Peace*, 17: “CWC accumulated an unprecedented 144 cosponsors, including, remarkably... Cuba.”

⁶⁸ Anon, “Apoya Cuba Proyecto en la ONU sobre la Cuestión de las Armas Químicas,” *Granma* (5:289, Wed 3 Dec 1969), 6.

⁶⁹ MINREX, “Ref: 111.1.22- De: Dirección de Organismos y Conferencias Internacionales, A: Oficina del Ministro, Asunto: ‘Cuestion de las armas químicas y bacteriológicas’,” 10 December 1971, 1,4.

⁷⁰ A/C.1/32/PV.29,11, A/C.1/34/PV.39,37, A/C.1/34/L.29, A/C.1/34/PV.42,42, A/C.1/35/L.38, A/C.1/36/L.36, A/C.1/36/PV.35,6, A/C.1/36/PV.42,3-5.

⁷¹ MINREX, “RS/1319,” 1-2.

⁷² MINREX, “RS/5676- De: Ana María González, A: Juana Silvera,” 9 Nov. 1992, 1.

⁷³ Embajada de Cuba, Dirección Jurídica, “RS/No. 27-3870- De: José Peraza Chapeau, Director Jurídico, A: Tomás Lorenzo, Jefe de Despacho, Ast: Ratificación por Cuba de la Convención sobre Armas Químicas,” 4 August 1994, 1: “we initiate the rigorous constitutional procedure with a view to future ratification.”

attributes of world context, individual norm entrepreneurs and epistemic communities, the state-level attribute of national identity, and norm-related attributes of international concurrence, norm substance and domestic resonance influenced Cuban endorsement of the norm to eliminate CW, as anticipated within the analytical framework.

4.2.a: Systemic Attributes

4.2.a.i: World Context

Four global issues were frequently referenced by diplomats as impacting negotiations for the norm to eliminate CW as represented in the CWC, according to associated indicators. As noted by the AHC Chair, “Negotiations never take place in a vacuum. They are influenced by developments in the political surroundings... growing international concern over the production, development, stockpiling and use of chemical weapons has increased the urgency with which the negotiators have worked.”⁷⁴ First, the threat of both vertical and horizontal CW proliferation directly impacted norm development and Cuban support.⁷⁵ In a draft note to the UNSG in 1990, and in likely relation to the US, MINREX acknowledged, “States exist that are broadening and perfecting new and more deadly generations of these instruments of mass extermination... Given this, the best contribution to the exercise of the most supreme of human rights, the right to life, is the adoption of a convention that prohibits and eliminates all chemical weapons.”⁷⁶ Potential for horizontal proliferation was also influential according to Cuban delegation reports,⁷⁷ *Granma* articles,⁷⁸ and subsequent delegate reflections.⁷⁹

⁷⁴ A/C.1/42/PV.21,24-25.

⁷⁵ Vertical proliferation pertains to numerical/technological increases within one actor’s CW stocks; horizontal proliferation represents increase across number of actors possessing CW. Examples of proliferation concerns motivating CWC negotiations: CD/PV.29,31, CD/PV.263,7,12, CD/PV.385,27, CD/PV.360,15, CD/PV.270,10, CD/PV.332,15, CD/PV.310,15,38,46, CD/PV.484,31, CD/PV.315,21-22, CD/PV.342,15, A/C.1/40/PV.14,17, CD/PV.347,25, CD/PV.367,6-7, CD/PV.409,11, CD/PV.459,10, CD/PV.488,14, CD/PV.951,1, A/C.1/44/PV.12,33, A/C.1/36/PV.34,17, A/C.1/39/PV.27,27, A/C.1/39/PV.40,71, A/C.1/40/PV.19,53-54, A/C.1/40/PV.26,18, A/C.1/40/PV.28,8, A/C.1/43/PV.17,51, A/C.1/44/PV.15,13, Price, “Genealogy,” 84, Quester, “Deterrents,” 167-8, James Goodby, “Arms Control in Changing Times” in Morel, Olson, *Shadows*, 265.

⁷⁶ MINREX, “RS 1829 - De: José Raúl Viera Linares, A: Carlos Rafael Rodríguez, Asunto: Adjunto proyecto de nota para enviar al Secretario General de la ONU relacionada con la Resolución 1989/39,” 9 March 1990, 2.

⁷⁷ Misión Permanente ante la Oficina de las Naciones Unidas, “RS/883- A: Isidoro Malmierca, Ministro de MINREX, De: Primer Secretario Encargado de Negocios, Humberto Rivero,” 22 Sept 1988, 1, CD/PV.191,13.

⁷⁸ Anon, “Comenzó reunión para firma de tratado sobre armas químicas,” *Granma* (29:10, Thu 14 Jan 1993), 5.

⁷⁹ Solés, “Convención,” 79: “The dissuasive value of the CWC in the terrain of chemical non-proliferation is one of the reasons that, in our judgement, renders it pertinent.”

Second, proliferation concerns were generated by particular incidents, especially allegations of CW use in South East Asia from 1981 and Iran/Iraq later that decade.⁸⁰ According to Findlay, “Iraq played an ironic role in bringing the CWC to fruition... Iraq reminded new generations about the grotesque nature of chemical warfare. Iraq also demonstrated the ease with which chemical weapons could be indigenously developed and produced... only a verifiable chemical weapons convention would be able to halt the proliferation of such weapons.”⁸¹ Iraqi CW use held particular import given the frequent, detailed, direct, and heart-wrenching accounts of CW consequences presented to the CD by Iranian delegates, who submitted countless reports, photographs, experts, witnesses and victims to attest and graphically describe their experiences:

Let me share an experience with all representatives: the agony portrayed in the pictures of those little boys and girls who were victims of chemical weapons, which caused great pain and anguish until most of them perished. Let us not forget the horrible effects of these heinous weapons and the danger of their proliferation.⁸²

In doing so, Iran repeatedly “demonstrate(d) the urgency of the matter, and why we should act right now, for tomorrow is too late.”⁸³ This resonated strongly within the CD, with countless delegates referencing the Iran/Iraq war to propel CWC negotiations forward.⁸⁴ The Belgian delegate, for example, responded that “the heart-rending and pressing nature of the problem of the prohibition of chemical weapons cannot have escaped anyone whose heart is in the right place.”⁸⁵ With respect to Cuba, Iraqi CW deployment framed a confidential plea from the USSR Ambassador to President Castro himself to support the

⁸⁰ Examples of such motivation: A/C.1/36/PV.42,16, A/C.1/37/PV.57,6-13, A/C.1/38/PV.6,14-15,22,37, CD/PV.154,8, CD/PV.166,9,18, CD/PV.171,19, CD/PV.191,12, CD/PV.241,14, CD/PV.260,10, CD/PV.290,11.

⁸¹ Findlay, *Peace*, 2,10. Similarly: Morel, Olson, “Introduction,” xvii, Müller, et al, “Regime,” 67.

⁸² A/C.1/43/PV.39,13. Also: A/C.1/44/PV.13,6, CD/PV.242,9-11, CD/PV.262,10,65,67, CD/PV.286,26-8, CD/PV.308,9, CD/PV.340,30-1, CD/PV.347,28-9, CD/PV.348,19-22, CD/PV.404,7, CD/PV.417,11-2, CD/PV.453,2-5, CD/PV.514,6, CD/PV.635,50, A/C.1/39/PV.36,57-60, CD/PV.453,2-3, CD/PV.543,11: “there is not just an obligation, but a deep moral and inner urge for the abolishment and complete eradication of these barbarous weapons.” Also: Wunderlich, et al, “Reformers,” 267.

⁸³ CD/PV.417,12. See also: A/C.1/39/PV.40,71, CD/PV.454,12.

⁸⁴ Examples: CD/PV.271,25, CD/PV.404,16, CD/PV.351,24, CD/PV.303,8,14,32, CD/PV.256,18, CD/PV.274,10, CD/PV.455,11, CD/PV.247,10, CD/PV.351,26, CD/PV.453,13-14, CD/PV.478,6, CD/PV.349,10, CD/PV.250,18,36-7, CD/PV.461,10, CD/PV.286,34, CD/PV.481,20, CD/PV.262,24,30,51,59, CD/PV.353,15, CD/PV.265,6, CD/PV.342,10-5, CD/PV.370,2-7, CD/PV.313,8, CD/PV.343,11, CD/PV.364,12, CD/PV.575,9, CD/PV.473,12, CD/PV.460,2-3, CD/PV.452,12-3, Goodby, “Arms,” 265, Robinson, “Origins,” 50, Smidovich, “Russian,” 57.

⁸⁵ CD/PV.244,18.

1989 CW Paris Conference,⁸⁶ and was subsequently noted as a factor driving CWC negotiations by Cuban CD delegate, Solés.⁸⁷ Nevertheless, given the CWC was not concluded for a further eight years, perhaps another delegate was correct in 1984, when he observed that “even the recent use of chemical weapons in the conflict between Iraq and Iran has not generated sufficient momentum for the negotiations to reach a decisive stage.”⁸⁸

Third, the 1990/91 Gulf War provoked a “qualitative change” in CWC negotiations, as “the possibility that chemical weapons might be used added urgency to efforts to rid the world of such weapons. Long-held positions were reviewed and set aside, thereby opening up real opportunities for finalizing work on the Convention in 1992.”⁸⁹ However the war’s impact was greater than simply generating renewed fear of CW proliferation and use. For the Gulf War also confirmed the redundancy of CW. US predominance demonstrated dramatically that “a stockpile of (chemical) arms could not act as a deterrent.”⁹⁰ It was only after this realisation that the US, for example, executed a major policy shift, renounced certain roadblocks and brought negotiations to fruition.⁹¹ Cuban representatives understood, noting the war “was the definitive test for the USA that it could prevail in armed conflict without resorting to CW... it produced a change in US discourse... For such reasons, the interest in chemical disarmament that the countries of the South had maintained for many years, became an opportunistic priority for one of the greatest possessors of chemical weapons.”⁹² The Gulf War provided the catalyst, at the systemic level, for norm crystallisation, although with greater nuance than often acknowledged.

⁸⁶ Partido Comunista de Cuba Comité Central, “A: Comandante en Jefe Fidel Castro Ruz, De: Jorge Risquet Valdés, Asunto: Conferencia sobre la prohibición del uso del arma química,” 12 October 1988, 2.

⁸⁷ Solés, “Convención,” 31-32. National press, however, mentioned the issue only twice, implicitly referencing Iraq as non-threatening: Anon, “Diferencias acerca de Cumbre de la Tierra y Confirman Destrucción de Armas Químicas Iraquíes,” *Granma* (28:91, Wed 6 May 1992), 5, Anon, “hilo directo: Iraq; Informe de expertos de ONU,” *Granma* (28:187, Wed 9 Sept 1992), 5.

⁸⁸ A/C.1/39/PV.25,37.

⁸⁹ Disarmament Affairs, *Yearbook*, 20. See also: CD President: CD/PV.583,3,8, CD/PV.585,4, CD/PV.591,7,11, CD/PV.594,5,23, CD/PV.595,5, CD/PV.604,3, UNSG Personal Representative: CD/PV.586,2.

⁹⁰ Sri Lanka: CD/PV.617,23. Similarly: Germany: A/C.1/46/PV.31,11. Only Brazil, India, Pakistan recognised this earlier: CD/PV.202,21, CD/PV.232,12, CD/PV.237,11.

⁹¹ 4.3.a.ii: State Suasion, A/C.1/46/PV.30,19, CD/PV.602,10, Smidovich, “Russian,” 64, Robinson, “Origins,” 51.

⁹² Solés, “Convención,” 33-4.

Finally, mirroring outcomes in the forthcoming case studies, the end of the Cold War opened a broader window of opportunity and facilitated multilateral disarmament efforts. As delegates observed, the “removal of the ‘iron curtain’ has eroded traditional political barriers between East and West,”⁹³ resulting in “what amounts to ‘landslide disarmament’.”⁹⁴ A multitude of CD and UNGA First Committee members commented that CWC progress was only “possible because of a structural change in international relations.”⁹⁵ The CWC, “which might not have been achievable if we still lived in the days of East-West confrontation at its darker stage, may well turn out to be the first significant multilateral convention of the new decade, which may belong to a new era.”⁹⁶ Cuban delegates acknowledged the import of the end of the Cold War, affirming that “We are everywhere reminded that the international climate has changed and is perhaps more conducive to greater multilateral understanding and cooperation.”⁹⁷ With specific regard to CWC negotiations, Solés subsequently wrote that the “disappearance of the USSR in 1992 changed the bipolar paradigm... Research demonstrated the changes had influenced events in the ad hoc Committee that precipitated agreements with countries of the South, that the final phase of negotiations had arrived and that that was the moment for consolidating commitments.”⁹⁸ Both specific and general world events thus impacted the development and Cuban endorsement of the international norm to eliminate CW, as anticipated in extant scholarship. The systemic diffusion attribute of world context had high influence.

4.2.a.ii: INEs – Individuals, Epistemic Communities

Individuals holding roles of AHC/CD Chair, Friends of the Chair, and indeed all AHC delegates were often credited by fellow diplomats for progressing CWC negotiations, including facilitating optimal logistical arrangements, establishing compromise text and

⁹³ CD/PV.532,7,13.

⁹⁴ CD/PV.611,8. Also: CD/PV.626,2, CD/PV.635,35, Müller, et al, “Agency,” “Change,” “State,” 150,157,300,338, 349: mutual constitution of post-Cold War ‘golden decade’ and international arms control.

⁹⁵ A/C.1/47/PV.6,34. Other delegations: A/C.1/46/PV.30,9-10, A/C.1/47/PV.14,34, Findlay, *Peace*, 1,5: “largely the end of the cold War that powered the CWC towards final agreement. The end of the Cold War transformed both the structure and atmosphere of the CD.”

⁹⁶ CD/PV.546,3-4. Additionally: CD/PV.550,2, CD/PV.533,5, CD/PV.588,12, CD/PV.634,3, CD/PV.636,15, CD/PV.641,8, CD/PV.645,14, CD/PV.635,14-5.

⁹⁷ CD/PV.616,6. See also: A/C.1/45/PV.21,26: “the political environment in which our work is being carried out has evolved... the enhanced climate of détente... must, of course have influence on our work.”

⁹⁸ Solés, “Convención,” 34.

concluding deliberations section by section.⁹⁹ Although such credit arguably adheres to the role rather than the person performing it, one individual attracted specific praise for overarching norm entrepreneurship: Australian Foreign Minister, Gareth Evans.¹⁰⁰ Through direct CD intervention calling for immediate action after CW attacks in 1988, initiation of the first global government-industry conference on the subject in 1989, establishment of regional initiatives to extend transnational understanding of and support for the CWC, introducing the penultimate model compromise draft convention, successfully arguing for prompt conclusion of negotiations in 1992, and, finally, writing to the Foreign Minister of every CD State to promote CWC adoption, Evans was credited for going above and beyond his duties as a state representative, and for sparking “the initiative that helped jump-start the negotiations earlier this year and move them into the end game.”¹⁰¹ According to Japan, the “visit of Senator Evans was like the encounter of our planet called the CD with a powerful meteor called Evans.”¹⁰² With almost every indicator for this attribute thus present, individual norm entrepreneurship had relatively high impact on general norm diffusion, however also - as elaborated further in State Suasion below - in relation to Cuba.

Epistemic communities held even greater general impact. As the US argued, “active involvement of technical experts will be needed for understanding both the technical dimensions of the tasks and the technical possibilities for accomplishing them.”¹⁰³ Delegates noted that “Experience has shown that close interaction between technical experts and diplomats is essential.”¹⁰⁴ Despite occasional inadequacy of access,¹⁰⁵ and one rare incident of state resistance,¹⁰⁶ scientific, technical, legal and military advisors played key roles in

⁹⁹ According to Figure 7. Examples of credit, including from Cuba: CD/1170,17, CD/PV.636,15,24-5, CD/PV.272,15,27, CD/PV.628,15, CD/PV.185,6-7, CD/PV.179,26, CD/PV.194,24,36, CD/PV.203,23, CD/PV.215,30, CD/PV.232,13, CD/PV.531,3, CD/PV.250,16, CD/PV.286,28, CD/PV.383,4-5, CD/PV.389,30, CD/PV.434,12-3, CD/PV.506,14, CD/PV.337,18-28, CD/PV.594,30, CD/PV.635,6-14, Findlay, *Peace*,15-9.

¹⁰⁰ A/C.1/47/PV.6,57, A/C.1/47/PV.16,37, CD/PV.617,32,40,42,46-8,50-1, CD/PV.619,6,27, CD/PV.621,9, CD/PV.635,6,34, Becker-Jakob, et al, “Citizens,” 207: Evans coined ‘good international citizenship’ to denote “states that conduct an ethically motivated foreign policy that... places internationalism and the ‘common good’ ahead of the pursuit of narrow material interests.”

¹⁰¹ Quote: A/C.1/47/PV.4,23-4. See also: CD/PV.482,22, CD/PV.492,12-3, CD/PV.626,5, CD/PV.617,3-16, CD/PV.626,5, CD/PV.629,16, 4.3.a.ii: State Suasion.

¹⁰² CD/PV.619,11. Also: A/C.1/47/PV.4,36.

¹⁰³ CD/PV.166,22.

¹⁰⁴ CD/PV.193,37. Similarly: Spain: CD/PV.323,15, Italy: CD/PV.491,11.

¹⁰⁵ For example, AHC Chair: CD/PV.337,25.

¹⁰⁶ Context indicates it was likely the US: CD/PV.192,29, CD/PV.195,43, CD/PV.199,16.

norm formulation and progression. Direct epistemic contributions were provided via UN Groups of Experts reports on CW,¹⁰⁷ workshops and seminars between experts and CD delegates,¹⁰⁸ incorporation of experts within state delegations, ad hoc CCD and then regular annual CD meetings between diplomats and experts,¹⁰⁹ and, finally, official 'technical support' for the AHC Chair from 1990.¹¹⁰ The full range of CD delegations praised specialist input into core CWC elements, including toxicity standards, technical monitoring methods, precursors, incapacitating agents, destruction and verification mechanisms.¹¹¹ According to the Australian delegate:

experts have come for informal meetings, for concentrated periods of technical consultations and, finally, as a team integrated into the activity of the Ad Hoc Working Group. There is no doubt in my mind that their presence has served substantially to advance our work, both by highlighting the technical problems which our efforts have identified and by showing the way to possible solutions.¹¹²

Influence over Cuban decision-making was more complex, however, with Cubans reluctant to endorse the very scientists they blamed for CW development and deployment in Vietnam. Cuban press had previously condemned this scientific epistemic community,¹¹³ and Cuban diplomats expressed opposition, alongside the G21, to the Chair's official technical support.¹¹⁴ Nevertheless, Cuba appointed its own expert and former member of the Secretary-General's Advisory Board on Disarmament and Group of Experts on Institutional Arrangements Relating to Disarmament as its CD representative from 1984 and relied heavily upon in-country military and other expertise regarding every aspect of the

¹⁰⁷ CD/PV.31,31-2, 4.3.a.i: International Organisations.

¹⁰⁸ CD/PV.19,6, CD/PV.31,9: "which enabled a very valuable flow of information and views to take place on the subject of chemical warfare, with a breadth and ease which was certainly new."

¹⁰⁹ CD/1108,10, CD/727,1, CD/416,1, CD/PV.31,44-5, CD/PV.25,9, CD/PV.29,32, Caitríona McLeish, Maarten Lak, "Introduction & General Issues: Role of Civil Society and Industrial Non-State Actors," Krutzsch, CWC, ft 4.

¹¹⁰ CD/PV.546,4, CD/PV.575,3.

¹¹¹ Some of many e.g.: CD/PV.152,14, CD/PV.193,36, CD/PV.266,7, CD/PV.166,30, CD/PV.378,6, CD/PV.179,26, CD/PV.199,15, CD/PV.617,11, CD/PV.173,30, CD/PV.189,22, CD/PV.179,26, CD/PV.192,10, CD/PV.195,43, CD/PV.204,14, CD/PV.227,22, CD/PV.371,5, CD/PV.243,21, CD/PV.495,7, CD/PV.499,7, CD/PV.541,15, CD/PV.548,12, CD/PV.227,6, CD/PV.337,24-5, CD/PV.534,4,6-7, CD/PV.436,34, CD/PV.167,21,31: "We value very much the qualified opinion of our experts.. we have been using their assistance as frequently as possible."

¹¹² CD/PV.225,29.

¹¹³ Anon, "Declaracion final del III Simposio contra el Genocidio Yanqui en Viet Nam y su Extension a Laos y Cambodia," *Granma* (8:127, Sat 27 May 1972), 2: "declared the scientists that participated in the research and genocidal plans as accomplices."

¹¹⁴ Misión Permanente ante la Oficina de las Naciones Unidas, "RS-307- De: Embajador José Pérez Novoa, A: Ministro MINREX, Isidoro Malmierca," 29 March 1990, 1-2.

CWC.¹¹⁵ Epistemic influence was thus high, driving both the norm's international development and Cuban endorsement.

4.2.b: State-Level Attributes

4.2.b.i: National Identity

Analysis of state leader references to national values, principles and ambitions, per indicators for this attribute, reveal two aspects of Cuban national identity that aligned with the norm to eliminate CW.¹¹⁶ Indeed, they indicate this attribute played a role in driving Cuban norm endorsement, rather than merely operating as a filter of socialisation. First, the meta-norm of general international disarmament held ideological resonance with Cuban socialist identity,¹¹⁷ and particularly Cuba's self-proclaimed role as vanguard of the concept 'disarmament for development'.¹¹⁸ This concept was described as a motivation for Cuban CWC endorsement,¹¹⁹ with the Cuban CD delegate explaining that "disarmament means not only a guarantee of the survival of humanity but also the possibility of greater resources being available for the economic and social development of the peoples who are now suffering the consequences of underdevelopment."¹²⁰ The notion that money saved on CW should instead be devoted to peoples in need aligned directly with Cuba's touted foreign policy goals:

article 12 of the Constitution of the Republic of Cuba says that 'our country is working for lasting peace in dignity... Fidel Castro appealed for 'a tireless struggle for peace, for improving international relations, for halting the arms race, for reducing military

¹¹⁵ CD/PV.240,6, Misión Permanente, "RS/338- A: Isidoro Malmierca, Ministro de MINREX, De: Embajador Carlos Lechuga Hevia," 30 April 1987, 1, Viceministro de Relaciones Exteriores, "RS/98- De: Nicolás, A: Roberto Robaina, Ministro de Relaciones Exteriores, Ast: Convención para la Prohibición de las Armas Químicas," 27 April 1994, 2, Misión Permanente, "De: Embajador José," 1: the analysis of Lt. Colonel García on each line of the 1990 draft treaty "provides important results for the work of our Mission and, especially, so that our office in Havana can adopt necessary decisions in this crucial moment of negotiations."

¹¹⁶ Refer: 4.2.c.ii: Norm Substance.

¹¹⁷ CD/PV.4,8, CD/PV.603,3, MINREX, "RS/1319," 1, CD/PV.4,8: "This supreme objective of ours in the matter of disarmament is consistent with Cuba's noble concept of peace."

¹¹⁸ A/C.1/47/PV.14,31, A/C.1/44/PV.41,28, A/C.1/44/PV.12,29-31, A/C.1/43/PV.17,43, A/C.1/42/PV.32,42, A/C.1/39/PV.25,18-25, CD/PV.243,34-5, CD/PV.281,15, CD/PV.292,16-8, CD/PV.386,18, CD/PV.221,13, CD/PV.393,2, CD/PV.439,3, CD/PV.336,38-9, describing weapons expenditure over development as a crime against humanity, Victorio Copa, "Mantendrá Cuba activo papel en favor del Tercer Mundo," *Granma* (23:151, Mon 29 June 1987), 6: "there cannot be peace without development."

¹¹⁹ A/C.1/47/PV.31,56.

¹²⁰ CD/PV.163,20.

expenses drastically and for insisting that a considerable part of these sizeable funds be allocated to the development of the third world'.¹²¹

In their very first CD speech, Cubans proclaimed their representation of all “peoples bravely struggling to overcome underdevelopment and poverty... (and so) wish to contribute as much as they can to the achievement of agreements which will allow the astronomical resources devoted to arms production to be used to combat the backwardness, destitution and hunger that still afflict a large part of mankind.”¹²² Although Cuba did not mention disarmament for development during CD CWC deliberations, the MINREX Minister publicly commended, at the 1989 CW Paris Conference, “that this measure of disarmament will bring a benefit to advance the Third World.”¹²³ Upon conclusion of negotiations, the Cuban UNGA First Committee delegate also praised CWC “establishment of a delicate mechanism to ensure that the weapons will not be diverted from the peaceful uses so necessary for economic and social development.”¹²⁴ The CWC thus aligned with Cuba’s proclaimed prioritisation of socio-economic development over armament investment in line with the purported fabric of its socialist identity.

Perhaps of greater, albeit more implicit, significance, was that the CW disarmament campaign also matched Cuban anti-US imperialism, revolutionary identity. The norm to eliminate CW aligned nicely with the Cuban alter to the US ego. In the shadow of Vietnam and 1980s US resumption of CW development, the CWC provided the ideal platform from which Cuba could publicly denounce the US.¹²⁵ Domestic Cuban press had equated US officials to Nazi war criminals for years over CW development.¹²⁶ CWC negotiations presented the opportunity to elevate this rhetoric internationally. In private correspondence Cuban officials celebrated, for example, that socialist CWC initiatives “will reveal even more that the North American aggressors do not want to exclude chemical weapons from their arsenals of war, and will create additional possibilities for the fight

¹²¹ A/C.1/38/PV.6,78: “That will be the policy guiding the work of the Cuban delegation in this Committee.”

¹²² CD/PV.4,8.

¹²³ Anon, “Partidaria Cuba de destrucción de las armas químicas,” *Granma* (25:9, Wed 11 Jan 1989), 8.

¹²⁴ A/C.1/47/PV.14,28.

¹²⁵ Refer: 4.3.a.ii: State Suasion, 4.4.b.iii: Feedback Loop, 4.2.c.ii: Norm Substance.

¹²⁶ Luis Arce, “La Guerra Silenciosa de EEUU 2: Napalm- Arma de la impotencia del imperialismo norteamericano,” *Granma* (5:266, Thu 6 Nov 1969), 7, Luis Arce, “La Guerra Silenciosa de EEUU 4: Quienes son los productores de la muerte?” *Granma* (5:270, Tue 11 Nov 1969), 7, Anon, “Declaracion final,” 2.

against US violation of the Geneva Protocol.”¹²⁷ The Cuban delegation was instructed to vote in favour of the 1971 UNGA draft resolution to pursue CWC negotiations and “to mention, in explication of the vote, the need for quick agreement on the total suppression of chemical weapons and their use by North American imperialism in Vietnam, Cambodia and Laos.”¹²⁸ As will be seen during discussion of other attributes, Cuba frequently employed the CW prohibition norm to condemn US actions at the CD, whether in relation to the US binary weapons programme, historical CW development/deployment, use of herbicides in Vietnam, or inability to guarantee CW absence from BNG.¹²⁹ Cuba’s enmity towards the US and its very identity as a revolutionary adversary underpinned Cuban support for the norm to eliminate CW in the CWC, and held impact not as a socialisation filter, but in its own stead.

4.2.c: Norm-Related Attributes

4.2.c.i: International Concurrence

Indicators for this attribute show that the substance of the international norm to eliminate CW matched prevailing international normative structures well. According to Müller, “Complementary norm construction outside the established regime institutions was important in all WMD regimes.”¹³⁰ As “universally recognised international law,”¹³¹ the Geneva Protocol had “contributed significantly to the establishment of a strong taboo on chemical weapons.”¹³² Repeated UNGA resolutions re-affirmed “the interest of States in the adoption of other measures that would facilitate the elimination of the danger of a chemical and bacteriological war,”¹³³ maintained the salience of the issue throughout subsequent decades, and prompted, for example, the 1969 UNGA proposal from socialist countries for a

¹²⁷ MINREX, “Memorandum- A: Organismos Internacionales, De: Oficinas del Ministro,” 6 April 1971, 3.

¹²⁸ MINREX, “Ref: 111.1.22,” 3.

¹²⁹ CD/PV.261,8, Misión Permanente ante la Oficina de las Naciones Unidas, “R/S No. 494- De: Embajador José Pérez Novoa, A: MINREX Ministro Ricardo Alarcón,” 14 October 1992, 2, Misión Permanente, “De: Embajador José,” 14, CD/PV.603,4.

¹³⁰ Müller, “Agency,” 339.

¹³¹ MINREX, “Ref. 111.7-6- A: Oficina del Viceministro, De: Dirección de Organismos y Conferencias Internacionales, Asunto: Proyecto de Convención sobre la prohibición del Desarrollo, la producción y el almacenamiento de armas químicas y bacteriológicas,” 25 September 1969, 1.

¹³² Smidovich, “Russian,” 55.

¹³³ MINREX, “Ref. 111.7-6,” 1.

convention.¹³⁴ The CBW did likewise, incorporating an article which "affirms the recognised objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition."¹³⁵ Finally, concurrent UN measures - such as the 1981 UN Group of Experts report on alleged use of CW,¹³⁶ UNSG-authorised Group of Experts investigations of alleged use in Iran/Iraq from 1984 and Special Commission from 1991,¹³⁷ 1990 UN Group of Experts report on verification procedures,¹³⁸ and initiatives to establish CW-free zones and Geneva Protocol implementation mechanisms - were frequently raised as further justifications for and reasons to hasten CD CWC negotiations.¹³⁹

Although Cuba, alongside a minority of other states,¹⁴⁰ opposed certain initiatives such as Expert Group mandate extensions and interim Geneva Protocol verification mechanisms,¹⁴¹ these nevertheless allowed the norm to develop in a well-nourished international normative environment. In fact, these initiatives "showed conclusively that fact-finding could be carried out expertly, impartially and with speed,"¹⁴² representing "a landmark in the history of this Organization, a precedent for the further involvement of the United Nations in inquiries of this sort."¹⁴³ Such complementary institutions, although not effecting Cuban socialisation, nevertheless implicitly paved the path toward CWC endorsement. Concurrence between norm content and global norm hierarchies was high, diminishing Cuba's room for manoeuvre or rejection of the norm.

¹³⁴ Ibid, 1.

¹³⁵ Robinson, "Origins," 48-9. Similarly: Müller, "Agency," 338, CD/PV.9,19, CD/PV.31,38, CD/PV.2,37.

¹³⁶ A/C.1/37/PV.20,16. For impact in Cuba: Roberto Quiñones, "Los Planes Yankis Para La Barbarie Química (Final)," *Granma* (18:119, Sat 22 May 1982), 2.

¹³⁷ CD/PV.594,24, CD/PV.619,7, Smidovich, "Russian," 67-9.

¹³⁸ CD/PV.532,17, CD/PV.548,13, CD/PV.554,16.

¹³⁹ Examples: A/C.1/39/PV.33,27, CD/PV.249,16, CD/PV.256,23, CD/PV.260,24, CD/PV.262,37, CD/PV.272,18-9, CD/PV.274,10, CD/PV.349,10, CD/PV.481,20, CD/PV.459,7.

¹⁴⁰ 18 socialist/developing states voted against one such resolution, e.g.: A/C.1/36/PV.53,54-60.

¹⁴¹ Cuban rejection: A/C.1/36/PV.52,56-7, following USSR at 16, who condemned the "scheme the goal of which was, by means of allegations against other States, to justify United States policy of expanding its arsenals with new types of chemical weapons." Also: A/C.1/37/PV.47,63, A/C.1/37/PV.57,37-46,56-65, A/C.1/37/PV.58,27, A/C.1/39/PV.46,66-76,86-7.

¹⁴² CD/PV.257,18. See also: A/C.1/39/PV.39,18,21, CD/PV.348,22, Robinson, "Origins," 41.

¹⁴³ A/C.1/36/PV.44,101-2.

4.2.c.ii: Norm Substance

In line with relevant indicators, almost every CD member referenced the undeniable compellability of, and ethical obligation to support, the norm to eliminate one of the most “reprehensible and morally unacceptable means of conducting armed conflict” during CWC negotiations.¹⁴⁴ ‘Moral revulsion’ and civilisational rhetoric was frequently employed to support the prohibition of the savage and indiscriminate horror of CW.¹⁴⁵ The US, for example, often cited the:

broader moral prohibition against the use of these weapons... outlawed by the general opinion of civilized mankind... We cannot, therefore, allow the progress which we have made in civilization to be destroyed. To do so would be to begin a relentless slide back to a new dark age of mindless barbarism... This is why we seek a level of verification that will protect civilization, our allies, and indeed humanity itself from this terrible threat.¹⁴⁶

State suasion efforts relied upon the norm’s immanent power, with private memos from the USSR requesting Cuban support given CW “represent one of the most dangerous types of weapons of mass destruction... we must take the next step and achieve subscription of an international convention that foresees the total proscription of CBW for the life of human society.”¹⁴⁷ Civilisational rhetoric also resonated within Cuba. Refracted through responses to US employment of CW in Vietnam, several *Granma* articles in the early 1980s referenced CW as “simply a weapon of physical and mental torture:”¹⁴⁸

that destroys all that lives or provokes illnesses and sufferings that cause a slow and atrocious death... This type of chemical and bacteriological aggression is so abominable and injures human sensibility so deeply it has been prohibited in various international treaties, none of which the US has ratified... the Pentagon and CIA yankees use beastly chemical and bacteriological weapons, that have been proscribed by civilisation and reason.¹⁴⁹

¹⁴⁴ Price, “Genealogy,” 73-84. Examples of references: CD/PV.437,26-7, CD/PV.491,5-6, CD/PV.166,9, A/C.1/40/PV.4,47, CD/PV.441,17, CD/PV.588,10, CD/PV.506,28, CD/PV.195,46, CD/PV.202,14-5, CD/PV.213,7, A/C.1/39/PV.46,73-5, CD/PV.258,34, CD/PV.264,15, CD/PV.306,28, CD/PV.418,6, A/C.1/34/PV.10,14-5, A/C.1/39/PV.36,18-20, A/C.1/37/PV.20,16,45-6, CD/PV.178,22, Kelle, “Power,” 416, Robinson, “Origins,” 40: “perception widespread throughout different civilisations that fighting with poison is somehow reprehensible, immoral, utterly wrong... to resort to chemical warfare is to violate a taboo of a peculiarly deep kind.”

¹⁴⁵ Müller, et al, “Regime,” 72, Becker-Jakob, et al, “Citizens,” 232.

¹⁴⁶ CD/PV.191,11-13. See also: CD/PV.260,10, CD/PV.262,19, CD/PV.290,12, CD/PV.386,8, A/C.1/37/PV.57,17, A/C.1/39/PV.28,51, A/C.1/39/PV.36,2-5, A/C.1/34/PV.8,28-30, Vice-President Bush: “It is high time that these barbaric weapons were banished from the face of the earth.”

¹⁴⁷ Ministerio de Relaciones Exteriores de la URSS, “Memorándum,” 2 September 1969, 1.

¹⁴⁸ Arce, “La Guerra Silenciosa,” 7. Also: Anon, “Inaceptable ventilar en la ONU problemas de Viet Nam plantea Cuba,” *Granma* (5:272, Thu 24 Nov 1969), 8, Quiñones, “Los Planes Yankis (Final),” 2: “instrument most cruel and inhuman of all the measures employed by the north American government” causing biocide and ecocide.

¹⁴⁹ Roberto Quiñones, “La barbarie química y bacteriológica del Pentágono y la CIA,” *Granma* (17:196, Tue 18 Aug 1981), 2. Also: “Los Planes Yankis Para La Barbarie Química [I],” *Granma* (18:97, Mon. 26 April 1982), 2,

Norm substance, and the need to “meet yet another aspiration of mankind, which is the elimination of such horrifying weapons,”¹⁵⁰ was additionally referenced by Cuban delegates at the CD and UNGA First Committee,¹⁵¹ and in letters from MINREX to the AHC Chair and UNSG.¹⁵² Importantly, the desire to rid the world of CW horror was also evident in private MINREX correspondence,¹⁵³ and Solés’ subsequent reflections.¹⁵⁴ Immanent normative power proved influential.

4.2.c.iii: Domestic Resonance

Relatedly, norm content also held pre-existing resonance within Cuba as evidenced by sympathetic prior legislation, state rhetoric and press reporting. For decades, national media had closely followed, reported and condemned alleged US use of CW in Japan, Bolivia, Vietnam, Korea, Honduras,¹⁵⁵ reported US provision of CW in El Salvador, the Congo, Afghanistan,¹⁵⁶ and US storage and approval for use in countries around the Indian Ocean, Gulf of Arabia, and Pacific Ocean.¹⁵⁷ A renewed wave of press attention followed announcement of the US binary weapons programme in 1982,¹⁵⁸ which condemned the “monstrous” decision as “Only the demented can direct or accept such a possibility. Because this would inevitably lead to the immediate and long term destruction of human life. The survival of civilisation would be threatened.”¹⁵⁹ Throughout the 1980s and early 1990s,

“Los planes yankis para la barbarie química (III),” *Granma* (18:108, Mon 10 May 1982), 2, “Los planes Yankis para la barbarie química (IV),” *Granma* (18:111, Thu 13 May 1982), 2.

¹⁵⁰ CD/PV.336,38. Also: CD/PV.221,14,16.

¹⁵¹ Including: CD/PV.4,11, A/C.1/45/PV.21,32, A/C.1/47/PV.14,28, A/C.1/43/PV.17,47-50, A/C.1/39/PV.46,76, A/C.1/38/PV.6,78, A/C.1/40/PV.39,28-9, CD/PV.243,37, CD/PV.603,3,6, CD/PV.439,4.

¹⁵² MINREX, “RS 1829,” 1, “RS/1319,” 1: committed Cuba “solidly and firmly to the elimination and destruction of weapons that put in danger the very existence of humanity.”

¹⁵³ MINREX, “Memorandum,” 3.

¹⁵⁴ Solés, “Convención,” 79.

¹⁵⁵ Arce, “La Guerra Silenciosa,” 7, “La Guerra Silenciosa de EEUU 3,” 7, Anon, “Mas ‘Asesores’ Militares de E.U. para Operaciones Antiguerilleras en Bolivia,” *Granma* (3:90, Fri 7 April 1967), 1,6, “Vietnam se ha convertido en la bandera de todos los revolucionarios,” *Granma* (4:258, Fri 25 Oct 1968), 7, “Experimento Yanki de Guerra Química en Honduras,” *Granma* (22:44, Sat 22 Feb 1986), 1, “Declaracion final,” 2, Quiñones, “La barbarie química,” 2, Marrero, “Con punto y aparte: Frente a crímenes e infundios,” *Granma* (25:3, Wed 4 Jan 1989), 8.

¹⁵⁶ Anon, “Denuncian el Empleo de Defoliantes y otros agentes químicos por la junta genocida militar de El Salvador,” *Granma* (17:177, Tue 28 July 1981), 5, Arce, “La Guerra Silenciosa de EEUU 2,” 7.

¹⁵⁷ Quiñones, “Los Planes Yankis,” 2, Ferrer, “Haz lo que digo,” 7.

¹⁵⁸ In February 1982, US President Reagan sought funds to reactivate the US CW programme with binary weapons, CW comprising two substances that combine to produce toxicity upon firing: Jorma Miettinen, “Chemical Weapons and Chemical Disarmament Negotiations,” *Bulletin of Peace Proposals* (13:2, 1982), 119.

¹⁵⁹ Juan Marrero, “La Muerte Quimica,” *Granma* (18:37, Mon 15 Feb 1982), 6. Also: “Con punto,” 8, Anon, “Producira EE.UU. una nueva arma química letal,” *Granma* (18:12, Sat 26 Jan 1982), 7, “Partidaria Cuba de

Granma followed and reported progress in CWC negotiations, heralding particularly the ‘historic’ 1993 Paris Conference for adoption and official Cuban endorsement.¹⁶⁰ Cuba was already party to related international law, including the Geneva Protocol, which it signed on 24 May 1966¹⁶¹ and considered:

constitutes without doubt a valiant international instrument for proscribing use of these inhuman weapons of mass destruction. The Government of the Republic of Cuba, which carries out policy based on humanitarian principles, and rejects and condemns use of CBW, adhered to the Geneva Protocol on the date around the revolutionary triumph of 1959, and loyal to international obligations, complies scrupulously.¹⁶²

Cuba signed and ratified the CBW by 1976, lauded within *Granma*,¹⁶³ as well as the *Convention on the Prohibition of Environmental Modification with Military or Other Hostile Weapons* (ENMOD) and *Inhuman Weapons* treaties.¹⁶⁴ According to Solés, “Cuba is today party to all treaties that regulate the three types of weapons of mass extermination; Cuban CWC adherence is the result of application of a sustained and consequent political line... Cuba’s trajectory as State Party to these treaties demonstrates Cuban affection for international law.”¹⁶⁵ Alongside private and public declarations of CW non-possession,¹⁶⁶ domestic resonance of the substance of the norm was relatively high.

4.3 INFLUENCE YET NOT AS EXPECTED

While the above-listed attributes influenced Cuban norm endorsement as anticipated in the analytical framework, four other attributes held significance however not quite as expected. This section documents how the systemic attributes of IO and state suasion held relevance, however not in the purely linear, positive or singular fashion frequently

destrucción de las armas químicas,” *Granma* (25:9, Wed 11 Jan 1989), 8, “Producirá EE.UU. nuevas armas químicas,” *Granma* (25:13, Mon 16 Jan 1989), 1.

¹⁶⁰ Anon, “Comenzó reunión,” 5, “En la firma de tratado de desarme,” *Granma* (29:11, Fri 15 Jan 1993), 6, “Partidaria Cuba de destrucción de las armas químicas,” *Granma* (25:9, Wed 11 Jan 1989), 8.

¹⁶¹ MINREX, “Ref. 111.7-6,” 1, Anon, “Declaración del Ministerio de Relaciones Exteriores de la Republica de Cuba,” *Granma* (20:105, Fri 4 May 1984), 6.

¹⁶² Letter to UNSG: MINREX, “RS 1829,” 1.

¹⁶³ Anon, “Suscribe Cuba convención sobre la prohibición de armas bacteriológicas,” *Granma* (8:89, Thu 13 April 1972), 6. Also: Solés, “Convención,” 77.

¹⁶⁴ Disarmament Affairs, *Yearbook*, 300-1.

¹⁶⁵ Solés, “Convención,” 77-8.

¹⁶⁶ MINREX, “RS/1319,” 1, Solés, “Convención,” 80-1, CD/PV.603,4, A/C.1/46/PV.10,7, Comité Ejecutivo del Consejo de Ministros, “De: Carlos Lage Dávila, A: Ministro Isidoro Malmierca Peoli, Ref: Convención para la prohibición de la producción, almacenamiento, uso y destrucción de armas químicas,” 21 August 1991, 1.

considered in norm diffusion theories. It then demonstrates the unexpectedly strong impact of both MNCs and high salience on norm endorsement. Yet despite such influence over norm diffusion, this analysis reveals that none of these attributes in fact engendered state socialisation as anticipated in socialisation literature.

4.3.a: Systemic Attributes

4.3.a.i: International Organisations

IOs played a crucial role in the development and Cuban endorsement of the international norm to eliminate CW according to relevant indicators, albeit not in the unilinear manner frequently characterised in norm literature. Certain international entities fostered the conducive normative environment, such as supportive UNSG statements and reports, which delegates, including Cuban, often referenced to promote norm progression.¹⁶⁷ However, the UNGA held the greatest exogenous IO impact on overall norm progress, with repeated resolutions calling for Geneva Protocol adherence,¹⁶⁸ and the 1978 UNGA First Special Session on Disarmament constituting “an important turning point in the efforts of the international community to put an end to the arms race and to create momentum which can set in motion a genuine process of disarmament.”¹⁶⁹ The Final Document specifically “emphasized that an agreement on the elimination of all chemical weapons should be conducted as a matter of high priority,”¹⁷⁰ and was reiterated by a range of CD delegates to promote CWC negotiations.¹⁷¹ Increasingly urgent and consensus-based UNGA resolutions annually renewed the CD CWC mandate,¹⁷² and were referenced by all delegates to hasten

¹⁶⁷ CD/PV.194,11, CD/PV.290,13, CD/PV.336,15, CD/PV.385,8, CD/PV.484,5-6, A/C.1/44/PV.15,13, CD/PV.248,7, CD/PV.31,31, Misión Permanente ante la Oficina de las Naciones Unidas, “RS-012- De: Embajador José Pérez Novoa, A: Ministro MINREX, Isidoro Malmierca,” 3 January 1990, MINREX, “RS 415- De: Viceministro Oscar Oramos Oliva, A: Ministro Isidoro Malmierca, Ref: Nota para ONU sobre derechos humanos,” 7 Mar 1990, URSS, “Memorándum,” 2, MINREX, “RS 1829,” MINREX, “Ref. 111.7-6,” 1-2.

¹⁶⁸ URSS, “Memorándum,” 2.

¹⁶⁹ CD Chair: CD/PV.1,8-9. Also: Müller, et al, “State,” 320, however 1982/1988 Special Sessions achieved little, according to Cuba: CD/PV.180,31, CD/PV.155,31, CD/PV.166,30, CD/PV.439,6, CD/PV.214,15.

¹⁷⁰ CD/PV.4,38.

¹⁷¹ Examples: CD/PV.8,25, CD/PV.9,19, CD/PV.17,6-7, CD/PV.22,5, CD/PV.23,5, CD/PV.26,10, CD/PV.28,24, CD/PV.31,12,29, CD/PV.166,30, CD/831,1.

¹⁷² A/C.1/39/PV.39,12, A/C.1/40/PV.39,23-27, A/C.1/41/PV.37,60-63, A/C.1/43/PV.36,6-7, A/C.1/44/PV.41,39-40,42, A/C.1/45/PV.34,3-7, A/C.1/45/PV.36,31-35, A/C.1/46/PV.30,9-13.

negotiations.¹⁷³ According to the Swedish representative, Hans Blix, “It is imperative to heed the annual resolutions by the United Nations General Assembly urging the CD to give the question of chemical weapons high priority. The CD, therefore, inherits a heavy responsibility to complete at last the work on a CW convention.”¹⁷⁴ The Cuban delegate concurred:

the Conference is, in our view, duty-bound to pay attention to the resolutions of the General Assembly. It is inadmissible that, year after year, the agreements reached in the Assembly, which reflect the attitudes and aspirations of the immense majority of the international community, should be cast aside. The Conference cannot operate in a vacuum. It must link its work with what is being demanded by that public opinion.¹⁷⁵

Yet it was the multilateral disarmament negotiating body of the CD that held the ‘but-for’ effect; without it, the CWC may not exist.¹⁷⁶ The CD - including its secretariat and AHC - garnered particular praise, including from Cuba, for resolving key issues, identifying consensus, formulating treaty text and consolidating the norm.¹⁷⁷ According to one delegate, the CWC “is undoubtedly the direct result of the Conference on Disarmament. This forum has provided new evidence of its ability to participate actively in laying down the foundations of world peace and security.”¹⁷⁸ Cuba certainly held the CD in high regard - undoubtedly in preference to unilateral US hegemony - noting upon CWC adoption “that, because of its multilateral nature, the Conference on Disarmament is the body that can and should conduct negotiations on disarmament matters.”¹⁷⁹

However, the CD may not have held quite such import without the CWC. For there was a symbiotic relationship between the IO and norm rarely considered in norm scholarship. The norm to eliminate CW justified the CD’s existence and secured its otherwise precarious credibility, just as much as the CD promoted the CWC. At each CWC delay, for example,

¹⁷³ Examples: CD/PV.4,38, CD/PV.29,23-31, CD/PV.152,24, CD/PV.166,26, CD/PV.193,43, CD/PV.236,41, CD/PV.244,18, CD/PV.303,25, CD/PV.337,29, CD/PV.453,13, CD/PV.481,7, CD/PV.535,15, CD/PV.617,7,18.

¹⁷⁴ CD/PV.2,50. Similarly: CD/PV.150,16.

¹⁷⁵ CD/PV.386,18. Also: A/C.1/41/PV.17,12,14-15, A/C.1/45/PV.21,32.

¹⁷⁶ The ‘but-for’ effect is a test in criminal and tort law to determine causation.

¹⁷⁷ Cuba: CD/PV.641,18. Others: CD/PV.215,30, CD/PV.262,35, CD/PV.271,25, CD/PV.337,25, CD/PV.343,10, CD/PV.353,26, CD/PV.383,4-5, CD/PV.416,8, CD/PV.485,8, CD/PV.530,9, CD/PV.617,14, CD/PV.635,30,34,49, Disarmament Affairs, *Yearbook*, 19, A/C.1/47/PV.42,37: “without a multilateral organ like the Conference its scope, the number of signatories and its usefulness as an instrument... would have been simply impossible.”

¹⁷⁸ A/C.1/47/PV.7,25.

¹⁷⁹ A/C.1/47/PV.14,28-29. Also: CD/PV.4,8-9, CD/PV.439,3-4,6, A/C.1/45/PV.21,31.

delegates lamented the negative effect *upon the CD*.¹⁸⁰ With CWC negotiations often the only avenue through which the CD claimed any semblance of success¹⁸¹ its reputation - if not the very existence of multilateral disarmament forums generally¹⁸² - became a prime CWC motivating factor.¹⁸³ According to the Australian delegate, for example, "Progress here in the next month towards a ban on chemical weapons is one of the achievements which could, in one stroke, both justify the existence of this Committee and constitute a tonic for the world."¹⁸⁴ Cuba concurred, constantly pushing for CWC progress to ensure CD credibility: the CD "is the only negotiating body freely established by the international community to carry out that task. It cannot constantly disappoint public opinion by failing to act on the topics of paramount importance."¹⁸⁵ Upon adoption, the AHC Chair announced that today "might be considered as one of the most important ones in the history of the Conference on Disarmament."¹⁸⁶ The norm to eliminate CW affirmed the CD as much as the CD consolidated the norm: the two needed each other for their very existence.

Finally, the prospect of future IO engagement and insider access to UN institutions provided impetus to Cuban CWC ratification. Cuba had presented at least two candidates to work within the Organisation for the Prohibition of Chemical Weapons (OPCW) by 1994, "whose contracts in all cases depend in the first place, on us ratifying the Convention."¹⁸⁷ In a private memo the Vice-Minister argued, "It is necessary that we ratify the Convention before the end of the year given if we do not... all possibility of Cuban functionaries working in the Secretariat will be lost."¹⁸⁸ Following Cuban ratification, the MINREX Minister told the UNSG of pride that "my country signed said Convention on 13 January 1993 in Paris and has

¹⁸⁰ Examples: CD/PV.31,53, CD/PV.225,6, CD/PV.200,11, CD/PV.243,22, CD/PV.466,9, CD/PV.310,49.

¹⁸¹ Such as: CD/PV.626,19-20, CD/PV.634,24, CD/PV.540,5, CD/PV.566,9, CD/PV.286,36, CD/PV.229,11, CD/PV.279,14, A/C.1/47/PV.42,103, A/C.1/39/PV.4,31,62,67, A/C.1/39/PV.15,4.

¹⁸² Per CD/PV.308,10, CD/PV.350,13, CD/PV.491,11, A/C.1/45/PV.50,26,31, CD/PV.484,31, CD/PV.606,23, CD/PV.227,25, CD/PV.274,11, CD/PV.391,22, CD/PV.436,29, CD/PV.457,42, CD/PV.540,9, Disarmament Affairs, *Yearbook*, 41, A/C.1/46/PV.31,12-3: "the future of multilateral arms control and disarmament is at stake."

¹⁸³ Per countless delegates: CD/PV.227,13, CD/PV.292,14, CD/PV.343,10-11, CD/PV.634,27, CD/PV.386,22, CD/PV.418,6, CD/PV.543,4, CD/PV.541,9, CD/PV.621,7, CD/PV.635,20,35: "what is at stake here is more than one disarmament agreement... the very capacity of the CD as the sole multilateral negotiating forum."

¹⁸⁴ CD/PV.153,15.

¹⁸⁵ CD/PV.336,38. Also: CD/PV.636,8,19, CD/PV.641,4,10, CD/PV.642,6, A/C.1/47/PV.14,27.

¹⁸⁶ CD/PV.635,7. Similarly: CD President: CD/PV.635,99, CD/PV.643,4.

¹⁸⁷ Viceministro, "RS/98," 1-2. Additionally: MINREX, "REF: SID 11.1.3- De: Robertico, A: Marcos," 8 December 1995, Viceministro, "De: Mary Flórez, Viceministra, A: Roberto Robaina, Ministro," 11 December 1995, 1.

¹⁸⁸ Viceministro, "RS/98," 1-2: "it will impact our future OPCW activity... countries that do not ratify the Convention and therefore, will not be parties to it, cannot occupy charges in the OPCW Secretariat."

come to work in a very active way in all the negotiating processes... occupying high responsibilities in its subsidiary organs.”¹⁸⁹ In accordance with relevant identifiers, IO impact on norm development and Cuban endorsement was high, albeit with slightly greater complexity than generally anticipated within extant analytical frameworks.

4.3.a.ii: State Suasion

State suasion was also pertinent to general and Cuban norm endorsement. However, in a twist rarely acknowledged in associated scholarship, it was neither all positive nor singular and, considered holistically, did not operate as a driver of socialisation. First, all CD member states impacted norm diffusion by expressing support, submitting Working Papers (WPs) and working on CWC negotiations.¹⁹⁰ Considering associated identifiers, the influence of certain players stood out, such as the United Kingdom, which tabled draft conventions, hosted expert symposiums, held AHC Chairmanship, submitted crucial WPs regarding verification, declarations and challenge inspections, and, according to the British Foreign Secretary “has taken a leading role in efforts to secure disarmament in this field.”¹⁹¹ Other influential states included the Federal Republic of Germany, which hosted workshops and provided instrumental WPs,¹⁹² the Netherlands, which arranged technical training workshops, important WPs, informal consultations and became the OPCW host,¹⁹³ Finland, which submitted the ‘Blue Book’ series of technical reports, offered OPCW laboratories, hosted workshops and provided Technical Secretariat training,¹⁹⁴ Norway, which regularly presented research programme results, text proposals, expert symposiums and training workshops,¹⁹⁵ Sweden, which offered highly-commended WPs, chaired the AHC and informal consultations, and proposed the integrated verification approach,¹⁹⁶ and Canada

¹⁸⁹ MINREX, “De: Jorge Bolaños Suárez, A: Dr Boutros Boutros-Ghali, Secretario General ONU,” 21 Oct 1995, 1.

¹⁹⁰ CD/PV.262,49.

¹⁹¹ CD/PV.241,15. Examples: CD/PV.633,6, CD/PV.337,29, CD/PV.280,18, CD/PV.202,16-17, CD/PV.165,10,15, 37, CD/PV.421,9-10, CD/PV.243,21, CD/PV.377,4, CD/PV.500,2-21, CD/PV.601,15, Robinson, “Origins,” 48-9.

¹⁹² Such as: CD/PV.5,34, CD/PV.30,6, CD/PV.266,7, CD/PV.279,16,20, CD/PV.550,18, CD/PV.601,14, CD/PV.175, 32, CD/PV.256,17-8, CD/PV.328,7-8, CD/PV.447,4, CD/PV.541,10, Becker-Jakob, et al, “Citizen,” 220-3.

¹⁹³ Including: CD/PV.8,21, CD/PV.150,21-2, CD/PV.179,12-3, CD/PV.240,15, CD/PV.258,35, CD/PV.272,19, CD/PV.626,16-8, CD/PV.347,26-7, CD/PV.611,10-2, CD/PV.211,15, CD/PV.575,5-7, Findlay, *Peace*, 16.

¹⁹⁴ Examples: CD/PV.195,46-7, CD/PV.235,30, CD/PV.272,17, CD/PV.346,8, CD/PV.419,4, CD/PV.481,2-4, CD/PV.516,5-7, CD/PV.599,8-12, CD/PV.626,16-8, Cuban praise: A/C.1/46/PV.10,7, Goodby, “Arms,” 277.

¹⁹⁵ Such as: CD/PV.160,36, CD/PV.267,8, CD/PV.623,14, CD/PV.364,12, CD/PV.419,6,18, CD/PV.594,10.

¹⁹⁶ Including: CD/PV.167,36-37, CD/PV.232,13, CD/PV.258,35, CD/PV.331,11, CD/PV.385,22, CD/PV.250,16, CD/PV.386,24, CD/PV.434,9, CD/PV.575,3, CD/PV.591,8, CD/PV.596,12, Becker-Jakob, et al, “Citizen,” 227-231.

and Poland, which both chaired the AHC, sponsored mandate UNGA resolutions and submitted important WPs.¹⁹⁷ According to Müller, these countries represented those “like-minded countries bridging the North-South gap (that) commit jointly to positions that recognize both the need to make the regime more effective and the appropriateness of satisfying the South’s justice claims.”¹⁹⁸

A further, unanticipated, aspect of state suasion was embodied by the 1989 Paris Conference, which represented collective positive state action beyond IO parameters. Described as a “major breakthrough” with “historic consensus,”¹⁹⁹ the Final Declaration urged the CD “to resolve expeditiously the remaining issues” to conclude the CWC,²⁰⁰ and was not only repeatedly praised for norm consolidation, but also served the CD “as a point of reference: we will be accountable in the coming weeks for the way in which we translate this political impetus into action.”²⁰¹ Although resonating domestically,²⁰² Cuban delegates remained sanguine internationally: “the influence of the political results of the meeting held in France early this year has not been felt, and that for that reason not much progress was made at Geneva.”²⁰³ This assessment proved accurate given the CWC was not adopted for another three years. The state bloc of the Non-Aligned Movement (NAM), represented by G21 delegates at the CD,²⁰⁴ reflected additional collective influence, given the NAM initiated the UNGA First Special Session, the original AHC proposal, and garnered frequent praise from Cuba for CW prohibition efforts.²⁰⁵ However, unlike the environmental norm case study (in chapter 6), NAM influence was limited here given lack of leverage: “Institutional

¹⁹⁷ Examples: A/C.1/47/PV.28,29, A/C.1/46/PV.30,8, A/C.1/45/PV.34,3, CD/PV.601,4, A/C.1/44/PV.39,3, A/C.1/43/PV.36,6, A/C.1/34/PV.10,14, A/C.1/36/PV.36,35, A/C.1/37/PV.37,31, A/C.1/38/PV.33,26, CD/PV.239,31, CD/PV.295,30, CD/PV.420,4, CD/PV.643,22, Becker-Jakob, et al, “Citizen,” 212-4.

¹⁹⁸ Müller, “Agency,” 363.

¹⁹⁹ UNGA First Committee President: A/C.1/44/PV.5,6, UNSG: A/C.1/44/PV.15,13. Also: Smidovich, “Russian,” 56: “This unprecedented forum” is “the most important contribution.”

²⁰⁰ CD/PV.484,5-6,10, CD/PV.532,5, CD/PV.485,8, CD/PV.487,4, CD/PV.491,5, CD/PV.488,21, CD/PV.509,4.

²⁰¹ French Foreign Minister: 4-5,14,20-23,29-31. Others that “regard this as a direct instruction to urgently redouble our efforts to resolve expeditiously the remaining issues and to conclude the convention at the earliest date”: CD/PV.486,14, CD/PV.485,5,8, CD/PV.487,4,14, CD/PV.540,9, CD/PV.489,4, CD/PV.495,2, CD/PV.499,3, CD/PV.532,23, CD/PV.545,15, CD/PV.617,7, CD/PV.529,3-4,10-4, CD/PV.531,13, CD/PV.546,3, CD/PV.588,12, CD/PV.548,12, CD/PV.585,6.

²⁰² Anon, “Partidaria Cuba,” 8, “Comprométense al no uso de armas químicas,” *Granma* (25:10, Thu 12 Jan 1989), 1.

²⁰³ A/C.1/44/PV.12,31. Similarly: A/C.1/44/PV.5,61, A/C.1/45/PV.34,6, A/C.1/45/PV.36,26.

²⁰⁴ Which Cuba occasionally co-ordinated: CD/PV.34,11-2.

²⁰⁵ Examples: CD/PV.1,9, CD/PV.22,5, CD/PV.26,10, CD/PV.28,24, CD/PV.29,32, CD/PV.31,13, CD/PV.26,11, CD/PV.323,17, CD/PV.28,25, CD/PV.29,7, CD/PV.29,40, CD/PV.31,12,29,39, CD/PV.163,22, CD/PV.184,30.

positions and power resources are distributed asymmetrically, limiting the opportunity for weaker parties to exert influence.”²⁰⁶ Solés thus subsequently rued, “the objective disparity that separated then and separates today countries of the South from those of the developed North and the different capacities they have to influence and determine world events.”²⁰⁷

Two individual countries, however, held particular positive impact over Cuban CW norm endorsement and came closest to operating as drivers of state socialisation. First, following the lead taken by its Foreign Minister at the individual level, Australia as a CD state delegation submitted multiple instrumental WPs, held subsidiary CD chairing duties and sponsored/introduced several UNGA resolutions urging CWC conclusion.²⁰⁸ Australia as a nation initiated the ‘Australia Group’ in 1985, that “brought together representatives of industrial nations which export certain relevant chemicals, to ensure that their industries were not associated, even inadvertently, with the production of chemical weapons,”²⁰⁹ hosted the 1989 government/industry Canberra Conference on chemical exports and the CWC²¹⁰ - praised for its success and significance in securing essential industry support²¹¹ - and was congratulated on its Chemical Weapons Regional Initiative, launched in 1988 to broaden CWC support and universality.²¹² Most importantly, however, Australian diplomats conducted a mini-world tour in 1992, consulting 33 CD delegation capitals to overcome final CWC hurdles and compile a model compromise draft convention.²¹³ Described by Senator Evans as “an accelerator for the vehicle” of the CD,²¹⁴ this penultimate draft was considered to “provide the necessary impetus and make a catalytic contribution to our collective efforts to conclude the chemical weapons convention this year.”²¹⁵

²⁰⁶ Müller, et al, “Regime,” 74.

²⁰⁷ Solés, “Convención,” 33-34.

²⁰⁸ Examples: CD/PV.225,31, CD/PV.232,13, CD/PV.271,21-3, CD/PV.357,22-24, CD/PV.441,18, CD/PV.554,30, CD/PV.571,15, CD/PV.618,6, A/C.1/42/PV.37,2-8,A/C.1/45/PV.34,8,A/C.1/46/PV.30,13-8, Goodby, “Arms,” 277.

²⁰⁹ CD/PV.492,13. Also: Kelle, “Power,” 404, Morel, “Verifiability,” 220.

²¹⁰ CD/PV.492,12-13, CD/PV.508,24.

²¹¹ Including: CD/PV.508,9,23-4, CD/PV.525,4, CD/PV.545,7, CD/PV.541,9, CD/PV.548,12, CD/PV.588,12, CD/PV.617,7, A/C.1/44/PV.39,3, A/C.1/44/PV.5,6, CD/PV.532,5, Solés, “Convención,” 33, Will Carpenter, “Perspective of the Western Chemical Industry” in Morel, Olsen, *Shadows*, 117, *Yearbook*, 19.

²¹² CD/PV.508,25, CD/PV.516,5, CD/PV.543,5, CD/PV.613,13, CD/PV.617,35, CD/PV.626,4-5, Findlay, *Peace*, 8-9.

²¹³ CD/PV.617,7-16,52, CD/PV.626,4, Findlay, *Peace*, 15-16.

²¹⁴ CD/PV.617,14.

²¹⁵ Sri Lanka: CD/PV.617,25,29. Others: 16-17,31-52, CD/PV.619,6,27-28,33, CD/PV.620,10-11, CD/PV.621,9, CD/PV.623,6-7,14, CD/PV.635,34,45, CD/PV.636,24-25, Morel, Olson, “Introduction,” xviii.

Crucially, for the purpose of this study, Australia also directly impacted Cuban decision-making. In addition to detailed analysis of the Australian draft treaty by the Cuban Working Group on CW,²¹⁶ and directly reflecting relevant indicators, MINREX archives confirm the visit of an Australian Ambassador to Havana in August 1992 which successfully secured Cuban CWC support. The Ambassador appeared to convince Cuba to accept preambular provisions regarding herbicides, rather than operative text recognition as previously demanded,²¹⁷ delivered the Australia Group Declaration, which promised to review export control measures in response to Cuban and G21 demands “with the aim of removing such measures for the benefit of States parties to the convention,”²¹⁸ and submitted Senator Evans’ letter seeking CWC endorsement to the MINREX Minister.²¹⁹ Given Cuba became a CWC signatory party upon opening for signature, this direct state suasion presents positively.

Second, as a CW-possessing close-ally and superpower, the USSR embodied a critical state in relation to both general and Cuban norm endorsement. The USSR submitted numerous WPs, suggestions and proposals, including the 1982 basic provisions draft treaty and 1983 CW production freeze; made several notable concessions - described as “breakthroughs”²²⁰ - in key areas including mandatory international on-site inspections, prohibition of use, declaration/destruction of stocks, and non-production verification; hosted an international CW destruction demonstration; provided and promoted declarations in the spirit of *glasnost* from 1988; pushed for extra AHC sessions to conclude negotiations quickly; and proffered key pronouncements such as “that chemical weapons be completely eliminated by the end of this century” in 1986, and unilateral stockpile

²¹⁶ MINREX, “RS-2865,” 1-6.

²¹⁷ 4.4.b.iii: Feedback Loop, MINREX, “RS/18-1067- De: Director Asuntos Multilaterales, Pedro Núñez Mosquera, A: Ministro Ricardo Alarcón, AST: Entrevista con Embajador de Australia en Cuba,” 12 August 1992, 1, CD/PV.286,31, MINREX, “RS 434,” 1-2: “his government understands our preoccupation with the question of chemical herbicides use as a weapon of destruction, but consider it already dealt with in ENMOD... I replied that for us the military use of herbicides was very important, exemplified by what happened in the Vietnam War... However, I promised the matter would be studied with great interest from a friendly country.”

²¹⁸ CD/PV.629,17. Also: CD/PV.635,5,11, Roberts, “CWC,” 6, MINREX, “RS 434,” 3.

²¹⁹ MINREX, “RS 434- De: Ricardo Alarcón, A: Dr. Carlos Rafael Rodríguez,” 17 August 1992, 1-2.

²²⁰ A/C.1/37/PV.37,53, CD/PV.244,15, CD/PV.249,10, CD/PV.389,3.

elimination undertakings in 1989.²²¹ According to its delegate, the “position of the Soviet Union with respect to chemical weapons is clear and unequivocal: the Soviet Union was one of the initiators of the proposal for the complete prohibition of chemical weapons and it has done and is continuing to do everything in its power in any forum.”²²² According to Cuba, the proposals from “the Soviet Union are so momentous that they cannot be ignored and the apparent headway being made in the negotiations to ban chemical weapons fosters some hope of arriving at a satisfactory agreement.”²²³

MINREX archives reveal additional, targeted suasion by the USSR over Cuba. As early as 1969 the USSR privately and successfully elicited Cuban support for the socialist UNGA CWC proposal,²²⁴ and in 1971 Cuba supported inclusion of a CW abstinence article in the draft Soviet CBW.²²⁵ Publicly, a 1972 joint USSR/Cuba statement “pronounced in favour of efforts for the achievement as soon as possible of a respective agreement for the prohibition and destruction of chemical weapons,”²²⁶ while *Granma* frequently lauded USSR proposals and announcements in support of CW prohibition at the CD.²²⁷ USSR influence was so strong that in 1981 the US contended that “In the 264 votes during the thirty-sixth session of the General Assembly when the Soviet Union was present and voted, Cuba cast its vote with Moscow 90.9 per cent of the time... So much for the independence of thought and national positions of countries such as these.”²²⁸ Such suasion continued, with Cuban diplomats

²²¹ CD/PV.341,8. Including: CD/PV.165,10, CD/PV.178,23-30, CD/PV.188,10-4, CD/PV.191,15, CD/PV.235,19-24, CD/PV.254,28, CD/PV.351,20, CD/PV.389,4-7, CD/PV.405,18, CD/PV.441,19, CD/PV.495,2, CD/PV.536,7, CD/PV.574,12, A/C.1/38/PV.13,12-6,29-30, Smidovich, “Russian,” 57-62, Müller, et al, “Winds,” 149.

²²² CD/PV.166,34. Other praise: CD/PV.176,8-37, CD/PV.179,10-13, CD/PV.187,14,24, CD/PV.409,5, CD/PV.202,15, CD/PV.197,9,14, CD/PV.258,35, CD/PV.286,23, CD/PV.365,6, CD/PV.458,11,15, CD/PV.500,18, CD/PV.385,32, A/C.1/37/PV.20,29-30,53, Fey, “Established,” 166-79, Robinson, “Origins,” 50, Findlay, *Peace*, 6: USSR “established precedents for the CWC and enticed the US into what became a chemical disarmament race.”

²²³ CD/PV.336,37. Also: A/C.1/41/PV.17,17, CD/PV.336,38.

²²⁴ URSS, “Memorandum,” 1, A/C.1/37/PV.20,46, Anon, “Apoya Cuba Proyecto en la ONU sobre la Cuestion de las Armas Químicas,” *Granma* (5:289, Wed 3 Dec 1969), 6, Robinson, “Origins,” 49.

²²⁵ MINREX, “Ref: 111.1.22,” 1, A/C.1/40/PV.26,14-15.

²²⁶ Anon, “Comunicado Conjunto Cubano-Sovietico con Motivo de la Visita del Compañero del Castro a la Union Sovietica,” *Granma* (8: 161, Thu 6 July 1972), 6.

²²⁷ Jose Guma, “Comienza mañana Conferencia de Ginebra para el Desarme,” *Granma* (21:29, Mon 4 Feb 1985), 8, Anon, “Comenzó en Ginebra,” 8, Anon, “Propone la URSS programa concreto de eliminación de armas nucleares en todo el mundo,” *Granma* (22:12, Thur 16 Jan 1986), 1, Anon, “Declaración de Mijail Gorbachov,” *Granma* (22:12, Thur 16 Jan 1986), 5, Anon, “Inician la URSS y EE.UU conversaciones sobre control y eliminación de las armas químicas,” *Granma* (22:23, Wed 29 Jan 1986), 8, Ramon Martinez, “Comenzará la URSS en este año la destrucción unilateral de sus arsenales químicos,” *Granma* (25:7, Mon 9 Jan 1989), 8, Ferrer, “Haz lo que digo,” 7, Anon, “Producirá EE.UU. nuevas armas químicas,” 1.

²²⁸ A/C.1/37/PV.18,51.

reporting USSR updates and recommendations for Cuba to follow suit,²²⁹ and private missives from the Soviet Ambassador direct to President Castro enlisting support for the 1989 Paris Conference:

We consider that steps for the convocation and realisation of the International Conference must have a serene character, of no confrontation... The Conference must constitute a serious step on the path towards earliest agreement of the Convention and the complete and global prohibition of CW... We express hope that Cuban friends support our focus towards this problem.²³⁰

The USSR also held influence, both generally and indirectly upon Cuba, through its bilateral negotiations with the US, which paralleled, and were considered of great import to, CD CWC efforts.²³¹ Despite some breakthroughs that generated Cuban praise,²³² many delegations rued the CD's over-reliance upon bilateral outcomes, denouncing their attachment "like juridical artificial limbs to the general text of the convention, generating a two-track method of negotiation" that was considered "harmful" as such "hierarchies" "legitimize an implicit veto," especially given the "CW issue is not of a specifically bilateral nature."²³³ CD deliberations frequently stalled whilst ostensibly awaiting bilateral progress,²³⁴ and many delegations, including Cuba, berated the slow pace, repeated breakdowns, resulting deadlocks and negative effect of this bilateral suasion over the CWC.²³⁵ Brazil, for example, lamented that "In such a climate, prospects for the early conclusion of a convention seem very slim" and make for a "rather grim assessment of the results of (this) session."²³⁶ Remarkably, even bilateral *consensus* impeded the CWC. At the

²²⁹ Misión Permanente ante la Oficina de las Naciones Unidas, "De: Embajador José Pérez Novoa, A: Ministro MINREX, Isidoro Malmierca, Nota No. 165," 27 February 1990, 1.

²³⁰ Partido Comunista de Cuba Comité Central, "A: Comandante en Jefe Fidel Castro Ruz, De: Jorge Risquet Valdés, Asunto: Conferencia sobre la prohibición del uso del arma química," 12 October 1988, 3.

²³¹ Including by Cuba: CD/PV.168,16, Anon, "Inician la URSS y EE.UU conversaciones," 8, and others: CD/PV.2,60, CD/PV.5,16,24, CD/PV.547,4-5, CD/PV.22,5-6, CD/PV.195,48, CD/PV.31,18,20, CD/PV.551,4-5, CD/PV.292,15.

²³² Including CWC conclusion and stocks destruction commitments, glasnost and a CD negotiating environment increasingly "free of polemics": CD/PV.339,22,33,39, CD/PV.347,24, CD/PV.351,20, CD/PV.555,16, CD/PV.342, 9,15,33, CD/PV.386,4, CD/PV.525,3,20, CD/PV.588, 12, CD/PV.541,14-15, CD/PV.350,12-3, CD/PV.484,25. Cuban praise: A/C.1/43/PV.17,42-3,51-2, A/C.1/44/PV.12,27,31, CD/PV.439,2, Solés, "Convención," 31,33.

²³³ CD/PV.558,5, CD/PV.6,15,50, CD/PV.566,8, CD/PV.28,19,25, CD/PV.29,7,31, CD/PV.31,29-39, CD/PV.189,22.

²³⁴ For example: CD/PV.31,21-4.

²³⁵ Cuba: CD/PV.168,16. Others: CD/PV.31,35,42, CD/PV.199,16, CD/PV.287,15, CD/PV.202,22, CD/PV.323,20, CD/PV.308,24-5, CD/PV.282,9, CD/PV.286,23, CD/PV.306,27, CD/PV.588,12, CD/PV.284,12, CD/PV.239,25, CD/PV.284,17, CD/PV.323,21-5, A/C.1/36/PV.42,13, A/C.1/34/PV.10,41, A/C.1/38/PV.6,66, CD/PV.2,37.

²³⁶ CD/PV.169,26-7. Others: CD/PV.323,17, CD/PV.176,10, CD/PV.194,20, CD/PV.236,34, Iran: CD/PV.262,10: "long and inconclusive" bilats are "hypocritical measures taken by the super-Powers, as the main producers of CW, in order to deceive world public opinion and evade their own direct responsibility for the use of CW."

clasp of broad CWC acquiescence, a 1990 US/USSR joint agreement endorsed a CWC that incorporated new caveats and pandered to US demands that it was “essential that the United States retain the right to retaliate in kind to a chemical weapon attack.”²³⁷ Countless delegations, including Cuba, outright rejected these exemptions to an otherwise complete and comprehensive global CW prohibition.²³⁸ The result was an additional two year delay to CWC adoption.²³⁹ As Cuba observed:

for many years there were obstacles which delayed our negotiations for the conclusion of the convention, among them the insistence on the right to retaliation and on the retention of 2 per cent of chemical arsenals. We feel satisfied that these obstacles have now disappeared, and we would be even more satisfied if this had been the result of the multilateral negotiations in the (CD) and not the outcome of bilateral agreements.²⁴⁰

State suasion in the form of bilateral consultations between the two critical states thus delayed and hindered adoption of the international norm to eliminate CW as represented in the CWC, thereby holding negative impact, including over Cuban endorsement and potential state socialisation.

Yet it was the other half of that bilateral suasion that held the greatest individual state influence over CWC negotiations and Cuban responses, although not necessarily in a positive manner. While scholarship often credits the US as “instrumental in negotiating this agreement,”²⁴¹ a detailed analysis of CWC negotiations and Cuban responses reveals a distinctly negative immediate impact in what may be termed reverse state suasion: when state actions or decisions in fact disincentivise or delay norm endorsement. Despite positive public pronouncements, and some productive WPs, workshops and declarations,²⁴² the US rejected treaty text negotiation proposals and majority demands for AHC mandate extensions and international inspection trials, despite UNGA resolutions, the Paris Final

²³⁷ CD/PV.535,13. See also: CD/PV.534,13, CD/PV.538,13, CD/PV.567,12, Smidovich, “Russian,” 65, Robinson, “Origins,” 50, Müller, et al, “Regime,” ” 69.

²³⁸ Cuba: CD/PV.603,4, A/C.1/45/PV.21,33, Comité Central, “Re: 3/32,” 3. Others: CD/PV.548,17, CD/PV.551,5,9, CD/PV.570,34, CD/PV.571,12, CD/PV.588,12, CD/PV.627,3, CD/1046,235, CD/PV.567,10.

²³⁹ CD/PV.591,12, CD/PV.597,3, CD/PV.602,7, CD/PV.592,12-15.

²⁴⁰ CD/PV.603,3. Similarly: MINREX, “RS/1319,” 2, A/C.1/46/PV.10,5. Others: CD/PV.595,5,20-21, CD/PV.596,3, CD/PV.597,15, CD/PV.598,2, CD/PV.605,17, Robinson, “Origins,” 50-51, Findlay, *Peace*, 7.

²⁴¹ Bloom, “Editorial,” 179. Similarly: Findlay, *Peace*, 6-7, Kelle, “Power,” 405.

²⁴² President Reagan: CD/PV.152,13. Vice-President Bush: CD/PV.191,11-2, CD/PV.244,22. US CD delegates: CD/PV.155,15, CD/PV.166,9, CD/PV.193,13, CD/PV.484,18-9, CD/PV.506,11, CD/PV.591,11, CD/PV.617,7, CD/PV.491,5, CD/PV.193,33-6, CD/PV.241,26-7, CD/PV.274,10,13, CD/PV.201,13-4.

Declaration, and majority CD delegation demands otherwise.²⁴³ The US recommended “resist(ing) the temptation to rush to signature by passing over the details,”²⁴⁴ and became the solitary state to repeatedly vote against UNGA resolutions that condemned the production of binary weapons and encouraged CWC negotiations.²⁴⁵ Many initiatives under the Reagan administration in fact delayed CWC agreement, attracting allegations they were deliberately designed to do so to justify the US binary weapons programme.²⁴⁶ Robinson, for example, records “it had seemed, even to the less cynical observers, as though the chief function of the all-important American participation in the talks was to justify to the US Congress the Reagan Administration's long-running quest for authority and funding to modernise the US chemical weapons arsenal by acquiring the newly developed 'binary munitions'.”²⁴⁷ Although potentially, inadvertently, propelling negotiations given increased proliferation concerns,²⁴⁸ the common reaction to the US development programme was concern over chemical arms race acceleration and CWC failure.²⁴⁹ Describing it “a tiresome farce,” the Iranian delegate, for example, asked:

How is one to believe that the United States, which has allocated to chemical weapons some several billion dollars by 1987 and some eight more billion dollars for the following five years, really means what it says concerning the need for the prohibition of chemical weapons... The vast gap between words and deeds has made the climate of international meetings gloomy and bleak.²⁵⁰

Cuba concurred, affirming that the “appearance of this new type of (binary) chemical armament will greatly complicate the achievement of the proposed instrument and will make the negotiation process concerning that instrument even more difficult.”²⁵¹ Cuba thus

²⁴³ US rejection: A/C.1/34/PV.42,42, A/C.1/36/PV.34,21, CD/PV.436,48, CD/PV.574,18-9, CD/PV.605,16, CD/PV.512,4-5. Cuban calls: CD/PV.439,4, A/C.1/44/PV.12,31. Others: CD/PV.438,14-5, CD/PV.450,11, CD/PV.529,10-14, CD/PV.490,9, CD/PV.535,11-14.

²⁴⁴ CD/PV.478,7. Similarly: Findlay, *Peace*, 7.

²⁴⁵ A/C.1/36/PV.42,27-8, A/C.1/37/PV.20,47, A/C.1/37/PV.42,18-20, A/C.1/39/PV.46,78-80.

²⁴⁶ Several condemned hardening, if not regressing, US proposals “known to be unacceptable to us and which in some cases have a quite unrealistic and demagogic character”: A/C.1/38/PV.13,11-2, A/C.1/39/PV.23, CD/PV.243,25-6, CD/PV.235,18-21, CD/PV.253,29, CD/PV.394,8, CD/PV.418,17, CD/PV.448,8-9, CD/PV.198,8.

²⁴⁷ Robinson, “Origins,” 50. Also, Goodby, “Arms,” 263-4, Sweden: CD/PV.150,26: “it is not acceptable that such negotiations be used as a smokescreen for the production of new chemical weapons.”

²⁴⁸ E.g: CD/PV.154,14-5, CD/PV.169,16,34, CD/PV.207,12, CD/PV.453,13-4, CD/PV.360,16, CD/PV.446,25-6.

²⁴⁹ E.g: CD/PV.201,13, CD/PV.359,8-9, CD/PV.309,10-5, CD/PV.419,18, CD/PV.166,35-7, CD/PV.314,15, CD/PV.360,20-4, CD/PV.179,10, CD/PV.229,11.

²⁵⁰ CD/PV.242,8. Similarly: CD/PV.262,11, CD/PV.418,16, CD/PV.377,15.

²⁵¹ CD/PV.163,22. Also: A/C.1/42/PV.43,82, A/C.1/41/PV.17,12, A/C.1/40/PV.39,29, A/C.1/37/PV.18,6, CD/PV.168,14-6, A/C.1/38/PV.6,72, CD/PV.439,4, CD/PV.180,32: “a new obstacle in the way of negotiations on this important topic jeopardised all that had been achieved in earlier years... binary weapons.”

co-sponsored a series of UNGA resolutions calling for “refrain from any action which could impede negotiations... and specifically to refrain from production and deployment of new types of chemical weapons, including binary weapons.”²⁵²

Similarly, despite prevailing narratives that CWC “negotiation gradually got under way, impelled partly by the submission from the United States of a new draft treaty,”²⁵³ the 1984 draft US treaty actually stalled negotiations, proving “unacceptable not only for the Soviet Union but also for a significant number of States.”²⁵⁴ In the shadow, once again, of the Vietnam legacy, Cuba rejected the draft given the omission of herbicides,²⁵⁵ arguing that it “only tries to serve the base justification of growth of US capacity in this sphere. It also constitutes blackmail, via which it attempts to pressure socialist countries, progressives and all peace loving forces to accept ignominious yankee impositions.”²⁵⁶ The key impediment to CWC negotiations had previously been US insistence on mandatory on-site international inspections,²⁵⁷ however the 1984 draft treaty took the concept further by introducing the ‘open-invitation’ verification concept: “a mutual obligation to open for international inspection on short notice all of its military or government-owned or government-controlled facilities.”²⁵⁸ Although welcomed by some,²⁵⁹ and considered a ‘fillip’ in scholarship,²⁶⁰ the USSR, Cuba, and allies, rejected what they considered a blatantly unacceptable condition that manipulated verification as obfuscation “to block the negotiations”²⁶¹ - “putting forward demands on unimpeded access to the territories of other States to continue to block the achievement of agreement on a chemical weapons ban.”²⁶² According to Cuba:

we are very far from being in a serious negotiating process, very far from replacing demagogic rhetoric and propaganda devices with specific achievements... It is due to the warlike behaviour of a great Power, the United States... What now needs to be examined

²⁵² A/C.1/36/PV.35,6, A/C.1/37/PV.42,16-20, A/C.1/41/PV.37,67-8.

²⁵³ Robinson, “Origins,” 50.

²⁵⁴ CD/PV.287,9,19. Also: CD/PV.309,29-30, CD/PV.323,14, CD/PV.298,11, CD/PV.318,20, CD/PV.323,9,17, CD/PV.350,10, A/C.1/39/PV.23,46. Cuba: CD/PV.261,8, CD/PV.336,38-9: CD became “virtually paralysed.”

²⁵⁵ CD/PV.178,9. Others: CD/PV.603,19, CD/PV.207,17, CD/PV.367,7, CD/PV.400,14, CD/PV.477,24.

²⁵⁶ Anon, “Declaracion,” 6. Other examples: CD/PV.194,24, CD/PV.262,22,39-40, CD/PV.259,13, CD/PV.286,23.

²⁵⁷ US: CD/PV.191,9,13, CD/PV.222,16-7, CD/PV.236,27, CD/PV.284,16, CD/PV.504,9. Responses: CD/PV.166,39, CD/PV.199,10, CD/PV.227,25, CD/PV.275,15-6, CD/PV.377,4.

²⁵⁸ CD/PV.260,11-2. See also: CD/PV.262,16-7, CD/PV.338,7, CD/PV.403,5, CD/PV.504,9, Roberts, “CWC,” 5.

²⁵⁹ Western allies: CD/PV.262,25,36-7,50, CD/PV.322,26, CD/PV.271,27, CD/PV.282,15, A/C.1/39/PV.27,7.

²⁶⁰ Findlay, *Peace*, 3.

²⁶¹ CD/PV.260,17,23, CD/PV.290,26-7, CD/PV.262,39, A/C.1/39/PV.27,13-7, CD/PV.315,11, CD/PV.323,24.

²⁶² CD/PV.262,22. Demands ‘unrealistic’, ‘discriminatory’, ‘flawed’: CD/PV.280,8, CD/PV.306,16, CD/PV.358,26, CD/PV.287,19, A/C.1/39/PV.21,13-7, A/C.1/39/PV.20,17, A/C.1/39/PV.23,31.

is whether the draft is a serious document or a text with hidden pitfalls designed precisely to prevent it from being adopted.²⁶³

Goodby agreed, noting “US negotiators set out to sell their counterparts in the (CD) a verification scheme that, long experience had taught, had no chance of acceptance by the nation to which the scheme was plainly addressed - the Soviet Union - and was also impractical to the point of being utopian. As the scale of the American verification demands became clear, hesitations about the ‘anywhere, anytime’ principle grew into a major obstacle.”²⁶⁴ Yet even when the USSR conceded open-invitation verification in 1987, the US reneged, delaying progress even further.²⁶⁵ CWC verification mechanisms were not translated into agreed treaty text until the very conclusion of negotiations in 1992.²⁶⁶ The US hindered CWC negotiations, deferring norm endorsement by and potential socialisation of Cuba, in a type of reverse state suasion.

However, US recalcitrance had a secondary effect upon Cuban norm endorsement, this time through what may be labelled ‘indirect inverse state suasion’: norm endorsement as a response to other state recalcitrance. Although rarely recognised in associated commentary or scholarship, it was the US that represented the CW threat for Cuba. In a revealing analysis on the history of CW prohibition, for example, Solés focused almost exclusively on US engagement with and policy regarding CW: President Nixon’s 1969 no-first-use announcement, 1975 Geneva Protocol ratification, 1975 declaration on herbicides as a method of war, 1980s research and development programmes, the 1984 draft convention, and 1990s technological advances.²⁶⁷ Indeed, “no State in the world in the whole history of mankind has used chemical weapons on such a scale as the United States.”²⁶⁸ Cuban efforts

²⁶³ CD/PV.261,7-8: “it cannot serve as a smokescreen to conceal the lack of constructive dialogue.” Also: CD/PV.351,1, CD/PV.198,37, A/C.1/41/PV.17,17-20, A/C.1/37/PV.18,2-3, CD/PV.168,15: US “intended to give the impression that the objective sought is the strengthening of defence, when in fact it is to force negotiation from positions of strength,” “in line with the general strategy of imperialism.”

²⁶⁴ Goodby, “Arms,” 264.

²⁶⁵ CD/PV.428,3-5, CD/PV.450,11, Müller, et al, “Regime,” 71, Roberts, “CWC,” 5, Smidovich, “Russian,” 61, Morel, “Verifiability,” 221, Goodby, “Arms,” 265, Fey, et al, “Established,” 165,170, Robinson, “Origins,” 50-1: “United States was retreating from it, apparently seeking to protect its supersecret technology development programs in non-CBW military areas from liability to international inspection under the chemical treaty.”

²⁶⁶ Findlay, *Peace*, 8, Robinson, “Origins,” 51, Krutzsch, et al, “Introduction,” 8.

²⁶⁷ Solés, “Convención,” 94-8.

²⁶⁸ USSR: CD/PV.166,40. Others: CD/PV.191,16, CD/PV.196,20, A/C.1/37/PV.20,48-50, A/C.1/37/PV.57,56-7, A/C.1/38/PV.13,2-5, A/C.1/39/PV.30,21, A/C.1/40/PV.26,14-5.

in the CD focused deliberately on quelling this threat: “We have a firm proposal of continuing to fight decisively against the North American aggressors, revealing their intentions to legalise use of chemical weapons, including herbicides and defoliants, concentrating efforts on the signing of the Geneva Protocol and attaining strict compliance with its dispositions.”²⁶⁹

Yet the threat was considered much more direct. In July 1981 Castro publicly accused the US of waging a bacteriological war against Cuba,²⁷⁰ prompting a stream of government statements and press articles highlighting US CW investment.²⁷¹ *Granma* reported, for example, that when a purported ex-CIA agent was “Asked about the possibility that some of the plagues and illnesses that affected Cuba during the previous years was a product of use, on the part of the US, of chemical and bacteriological weapons, Wolf admitted such possibility.”²⁷² For this explicit reason, Cuba publicly supported general disarmament efforts and MINREX paid minute attention to US CWC commitments, with multiple annotated reports querying specific US undertakings. Most importantly, in the early 1990s, Cuban decision-makers came to realise that the CWC in fact provided the very solution they needed.²⁷³ “We must fight to guarantee that all possessors of chemical weapons are among the first signatories to the Convention,”²⁷⁴ given the CWC:

oblige the possessors of chemical weapons to disarm themselves, including the paradigmatic enemy, the US... Without doubt, the chemical disarmament of the US is in concordance with the strategic interests of the Cubans... Cuban denunciations regarding suspicions of pig fever and successive outbreaks of dengue and sicknesses that affected

²⁶⁹ MINREX, “Memorandum,” 2-3. Also: MINREX, “RS/18-1067,” 2, Quiñones, “Los planes Yankis (IV),” 2.

²⁷⁰ Anon, “Repercusión ante denuncia de Fidel Castro sobre sospechas de que EE.UU. desarrolla guerra bacteriológica contra Cuba,” *Granma* (17:177, Tue 28 July 1981), 5.

²⁷¹ Juan Marrero, “La Muerte Química,” *Granma* (18:37, Mon 15 Feb 1982), 6, “Propaganda Mentirosa,” *Granma* (18:38, Tue 16 Feb 1982), 6, Quiñones, “La barbarie química,” 2, Anon, “Realiza experimentos bacteriológicos el ejército de EE.UU,” *Granma* (20:286, Wed 5 Dec 1984), “Trasladará el ejército yanki, de Colorado a Utah, 900 bombas de gas nervioso,” *Granma* (17:177, Tue 28 July 1981), 5, “Suministran al Extranjero Corporaciones químicas yankis producción peligrosa para la Salud y la Vida de las Personas,” *Granma* (17:177, Tue 28 July 1981), 5, “Producirá EE.UU. una nueva arma química letal,” 7.

²⁷² Alberto Rabilotta, “Afirma ex agente de la CIA que esa agencia está reactivando y poniendo en marcha su aparato para actuar contra Cuba,” *Granma* (17:177, Tue 28 July 1981), 5. See also: Anon, “Declaración del Gobierno Revolucionario de Cuba,” *Granma* (17:215, Wed 9 Sept 1981), 1.

²⁷³ CD/PV.603,3, Misión Permanente ante la Oficina de las Naciones Unidas, “De: Embajador José Pérez Novoa, A: Ministro MINREX, Isidoro Malmierca, Nota No. 185,” 28 February 1990, 5-11, MINREX, “Memorandum,” 2-3, Misión Permanente, “RS/338,” 2, MINREX, “RS-297,” 1, MINREX, “RS/18-1067,” 1-2, MINREX, “RS 434,” 1-2, Misión Permanente, “RS-260- De: Embajador José Pérez Novoa, A: Ministro MINREX, Isidoro Malmierca,” 26 March 1990, 1, Misión Permanente, “R/S No. 563,” 2.

²⁷⁴ MINREX, “RS-2865,” 2. Similarly: Comité Central, “Re: 3/32,” 3.

and have prejudiced its economy and population, are a consequence of the hostile activity of the US. In these circumstances, the adequate application of the Convention constitutes a gesture of transparency for Cuba that also pays tribute to its national security.²⁷⁵

Cuba's statement in the final official AHC report therefore announced: "There is no doubt that postponement of the approval of this (CWC) text in the current circumstances of unilateral hegemony in the United Nations system could have unforeseen adverse consequences."²⁷⁶ Furthermore, the delay between Cuban CWC signature and ratification aligned almost directly with that of the US.²⁷⁷ The threat to Cuba originated not with general CW use, proliferation nor commonly referenced rogue states, but with the US. Endorsement of the norm to eliminate CW helped Cuba constrain US preponderance.

The norm was ultimately viewed by Cuba as alleviating two additional elements of perceived US recalcitrance as well. The first pertained to Guatánamo. Although Cubans did not achieve their goal of "dismantling foreign military bases"²⁷⁸ via the CWC, they came to appreciate it could nevertheless provide reassurance by at least banning CW within BNG: "While usurping the Bay of Guantánamo, the US government will be obliged to exclude chemical weapons from it completely. We hope that this government and the rest of the signatories comply comprehensively to this condition."²⁷⁹ The CWC also offered rare potential for BNG transparency, with expert Cuban analysis insisting that requirements for detailed installations' declarations 'be maintained without ceding'.²⁸⁰ Most crucially, the CWC offered an opportunity for direct Cuban access into BNG via challenge inspections.²⁸¹ Cuba resolved:

we must demand that the entrance to the Base for any (OPCW) inspection team is through points of entry from Cuban territory defined by our Government; maintain the

²⁷⁵ Solés, "Convención," 78-81. Also: MINREX, "RS/1319," 1.

²⁷⁶ CD/1170,18. Also: CD/PV.603,4, A/C.1/46/PV.10,7.

²⁷⁷ Viceministro, "RS/98," 1: "we hold the disposition to (ratify) after US ratification," Viceministro de Relaciones Exteriores, "RS/519- De: Eumilio Caballero, Director DAM, A: Fernando Ramírez, Ministro," 9 March 1995, 2, MINREX, "De: Jorge Bolaños Suárez, A: Dr Boutros Boutros-Ghali," 2: Once US and Russia "have ratified said Convention, Cuba will adopt corresponding measures to ensure universality."

²⁷⁸ CD/PV.4,12.

²⁷⁹ Anon, "En la firma de tratado de desarme," 6. Similarly: Anon, "Sostiene Alarcón entrevistas en Francia," *Granma* (29:12, Sat 16 Jan 1993), 6: MINREX Minister "demanded that the north american administration exclude CW from (BNG), speaking before the convention on the prohibition of that ammunition."

²⁸⁰ Misión Permanente, "De: Embajador José," Viceministro de Relaciones Exteriores, "RS/286 -De: Eumillio Caballero, A: Roberto Robaina, Minister," 10 February 1994, 1-2, MINREX, "RS/1319," 2.

²⁸¹ Australian Ambassador: MINREX, "RS/18-1067," 2.

right to name an observer to represent the Cuban State during the visit; and receive the report made by the referenced inspection team resulting from their labour. This is a right that Cuba holds given the Base is located in our territory and we must not renounce it.²⁸²

The final leverage presented by the CWC for Cuba against the US ironically resulted from the CWC's deliberate incorporation of economic blackmail. Cuba valued chemical industry development highly,²⁸³ yet continued to suffer under US sanctions.²⁸⁴ Securing economic and industrial development undertakings within the CWC was therefore a priority for Cuba. In an internal Central Committee memo, one of four key priorities was the "necessity that the Convention does not limit the commerce and development of the chemical industry nor the commercial operations of chemical substances whose use is not explicitly prohibited by the Convention."²⁸⁵ Cuba, alongside G21 colleagues,²⁸⁶ vigorously pursued CWC provisions to ensure international economic cooperation, guarantee unimpeded access to scientific and technological advancements, and secure rights to unfettered industry development for peaceful purposes: "there should not be any additional verification machinery that could in practice establish a dual legal regime to monitor trade in chemicals for purposes permitted by the convention... economic and technological development of States parties should not be adversely affected under any circumstances."²⁸⁷ Responses culminated in a relatively overt form of pecuniary bribery. According to the US, "there should be tangible benefits for those States that join the convention - and specific penalties for those who do not. Therefore, the United States will propose provisions for the convention that will require parties to refuse to trade in CW-related materials with States that do not become parties."²⁸⁸ In responding to "concerns of both developed and developing countries (to)

²⁸² Viceministro, "RS/286," 1-2.

²⁸³ Anon, "Dispuestos países socialistas a prestar ayuda a la industria química cubana," *Granma* (20:283, 1 Dec 1984), 3, "Suscrito Protocolo comercial Cuba-China," *Granma* (23:280, Sat 28 Nov 1987), 7, Joaquín Oramas, "Abordan informe de Cuba en la 64 reunión de la Comisión Permanente del CAME," *Granma* (20:281, Thur 29 Nov 1984), 1, "Notables Perspectivas de Crecimiento de la Industria Química en Nuestro País," *Granma* (23:154, Thur 2 July 1987), 2, Alexis Shelton, "Aporta el Instituto 'Martires de Giron' Técnicos Químicos para Nuestra Industria," *Granma* (6:280, Mon 23 Nov 1970), 2, Carlos Rodríguez, "Firman Protocolo en la Clausura de la 53 Reunión de la Comisión Permanente del CAME," *Granma* (14:264, Sat 4 Nov 1978), 1,5.

²⁸⁴ MINREX, "RS-2894- De: A. Ramirez, A: Ministro Isidoro Malmierca," 25 May 1990, 1-2.

²⁸⁵ Comité Central, "Re: 3/32," 3.

²⁸⁶ Examples: CD/PV.202,22, CD/PV.486,10, CD/PV.431,11, CD/PV.596,11-2, CD/PV.401,15-6, CD/PV.596,11-2, CD/PV.625,5, CD/PV.391,22, Morel, Olson, "Introduction," xvii, Goodby, "Arms," 266, Kelle, "Conference," 150.

²⁸⁷ CD/PV.603,4. Also: CD/PV.168,16, A/C.1/47/PV.14,28, A/C.1/46/PV.10,6-7, A/C.1/45/PV.21,32, A/C.1/44/PV.12, 31: CWC must "not offer a screen for discriminatory practices."

²⁸⁸ CD/PV.591,12, CD/PV.626,4, CD/PV.629,16, CD/PV.635,3-10, CD/PV.617,12,16, CD/PV.602,8: "arrangements for trade in CW-related chemicals should discriminate against non-parties."

provide important incentives to join in the draft convention,”²⁸⁹ and “open the door to expanded international trade and economic co-operation in the chemical sector,”²⁹⁰ the CWC thus bribed states with “provisions on the application of a strict export control regime for the transfer of certain chemicals to States not parties to the Convention.”²⁹¹

Initially, Cuban decision-makers lamented their lack of options: “we consider that Cuba will have no alternative other than to sign and ratify said convention to avoid marginalisation from trade of these substances.”²⁹² However, they gradually realised that these provisions would in fact oblige the US to lift elements of the economic embargo against Cuba. Private MINREX documents noted that the US:

Torricelli Law, that impedes or renders difficult Cuba’s commerce with other countries in respect of chemical substances, would be in frank violation of the provisions of (CWC) article (IV). The US is obliged by the Convention to revise their national regulations and modify or eliminate those in frank contradiction with the letter and spirit of the referenced international instrument.²⁹³

According to an internal memo, with which “the Commander in Chief is ‘in plain agreement’,”²⁹⁴ both challenge inspections and commerce between state parties “are two matters in which the CWC provides us the possibility to hit elements of bilateral dispute with the US.”²⁹⁵ Although neglected in associated scholarship, a large part of the explanation behind Cuban CWC ratification was the establishment of economic and security defences against perceived US deviance, not socialisation as a result of state suasion. Singular, bilateral and multilateral state influence was indeed crucial, however with mixed positive, reverse and indirect inverse effect. State suasion proved complex.

²⁸⁹ US: A/C.1/47/PV.4,25.

²⁹⁰ A/C.1/47/PV.4,57. Also: A/C.1/47/PV.28,31, A/C.1/47/PV.28,37, A/C.1/47/PV.16,38, A/C.1/47/PV.17,27,47.

²⁹¹ Disarmament Affairs, *Yearbook*, 27,36.

²⁹² Comité Central, “Re: 3/32,” 3-4: Considering “proposals to prohibit or restrict the commerce of chemical substances with non-parties... our country must prepare itself to guarantee compliance with Convention provisions and avoid introduction of future difficulties that affect the commerce of chemical substances, used by diverse institutions, and thus, the country’s development.” Also: Bloom, “Editorial,” 179.

²⁹³ Viceministro, “RS/286,” 1. See also: Solés, “Convención,” 80-1.

²⁹⁴ Consejo de Estado, “De: Felipe Pérez Roque, A: Roberto Robaina González, Ministro,” 2 March 1994, 1.

²⁹⁵ Viceministro de Relaciones Exteriores, “De: Robertico, A: Felipe,” 28 February 1994, 1.

4.3.a.iii: INEs – MNCs

The fact that CW may be created from common, independently harmless, commercial precursors developed by civilian industry rendered MNC involvement in CWC negotiations uniquely indispensable. According to the CD President, the “importance of cooperation from industry for the effective implementation of a Chemical Weapons convention, therefore, cannot be over-emphasized.”²⁹⁶ Although CD delegates disagreed on precise weight to attach industry recommendations,²⁹⁷ industry experts provided influential input into CWC negotiations,²⁹⁸ particularly in relation to verification mechanisms, trial inspections, and protection of commercial-in-confidence intellectual property rights.²⁹⁹ They did so first through individual CD delegation consultations,³⁰⁰ then through annual seminars with CWC negotiators, 1987-1991.³⁰¹ Alongside the 1989 Government-Industry Canberra Conference,³⁰² CWC negotiators “developed a precise and mutually enriching dialogue with the experts from industry,” and secured crucial industry support for the norm.³⁰³ Ultimately, industry representatives at the 1991 annual meeting agreed “to provide free access for international inspectors,” “anytime anywhere... (to) enable the adoption of random inspections in civil chemical facilities.”³⁰⁴ This proved critical to Cuban endorsement, with private MINREX documentation revealing it:

could perhaps simplify the verification scheme and eventually reduce costs. Additionally, it could possibly benefit industry, which above all finds itself in an incipient state in developing countries, to... free them from consequences that previous proposals assumed for the production and commerce of certain chemical substances.³⁰⁵

Domestically, however, MNCs held little influence over Cuban decision-makers, given MINREX requests for national industrial sector advice remained outstanding well after

²⁹⁶ CD/PV.469,15. Also: CD/PV.506,20-1, CD/PV.508,23-4, CD/PV.525,4, CD/PV.377,5, CD/PV.459,11, Morel, “Verifiability,” 229-30, Goodby, “Arms,” 266, McLeish, Lak, “Introduction,” 37-8, Roberts, “CWC,” 7.

²⁹⁷ E.g: CD/PV.282,18-9, CD/PV.440,7, CD/PV.497,8, CD/PV.437,20, CD/PV.504,6, CD/PV.566,9, CD/PV.525,4.

²⁹⁸ Carpenter, ex-Monsanto General Manager, “Perspective,” 115-8,343, Russell Moses, “The CWC and the Shadow of the Post-Cold War World” in Morel, Olson, *Shadows*, 254-8.

²⁹⁹ McLeish, Lak, “Introduction,” 38.

³⁰⁰ E.g: CD/PV.29,17, CD/PV.298,12, CD/PV.474,7, CD/PV.342,10, CD/PV.501,12, CD/PV.617,14, Carpenter, “Perspective,” 115, Roberts, “CWC,” 7.

³⁰¹ E.g: CD/PV.421,9, CD/PV.471,3,19, CD/PV.482,18, CD/PV.575,3,9, CD/1108,10, CD/1033,12, CD/952,11.

³⁰² CD/PV.497,9, CD/PV.501,12, CD/PV.532,14, CD/PV.512,4, CD/PV.530,19, CD/PV.566,9, CD/PV.516,15.

³⁰³ France: CD/PV.570,12,15. See also: CD/PV.166,11, A/C.1/47/PV.5,41, CD/PV.447,5, CD/PV.446,29, CD/PV.469,6, CD/PV.471,3, AHC Chair: CD/PV.534,7, McLeish, Lak, “Introduction,” 38.

³⁰⁴ CD/PV.603,20, CD/PV.605,10 respectively: “allowing for a simple and less costly (verification) mechanism.”

³⁰⁵ Misión Permanente, “R/S No. 563,” 1,4. Similarly: Krutzsch, et al, “Introduction,” 13: “support of civil society, including the chemical industry, was critical to the ratification of the Convention by many countries.”

treaty signature,³⁰⁶ and Cubans maintained disdain for foreign MNCs involved in chemical component production, with *Granma* previously designating them “war criminals.”³⁰⁷ MNCs were not the potential drivers of socialisation anticipated from this INE attribute. While MNC impact was thus unexpectedly high over general norm progression, it only held indirect import in relation to Cuba.

4.3.b: State-Level Attributes

4.3.b.i: Salience

As detailed in the analytical framework, a range of scholarship considers norm endorsement more likely in the event of state indifference towards, and thus low salience of, the norm. However, considering indicators of salience within national statements, government correspondence and press reports,³⁰⁸ Cuban decision-makers paid great attention to negotiations for the international norm prohibiting CW. As early as 1960, Cuba desired a stake in relevant disarmament efforts, with internal government correspondence revealing concerns that the Committee of Ten “will substitute multilateral treatment for limited treatment by a group of great powers... And that is dangerous... because in the matter of disarmament everyone wants and needs to be heard.”³⁰⁹ Cuban diplomats monitored bilateral and multilateral deliberations on the topic throughout the 1960-70s, and provided detailed reports on Committee of Eighteen progress and draft CW resolutions and conventions.³¹⁰ Once Cuba became a CD member in 1979,³¹¹ it sent delegates to almost every session and gained CW AHC participation and voting rights.³¹² Diplomats sent MINREX headquarters exceptionally detailed technical reports and negotiations updates,³¹³ and,

³⁰⁶ Viceministro, “RS/98,” 2.

³⁰⁷ Arce, “La Guerra Silenciosa de EEUU 4,” 7, Roberto Quiñonez, “Crimen transnacional contra natura (I),” *Granma* (21:99, Fri 26 April 1985), 2, Marrero, “Con punto y aparte,” 8.

³⁰⁸ 4.3.a.ii: State Suasion, 4.2.c.iii: Domestic Resonance.

³⁰⁹ República de Cuba, “Intervención del Doctor Manuel Bisbé en la Sesión Celebrada por la Comisión de Desarme el 16 Agosto de 1960,” 1-3.

³¹⁰ Dirección de Organismos Internacionales, “Tratado de Desarme General y Total Bajo un Riguroso Control Internacional,” 1-2, 10-1, Dirección de Organismos Internacionales, “Informe No. 24: Síntesis de las Reuniones del ‘Comité de los 18,’” MINREX, “Memorándum,” 1-3, MINREX, “Ref: 111.1.22.”

³¹¹ CD/PV.1,3, CD/PV.2,11,51.

³¹² Except some 1983 sessions: CD/PV.224-7,2, CD/PV.230-1,2, CD/PV.236,2, CD/PV.277,2, CD/PV.288,2.

³¹³ Misión Permanente, “Un anexo a la presente un Memorándum del Cro. Pedro Núñez Mosquera,” 31 October 1985, 3, Misión Permanente, “RS-306- De: Embajador José Pérez Novoa, A: Ministro MINREX, Isidoro

especially in the final year, participated actively in the AHC and CD.³¹⁴ In 1990, Cuba established a national Group of Disarmament to consider questions and commitments arising from the CWC and commence preparations for national implementation.³¹⁵ Cuba took CWC obligations and compliance extremely seriously. According to its CD delegate in 1982, “States would, because their prestige was at stake, take all the necessary steps to guarantee strict compliance with an international agreement on the subject.”³¹⁶ Solés subsequently explained the “Cuban will to comply with its commitments of disarmament and non-proliferation” was a “principal position of the revolutionary Cuban government regarding its international commitments.”³¹⁷ True to its word, Cuba implemented a range of national legislation to comply with CWC obligations following ratification.³¹⁸ Salience was high.

4.4 NEGLIGIBLE INFLUENCE

While the attributes already discussed each had impact on Cuban endorsement of the norm to eliminate CW in one form or another, analysis of relevant indicators demonstrates that the remaining attributes had little. This section thus documents areas in which the overarching analytical framework - and arguments pertaining to socialisation - require revision. For regional suasion and some INEs at the systemic level, DSCs, DNEs and the feedback loop at state-level, and internal characteristics and origin at the level of the norm each possessed negligible influence over Cuban norm endorsement in this case.

Malmierca,” 29 March 1990, Misión Permanente, “RS-2006- De: Embajador José Pérez Novoa, A: Ministro MINREX, Isidoro Malmierca,” 4 December 1990, Misión Permanente, “R/S No. 563,” 1, CD/PV.628,14.

³¹⁴ MINREX, “RS 1829,” 2, CD/1170,17, A/C.1/47/PV.31,56, CD/1170,8-13: Cuban delegate was Legal and ‘Non-Controversial’ Issues Assistant, Working Group B Deputy, AHC ‘Friend of Chair on legal and organisational issues’, and submitted six WPs on text amendments.

³¹⁵ Viceministro de Relaciones Exteriores, “RS-722- De: Raúl Roa Kourí, A: Ministro Isidoro Malmierca, Ref: Telefax No. 3 de Pérez Novoa. RE/17,” 4 April 1990, 1-2, MINREX, “RS-2865,” 1, Misión Permanente, “Nota No.168- De: Embajador José Pérez Novoa, A: Ministro MINREX, Isidoro Malmierca,” 27 February 1990, 1, Misión Permanente, “Nota No. 185,” 1, MINREX, “RS/867- De: Isidoro Malmierca, A: Carlos Lage, Secretario, Comité Ejecutivo del Consejo de Ministros,” 19 February 1992, 1-2, Misión Permanente, “RS-306,” 3.

³¹⁶ CD/PV.168,16.

³¹⁷ Solés, “Convención,” 80.

³¹⁸ MINREX, “RS/18-170- De: Director Asuntos Multilaterales, Pedro Nuñez Mosquera, A: Ministro Isidoro Malmierca: Para Aprobacion,” 19 February 1992, Solés, “Convención,” 82, MINREX, “RS/867,” 1.

4.4.a: Systemic Attributes

4.4.a.i: Regional Suasion

While parts of Latin America pursued status as “pioneer(s) in the universal quest for a safer world, which is contingent on the total banning of all kinds of weapons of mass destruction,”³¹⁹ Cuba remained predominantly in self-imposed regional isolation. Cuba was not a member of the 1991 Mendoza Agreement, which banned the development, production, acquisition, stockpiling, retention, transfer or use of CBW amongst certain Latin American states.³²⁰ It also maintained reticence towards the remaining core regional security agreement:

Cuba has not been able to adhere to the Treaty of Tlatelolco, for the simple reason that Cuba cannot unilaterally renounce the right to possess the weapons it may deem relevant for the defence of its sovereignty, independence and territorial integrity, as long as part of its territory is illegally occupied in the Guantanamo region.³²¹

No references by Cuban decision-makers were found to indicate any impact of regional support for or institutionalisation of the norm to eliminate CW. Regional suasion may have actually operated in reverse, with Cuba hosting the 1995 Regional Seminar on the National Application of CWC Provisions, to support and diffuse the norm within the region rather than vice versa.³²² Cuba was not socialised by any regional drivers. Regional suasion was low.

4.4.a.ii: INEs – INGOs, GCS

Attribute indicators demonstrate that INGOs and GCS held little direct impact on CW prohibition, comprising the ‘yang’ to the generally influential MNC ‘ying’. As commonly acknowledged, “there are limits to what civil society can usefully do. These limitations result in part from chemical weapons issues being traditionally framed in terms of a State security discourse with only narrow scope for the involvement of non-state actors.”³²³ Direct impact

³¹⁹ A/C.1/47/PV.28,37. See also: CD/PV.635,49, CD/PV.641,15, CD/PV.642,21.

³²⁰ Originally signed by Argentina, Chile, Brazil in September 1991, subsequently joined by Uruguay, Paraguay, Bolivia, Ecuador: A/C.1/47/PV.28,37, Smidovich, “Russian,” 59.

³²¹ A/C.1/39/PV.46,7-10: “Cuba cannot renounce that right as long as the only nuclear Power in this hemisphere pursues an increasingly hostile and aggressive policy towards Cuba, which has become more and more threatening in tone in recent months.” A/C.1/47/PV.27,31, A/C.1/47/PV.10,63, A/C.1/42/PV.37,46.

³²² MINREX, “De: Jorge Bolaños Suárez, A: Dr Boutros Boutros-Ghali,” 1.

³²³ Michael Crowley, et al, “Preserving the norm against chemical weapons,” *Futures* (102, March 2018), 133.

at the CD was negligible. INGO communiques were only rarely placed on the record and the few representatives attending in observer capacity were seated in silence in the viewer gallery.³²⁴ Indirectly, and noting cross-over with epistemic community influence, reports and publications from ‘eminent international research institutions,’ the Stockholm International Peace Research Institute, and Pugwash Conferences and workshops were occasionally referenced by CWC negotiators, with McLeish and Lak praising their provision of “a space that transcended the usual tensions between government, industry, and academia and facilitated communication. Because of its informal nature, the Pugwash Study Group became a place where scientists and technical experts could meet to hash out particular issues of importance for the future Convention.”³²⁵ The Cuban Ambassador sent MINREX one update on such a workshop.³²⁶ However, this was a solitary example.

The only initial reference to GCS in CWC negotiations in fact queried the waning public interest.³²⁷ This began to change in the 1980s, with CD reference to GCS demands growing alongside increasing reports of CW use, development and deployment.³²⁸ Solés, for example, subsequently noted that Iraqi use of CW “sounded the alarm about the new dangers of CW proliferation and intensified pressure from international civil society to reach agreement on its prohibition.”³²⁹ By the 1989 Paris Conference, the CD President contended “International public opinion is looking at this subject with particular attention and sensitivity.”³³⁰ Yet this reflected indirect influence only.³³¹ Despite registering in Solés’ solitary reference above, INGO and public opinion played only indirect, secondary roles as discursive devices encouraging CWC negotiations. They did not directly drive norm diffusion, norm endorsement or the socialisation of Cuba.

³²⁴ CD/PV.635,2, CD/PV.7,17, CD/PV.228, CD/PV.484,6, CD/PV.186,13-4, CD/PV.248,17, A/C.1/47/PV.19,32.

³²⁵ McLeish, Lak, “Introduction,” 39. Similarly: CD/PV.248,17, CD/PV.309,8, CD/PV.165,8, CD/PV.339,10, CD/PV.386,10, CD/PV.242,8, CD/PV.389,22, CD/PV.437,27, CD/PV.446,7,29, CD/PV.447,4-5, Krutzsch, “Introduction,” 13, Carpenter, “Perspective,” 116, J. P. Robinson, ‘Impact of Pugwash on the Debates over Chemical and Biological Weapons’ *Annals of the New York Academy of Science* (866, 1998), 224–52.

³²⁶ Misión Permanente, “RS-306,” 1, attachment.

³²⁷ Given GCS preoccupation with nuclear disarmament: CD/PV.153,18, CD/PV.175,35, CD/PV.190,22, CD/PV.227,25, CD/PV.150,26, CD/PV.643,22, Cuba: CD/PV.221,12. McLeish, Lak, “Introduction,” 46: “participation has not really involved the broader civil society group.”

³²⁸ CD/PV.436,34, CD/PV.286,27, CD/PV.376,13, CD/PV.306,12, CD/PV.248,19, CD/PV.453,13, CD/PV.436,34-6, CD/PV.499,2-3, CD/PV.506,14, CD/PV.529,3, CD/PV.258,10, CD/PV.539,6, CD/PV.626,19, CD/PV.482,3.

³²⁹ Solés, “Convención,” 32. Similarly: CD/PV.439,4.

³³⁰ CD/PV.490,16. Also: CD/PV.484,22, CD/PV.509,4, CD/PV.533,6-7, A/C.1/44/PV.37,33, A/C.1/44/PV.15,13.

³³¹ Müller, et al, “State,” 296-305.

4.4.b: State-Level Attributes

4.4.b.i: Domestic Structural Conditions

Considering the relevant indicators, inadequate national infrastructure and material/monetary costs generated implementation concerns within Cuba, as already referenced.³³² Cuban CWC ratification was also delayed awaiting Executive Council approval of national codification.³³³ However, Cuba had no intention of ratifying the CWC before the US,³³⁴ and DSCs, as understood in associated literature, did not significantly impede/enable nor uniquely impact either socialisation or Cuban norm endorsement.

4.4.b.ii: Domestic Norm Entrepreneurs

MINREX documentation and UN records reveal no reference by Cuban decision-makers to DNEs. Indeed, no CW-prohibition DNEs were identified at all.

4.4.b.iii: Feedback Loop

Cuban efforts to remould the international norm in accordance with its CW priorities failed.³³⁵ First, propelled by the legacy of Vietnam, Cuba insisted upon the explicit inclusion of herbicides within the CWC definition of CW. The matter had dominated national press,³³⁶ and remained the focus of Cuban negotiations throughout CWC deliberations, with delegates reiterating the destructive consequences of its use in Vietnam and tabling and repeatedly referencing the report from the International Symposium on Herbicides and Defoliants in War.³³⁷ Expert Cuban advisors continued to demand incorporation: “The issue of herbicides and the prohibition of their use as a method of warfare has for many years been a position of the Cuban delegation and must be clearly reflected in the final text of the

³³² MINREX, “RS/867,” 1.

³³³ Ministerio de Ciencia, Tecnología y Medio Ambiente, “De: Dra Rosa E. Simeon Negrin, A: José Peraza Chapeau, Director Juridico MINREX, Ref: Proyecto de Acuerdo en que se designa a este Ministerio como Equivalente de Autoridad Nacional,” 18 August 1995, 1, Viceministro, “RS/98,” 1-2.

³³⁴ MINREX, “De: Jorge Bolaños Suárez, A: Dr Boutros Boutros-Ghali,” 2.

³³⁵ Other failures: CD/PV.628,16, CD/PV.635,9, Disarmament Affairs, *Yearbook*, 31, Kelle, “Conference,” 145-8.

³³⁶ Anon, “Declaracion final,” 2, 4.2.c.iii: Domestic Resonance.

³³⁷ CD/PV.322,8, A/C.1/39/PV.46,76, CD/636,44-5, CD/PV.196,9, CD/PV.416,2,14, A/C.1/38/PV.13,2-5, A/C.1/47/PV.11,8, CD/PV.201,22, CD/PV.213,7-10.

convention to be adopted.”³³⁸ However Cuba ultimately compromised, accepting a single preambular reference to herbicides on condition of reiteration at the 1992 ENMOD Conference.³³⁹

Second, Cubans were unable to secure their desired composition and representation within the CWC supervisory mechanism. Expert Cuban analyses of draft CWC treaties contained several directives to “must change” the proposed institutional structure, which had been based around permanent membership according to ‘national capacity of chemical industry and/or political factors’. A handwritten note alongside this draft provision by the Cuban expert demanded: “This must not be accepted; How will it be judged?” arguing that the criteria “must consider the geographic composition of personnel. In all countries, even small, scientific personalities will exist.”³⁴⁰ Cuban clearly delegates reiterated this, both in CD statements and official WPs:

the structure, composition and decision-making process of the Executive Council are issues of special interest for the Cuban delegation... the executive body of the future Organization should not follow the undemocratic model found in other international organs whereby a distribution of posts in these bodies is imposed upon us, guaranteeing a very small number of countries a permanent presence there - a privilege which spares them from being subject, as the others are, to a democratic election process.³⁴¹

Yet Cuba failed. Fry confirms the “OPCW’s Executive Council is not without its inequalities... one factor in determining the composition of the Executive Council is the importance of the chemical industry in that State... a criterion that appears to stack the cards in favour of certain, more industrialised States, essentially exempting them from the regular rotation between States Parties.”³⁴² Cuba was also unable to secure its preferred OPCW headquarters in Vienna rather than The Hague, which they hoped would have signalled “a

³³⁸ CD/PV.628,16. See also: Misión Permanente, “RS/338,” 2 of Appendix, MINREX, “RS-297,” 1, MINREX, “RS-2865,” 1, CD/PV.628,9, CD/PV.635,42, Disarmament Affairs, *Yearbook*, 27.

³³⁹ CD/PV.635,13-4, CD/1170,17-8, A/C.1/47/PV.23,14-6, Disarmament Affairs, *Yearbook*, 29-30.

³⁴⁰ Misión Permanente, “De: Embajador José,” 35,206-19, rejected all proposals with solely industrial or political criteria: “this article is weak. The industrialised want to assume direction of the Consultative Council as much as the Convention, etc, but not give anything in exchange.” Similarly: MINREX, “RS-2865,” 4, MINREX, “RS/1319,” 2: “on the basis of respect for the principle of equal geographic distribution, the representation of all States Parties must be guaranteed.”

³⁴¹ CD/PV.628,16: Cuba “cannot support such an arrangement, especially if the idea is reflected in the text of the Convention,” CD/PV.603,5, CD/1170,8. Others: CD/PV.421,20, CD/PV.529,12, CD/PV.634,19, CD/PV.617,4-5,19-20, CD/PV.635,22,47-53,98, CD/PV.626,8,20-1, A/C.1/47/PV.31,51, CD/PV.634,29, Findlay, *Peace*, 12-8.

³⁴² Fry, “Sovereign,” 52. Similarly: Kelle, “Power,” 407-8, Müller, “Agency,” 340.

recognition of neutrality and not of NATO.”³⁴³ Third, Cuba held grave concerns regarding proposed verification mechanisms that:

will have to be as minimal and as non-intrusive as possible without affecting the legitimate interests of States in the field of industry. Routine inspections will have to keep to the nature of the purpose for which they were conceived and, in our view, do not require elements that might be called for by challenge inspections... we believe that in one way or another this concern can and must find room in the text we agree.³⁴⁴

Yet challenge inspections remained.³⁴⁵ Private Cuban analyses additionally reveal concerns over associated confidentiality provisions, with demand for requirement of no publication “that prejudices in any other form any State Party.”³⁴⁶ However, the confidentiality annex remained outstanding well after Cuban CWC signature.³⁴⁷

Finally, Cuba, alongside a number of concerned developing states, desperately sought inclusion of an explicit undertaking within the CWC to remove extant Australia Group chemical export controls.³⁴⁸ Since 1985 this group of initially 15 industrialised nations had banded together to harmonise export controls on dual-use and precursor chemicals, associated pathogens, technologies, equipment, and technical assistance to mitigate CW proliferation.³⁴⁹ Nations beyond the group were excluded from critical chemical commerce, and chemical industries in developing countries suffered. The CWC gave excluded states an opportunity to rectify this, given export controls would prove redundant between State Parties. According to the Pakistan CD delegate, “developing countries should obviously not be subjected to the double jeopardy of additional measures outside the convention, such as the existing export controls practised by the ‘Australia Group’.”³⁵⁰ Cuba fought to ensure the explicit confirmation of free trade and export restriction removal within the CWC. Regarding the penultimate draft treaty, for example, “the Working Group considers that application of

³⁴³ Misión Permanente, “RS-866- De: Embajador José Pérez Novoa, A: Ministro MINREX, Isidoro Malmierca,” 27 August 1990, 1. Also: MINREX, “RS/2418- De: Carlos Frejos, Director a.i., A: Pedro Nuñez Mosquera, Director Asuntos Multilaterales,” 11 May 1992, 1, CD/PV.623,17, CD/PV.628,11.

³⁴⁴ CD/PV.603,5: “we attach importance to the concern raised regarding the extant possibility of abusing this type of procedure.” Also: Misión Permanente, “De: Embajador José,” 36-7.

³⁴⁵ CWC, Article IX.

³⁴⁶ Misión Permanente, “De: Embajador José,” 67-8. Also: MINREX, “RS-2865,” 3.

³⁴⁷ Telex, “De: Jurídica Embacuba Holanda, A: DAM,” 4 December 1994, 1.

³⁴⁸ Morel, Olson, “Introduction,” xviii, Disarmament Affairs, *Yearbook*, 23-4.

³⁴⁹ Seeveratnam, “Australia,” 402-3, Morel, “Verifiability,” 220,231, Findlay, *Peace*, 9.

³⁵⁰ CD/PV.617,21. See also: CD/1046,235, CD/951,1, CD/PV.517,9, CD/PV.624,7, CD/PV.514,6, CD/PV.625,5, CD/PV.635,51, CD/PV.627,5, A/C.1/41/PV.37,76, Müller, “Regime,” 68-74, Wunderlich, “Reformers,” 282.

guarantees for elimination of all currently existing international controls related to certain chemical substances, in particular those established by the Australia Group, must be made more precise.”³⁵¹ A private letter from the MINREX Minister, “Highlighted also of additional importance that the convention does not contemplate limitations or restrictions to the international commerce of chemical substances whose use is not prohibited by the convention.”³⁵² Although the Australia Group offered the aforementioned Declaration, which undertook to simply review its measures rather than remove them,³⁵³ this Declaration was far from definitive, not explicitly reflected within the CWC as demanded, and not adhered to following CWC entry-into-force.³⁵⁴ Indeed, Cuba continued to denounce ‘unfulfilled justice claims’ and ‘unjust discrimination’ resulting from the continued existence of the Australia Group following CWC adoption.³⁵⁵ Although protesting until the end,³⁵⁶ Cuba ultimately endorsed the CWC without major amendment reflecting its priorities.³⁵⁷ Cuba was unable to reformulate the CWC in accordance with crucial preferences per relevant indicators. Feedback loop impact was low.

4.4.c: Norm-Related Attributes

4.4.c.i: Internal Characteristics

Considering relevant indicators, the norm to eliminate CW embodied in the CWC was neither simple, clear, nor stable. Although the norm itself may be considered straightforward - the elimination of CW - immediate questions arise regarding what is meant by elimination (destruction of stocks? production facilities? precursors?), as well as the very definition of CW (singular precursors? dual use commercial substances? herbicides?). Translating the norm into an effective and broadly acceptable international

³⁵¹ MINREX, “RS-2865.” Also: Misión Permanente, “De: Embajador José,” 26.

³⁵² MINREX, “RS/1319,” 2.

³⁵³ CD/PV.629,17, CD/PV.635,5,11, Roberts, “CWC,” 6.

³⁵⁴ CD/PV.629,23, CD/PV.634,19, CD/PV.635,18,23,52, CD/PV.639,6, A/C.1/47/PV.9,8-10,41, A/C.1/47/PV.11,8, A/C.1/47/PV.4,57-66, Disarmament Affairs, *Yearbook*, 27,34, Feakes, “Introduction,” 22, Morel, “Verifiability,” 231, Kelle, “Conference,” 151-3: Australia indicated the group “would cease operation once the CWC was fully operational. (Yet) The number of states participating in the AG has grown and the scope of its export controls has widened since then... Iran, Cuba and Pakistan – expressed their dissatisfaction.”

³⁵⁵ Müller, et al, “Regime,” 70-2. For further: Kelle, “Conference,” 152-3, Müller, “Agency,” 340-1,346.

³⁵⁶ A/C.1/47/PV.14,28. Six Cuban AHC WPs, June-Aug 1992: CD/1170,8-9,17-9, CD/PV.629,7-8, CD/PV.635,90, Disarmament Affairs, *Yearbook*, 27, CD/PV.628,15: CWC “requires essential adjustments.”

³⁵⁷ CD/PV.635,34-8, Findlay, *Peace*, 17-8: AHC Chair “ignored new proposals from..nonaligned splinter group.”

treaty was even more complex. The CWC was the most complicated international security agreement of its time,³⁵⁸ relying upon detailed scientific, technical, industrial, military and legal expertise,³⁵⁹ yet also requiring a degree of flexibility to accommodate unpredictable technological advances.³⁶⁰ According to the Australian delegate, “I should like to recall just how complex and demanding the task is of concluding the chemical weapons convention... my interlocutors have been struck by the ambition of the enterprise here: its technical complexity and political sensitivity.”³⁶¹ The internal characteristics of the norm did not promote ease of diffusion and did not enable state socialisation. If anything, this attribute held negative impact.

4.4.c.ii: Origin

Despite frequent references to the historical horrors of CW, particularly in World War I and Vietnam, any ostensible origin of the norm to eliminate CW held no visible impact over international consolidation and Cuban endorsement. Indeed, while CW development and use differed spatially and temporally, its elimination was always presented as a global effort for the sake of humanity.³⁶² The attribute of origin, therefore, held minimal impact.

4.5 PRELIMINARY ASSESSMENTS

This chapter has documented which of the fifteen international norm diffusion attributes proved most influential over Cuban endorsement of the norm to eliminate CW and how. It demonstrates the significant, positive impact of six attributes in accordance with the analytical framework. These influential attributes included world context and individual and epistemic INEs at systemic-level, national identity at state-level, and international concurrence, norm substance and domestic resonance at the level of the norm. The chapter also identified seven attributes that held surprisingly negligible if not negative impact upon

³⁵⁸ CD/PV.626,5, CD/PV.635,45, CD/PV.638,3.

³⁵⁹ CD/PV.8,16, CD/PV.156,8,32, CD/PV.207,16, CD/PV.222,16, CD/PV.226,23, CD/PV.262,35, CD/PV.271,20, CD/PV.378,6, CD/PV.438,12, CD/PV.481,15-6, CD/PV.501,12, CD/PV.530,11, CD/PV.618,3, CD/PV.635,30.

³⁶⁰ CD/PV.617,11, CD/PV.635,10, CD/PV.640,3, CD/PV.167,38, CD/PV.491,8.

³⁶¹ CD/PV.626,4: “This agreement has been in gestation for so long precisely because it is difficult to achieve the combination of political leadership, industrial support and bureaucratic acceptance that is needed across so many countries and by so many interested individuals and groups.”

³⁶² 4.2.c.ii: Norm Substance.

both norm development and Cuban endorsement. These included regional suasion, INGOs and GCS at the systemic-level, DSCs, DNEs and the feedback loop at state-level, and internal characteristics and origin at the level of the norm. Should these results replicate in the other case studies, the overarching analytical framework will require refinement to better reflect explanations for norm endorsement by purported revisionist states.

Of most interest, however, were the four attributes identified as holding crucial, yet very different from anticipated, influence over norm diffusion. Contrary to scholarship that considers their influence as possible yet rare, MNCs held a game-changing effect upon norm diffusion, opening the path to endorsement, including by Cuba. Similarly, it was high rather than low salience of the norm for Cuba that facilitated adoption. Finally, the systemic attributes of IO and state suasion held strong impact, however not in the purely linear, positive or singular fashion often anticipated in norm literature. Indeed, the chapter presented a new understanding of IOs as possessing a symbiotic relationship with the norms they facilitate. The principal IO required the norm to justify its own existence as much as the norm required it. The chapter also introduced novel conceptions of state suasion that incorporated collective action, 'reverse state suasion' and 'indirect inverse state suasion'. While 'reverse state suasion' embodied state actions or decisions that disincentivised or delayed otherwise likely norm endorsement, 'indirect inverse state suasion' highlighted how the recalcitrance of one state encouraged norm endorsement by others. States thus possess capacity to hold very complex and occasionally adverse effects upon norm diffusion. Furthermore, contrary to common assumptions,³⁶³ it was the US that proved exemplary in this respect. In fact, the threat posed by the US in the CW field comprised the key motivator behind Cuban norm endorsement. Cuban decision-makers gradually realised the norm could help counter perceived US revisionism, ideologically, militarily and economically.

In so answering why such a purported revisionist state endorsed an international norm, light has been shed on presumed socialisation processes. With attributes such as national identity, domestic resonance, international concurrence, norm substance and salience

³⁶³ Quester, "Deterrents," 175: "Americans are generally a legalistic and treaty-respecting people, inclined to attach more importance than other peoples to the idea that international problems can be solved by the negotiation of treaties," with the CWC "intended to get other countries to match the U.S. in nonpossession."

proving strong, regional suasion, INGOs, GCS, DNEs, internal characteristics and norm origin proving negligible, and IOs and state suasion holding incredibly complex yet occasionally adverse effects, certain purported socialisation filters and enablers held import while key socialisation drivers did not. Although they may have affected norm endorsement, the systemic drivers did not operate to socialise the state as anticipated. For rather than becoming socialised and no longer revisionist in its attitude toward prevailing international orders, Cuban endorsement of the norm to eliminate CW actually represented a means through which Cuba sought to socialise, or at least constrain, the perceived revisionism of the US. From the Cuban perspective, the US had breached the norm banning CW use for decades, had developed and tested CW not only in their own country but also potentially in and against Cuba, and appeared to obstruct CWC efforts at the CD.³⁶⁴ According to Cuba, “In such a way, sinister and immoral, the imperialist yankees act... They are the worst delinquents in the world.”³⁶⁵

These results thereby question not only socialisation processes against purported revisionist states, but the very meaning and construction of revisionism in IR. According to Cuba, the US was the revisionist actor, harnessing revisionist allegations against others in order to hypocritically deflect from its own deviance and postpone norm diffusion. *Granma* denounced, for example, the “old Yankee trick of crying ‘thief!’ to try to wash its own hands and attribute to others the misdemeanours that it commits.”³⁶⁶ Cuban CD delegates condemned the US’ “false and tendentious allegations made about the use of chemical weapons in various regions... to condition public opinion in order to eliminate as far as possible any opposition to (their) new escalation of the chemical arms race.”³⁶⁷ Naturally, these statements reveal Cuba’s own attempts at revisionist ascription, to possibly also

³⁶⁴ Fey, et al, “Established,” 171-2,195.

³⁶⁵ Marrero, “Propaganda Mentirosa,” 6. Similarly: “Lluvia amarilla inexistente,” *Granma* (23:243, Fri 16 Oct 1987), 6, “Con punto y aparte,” 8, Quiñones, “Los planes Yankis (IV),” 2, Anon, “Partidaria Cuba,” 8, A/C.1/40/PV.39,30, A/C.1/41/PV.37,67-68, A/C.1/45/PV.21,36.

³⁶⁶ Quiñones, “Los planes Yankees (IV),” 2: when Reagan approved “resumption of CW production, Washington unleashed a great propaganda campaign of defamation and lies against the USSR.”

³⁶⁷ CD/PV.168,15, CD/PV.261,8, Marrero, “Con punto y aparte,” 8: “imperialist propaganda tries... to implicate Third World countries... to justify new investments, and desperately impede the international conference.”

deflect and/or attain leverage in international politics.³⁶⁸ Yet this exposes revisionism as a subjective construct, potentially considered fact only when launched and accepted by the most powerful. As *Granma* astutely queried after the US threatened air strikes against reported Libyan CW facilities in 1989,³⁶⁹ “Who in the world community has happened to bomb the US in reprisal for having numerous factories of chemical weapons?... No one, of course.”³⁷⁰ Meanwhile, despite ratifying the CWC in ostensibly good faith, conceptions of Cuban revisionism in the field endured: CW scholarship continues to consider Cuba a ‘rogue state’ and the US as the norm’s greatest proponent.³⁷¹ Cuba ultimately endorsed the norm to eliminate CW not as a result of socialisation, but in an attempt to expose exceptionalist US behaviour and contain the threat presented by perceived US revisionism.

³⁶⁸ Ferrer, “Haz lo que digo,” 7, Anon, “Partidaria Cuba,” 8: MINREX Minister “labelled this conference a mockery while the US plans to bomb Libya under pretext a CW factory is being constructed... Washington tries to conceal a manoeuvre destined to muddy the negotiation process to achieve a CW convention.”

³⁶⁹ Jonathan Tucker, “The Rollback of Libya’s Chemical Weapons Program,” *Nonproliferation Review* (16:3, 2009), 372.

³⁷⁰ Marrero, “Con punto y aparte,” 8.

³⁷¹ Hoyt, “Rogue,” 309, Müller, “Change,” 148-57, Kelle, “Conference,” 152-3, Fey, “Established” 164-6, 172: “More than any other power, the United States... engaged proactively in establishing, strengthening, enforcing and advancing the norm of WMD nonproliferation, covering the whole spectrum of entrepreneurship.”

CHAPTER 5:
INTERNATIONAL HUMAN RIGHTS NORM
The Prohibition of Torture



Figure 11: 'Refusal in Latin America to validate US kidnappings abroad.'¹

5.1 INTRODUCTION

On the eve of commencement of official negotiations for the *United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1984) (CAT),² which comprises the ultimate consolidation of the international HR norm to prohibit torture,³ Cuban diplomats formulated a plan: a strategy to tackle what they perceived to be a “peculiar and intense” turn in international relations. According to a 1977 confidential MINREX report, the US “and by extension the ‘free’, capitalist, developed, western and

¹ Anon, “Rechazo en Latina América a validar secuestros de EE.UU. en el extranjero,” *Granma* (28:121, Tue 16 June 1992), 3: ‘In the name of unipolarity, I take you prisoner.’

² <https://treaties.un.org/doc/Publication/UNTS/Volume%201465/volume-1465-I-24841-English.pdf>.

³ Ahcene Boulesbaa, “An Analysis of the 1984 Draft Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” *Dickenson Journal of International Law* (4:2, 1986), 189, J. Donnelly, “The Emerging International Regime Against Torture,” *Netherlands International Law Review* (33, 1986), 3,15,21-3, Burgers, Danelius, *UNCAT*, 12, Chris Ingelse, *The UN Committee against Torture* (The Hague, Kluwer Law International, 2001), 3,83,390.

Christian world – (is introducing itself) as the supreme champion in the fight for respect for human rights all over the world. A necessary corollary of this intent is the constant attack on socialism... (a) volume and virulence of attacks... unleashed against the socialist community regarding human rights in our countries.”⁴ In order to “combat” this trend, and “promote confrontation” against “initiatives advanced by the enemy,”⁵ MINREX proposed a seven-step plan through which Cuba would assume responsibility for rights traditionally attributed to the West.⁶ The plan included Cuban sponsorship of HR resolutions at international forums, hosting international HR symposiums, establishing a national HR Study Group and preparing:

for deep discussion on these matters. Procedural manoeuvres to impede them are, even in the event of approval, a source of erosion of our capacity to influence other delegations and always leave the impression that effectively we have some darkness to hide; that is precisely one of the ‘images’ that the US and the Westerners we consider as a Group at the UN seek to project onto socialism... our delegations should take initiatives of this type in topics that have been assumed by Westerners as their undeniable dominion, such as that of torture and political prisoners.⁷

Yet Cuban plans to assume leadership for promotion of the norm to prohibit torture failed. Despite adherence to the seven-step strategy throughout CAT negotiations in the UN Commission on Human Rights (CHR), signing the CAT one year after its opening for signature in 1986, and MINREX memos revealing an intent to ratify within the following year, Cuban ratification of the norm to prohibit torture pended a further nine years. For at the precise moment Cuba commenced consideration of CAT ratification, it became embroiled in an ideational battle that shattered its overarching HR strategy and CAT intentions.

The reasons behind ultimate Cuban endorsement of the norm to prohibit torture may be elicited through analysis of this two-decade struggle. Once again, examination reveals that while some norm diffusion attributes held resonance as anticipated within the analytical

⁴ MINREX, Dir. Organismos Internacionales, “Elementos Para Una Actualizacion de las Posiciones Cubanas en materia de Derechos Humanos en los Organismos Internacionales,” 21 Jan 1977, 1,5,7. Similarly: Campbell, *Security*, 138, Vincent, *HR*, 70: US “took account of HR not as something which, in the end, we all believe to be a good thing, but as something in regard to which we wanted something from the Soviet Union and its.. allies.”

⁵ MINREX, “Elementos,” 16-7: contrasting USSR policy of HR rejection due to inadmissible foreign interference.

⁶ *Ibid*, 9-10,20-8.

⁷ *Ibid*, 18,23-4,28. Also: MINREX, “Ref: 132.4- De: Carlos Lechuga Hevia, Director de Organismos Internacionales, A: José R. Viera Linares, Viceministro, Asunto: Constitución de un Grupo de Estudio para cuestiones de derechos humanos,” 11 April 1979, 1.

framework, the majority in fact operated in unexpected and even adverse ways. Akin to Cuban endorsement of the norm to eliminate CW, national identity, international concurrence and norm substance proved influential as anticipated in the literature. Regional suasion, some INEs and the feedback loop did not. The remaining attributes proved significant albeit contrary to expectations, with all except surprisingly high salience holding distinctly negative impact. This case study therefore offers a crucial contribution to international norm and CAT-related scholarship from the purported revisionist state perspective. Extending conclusions drawn from the previous chapter, results demonstrate that the traditional socialisation drivers of IO, state, regional and INE (in conjunction with DNE) suasion - although promoting general norm adoption - had the opposite effect upon Cuba and substantially delayed Cuban norm endorsement.

This chapter commences with an introduction that defines the norm embodied in the CAT, provides a general timeline of international diffusion, outlines reasons behind anticipated Cuban rejection, and details the dual puzzle of Cuban norm endorsement yet delay. Employing the indicators in Figure 7 as the basis for assessment, the chapter then evaluates the attributes that held influence as anticipated, followed by those that proved influential albeit in an unanticipated manner, and those with negligible effect. The chapter concludes with a preliminary review of results, consolidating which attributes held most power over Cuban norm endorsement in this HR study and considering what this might mean for conceptions of international norm diffusion, socialisation and revisionism in IR.

5.1.a: Definition of Norm

As with all international conventions, the CAT comprises a range of norms pertaining to both torture and other cruel, inhuman or degrading treatment or punishment (OCIDTP). Given acknowledgement of the norm to prohibit torture in prior international treaties,⁸ the CAT's purpose was centralisation and consolidation to achieve "more effective implementation of the existing prohibition under international and national law of the

⁸ 5.1.b: Timeline of Diffusion.

practice of torture... (making) more effective the struggle against torture.”⁹ As Donnelly observes, “the Convention against Torture thus lies within, and at the heart of, an increasingly complex web of international norms and procedures; it is a new and important focal point for the emerging international regime against torture.”¹⁰ The CAT codified extant customary international law, “outline(d) specific measures for achieving the aims set,” and, crucially, “impose(d) obligations of positive law upon States” through specific implementation mechanisms.¹¹ The CAT’s “most positive contribution to the promotion of human rights ideals is its establishment of internationally accepted standards of conduct” to define and prevent torture.¹²

The CAT’s primary focus is the norm to prohibit torture, reflected by its definition in Article 1 alongside Article 2(1) obligation to “take effective legislative, administrative, judicial or other measures to prevent acts of torture.”¹³ Article 2(2) reinforces this by explicating the norm’s non-derogable nature in which “No exceptional circumstances whatsoever... may be invoked as a justification of torture.”¹⁴ With the CAT, the international norm to prohibit torture became a “universally valid rule (that) can be considered... a peremptory norm of general international law.”¹⁵ According to the UN Special Rapporteur (SR) on Torture, “Torture had been formally criminalized; an increasing number of States

⁹ CAT Preamble. Also: Nigel Rodley, “Reviewed Work: The United Nations Convention against Torture: A Commentary,” *Human Rights Quarterly* (31:4, 2009), 1143, Ingelse, *UNC*, 3, Burgers, Danelius, *UNCAT*, 177, Manfred Nowak, Elizabeth McArthur, *The United Nations Convention Against Torture* (Oxford: Oxford Public International Law, 2008), 8, Donnelly, “Regime,” 15, 21: ‘a single right convention.’

¹⁰ Donnelly, “Regime,” 3, 21-3. Similarly: Ingelse, *UNC*, 389.

¹¹ Burgers, Danelius, *UNCAT*, 1, 8, 12. Also: Ingelse, *UNC*, 3, 83, 390, Boulesbaa, “Analysis,” 189.

¹² Boulesbaa, “Analysis,” 207.

¹³ CAT, Articles 1, 2. See also: Averell Schmidt, Kathryn Sikkink, “Breaking the Ban?,” *Journal of Global Security Studies* (4:1, 2019), 105-6, Andrew Byrnes, “Committee Against Torture” in Philip Alston (ed), *The United Nations and Human Rights* (Oxford: Clarendon Press, 1992), 517-9, Nowak, *UNC*, 161, Burgers, Danelius, *UNCAT*, 177-8, Ingelse, *UNC*, 66-83, 186, Abdullahi an-Na’im, “Toward a Cross-Cultural Approach to Defining International Standards of HR” in An-Na’im, *HR*, 32. Four legal aspects: Ahcene Boulesbaa, *The U.N. Convention on Torture and the Prospects for Enforcement* (The Hague: Martinus Nijhoff Publishers, 1999), 7-9, 15-39, Maxime Tardu, “The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” *Nordic Journal of International Law* (56, 1987), 305-7.

¹⁴ CAT, Article 2(2). See also: Boulesbaa, *UNCAT*, 78-88, Hathaway, “HR,” 1965.

¹⁵ Burgers, Danelius, *UNCAT*, 12.

parties... had committed themselves to prosecuting and trying any person who had perpetrated torture.”¹⁶ Torture was “absolutely forbidden.”¹⁷

5.1.b: Timeline of Diffusion

Employment and criticism of torture was recorded as early as in ancient Greece, with institutionalisation of the practice spreading throughout Europe during the Middle Ages.¹⁸ Increasing societal rejection, reportedly stemming from principles of the Enlightenment consolidated by the French Revolution, led to waves of national European decriminalisation from the mid-1700s, “to the extent that Victor Hugo could announce in 1874 that ‘torture has ceased to exist.’”¹⁹ However, the return of torture alongside totalitarian regimes and the horrors of World War II prompted dedicated international initiatives for prohibition.²⁰ The first milestone occurred with the Universal Declaration of HR (UDHR), formulated by the newly established CHR and adopted by the UNGA on 10 December 1948.²¹ Article 5, which states “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,” was “the first instance of codification of the international ban on torture.”²² However, it was not binding international law. Article 7 of the 1966 International Covenant on Civil and Political Rights (ICCPR) rectified this by replicating it,²³ and thus comprising the “first universal and general human rights treaty that contained a provision devoted to a ban on torture.”²⁴

¹⁶ E/CN.4/1990/SR.23,9. Lutz, Sikkink, “HR,” 634: “Torture is the most widely outlawed HR violation.”

¹⁷ Joseph Voyame, “La Convention des Nations Unies contre la torture et autres peines ou traitements cruel, inhumains ou dégradants” in Antonio Cassese (ed), *The International Fight Against Torture* (Baden-Baden: Nomos Verlagsgesellschaft, 1991), 47. Also: Manfred Nowak, *UN Covenant on Civil and Political Rights* (Kehl: Norbert Paul Engel, 2005), 157-8, S. Vera Lópes, “Panorama Sobre La Legislación En Materia De Genoma Hunamo En América Latina Y El Caribe,” *Convention against Torture Initiative*, 2017, 5, Boulesbaa, *UNCAT*, 69,79, Matthew Lippman, “Development and Drafting of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” *Boston College International and Comparative Law Review* (17, 1994), 325: “no disagreement whatsoever on the fact that torture is absolutely forbidden.”

¹⁸ Nigel Rodley, *The Treatment of Prisoners Under International Law* (New York: Oxford University Press, 1999), 7-9, Lippman, “Development,” 275-81, Ingelse, *UNC*, 23-8, Burgers, Danelius, *UNCAT*, 10.

¹⁹ Burgers, Danelius, *UNCAT*, 10. Similarly: Lippman, “Development,” 281-3, Ingelse, *UNC*, 28-30,387.

²⁰ Rodley, *Prisoners*, 9, Ingelse, *UNC*, 30, Lippman, “Development,” 283-9, An-Na’im, “Cross-Cultural,” 30.

²¹ Article 5 adopted unanimously: A/Res/217A (III), Ingelse, *UNC*, 48.

²² Ingelse, *UNC*, 30-48, Burgers, Danelius, *UNCAT*, 11, A/Res/217A (III).

²³ UNGA, “Resolution 2200A (XXI), 16 December 1966: International Covenant on Civil and Political Rights.” Also: Arts 4(2),9,10(1), E/CN.4/SR.312, E/CN.4/193, A/C.3/L.675, A/2929,31, para 12-3, Nowak, *UNC*, 159-74.

²⁴ Ingelse, *UNC*, 51-2.

The third milestone was a confluence of UNGA Resolutions, propelled by increasing reports of torture during the 1970s.²⁵ UNGA Resolution 3059 (XXVIII), 2 November 1973, rejected any form of torture or OCIDTP, placed the item on the UNGA agenda and requested an ECOSOC report for CHR consideration.²⁶ Unanimous UNGA Resolution 3218 (XXIX), 6 November 1974, requested submission of state reports on national measures to protect against torture and recommended development of international codes of ethics for law enforcement, medical practitioners, and *Standard Minimum Rules for the Treatment of Prisoners* from the UN Congress on the Prevention of Crime and the Treatment of Offenders'.²⁷ Critically, 1975 UNGA Resolution 3452 (XXX) comprised a Declaration defining and condemning torture as a denial of the UN Charter and violation of UDHR, proclaimed that "No state may permit or tolerate torture," and prescribed that all states shall "take effective measures to prevent torture and OCIDTP from being practiced within its jurisdiction."²⁸ According to Ingelse, the unanimity of adoption without vote:

gave the Declaration a considerable political and moral weight... it formed the first far-reaching guideline for the implementation of the existing ban on torture... (and) was also the most important blueprint for the Convention against Torture... For the first time ever, a detailed definition of torture had been laid down in an international document.²⁹

However, as the UNGA Dutch delegate observed, the Declaration "did not purport legal obligations, it imposed a moral obligation on States to ensure that their national legislation would conform to the standards laid down in the declaration."³⁰ UNGA Resolution 3453(XXX), adopted immediately after the Declaration, recognised this inadequacy and recorded "that further international efforts are needed to ensure adequate protection for all against torture."³¹ The resolution requested the CHR recommend steps to ensure observance of the Declaration and formulate a body of principles to protect detainees and prisoners.³²

²⁵ Nowak, McArthur, *UNCAT*, 2, Ingelse, *UNC*, 2,31,66, Lippman, "Development," 290-6,304-7,334-5.

²⁶ Adopted without vote: A/9767. See also: Burgers, Danelius, *UNCAT*, 14, Ingelse, *UNC*, 68.

²⁷ A/10158, A/10158/Add.1, A/C.3/32/SR.34,4, Ingelse, *UNC*, 68, Burgers, Danelius, *UNCAT*, 14-5, Rodley, *Prisoners*, 26-34: Cuba one of 25 states that spoke "uniformly in support of the draft declaration."

²⁸ Adopted without vote: Burgers, Danelius, *UNCAT*, 17-8,191-4, Nowak, McArthur, *UNCAT*, 2, Ingelse, *UNC*, 2, Rodney, *Prisoners*, 20,30-9. Codes of ethics: Lippman, "Development," 297-300.

²⁹ Ingelse, *UNC*, 69-70. Also: Lippman, "Development," 300-3, J. Herman Burgers, "An Arduous Delivery" in Johan Kaufman (ed), *Effective Negotiation* (Dordrecht: Martinus Nijhoff Publishers, 1989), 45-6.

³⁰ Rodley, *Prisoners*, 36.

³¹ Adopted without vote: Burgers, Danelius, *UNCAT*, 18-23,195.

³² Ingelse, *UNC*, 72, Rodley, *Prisoners*, 38-9, Burgers, Danelius, *UNCAT*, 18-23.

Finally, on 8 December 1977, alongside three additional resolutions,³³ UNGA Resolution 32/62, co-sponsored by Cuba in likely concordance with their overarching HR strategy, proclaimed “that further international efforts are needed to ensure adequate protection for all against torture... a further significant step would be the adoption of an international convention against torture,” and requested the CHR commence work on such.³⁴ The 1978 CHR authorised an Open-Ended Working Group (WG) to “draw up the first draft of a convention on torture,”³⁵ which met each year between 1978 and 1984.³⁶ On 6 March 1984, the CHR adopted Resolution 1984/21 and transmitted a draft convention prohibiting torture to the UNGA Third Committee with only two items bracketed.³⁷ The Third Committee adopted an agreed text following last-minute wrangling, and sent it to the UNGA Plenary for approval.³⁸ On 10 December 1984, Resolution 39/46 “Adopts and opens for signature, ratification and accession the Convention against Torture... (and) Calls upon all Governments to consider signing and ratifying the Convention as a matter of priority.”³⁹ The Convention entered into force on 26 June 1987, following the requisite twenty instruments of deposit on 27 May 1987.⁴⁰

5.1.c: Why Cuban Rejection was Anticipated

A wealth of scholarship presumes that liberal, democratic states – as opposed to communist, authoritarian or purported revisionist states - endorse international HR norms.⁴¹ Cuba under Castro additionally represented one of the single-party regimes that

³³ UNGA Resolutions 32/63, 32/64, 32/65.

³⁴ Adopted without vote: https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/32/62. Also: A/32/222, A/C.3/32/SR.34-42, A/32/355, A/33/197, A/34/145, A/34/145/Add.1-3, A/35/370/Rev.1./Add.1, A/36/426-/Add.1, A/37/263, Rodley, *Prisoners*, 40-2, Burgers, Danelius, *UNCAT*, 33-4,196.

³⁵ UNGA Resolution 32/62: E/1978/34;E/CN.4/1292,31-2.

³⁶ A/RES/38/119, UNGA Resolution 39/46 Preamble, Burgers, Danelius, *UNCAT*, 31, Tardu, “UNCAT,” 303, Nowak, McArthur, *UNCAT*, 4-5, Rodley, “Reviewed Work,” 1143.

³⁷ A/C.3/39/SR.44, UNGA Resolution 39/46, Preamble.

³⁸ Burgers, Danelius, *UNCAT*, 106,250-1.

³⁹ Burgers, Danelius, *UNCAT*, 33,106,251. See also: Ingelse, *UNC*, 82, Burgers, “Delivery,” 52.

⁴⁰ Ingelse, *UNC*, 83.

⁴¹ Helfer, Slaughter, “Adjudication,” 278, Hathaway, “Cost,” 1837-40,1852, Moravcsik, “Origins,” 217-52, McKeown, “Regress,” 12, Khagram, et al, “Santiago,” 17-8, Schimmelfennig, “Calculation,” 40-1, Donnelly, *HR*, 209, Hathaway, “HR,” 1953-5,2019-20, Elkins, et al, “Rights,” 88, Goodliffe, Hawkins, “Commitment,” 362.

studies predict would reject the CAT given lack of domestic pressure and aversion to sending concessional signals to citizenry.⁴² Hawkins, for example, claims these are:

some reasons why international pressures are often ineffective – as they have been in recent years against China, Indonesia, Iraq, Cuba and even tiny Haiti. The impact of international pressures depends as much on domestic politics as it does on the intensity and scope of the pressures themselves... each country lacks a strong tradition of Western democracy and respect for human rights, making it easier for authoritarian elites to base their legitimacy on other factors.⁴³

Evidence presented throughout this chapter reveals a multitude of reasons for anticipated Cuban norm rejection. Generally, as Hathaway recognised, “Human rights treaties impinge on core areas of national sovereignty without promising obvious material or strategic benefits.”⁴⁴ Indeed, Nielsen and Simmons find that neither material (aid, trade, investment), nor intangible (legitimacy, recognition, praise, inclusion) benefits stem from HR treaty ratification in general, and the CAT in particular.⁴⁵ The following aspects particularly contributed to expectations of Cuban CAT rejection.

5.1.c.i: Financial Burden

CAT Articles 17-18 specify State Party responsibility for expenses associated with both the Committee Against Torture and Conferences of Parties.⁴⁶ This generated concerns during negotiations that the resulting financial burden “might make it difficult for the less affluent States to decide to become parties to the convention.”⁴⁷ Even after it entered into force, CHR Resolution 1988/31 specifically acknowledged “the financial burden to be carried by States parties under the Convention against Torture... is an onerous one, especially for developing countries, and may delay its universal acceptance.”⁴⁸ Frequent CHR resolutions were also forced to reiterate “the importance of strict adherence by States parties to the obligations under the Convention regarding the financing... (and) Urge States parties that have not yet paid their assessed contributions to fulfil their obligations forthwith.”⁴⁹

⁴² Vreeland, “Institutions,” 70.

⁴³ Hawkins, “Responses,” 426.

⁴⁴ Hathaway, “HR,” 1938. Also: Hathaway, “Cost,” 1823.

⁴⁵ Nielsen, Simmons, “Rewards,” 197-208.

⁴⁶ CAT, Articles 17(7), 18(5), Tardu, “UNCAT,” 316, Burgers, Danelius, *UNCAT*, 112.

⁴⁷ Burgers, Danelius, *UNCAT*, 87.

⁴⁸ E/1988/12; E/CN.4/1988/88, 85-6.

⁴⁹ E/1992/22; E/CN.4/1992/84, 74.

Confidential MINREX reports indicate “the referenced economic cost for Cuba” directly impacted Cuban decision-making, comprising one argument against immediate ratification:

participation in the Convention would imply expenditure of an undefined amount, since States Parties will suffer expenses of... meetings of State Parties and of the Committee... Consequently, the Working Group proposed the convenience of waiting for the Convention’s entry-into-force in order to, knowing the experience of other countries, determine how much the expenditure would add up to.⁵⁰

Similar to CWC concerns, potential CAT financial costs weighed heavily on Cuban decision-makers and disincentivised initial norm endorsement.

5.1.c.ii: Compliance Costs

Decision-makers held concerns regarding compliance costs as well. As Hathaway explains, “When deciding whether to ratify a treaty, a country will take into account the expected compliance costs - that is, how much the country will change its behavior as a result of the ratification... those for whom compliance is likely to be easier appear to be somewhat more likely to commit.”⁵¹ With regard to the CAT, there is a general obligation on signatories “for affirmative action” to implement prescribed measures to prevent torture,⁵² with “a great number of specific obligations”⁵³ including enforcement of domestic legislative criminalisation and additional administrative, judicial or other measures, provision of legal remedies including compensation to victims, adherence to non-refoulement, provision of personnel training and education, and universal jurisdiction.⁵⁴ The latter requires every State Party to investigate, take into custody, and extradite or prosecute alleged torturers, irrespective of the territory in which the offence occurred, the nationality of the offender or victim, or the state within which the offender was detained, so long as one of these factors apply.⁵⁵ Noting the opening image to this chapter from *Granma*, which specifically

⁵⁰ MINREX, “De: Olga Miranda Bravo, Directora Jurídica, A: Oficinas del Ministro, Ref: Memorandum RS/175 de 10.1.87, Ratificación Convención contra la Tortura,” 21 January 1987, 1-2.

⁵¹ Hathaway, “Cost,” 1834-6,1842,1856.

⁵² Burgers, Danelius, *UNCAT*, 1, Boulesbaa, *UNCAT*, 45-55,65-79,296.

⁵³ Voyame, “Convention,” 47. Also: Nowak, *Covenant*, 179-82, Rodley, *Prisoners*, 132-3, Nowak, McArthur, *UNC*, 8-11, Tardu, “UNC,” 311-5: “Convention therefore involves a thorough overhaul of many national codes.”

⁵⁴ *CAT*, Articles 3-10,14, Ingelse, *UNC*, 3-4,84, Boulesbaa, “Analysis,” 207-8, Byrnes, “CAT,” 514, Nowak, McArthur, *UNC*, 10, Tardu, “UNCAT,” 313-4, Boulesbaa, *UNCAT*, 2-3,58-79,279.

⁵⁵ Territorial, active, passive, and presence personality principles: *CAT*, Arts 5-7, Burgers, Danelius, *UNCAT*, 35-6, Boulesbaa, 175-7,220-3, Donnelly, “Regime,” 4: “most striking substantive provisions of the Convention.”

denounced rendition and prosecution of citizens in foreign jurisdictions as kidnapping, universal jurisdiction was likely a controversial obligation for Cubans.⁵⁶

The precise burden of the CAT compliance system, monitored by the Committee Against Torture, remains contested. The four implementation mechanisms— compulsory state reports,⁵⁷ an opt-in individual complaint procedure,⁵⁸ an optional and reciprocal state complaint mechanism,⁵⁹ and an, at that time novel and unique, opt-out Committee investigation procedure⁶⁰— have been characterised as “a realistic method of enforcement of internationally accepted HR principles,”⁶¹ “strong and innovative,” offering “the best chances for impartiality and effectiveness,”⁶² constituting “a credible commitment,”⁶³ and “as strong as any international implementation procedure in the field of HR.”⁶⁴ Yet they have also been viewed as “lack(ing) the teeth necessary for real enforcement,”⁶⁵ and “to call it even an ‘implementation’ mechanism is probably too strong.”⁶⁶ According to Hathaway, the CAT has one of “the weakest enforcement mechanisms,” “proven woefully inadequate,”⁶⁷ which opens the door to lip-service ratification for purely reputational rewards.⁶⁸ However, like the CWC, internal MINREX documentation indicates Cubans took international HR legal obligations exceptionally seriously, with compliance concerns comprising the second justification for Cuba’s initially delayed CAT ratification. The national Working Group recommended, “Our Penal Code is not adjusted to the exigencies of the Convention; what is necessary before ratifying the same is to do a study on the possibilities of modification of said Code.”⁶⁹ Conscious of its international obligations, requirement for

⁵⁶ Lilia Obregón, “Between Civilisation and Barbarism” in Falk, et al, *IL*, 122: “Latin American governments feared that HR would become an excuse for interventions from the communist bloc and then from the USA.”

⁵⁷ CAT Art 19, Committee Against Torture Guidelines A/46/44 (1991) Annex III,VII, A/46/44 (1991) Annex VI, A/46/44 (1991) Annex VIII, CAT/C/SR.88 (1991), Byrnes, “CAT,” 525-9, Boulesbaa, *UNCAT*, 253,260-2.

⁵⁸ CAT Art 22, Donnelly, “Regime,” 7,19, Byrnes, “CAT,” 536, Boulesbaa, *UNCAT*, 287-92.

⁵⁹ CAT Art 21, Byrnes, “CAT,” 523-4,530-4, Boulesbaa, *UNCAT*, 62,265,272-7,284-5,294.

⁶⁰ CAT Arts 20,28, Tardu, “UNCAT,” 318, Donnelly, “Regime,” 6, Byrnes, “CAT,” 524,530-2, Ingelse, *UNC*, 3-4.

⁶¹ Boulesbaa, “Analysis,” 194.

⁶² Tardu, “UNCAT,” 315,319.

⁶³ Nielsen, Simmons, “Rewards,” 200.

⁶⁴ Donnelly, “Regime,” 6-7.

⁶⁵ Boulesbaa, *UNCAT*, 293-4,298, Boulesbaa, “Analysis,” 204-7,211.

⁶⁶ Donnelly, “Regime,” 10-1,17-9,23. Also: Ingelse, *UNC*, 9,16,84,390.

⁶⁷ Hathaway, “Cost,” 1847,2008,1988,2014.

⁶⁸ Hathaway, “HR,” Boulesbaa, “Analysis,” 205, Boulesbaa, *UNCAT*, 274, Donnelly, “Regime,” 20-1.

⁶⁹ MINREX, “Ref: Memorandum RS/175 de 10.1.87,” 1. Also: 5.3.b.iii: Saliencia.

substantial domestic legislative change, and the four implementation mechanisms, Cuban CAT ratification was considered unlikely.

5.1.c.iii: Ostensible Ideological Dissonance

As elaborated further in section 5.3.c.iii, and despite its overarching HR strategy detailed above, Cuba held ideological concerns over HR norms that exacerbated expectations of norm rejection. Reflecting the critique of HR as a form of Western imperialism,⁷⁰ Cuba remained apprehensive regarding perceived Western HR imposition.⁷¹ Cuba aligned with “the ideological counterpoint in non-Western societies that alleged HR standards are more properly understood to be disguised hegemonic claims by the West that, in a postcolonial era, are no longer entitled to respect and should more properly be repudiated.”⁷² In specific relation to resisting civil and political rights at the CHR, the MINREX Vice-Minister advised the Vice-President that “it will be Cuba who assumes the responsibility to take this type of action... (while others) assume the comfortable position of hiding behind our initiatives. Nevertheless, our delegation will act with all diligence to reinforce and extend opposition to Western initiatives.”⁷³ In 1992 the Vice-President publicly affirmed “we cannot permit the imposition of someone else’s models to our realities... We must reject the political manipulation to which these noble themes are subject... we will resist, for Cuba and for all of humanity.”⁷⁴ Given such fundamental ideological dissonance and revisionist assertions, official Cuban endorsement of the norm to prohibit torture appeared unlikely.

5.1.c.iv: Allegations of Breach

Finally, as detailed below, there was an immense upsurge in allegations of Cuban HR abuses in the years prior to CAT ratification, including in relation to torture.⁷⁵ According to Amnesty International (AI) between 1992-1994, for example, “Reports of ill-treatment and,

⁷⁰ Chowdhury, “Norms,” 111,114, Vincent, *HR*, 102-5: “an ideology, which looks after western interests while pretending to a selfless concern for the interests of others.” See also: Jennifer Welsh, “A normative case for pluralism,” *International Affairs* (87:5, 2011), 1202.

⁷¹ E/CN.4/1989/SR.47/Add.1,21: Cuba rejected US “desire to impose its dictates on the Commission.”

⁷² Falk, “Cultural,” 45. Contra: Moravcsik, “Origins,” 237: HR designed to mitigate “a Communist future.”

⁷³ Viceministerio de Relaciones Exteriores, “De: Rene Anillo, A: Carlos Rafael Rodríguez, Vicepresidente del Consejo de Estado,” 28 January 1978, 2.

⁷⁴ Juan Bosque, “Discurso de Juan Almeida Bosque,” *Granma* (28: 183, Fri 4 Sept 1992), 5.

⁷⁵ Refer: 5.3.a.ii: International Organisations, 5.3.a.iii: State Suasion, 5.3.iv: INEs – INGOs, 5.3.b.ii: DSCs.

in isolated cases, torture were more frequent than in recent years.”⁷⁶ From the first draft CHR resolution expressing “deep concern over the specific and detailed allegations of serious human rights violations in Cuba” in 1987,⁷⁷ to the 1989 CHR report that recorded “a total of 137 complaints of torture,”⁷⁸ to appointment of an SR on Cuba in 1992,⁷⁹ and an in-country High Commissioner for HR visit in 1994,⁸⁰ Cuba became the intense focus of HR violation inquiries. Such allegations fuelled expectations of Cuban rejection of the torture norm.

5.1.d: Endorsement Conundrum

Cuban CAT ratification on 17 May 1995 therefore came somewhat as a surprise, with Cuba one of only six Caribbean states to have ratified it as of 2017.⁸¹ Cuba had added itself to the growing list of signatories within one year of opening for signature on 27 January 1986,⁸² and upon adoption the Cuban CHR delegate:

wished to reiterate its absolute rejection of the use of any form of torture... such inhuman practices, which were contrary to the peace and well-being of mankind. Cuba had sponsored numerous proposals leading up to the adoption of that instrument. The international community must continue to defend HR and to take the necessary legal and practical measures to put an end to torture.⁸³

Internal memos show that within one year of Cuba’s signature, the MINREX Legal Director recommended “presenting ratification of the Convention Against Torture to the Council of Ministers.”⁸⁴ The MINREX Vice-Minister approved, confirming “I consider it would be very convenient if we could speed up this transmission on our part and not be amongst the last to ratify it, if not the opposite.”⁸⁵ A handwritten note on the memo, purportedly from the

⁷⁶ Amnesty International, *Amnesty International Reports, 1992-1994* (London: Amnesty International Publications, 1992-1994), 97-9,108,111-3.

⁷⁷ E/1987/18;E/CN.4/1987/60,213.

⁷⁸ E/CN.4/1989/46,26-8.

⁷⁹ E/1992/22;E/CN.4/1992/84,10,141-3,280-1, E/CN.4/1992/SR.52/Add.1,8-13.

⁸⁰ E/CN.4/1995/SR.47,15, E/CN.4/1995/52,22, E/CN.4/1995/SR.50,20, E/CN.4/1995/SR.56,12, Amnesty International, *Amnesty International Report, 1995* (London: Amnesty International Publications, 1995), 110.

⁸¹ Antigua and Barbuda, Belize, Guyana, Saint Vincent and Grenadines, Dominican Republic: Lópes, “Panorama,” 5.

⁸² E/CN.4/1986/17,2, E/CN.4/1987/14,2, Burgers, Danelius, *UNCAT*, 107.

⁸³ E/CN.4/1985/SR.3,7. Also: E/1985/22;E/CN.4/1985/66.

⁸⁴ MINREX, “Ref: Memorandum RS/175,” 3. Similarly: MINREX, “RS:042- De: María de los A. Flores, Oficina Viceministro Roa, A: Isidoro Malmierca, Ministro,” 9 January 1987, 1.

⁸⁵ *Ibid*, 1.

MINREX Minister himself, questioned, “When can we present ratification of the Convention Against Torture to the Council of Ministers?”⁸⁶ In January 1987, key Cuban decision-makers thus pushed for prompt CAT ratification. Yet ratification stalled. Two conundrums are therefore raised in relation to Cuban endorsement of the norm to prohibit torture. First, echoing the overarching research puzzle, why did Cuba ratify the CAT against each of the above-listed expectations? Second, why was there such a significant delay between internal government intentions to ratify and the act of ratification? The following analysis of each international norm diffusion attribute provides important answers.

5.2 INFLUENCE AS EXPECTED

Evaluation of indicators for the fifteen international norm diffusion attributes reveals that only three had influence over norm endorsement as anticipated. Furthermore, not one was a systemic-level socialisation driver. This section documents how the state-level attribute of national identity, and norm-related attributes of norm substance and international concurrence held influence over norm endorsement as expected in the analytical framework.

5.2.a: State-Level Attributes

5.2.a.i: National Identity

Cuban attempts to disrupt traditional East/West HR dichotomies and assume responsibility for the norm to prohibit torture in line with its overarching HR strategy fostered alignment between Cuban national identity and the norm. Analysis of national discourse indicates that Cuba did so by employing the norm to consolidate Cuban identity in contradistinction to the US. National media, for example, pounced upon every opportunity to condemn reports of US torture. In 1978 *Granma* reported the CIA “organising schools of torture” in Uruguay,⁸⁷ and, when describing violations elsewhere in 1984 noted they comprised “examples with a common denominator; the support of the US in the

⁸⁶ Ibid, 1,3.

⁸⁷ Gabriel Molina y Hector Pardo, “En el Tribunal Internacional La Juventud Acusa al Imperialismo,” *Granma* (14:185, Fri 4 Aug 1978), 3.

commitment of all these HR violations.”⁸⁸ This article concluded the “US is, for this reason, the principal culprit of the length and breadth of human rights violations on Earth.”⁸⁹ *Granma* regularly reported “torture precincts” in US police stations,⁹⁰ US prisons,⁹¹ and that risk of death in the latter was three times higher than on a US motorway.⁹² Each US execution received individual *Granma* attention, alongside observations that capital punishments violated international treaties, encompassed tortuous ‘inadmissible suffering’ and discriminated against minority groups.⁹³ Cuba similarly condemned the US at the CHR, and repeatedly refused to, for example, “recognise the moral authority of a government that has affirmed continued support for UNITA bandits.”⁹⁴

To distinguish itself from the ‘yankee imperialists’ and prior Batista rule, the Castro regime thus aligned its ethos directly with respect for the norm to prohibit torture. In a 1989 national speech, for example, after condemning the CIA:

in contradiction to those attitudes, the Commander in Chief said that our Security, which did not fight for the interests of imperialism but for the people and their support, never remotely let itself be carried away by practices of that nature, nor in physical violence with the prisoner; never, without exception, let itself be dragged into torture... not only given their own conscience and education, but also because they knew these were the inviolable principles of the Revolution.⁹⁵

Amnesty International confirmed this in the early years, with its 1977 report recording that “Accounts by former prisoners... tend to corroborate official statements to the effect that torture is deliberately and systematically prevented under the present regime.”⁹⁶ Cuban representatives replicated the narrative of respect for the norm to prohibit torture as Cuban national identity on the international stage as well. At a 1991 CHR Plenary intervention, for example, the delegate affirmed:

⁸⁸ Joaquín Rivery, “Día de los Derechos Humanos,” *Granma* (20:290, Mon 10 Dec 1984), 8.

⁸⁹ *Ibid.*, 8.

⁹⁰ Nicanor Cotayo, “Hablará Vernon Walters de esto en Ginebra?,” *Granma* (23:58 Wed 11 Mar 1987), 5.

⁹¹ Teresa Valdez, “Derechos Humanos en USA,” *Granma* (26: 247, Thur 18 Oct 1990), 6, Cotayo, “Hablará Vernon Walters,” 5: “highest penal population in the world, and the life that transpires between their walls and bars emulates the horrors described by 14th century Italian poet Dante in his immortal work *The Inferno*.”

⁹² Cotayo, “Hablará Vernon Walters,” 5.

⁹³ *Ibid.*, 5.

⁹⁴ Rodolfo Casals, “Introduce EE.UU. clima de confrontación en debates,” *Granma* (25:51, 1 Mar 1989), 6.

⁹⁵ Fidel Castro, “Fidel en el Acto Central por los 30 Años de la Seguridad del Estado,” *Granma* (25:74, 28 Mar 1989), 3.

⁹⁶ Amnesty International, *Amnesty International Annual Report, 1977* (London: Amnesty International Publications, 1977), 136. Also: Lutz Sikkink, “HR,” 636-7.

The Cuban revolution was proud of the fact that none of the insidious acts of aggression directed against the Cuban people... had succeeded in sapping the determination of the authorities not to engage in such practices, notwithstanding what was being said by persons who were fomenting anti-Cuban campaigns.⁹⁷

The first Cuban report to the Committee Against Torture similarly asserted “The Cuban revolution was forged in... a humanist practice of respect for prisoners, rejection of crime and torture and any other flagrant violation of HR. This revolutionary ethic forms the very foundation of conduct for the Cuban socialist state.”⁹⁸ Analysis of indicators shows that Cuba promoted its national identity alongside the norm to prohibit torture throughout CAT negotiations and beyond, rendering the attribute of national identity of high import.

5.2.b: Norm-Related Attributes

5.2.b.i: Norm Substance

According to Lutz and Sikkink, “A full explanation of the justice cascade must include attention to the power of the principled ideas that undergird it.”⁹⁹ Much constructivist norm literature presumes “there is something inherent in HR norms such as the one against torture that leads to their widespread (and, one can presume, continuing) acceptance by liberal states.”¹⁰⁰ This was indeed reflected in a great deal of international discourse surrounding the norm against torture, which reiterated its unquestioned and non-derogable nature.¹⁰¹ According to Hawkins, “States are not merely mouthing words without meaning; rather, a good many of them actually believe that torture is such a heinous crime.”¹⁰² Donnelly concluded, “Torture is one of the few areas of genuinely universal consensus in the field of HR; as the representative of Spain put it in the Commission on HR, torture is something ‘that governments always denied and never justified’.”¹⁰³ Meanwhile, Ajami

⁹⁷ E/CN.4/1991/SR.31,2.

⁹⁸ MINREX, “De: Roberto Robaina González, A: Excmo. Sr. Boutros Boutros-Ghali,” 29 October 1996. Also: MINREX, “RS/2268- De: Abelardo Moreno, Viceministro, A: Roberto Robaina, Ministro,” 24 October 1996, 1.

⁹⁹ Lutz, Sikkink, “Justice,” 5,30: “the origins of many international norms lie not solely in pre-existing state or societal interests but in strongly held principled ideas (ideas about right and wrong).”

¹⁰⁰ McKeown, “Regress,” 7.

¹⁰¹ 5.1.a: Definition of Norm, Lutz, Sikkink, “HR,” 634, Schmidt, Sikkink, “Breaking,” 106.

¹⁰² Hawkins, “Institutions,” 783.

¹⁰³ Donnelly, “Regime,” 3.

listed the norm as second of only four HR concerns that embody “maximum feasible consensus at this time.”¹⁰⁴ As contended by the SR on Torture:

There is hardly any international legal norm which is so widely acclaimed as the prohibition of torture... The general revulsion against torture which finds expression in this network of instruments and mechanisms undoubtedly stems from the fact that torture is one of the most ignominious violations of HR.¹⁰⁵

Importantly, although related scholarship often limits the impact of norm substance to ‘liberal states’, per the second quote above, Cuban discourse also reflected respect for and acknowledgement of the immanent power of the norm. Within the CHR, the Cuban “Government condemned the use of any form of torture which, in its view, constituted one of the most abominable violations of human rights and an infringement of the most precious achievement of the Cuban revolution, namely, human dignity.”¹⁰⁶ Similarly, in public speeches, Castro “pointed out the ethic with which Security employees worked and will always work... no-one will have to speak within 20, 30 or 50 years, of crimes committed in this age, of disappearances or of torture.”¹⁰⁷ This was not solely public propaganda, given private MINREX documents reported the CAT “was studied by a Working Group at the request of this Organ, based on the fact that the Convention constitutes an achievement in the fight against torture.”¹⁰⁸ The substance and underlying power of the norm to prohibit torture played an important role within both international and Cuban norm endorsement.

5.2.b.ii: International Concurrence

As already implicitly acknowledged within the introduction and timeline of diffusion, crystallisation of the international norm to prohibit torture aligned directly with a period described by Lutz and Sikkink as an ‘HR norms cascade’: “a broad norms shift between the late 1970s and the mid-1990s that led to increased regional consensus concerning an interconnected bundle of HR norms, including the norms against torture and disappearance.”¹⁰⁹ The norm had been represented in earlier, alternatively-focused

¹⁰⁴ Falk, “HR,” 22: right to survive first, condemnation of apartheid third, right to food fourth.

¹⁰⁵ E/CN.4/1992/17,101.

¹⁰⁶ E/CN.4/1991/SR.31,2.

¹⁰⁷ Castro, “Fidel en el Acto Central,” 3.

¹⁰⁸ MINREX, “Ref: Memorandum RS/175,” 1.

¹⁰⁹ Lutz, Sikkink, “Justice,” 3-4.

international agreements, such as the 1948 Genocide Convention,¹¹⁰ 1949 Geneva Conventions,¹¹¹ and non-binding 1955 *UN Standard Minimum Rules for the Treatment of Prisoners*,¹¹² as well as regional initiatives across the globe, including the 1969 OAS American Convention on HR.¹¹³ The norm developed against the backdrop of increasingly attentive UN discourse on HR, evidenced by a range of ECOSOC resolutions granting CHR power to investigate gross violations in the 1960s/1970s,¹¹⁴ culminating in what Kamminga termed a ‘watershed’ moment: “the decisions taken with regard to Chile marked the beginning of an era in which the existence of an international element was no longer considered a necessary precondition for a response by the United Nations.”¹¹⁵ By 1985 the UNSG affirmed:

It is now accepted in practice that infringements, wherever they may be, are of common concern... Any remaining controversy is no longer about the circumstances under which the United Nations may hold states accountable, but about the manner in which it may do so.¹¹⁶

The prohibition of torture became a hot topic within such a permissive normative environment. Torture resonated broadly and repeatedly at the CHR throughout CAT negotiations, on a range of items including self-determination, hostage-taking, disappeared persons, scientific and technical developments, states of siege or emergency, and totalitarian ideologies, while inquiries were raised into allegations of torture in a variety of countries, and a UN Voluntary Fund for Victims of Torture and UN Special Representative on Torture were established.¹¹⁷ The norm to prohibit torture was consistent with prevailing norm hierarchies and international concurrence was high.

¹¹⁰ 1948 Genocide Convention, Arts 2-3, Ingelse, *UNC*, 54.

¹¹¹ 1949 Geneva Convention, Art 3, Geneva Convention on Prisoners of War, Art 87, Fourth Geneva Convention, Art 32. Also: 1952 International Labor Organization Convention no. 105, Art 31, 1956 Slavery Convention, Art 5, 1966 Convention on the Elimination of Racial Discrimination, Art 5(b), 1973 Convention for the Suppression and Punishment of Apartheid, Sandholtz, “Contestation,” 146, Burgers, Danelius, *UNCAT*, 12, Ingelse, *UNC*, 52-5.

¹¹² Para 31, 1939 League of Nations *Minimum Rules for Treatment of Prisoners*, Art 1(a),(d), UNGA Resolution 1955 *Standard Minimum Rules for the Treatment of Prisoners*, Burgers, Danelius, *UNCAT*, 11.

¹¹³ Arts 5,27, Vincent, *HR*, 95-6, Ingelse, *UNC*, 50, Burgers, Danelius, *UNCAT*, 7, Rodley, *Prisoners*, 47-53.

¹¹⁴ Ingelse, *UNC*, 55-6.

¹¹⁵ Menno Kamminga, *Inter-State Accountability for Violations of Human Rights* (Philadelphia: University of Pennsylvania Press, 1992), 88,102,119: “UN concern with violations of HR has moved from the highly restricted category of violations threatening international peace and security, to the wider category of gross violations constituting a consistent pattern, to the present broad category of violations of any UN HR standard.”

¹¹⁶ Kamminga, *Accountability*, 126. Also: Simpson, *Powers*, 299.

¹¹⁷ E/1981/25;E/CN.4/1475,6-7,97,228,236, E/1982/12;E/CN.4/1982/30, E/1983/13;E/CN.4/1983/60, E/1985/22;E/CN.4/1985/66,50-1,71-2,244, Ingelse, *UNC*, 57.

5.3 INFLUENCE YET NOT AS EXPECTED

This section explores the diffusion attributes that held influence over Cuban norm endorsement, yet in a manner contrary to that expected. Analysis reveals that although crucial and positive for general norm endorsement, rather than driving Cuban socialisation most of these attributes in fact hindered Cuban endorsement and prolonged Cuban CAT ratification. This section documents how this occurred, commencing with the systemic attributes of world context, IOs, state suasion and INGOs, followed by DNEs and DSCs at state-level. The section then considers how the state-level attribute of salience had impact contrary to that anticipated and concludes with the complex influence of domestic resonance and origin at norm-level.

5.3.a: Systemic Attributes

5.3.a.i: World Context

According to indicators for the world context attribute, two global events impacted the “broad norm shift” within which the norm to prohibit torture became institutionally consolidated.¹¹⁸ First, reports of torture in certain Latin American regimes in the 1970s raised public awareness and placed pressure on state leaders to codify the norm internationally.¹¹⁹ The “widely documented cases of torture and enforced disappearances in Chile”¹²⁰ are frequently accorded catalyst status, having attracted a great deal of attention within both the UNGA and CHR.¹²¹ Conversely, “a transformation occurred in the composition and behavior of political actors”¹²² in Latin America in the 1980s, particularly in post-Falklands war Argentina, “which replaced the military regime, instructed its delegation to work for the Convention, and in particular to emphasise universal jurisdiction and a

¹¹⁸ Lutz, Sikkink, “Justice,” 3, Lutz, Sikkink, “HR,” 638, 5.2.b.ii: International Concurrence.

¹¹⁹ Burgers, Danelius, *UNCAT*, 13, Ingelse, *UNC*, 66, Lutz, Sikkink, “HR,” 657.

¹²⁰ Nowak, McArthur, *UNCAT*, 2. Also: Burgers, Danelius, *UNCAT*, 14, Rodley, *Prisoners*, 21-5, 43-5.

¹²¹ Examples: UNGA Resolutions 3218 (XXIX), 3219 (XXIX), each UNGA Third Committee report November 1977, E/1978/34; E/CN.4/1292, Burgers, Danelius, *UNCAT*, 14-6.

¹²² Lutz, Sikkink, “HR,” 633, 657.

strong system of supervision.. (This) resulted in a shift in the centre of balance in the negotiations”¹²³ and cleared the path for CAT adoption.

Second, the end of the Cold War consolidated the broader HR norms shift as civil and political rights, including the prohibition of torture, increasingly transcended those of, for example, “full respect for the political, economic and social realities of the societies represented in the United Nations.”¹²⁴ The Vienna Declaration and Programme of Action adopted by the World Conference on HR in 1993 specifically resolved that “it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all HR and fundamental freedoms.”¹²⁵ Political, civil and human rights thus began to trump not only communal and economic rights, but also tolerance of alternative governance practices. By 1994, the SR on Cuba concluded that:

No matter what form it takes, a country’s political system cannot be maintained if it means that the human rights and fundamental freedoms of citizens defined in international instruments are being systematically violated. Moreover, the interpretation of these rights cannot be the sole prerogative of the authorities of the State.¹²⁶

This had direct and unequivocal repercussions for Cuba and HR norm endorsement, albeit not in the constructive manner anticipated in socialisation literature. For, paralleling the broader norms shift, the end of the Cold War dramatically altered the CHR equilibrium and transformed what had once been a relatively balanced tit-for-tat between Cuba and the US into US dominance.¹²⁷ This had immediate impact on Cuban HR policy, elaborated in detail below, as it rendered Cuba the subject of CHR investigations and effectively diverted it from CAT ratification. According to the MINREX Vice-Minister in 1992, the altered world context adversely intensified a prejudiced international spotlight on Cuba: “Mr. ROA KOURI

¹²³ Ingelse, *UNC*, 80. Also: Burgers, “Delivery,” 49.

¹²⁴ E/CN.4/1992/SR.48,11; CHR Resolution ‘Strengthening of United Nations action in the field of HR through the promotion of international cooperation, and the importance of non-selectivity, impartiality and objectivity’. See also: Thomas Franck, “The Emerging Right to Democratic Governance,” *American Journal of International Law* (86:1, 1992), 46-91, Simpson, *Powers*, 81,301,311, Rajagopal, “Counter-hegemonic,” 66: “the end of the Cold War marked the birth of a new hegemonic role for HR... such rights began to be seen as the language of military intervention, economic reconstruction and social transformation - a totalising discourse.”

¹²⁵ *Declaration*, para 5: E/CN.4/1994/51,4.

¹²⁶ E/CN.4/1994/51,4.

¹²⁷ Cuban/US resolutions targetting each other were equally un/successful pre-1991: E/1987/18;E/CN.4/1987/60,137,214, E/1989/20;E/CN.4/1989/86,179, E/1989/20;E/CN.4/1989/86,232-6, E/CN.4/1989/SR.56/Add.1,2-7, E/1990/22;E/CN.4/1990/94,37-8,110.

(Cuba) said that the position of hegemony obtained by the United States of America as the only surviving super-Power, together with the notorious pressures it had exerted, had led to the adoption the previous year of an arbitrary and discriminatory resolution directed against Cuba.”¹²⁸ As demonstrated next, this only served to divert Cuba from CAT endorsement and impede potential state socialisation via norm endorsement. Ironically, therefore, post-Cold War consolidation of US-led liberal hegemony fostered the norm to prohibit torture generally, while simultaneously deferring Cuban endorsement.

5.3.a.ii: International Organisations

Analysis of indicators demonstrates that several IOs played important roles in the international diffusion of the norm to prohibit torture, including the UNGA Plenary and Third Committee, UN Congresses on the Prevention of Crime and Treatment of Offenders, and UN Committee on Crime Prevention and Control.¹²⁹ According to Rodley, “the right not to be subjected to torture has received more attention than any other from intergovernmental organisations.”¹³⁰ However, it was the CHR that proved crucial, both for norm consolidation and as the battleground for Cuban endorsement. First, like the CD in the previous chapter, the CHR was held in extremely high regard by Cuban decision-makers, who already considered CHR re-election and ongoing membership as a “vital” component of their seven-step HR strategy to “Attain the greatest possible participation by Cuba in the specialist multilateral forums in the field of human rights.”¹³¹ Although Burgers and Danelius observe that “the smaller delegations often found it difficult to make an expert available for the (Working) Group’s deliberations,”¹³² Cuba sent multiple-person delegations to each session,¹³³ and, in likely concordance with its overarching strategy, repeatedly co-sponsored

¹²⁸ E/CN.4/1992/SR.52/Add.1.9. Also: E/CN.4/1994/51,31-3, E/CN.4/1995/SR.47,15, E/CN.4/1993/SR.65,10, Anon, “En ONU: Impugna Cuba llamado relator especial,” *Granma* (28:252, Thu 3 Dec 1992), 5.

¹²⁹ E/CN.4/AC.1/3Add.1, E/CN.4/528/Add.1, E/CN.4/528/Add.1/Corr.1, E/CN.4/L.159, E/CN.4/SR.312, E/CN.4/528, E/CN.4/528/Add.1, A/32/355, Burgers, Danelius, *UNCAT*, 14-20.

¹³⁰ Rodley, *Prisoners*, 18-9.

¹³¹ MINREX, “Elementos,” 10, which it achieved 1976-1984/1989-2006: E/1982/12;E/CN.4/1982/30,5,45-6,162, E/1982/12;E/CN.4/1982/30, United Nations Human Rights Council, “Commission on Human Rights: Membership (1947-2005)”: <https://www.ohchr.org/EN/HRBodies/CHR/Pages/Membership.aspx>.

¹³² Burgers, Danelius, *UNCAT*, 32. Similarly: Burgers, “Delivery,” 46.

¹³³ MINREX, “Informe sobre el 34th Periodo de Sesiones,” 1, E/1978/34;E/CN.4/1292, E/CN.4/L.1470,2, E/CN.4/1367,2, E/1980/13, E/CN.4/1408,2, E/1981/25;E/CN.4/1475,50,248, E/1982/12;E/CN.4/1982/30.

annual CHR resolutions authorising WG resumption.¹³⁴ Cuba's full CHR and WG participation and voting rights for the duration of CAT negotiations gave it prime access and opportunity to engage in the crucial formulation and development of the norm to prohibit torture.

The CHR commenced negotiations in 1978, with MINREX recording that the "open working group that began analysis of a Swedish draft Convention against Torture... in which Cuba actively participated, laboured diligently."¹³⁵ Yet the 1978 WG report records "All speakers were of the opinion that the work of drafting a convention should be expedited, but there were differing views as to how this should be done."¹³⁶ MINREX concurred, "Despite the existence of five working groups... permitting more dedicated time to examine (the draft CAT), not much advancement was made regarding the same."¹³⁷ According to ex-ante first-hand Western reports, it was primarily Western countries that proffered proposals at the 1979 WG, culminating in a revised Swedish draft convention that was "well received by the governments concerned."¹³⁸ MINREX documented a slightly different perspective, however, recording that "Cuba participated actively" given "the positions assumed by Westerners... demonstrate very active and dangerous initiatives on various questions."¹³⁹ The only definitive agreement in 1979 was authorisation of the resumption of the WG in 1980.¹⁴⁰ Despite resolution of several matters,¹⁴¹ the three key disputes over non-refoulement, universal jurisdiction and the supervisory mechanism stagnated and prevented norm progress throughout the 1980-1983 CHR sessions.¹⁴² The CHR proved essential to ironing out these differences in 1984, however, and managed to complete and

¹³⁴ E/1978/34;E/CN.4/1292,30-2,121-2, E/1979/36;E/CN.4/1347,43, E/CN.4/1367,2, E/1980/13;E/CN.4/1408,2-4,52,128,200, E/1981/25;E/CN.4/1475,50,226-7, E/CN.4/1983/63,2, E/1983/13;E/CN.4/1983/60,7,51-2.

¹³⁵ MINREX, "Informe sobre el 34th Periodo de Sesiones," 34. See also: E/CN.4/1285, Burgers, Danelius, *UNCAT*, 35-7,199-207, Ingelse, *UNC*, 73-5.

¹³⁶ E/1978/34;E/CN.4/1292,31, E/CN.4/L.1400.

¹³⁷ MINREX, "Informe sobre el 34th Periodo de Sesiones," 3.

¹³⁸ Burgers, Danelius, *UNCAT*, 31,40-51.

¹³⁹ MINREX, "REF: 132.4- Informe sobre el 35 periodo de Sesiones de la Comisión de Derecho Humano," 2 May 1979, 9-10. Also: E/CN.4/WG.1/WP.1.

¹⁴⁰ E/1979/36;E/CN.4/1347,34,42-4, 124, E/CN.4/1367,2, ECOSOC Res. 1979/35, UNGA Res. 34/167.

¹⁴¹ Custody, legal assistance, complaints, investigations, compensation, use of statements under torture: Burgers, Danelius, *UNCAT*, 32,64-70, Burgers, "Delivery," 46-7.

¹⁴² 5.4.b.i: Feedback Loop, Boulesbaa, *UNCAT*, 194-5,212,243, Burgers, Danelius, *UNCAT*, 32,72.

adopt the draft treaty with only two bracketed items referred to the UNGA.¹⁴³ The CHR had achieved its objective to produce a draft CAT for UNGA adoption.

Considering particularly the second indicator for this attribute,¹⁴⁴ the CHR thus represented an integral forum for the international consolidation and general endorsement of the norm to prohibit torture. However, the CHR was also the vehicle through which Cuban ratification was impeded, rendering the IO of simultaneously detrimental effect. For within one month of the series of high-level government communiques recommending Cuban CAT ratification in January 1987,¹⁴⁵ one year after Cuba's signature, Cuba's HR strategy was upended and CAT ratification postponed. In February 1987 the US tabled a draft CHR resolution calling for consideration of "the situation of human rights and fundamental freedoms in Cuba."¹⁴⁶ From this point forward, Cuban diplomats became utterly preoccupied with HR self-defence rather than CAT ratification.¹⁴⁷ Although the 1987 US initiative failed,¹⁴⁸ intensification of allegations in 1988 forced Cuba to invest precious resources in its defence.¹⁴⁹ MINREX more than doubled its CHR delegation, which now included the Vice-Minister himself.¹⁵⁰ Cuban diplomats focused on submitting equivalent allegations and a draft resolution against their accuser, reported results of a recent European Parliament inquiry into Cuba that concluded "None of us... were able to ascertain anything in the line of hard facts relating to torture or disappearances," and proactively invited the CHR Chairman to visit and report on the Cuban situation himself.¹⁵¹ As a result, Cuba wrested a level of control at this session and the 1988 draft resolution against it was withdrawn.¹⁵² Nevertheless, Cuba spent the remainder of the year, and the 1989 CHR session, focused on responding to and defending itself against a breadth and depth of CHR

¹⁴³ CHR Resolution 1984/21, adopted without vote: E/1984/14;E/CN.4/1984/77,56, E/CN.4/1984/SR.42,18, E/CN.4/1984/72,9-11, Boulesbaa, *UNCAT*, 259,271, Burgers, Danelius, *UNCAT*, 32-3,98,100-2, Boulesbaa, "Analysis," 200-3, Donnelly, "Regime," 16, Ingelse, *UNC*, 79, Burgers, "Delivery," 50.

¹⁴⁴ Facilitation/establishment of negotiating bodies/committees/conferences/treaties for norm development.

¹⁴⁵ 5.1.d: Endorsement Conundrum, MINREX, "Ref: Memorandum RS/175," 1.

¹⁴⁶ E/1987/18;E/CN.4/1987/60,212-3.

¹⁴⁷ One example of many: E/1987/18;E/CN.4/1987/60,138,215-7.

¹⁴⁸ 19 in favour, 18 against, six abstentions: E/1987/18;E/CN.4/1987/60,137,214.

¹⁴⁹ E/CN.4/1988/54, E/CN.4/1988/61, E/CN.4/1988/77, E/1988/12;E/CN.4/1988/88,230-1.

¹⁵⁰ E/CN.4/1988/INF.1,3, E/CN.4/1990/INF.1,3.

¹⁵¹ E/1988/12;E/CN.4/1988/88,235, E/CN.4/1988/84,5, CHR Res. 1988/106: E/1988/12;E/CN.4/1988/88,232.

¹⁵² E/1988/12;E/CN.4/1988/88,14,232-3.

Chairman enquiries.¹⁵³ The gravity with which Cuban diplomats considered and acted upon these allegations was profound. Not one accessible MINREX document referenced Cuban CAT consideration, let alone ratification, during this period.

Cuban investment in self-defence over and above official norm endorsement appeared to initially bear fruit. The 1989 CHR resolution accompanying the Chairman's report on Cuba complimented Cuba "for the co-operation extended to the mission in carrying out its visit and the reaffirmation of the desire of the Cuban authorities to continue co-operation in the human rights sphere," requesting only that the Government of Cuba "analyse the observations made by the mission in its report" and "co-operate with the Secretary-General in maintaining their direct contacts."¹⁵⁴ This was a far cry from the alternative US-sponsored draft resolution that sought continuation of the Cuba inquiry, an additional report, and inclusion of the specific question of Cuba as a stand-alone item on the next CHR agenda.¹⁵⁵ Tellingly, with the resulting hiatus in the CHR inquiry, MINREX resumed CAT ratification consideration. A memo to the MINREX Minister noted "On 2 January 1990, the Secretary of the Executive Committee of the Council of Ministers circulated amongst its members, in individual consultation, the proposal to ratify the Convention against Torture."¹⁵⁶ The memo recommended that "a definitive decision is taken on this affair, to communicate it, forthwith, to the Secretary of the Executive Committee," and that "in our opinion, the suggestion to proceed to ratification must be reiterated."¹⁵⁷ A direct correlation presents between the easing CHR focus on Cuba and resumed Cuban focus on the CAT.

However, allegations against Cuba intensified at the 1990 CHR.¹⁵⁸ The extent of consequent diplomatic disruption for Cuba was evident in a lengthy internal report from

¹⁵³ See: MINREX "RS: 111.63," 1989, 1-3, E/CN.4/1989/46,7,14,25-6,Annex XIV, E/CN.4/1989/75, E/CN.4/1989/SR.41,11-3,17,20, E/CN.4/1989/SR.44,13, E/CN.4/1989/SR.56/Add.1,3, E/CN.4/1989/SR.41,9-10,20, E/CN.4/1989/SR.44,13, E/CN.4/1989/SR.41,10.

¹⁵⁴ However the report proffered neither conclusions nor recommendations: E/1989/20;E/CN.4/1989/86,179, E/CN.4/1989/46,7-8,10,14-7,25-7,55, E/CN.4/1989/SR.41,9.

¹⁵⁵ E/1989/20;E/CN.4/1989/86,179, E/1989/20;E/CN.4/1989/86,232-6, E/CN.4/1989/SR.56/Add.1,2-7.

¹⁵⁶ MINREX, "De: Dra. Olga Miranda Bravo, Directora Jurídica, A: Isidoro Malmierca, Ministro, As: Ratificación de la Convención contra la Tortura," 3 April 1990, 1.

¹⁵⁷ Ibid, 1,5.

¹⁵⁸ E/1990/22;E/CN.4/1990/94,37-8,110, E/CN.4/1990/76, E/CN.4/1990/77, E/CN.4/1990/SR.27,3,18, E/CN.4/1990/SR.30,8, E/CN.4/1990/SR.32,2-10, E/CN.4/1990/SR.52/Add.1,7-8.

delegates to the MINREX Minister mid-CHR session, which documented extensive efforts to garner support and identify procedural impediments to block the “Anti-Cuban Manoeuvres”:

The Cuban delegation worked arduously with regional groups explaining their arguments... Our delegation worked also so that the group of Non-Aligned countries met and took positions in this respect... the Cuban delegation worked so that the representatives of different groups were opposed to any new anti-Cuban attempt... Our delegation intervened (in the Group of Latin American Heads of Mission-GRULA meeting) to reiterate its position and highlight Plenary and President incapacity to propose substantive action, which requires previous Commission approval... The African and Eastern European groups met and adopted the same position as GRULA.¹⁵⁹

However, in a new development, former socialist allies joined the list of otherwise primarily Western Cuba-denouncers.¹⁶⁰ According to the Cuban delegate, the 1990 “resolution was indeed discriminatory against Cuba, and it was a matter for particular regret that countries like Bulgaria, which had in the past always stood at Cuba's side, had been persuaded otherwise. As to Czechoslovakia's and Poland's decision to join the resolution's sponsors, that was hardly surprising in view of the apparent ease with which those countries changed their political principles.”¹⁶¹ Cuban diplomats spent the remainder of 1990 once again fixated on self-defence, “maintaining ongoing contacts, both written and oral” with the UNSG and organising “a joint committee established specially for the purpose (of carrying) out a detailed study of the report of the mission which visited Cuba in September 1988.”¹⁶² The trail of Cuban CAT ratification again grew cold.

Thus, as the CHR commenced consideration of the CAT Optional Protocol,¹⁶³ Cuban diplomats were side-tracked and on the back foot in terms of CAT ratification.¹⁶⁴ CHR focus on Cuba ballooned 1991-1995, with both INGOs and states - bolstered by former Cuban allies - calling attention to reported HR abuses and demanding appointment of an SR to

¹⁵⁹ Misión Permanente ante la Oficina de las Naciones Unidas, “De: José Pérez Novoa, A: Isidoro Malmierca, Nota No. 140,” 19 February 1990, 5-6 of attachment entitled ‘On Anti-Cuban Manoeuvres’.

¹⁶⁰ Bulgaria, Czechoslovakia, Poland, Hungary, added to Austria, EC, Australia, Japan, Norway, Denmark, Luxembourg, Portugal, US, for example: E/CN.4/1990/SR.12,2, E/CN.4/1990/SR.33,9, E/CN.4/1990/SR.41,4,10, E/CN.4/1990/SR.42/Add.1,3,16, E/CN.4/1990/SR.52/Add.1,8.

¹⁶¹ E/CN.4/1990/SR.52/Add.1,9. Also: E/CN.4/1990/93,2.

¹⁶² E/CN.4/1991/28,2,4. Also: E/CN.4/1991/28,10.

¹⁶³ E/CN.4/1991/66,1, E/1991/22;E/CN.4/1991/91,188.

¹⁶⁴ Examples: E/CN.4/1991/SR.40,17, E/CN.4/1991/SR.41,3-4, E/CN.4/1991/SR.41,17.

investigate.¹⁶⁵ MINREX became absorbed in fervent defence on a multitude of fronts. First, against the UN SR on Torture after being named subject of ‘urgent action’ requests for the first time since the creation of the post each year between 1991-1995.¹⁶⁶ Second, responding to CHR Resolutions on the HR situation Cuba, which established a ‘special representative’ in 1991 and formal SR in 1992, whose mandate was extended each year for the remaining period under analysis.¹⁶⁷ Cuba even submitted a draft resolution to the UNGA in 1992 requesting invalidation of the entire SR appointment.¹⁶⁸ Third, Cuba attempted to justify, downplay or simply prevent publication of reported HR violation allegations, including torture, against it at the CHR.¹⁶⁹ Fourth, Cuba hosted the UN High Commissioner for HR in-country in 1994.¹⁷⁰ The prime symbol of Cuban plight arguably occurred in 1993, however, when even its staunch former ally Russia publicly “deplored the repressive acts against domestic opponents and HR defenders in Cuba... His delegation regretted Cuba’s refusal to receive the Special Rapporteur and to cooperate with the Commission.”¹⁷¹

The validity or otherwise of allegations against Cuba are beyond the scope of this study. What is not, however, is their impact. Vehement and repeated allegations of HR abuses against and revisionist ascription of Cuba in the CHR contributed to Cuba’s delayed official endorsement of the international norm to prohibit torture.¹⁷² 1987 Cuban intentions to ratify the CAT collapsed alongside their overarching strategy to re-align international HR discourse and not only endorse but become a vanguard for norms such as the prohibition of torture. Instead of pursuing the latter, Cuba reverted to traditional reiteration of socio-economic rights and “principles of non-selectivity, impartiality and objectivity.”¹⁷³ Cuba

¹⁶⁵ E/CN.4/1991/SR.43,4-5, E/1991/22;E/CN.4/1991/91,250, E/CN.4/1992/SR.40,11, E/CN.4/1994/SR.64,14-5.

¹⁶⁶ E/CN.4/1991/17,17, E/CN.4/1992/17,16, E/CN.4/1993/26,34-8, E/CN.4/1994/31,42-3, E/CN.4/1995/34,30.

¹⁶⁷ E/1991/22;E/CN.4/1991/91,11,157,250-2, E/1992/22;E/CN.4/1992/84,10,141-3,280-1, E/1993/23; E/CN.4/1993/122,30-1,194-6,362, E/1994/24;E/CN.4/1994/132,201-2,384-5, E/1995/23;E/CN.4/1995/176,192-4,387.

¹⁶⁸ Miguel Lozano, “Refuta Cuba en ONU procedimientos aplicados bajo presión de EE.UU,” *Granma* (28:250, Tue 1 Dec 1992), 11, Anon, “En ONU: Impugna Cuba,” 5.

¹⁶⁹ Example: E/CN.4/1992/27,28, E/CN.4/1992/SR.34,19-20, E/CN.4/1992/SR.34/Add.1,1-5, E/CN.4/1993/39,3-4,29-30, E/CN.4/1993/SR.65,10-1, E/CN.4/1994/51,7-19, E/CN.4/1994/SR.49,13-4, E/CN.4/1995/SR.47,15-6.

¹⁷⁰ E/CN.4/1995/SR.47,15, E/CN.4/1995/52,22, E/CN.4/1995/SR.50,20, E/CN.4/1995/SR.56,12, AI, 1994, 110.

¹⁷¹ E/CN.4/1993/SR.54,3.

¹⁷² Some of many: E/CN.4/1991/SR.28,18, E/CN.4/1991/SR.40,5,32-3, E/CN.4/1992/SR.24,4-5, E/CN.4/1992/SR.39,4-8, E/CN.4/1993/SR.35,11-6, E/CN.4/1993/SR.52,12,18, E/CN.4/1995/SR.51,14.

¹⁷³ E/CN.4/1992/SR.48,11, E/1992/22;E/CN.4/1992/84,99-101, E/CN.4/1993/SR.63,3-4,8-9,12, E/1993/23;E/CN.4/1993/122,186-8, E/CN.4/1993/SR.33,8, E/CN.4/1994/SR.34,5-6, E/CN.4/1995/SR.32,6-7.

ultimately ratified the CAT on 17 May 1995,¹⁷⁴ following substantial delay caused, in part, by the battleground that the CHR had become. In this instance, rather than comprising a driver of norm diffusion and state socialisation, the primary IO served to impede official Cuban norm endorsement.

5.3.a.iii: State Suasion

The driver of the CHR vehicle in this respect was the US, effecting a different, somewhat intensified, case of reverse state suasion. Cuba had held concerns regarding the potential manipulation of HR by the US to promote ulterior foreign policy aims, particularly within the CHR, since at least the 1970s.¹⁷⁵ Internal MINREX communiques reveal consternation from Cuban diplomats regarding the proportionally greater number of Western countries in the CHR than the UNGA,¹⁷⁶ and perceived US attempts to obstruct Cuban influence and capacity within the same. Cuban diplomats condemned US singling out of Cuba with ‘unfounded accusations’¹⁷⁷ and argued that “This extortionist attitude of the US was (designed) exclusively to provoke difficulties for the Cuban delegation.”¹⁷⁸ At the CHR, Cuban diplomats “emphasized the need to reorient the Commission's activities so as to prevent certain elements from monopolizing them for their own ends.”¹⁷⁹ *Granma* went so far as to condemn ‘UN polarity’, reporting that “the US insists on using each form or organ of the UN to impose its will, as has occurred particularly with the CHR.”¹⁸⁰ The newspaper alleged the very location of UN headquarters rendered it an instrument of US hegemony.¹⁸¹

In practice, each draft CHR resolution that targeted Cuba for HR abuses between 1987 and 1994 was introduced and sponsored by the US.¹⁸² In 1988 alone, the US submitted no

¹⁷⁴ E/CN.4/1996/34,4.

¹⁷⁵ MINREX, “Elementos,” 1,5,7.

¹⁷⁶ Ibid, 11, Viceministerio de Relaciones Exteriores, “De: Rene Anillo, A: Carlos Rafael Rodríguez, Vicepresidente,” 28 January 1978, 3, Lozano, “Refuta Cuba en ONU,” 11: “running over Commission of Human Rights’ norms, where US took advantage of that organ’s composition to impose its point of view.”

¹⁷⁷ Ibid, 8-9.

¹⁷⁸ MINREX, “Informe sobre el 34th Periodo de Sesiones,” Theme 5 attachment,6, Theme 12 attachment,3.

¹⁷⁹ E/1980/13;E/CN.4/1408,289.

¹⁸⁰ Astudillo, “Solos o acompañados,” 3.

¹⁸¹ E/CN.4/1993/39,34, Anon, “Apoya Cuba revision de acuerdo que confirmo a EE.UU sede de la ONU,” *Granma* (20:286, Wed 5 Dec 1984), 5: “US interprets its function as headquarters of the world organisation as a way to apply political and discriminatory measures against member countries.”

¹⁸² Examples: E/1987/18;E/CN.4/1987/60,212-3, E/1988/12;E/CN.4/1988/88,230-1, E/1989/20;E/CN.4/1989/86,179,232-6, E/CN.4/1990/SR.12,2, E/CN.4/1990/SR.33,9, E/CN.4/1990/SR.41,4,10.

less than three official letters condemning Cuba, including from President Reagan himself.¹⁸³

In a hint of the tightening net to come, new US-sponsored resolutions began to appear on the CHR agenda that, although not specifically targeting Cuba, referenced implicit Cuban weaknesses in areas such as judicial impartiality, detention without trial or charge, right of movement, elections, national HR institutions, and political prisoners.¹⁸⁴ Cuba's delegate repeatedly responded with regrets:

that certain speakers had tried to give a mendacious picture of the human rights situation in his country... those statements formed part of the disinformation and destabilization campaign being waged by the detractors of the Cuban Revolution, who had been endeavouring for years to bring Cuba back to... a period when the expression "human rights" had had no meaning in the country... His delegation once again stated that detainees in Cuban prisons had never been subjected to ill-treatment or torture.¹⁸⁵

Cuba devoted significant resources to rebuffing such "unfounded and malicious" allegations and perceived victimisation at the hands of the US,¹⁸⁶ contending that the "Government and the people of Cuba categorically reject all attempts at discrimination and singularisation of Cuba to please the US."¹⁸⁷ Indeed, the 1992 draft Cuban UNGA resolution requesting SR invalidation was based upon claims of "US pressure" and unfounded allegations: Cuba would "not cooperate with the special rapporteur considering its illegal and spurious mandate was a product of Washington's political pressures."¹⁸⁸

Cuba also invested immense time and resources to responding in kind, submitting extensive annual draft CHR resolutions denouncing the investigation and calling for an equivalent against the US.¹⁸⁹ However, this yearly and relatively balanced play between the

¹⁸³ E/CN.4/1988/54,2, E/CN.4/1988/61, 3 of attachment 2, 2 of attachment 1, E/CN.4/1988/77,2-4: US President: "One of the principal HR violators in the western hemisphere, Cuba, has escaped attention for many years - but no more. The United States sponsored a resolution last year asking that violations in Cuba be placed on the agenda of the Commission, and we will do so again."

¹⁸⁴ E/1989/20;E/CN.4/1989/86.

¹⁸⁵ E/CN.4/1989/SR.33,5-6.

¹⁸⁶ E/CN.4/1991/28,10. See also: E/CN.4/1989/SR.44,13, E/CN.4/1989/SR.41,10, E/CN.4/1989/SR.44,13, E/CN.4/1989/SR.41,9-10,20: MINREX Vice-Minister: "his country had been the target of hostility, pressure and aggression from eight successive United States Governments, which had sought to isolate Cuba diplomatically, stifle it economically and rob it of its best specialists... the United States had succeeded in mobilizing a small group of persons ready to pour out an incessant stream of lies to the members of the mission."

¹⁸⁷ MINREX, "RS: 111.63," 1-3.

¹⁸⁸ Lozano, "Refuta Cuba en ONU," 11. Also: Anon, "En ONU," 5.

¹⁸⁹ 1987 Cuban resolution against the US, for example, covered several pages and allegations ranging from US "policy of aggression, threats and economic coercion and sanctions" against others, to racist, fascist, repressive policies against own: E/1987/18;E/CN.4/1987/60,138,215-7.

US and Cuba changed dramatically from 1991. Cuban resolutions suddenly lost traction, US resolutions grew in support, and Cuba became engulfed in a vortex of denial and disavowal. By pressuring Cuba in this way, state suasion as understood in socialisation literature had the opposite of its intended effect. The constant attacks upon Cuba in the CHR denied Cuba capacity for positive norm endorsement, and diverted Cuba from CAT ratification.¹⁹⁰ Ratification occurred only after the anti-Castro Presidencies of Reagan and Bush, and with the prospect of defrosting relations under Clinton. US influence thus provoked the redirection of Cuban efforts from the strategy of 'Western' HR norm adoption, including torture, to the defence of Cuba against HR allegations, in another case of reverse state suasion.

The only indication of positive state suasion over Cuban endorsement of the norm to prohibit torture was an indirect bandwagon effect. In a 9 January 1987 memo to the MINREX Minister, the office of the Vice-Minister reported a meeting of the Coordination of Experts on HR from Socialist Countries at which various representatives had signalled their intent to announce CAT ratification. In light of this, the Vice-Minister reminded his superior, "We must not forget that, once entered into force the Convention will create a Committee that must ensure its application, in which eventually Cuba might aspire to equal membership as other socialist countries anticipate."¹⁹¹ On 21 January, the MINREX Legal Director agreed. He noted that given "the interest manifested now by some socialist countries in ratifying, which would give us the opportunity to form part of the Committee against Torture, we suggest the convenience of elevating these considerations."¹⁹² Mirroring Cuban anticipation of OPCW membership in the previous chapter, the prospect of IO engagement also has relevance in this respect. A fear of being left behind, from both the socialist state cohort and CAT supervisory mechanism, comprised indirect suasion from like-minded socialist countries and a reason for Cuban CAT ratification.

¹⁹⁰ Examples: memo from MINREX Vice-Minister to all Vice-Ministers/Directors: MINREX, "De: Rolando López del Amo, Viceministro, A: Todos los Viceministros y Direcciones del MINREX, Circular No. 4: Situación del Tema Cuba en la Comisión de Derechos Humanos," 8 March 1991, 1-7: analysing CHR voting patterns on Cuban resolutions, Misión Permanente de Cuba en las Naciones Unidas, "RS/813- De: Carlos Zamora Rodríguez, A: Isidoro Malmierca, Ministro de Relaciones Exteriores," 12 April 1991: analysing ECOSOC for same.

¹⁹¹ MINREX, "RS:042," 1.

¹⁹² MINREX, "Ref: Memorandum RS/175," 2-3.

In terms of overall norm development, several states played an influential role. Sweden, labelled “CAT’s original sponsor,”¹⁹³ promoted international agenda inclusion, the original draft convention, and subsequent crucial amendments.¹⁹⁴ The Netherlands co-sponsored many resolutions, proposed the stand-alone implementation and fact-finding committee and facilitated informal consultations to overcome stalemates.¹⁹⁵ According to the UNSG, Sweden and the Netherlands were the “godfathers of the Convention.”¹⁹⁶ As previously discussed, it was ultimately Argentinean support, after the 1984 change of government, that broke final deadlocks and pushed the norm toward official treaty adoption.¹⁹⁷ However, it was the Soviet states, particularly the USSR and Ukraine, that played decisive norm parameter defining roles and garnered specific credit from Cuba.¹⁹⁸ As MINREX noted, “The socialist countries, particularly the USSR, has also worked on the draft, taking care not to appear opposed to the document, (and) intervening in the debates from a fundamentally technical-legal focus.”¹⁹⁹ Along the way, countless other CHR states naturally influenced the norm’s substantive formulation, however there is no information to suggest these states impacted Cuban endorsement.²⁰⁰ Overall, therefore, state suasion held mixed influence over the norm to prohibit torture. Crucially, however, for the purpose of this research, it once again entailed distinctly negative effect upon Cuban norm endorsement, serving specifically to defer it and hinder potential state socialisation, in another case of reverse state suasion.

¹⁹³ Rodney, “Reviewed,” 1145.

¹⁹⁴ UNGA Res 3059 (XXVIII) 1973, 3218 (XXIX) 1974, 3453 (XXX) 1975: E/1980/13, E/CN.4/1408,311, A/39/499/Add.2,2, E/CN.4/L.1576,15, Burgers, Danelius, *UNCAT*, 14,18-9,33-4, Rodley, *Prisoners*, 20,34, Boulesbaa, *UNCAT*, 6-8, Hawkins, “Institutions,” 787.

¹⁹⁵ E/1982/12/Add.1, E/CN.4/1982/30/Add.1,16, A/C.3/39/SR.44, Burgers, Danelius, *UNCAT*, 14,18-9,75-6,102.

¹⁹⁶ Peter Kooijmans, “Role and Action of the UN Special Rapporteur on Torture” in Cassese, *Fight*, 58.

¹⁹⁷ Burgers, Danelius, *UNCAT*, 92.

¹⁹⁸ Further: 5.4.b.i: Feedback Loop, A/39/PV.93,1668, E/CN.4/1984/SR.33,4-6, E/CN.4/1982/30/Add.1,6-8, E/CN.4/1983/63,8-16, E/CN.4/1984/72,9-11, A/C.3/39/SR.56,17, A/C.3/39/SR.49,12, A/C.3/39/SR.56,9, A/C.3/39/SR.60,10, E/1982/12/Add.1, Kamminga, *Accountability*, 59,107-11,126, Burgers, Danelius, *UNCAT*, 9-10,16,54-6,75-9,87-101, Boulesbaa, *UNCAT*, 6,213,249,271-2, Ingelse, *UNC*, 81, Burgers, “Delivery,” 48-50.

¹⁹⁹ MINREX, “REF: 132.4,” 9-10. Also: E/CN.4/L.1470,4-11, Burgers, Danelius, 40-51.

²⁰⁰ Panama to Switzerland, Senegal to Brazil, India to Costa Rica: E/1982/12/Add.1, E/CN.4/1982/30/Add.1,16, E/CN.4/1983/WG.2/WP.12, A/39/499/Add.2,2, E/CN.4/L.1576,2, E/CN.4/1984/72,4-5,9-11, Boulesbaa, *UNCAT*, 16-9,190,211,283, Burgers,Danelius, *UNCAT*, 32,57-70,81-92, Ingelse, *UNC*, 74, Boulesbaa, “Analysis,” 192-3.

5.3.iv: INEs – INGOs

INGO involvement in the general consolidation of the international norm to prohibit torture has been extensively recounted,²⁰¹ with some commentators contending “it is less the state structure than the array of transnational voluntary associations (NGOs) that have exposed human rights failures.”²⁰² INGOs contributed a little to norm formulation within the UDHR and ICCPR, and maintained international attention upon and pressure to commence, progress and enact CAT negotiations, alongside other international codes of ethics and monitoring mechanisms, including the SR on Torture.²⁰³ Considering indicators, a large number of accredited INGOs attended and spoke at CHR sessions during the CAT negotiating period,²⁰⁴ with Burgers contending they participated “practically on an equal footing with commission members.”²⁰⁵ Some, such as Amnesty International, operated as observers at the CHR WG and received credit for specific proposals, inclusion of certain principles and changes in state attitudes towards the CAT.²⁰⁶ Indeed, most analyses recognise AI as the key “powerful mover for change,”²⁰⁷ with “the godmother being beyond any doubt Amnesty International.”²⁰⁸

However, in terms of Cuban CAT ratification, INGO influence echoes that of IOs, state suasion and world context, appearing to have the opposite of the intended effect. First, rather than being influenced by INGOs - for which no evidence was found - private MINREX documents indicate Cuba instead sought to strategically employ INGOs for its own ends to promote its own priorities. When recommending Cuba focus on hosting international HR symposiums as part of its seven-step strategy, for example, MINREX recognised the

²⁰¹ Lutz, Sikkink, “HR,” 633, Hawkins, “Institutions,” 787, contra An-Na’im, “Cross-Cultural,” 20,37-9.

²⁰² Falk, “Cultural,” 55.

²⁰³ E/CN.4/AC.1/3Add.1,24, E/CN.4/SR.312, E/CN.4/1984/SR.18,2-3, E/CN.4/1989/SR.29,7, Helena Cook, “Role of Amnesty International in the Fight Against Torture” in Cassese, *Fight*, 180-1, Burgers, Danelius, *UNCAT*, 19-27,33, Lutz, Sikkink, “Justice,” 14, Lippman, “Development,” 311-2, Boulesbaa, “Analysis,” 203, Byrnes, “CAT,” 524-7, Hugo Fruhling, “Political Culture and Gross HR Violations in Latin America” in An-Na’im, *HR*, 268-70.

²⁰⁴ Attendance list: E/1978/34;E/CN.4/1292, E/CN.4/1367 primarily replicated each session.

²⁰⁵ Burgers, “Delivery,” 46.

²⁰⁶ E/CN.4/1983/WG.2/WP, E/CN.4/1984/SR.33,13, E/CN.4/1984/SR.34,13, E/CN.4/1984/SR.18,2-3, Burgers, Danelius, *UNCAT*, 84, Tardu, “UNCAT,” 314, Lutz, Sikkink, “Justice,” 14, Cook, “AI,” 179.

²⁰⁷ Donnelly, “Regime,” 22. Also: Ingelse, *UNC*, 67, Burgers, Danelius, *UNCAT*, 32, Vincent, *HR*, 98, Cook, “AI,” 180-1, Rodley, “Reviewed,” 1143, Dongwook Kim, “Mobilizing ‘Third-Party Influence’” in Friman, *Politics*, 61-2.

²⁰⁸ SR on Torture: Kooijmans, “Role,” 58, UNSG: E/CN.4/1984/SR.18,3. Amnesty International, *Torture in the Eighties* (Oxford: 1984), Cook, “AI,” 176-80, Lippman, “Development,” 294-7,304-11, Ingelse, *UNC*, 31,67-8,79-80, Burgers, Danelius, *UNCAT*, 13-4,19-20,33, Rodley, *Prisoners*, 20-4,36,40.

potential for NGO input, but only “in a careful process of selection and with a program adequate to our interests.”²⁰⁹ Second, akin to the effect of US influence, the consistent intercession of a growing list of INGOs at the CHR calling for investigation into Cuba added to the pressure that postponed Cuban CAT ratification.²¹⁰ Cuba devoted further time and resources to publicly rebut each and every INGO accuser, whether through staunch denials or increasingly personal attacks.²¹¹ In one of countless examples, the Cuban representative:

accused the United States authorities of financing the International Association of Educators for World Peace (INGO) and referred to past events in the life of (its spokesperson), who had received CIA financial backing and had been arrested by the Cuban authorities as he was preparing to launch a terrorist campaign in Cuba.²¹²

Instead of driving Cuba to ratify the CAT, the only recorded responses from Cuba to INGOs were condemnatory and dismissive. Even the above-referenced INGO spokesperson acknowledged that, “The Commission's naming of countries which violated HR was a powerful instrument of dissuasion... The allegations against the Cuban régime had, however, produced no appreciable lasting improvement in the HR situation there.”²¹³

Indeed, rather than altering their stance, Cuban diplomats instead sought to minimise if not reverse INGO influence. As one delegate argued, “The mendacious statements made to the Commission by certain organizations... did nothing to enhance the prestige of non-governmental organizations. Perhaps the time had come for the Commission to review the role of such organizations.”²¹⁴

Internal MINREX documentation reveals Cuba’s opinion that such INGO HR “monopolies” only “serve the interests of colonialism, neo-colonialism, racists and those that practice apartheid.”²¹⁵ A MINREX Director specifically referred to NGOs “as an instrument of attack

²⁰⁹ MINREX, “Elementos,” 23-4,28.

²¹⁰ Including International Association of Educators for World Peace, World Confederation of Labour, Women’s Movement for Peace, Christian Democratic International, International Association for the Defence of Religious Liberty and Socialist International, with many spokespersons former Cuban political prisoners: e.g., E/CN.4/1990/SR.33,13-4, E/CN.4/1991/SR.40,5,32-3, E/CN.4/1992/SR.39,4,7-8, E/CN.4/1992/SR.40,4, E/CN.4/1993/SR.35,11-6, E/CN.4/1993/SR.52,12,18, E/CN.4/1995/SR.51,14, E/CN.4/1993/SR.58,11,14.

²¹¹ Examples: E/CN.4/1991/SR.28,20, E/CN.4/1993/SR.38,14, E/CN.4/1991/SR.41,3-4, E/CN.4/1993/SR.58,19.

²¹² E/CN.4/1992/SR.22,18. Similarly: E/CN.4/1989/SR.33,5-6.

²¹³ E/CN.4/1990/SR.33,13.

²¹⁴ E/CN.4/1991/SR.41,4. Also: E/CN.4/1992/SR.24,21, E/CN.4/1993/SR.32,18.

²¹⁵ MINREX, “Ref: 132.4.D- De: Carlos Lechuga, Director DOI, A: José R. Viera, Viceministro, ASTO: Informe sobre Seminario sobre Instituciones Nacionales y Locales de Protección y Promoción de los Derechos Humanos,” 4 January 1979, 7-8. See also: Vincent, *HR*, 103, Welsh, “Pluralism,” 1202.

against the socialist countries,” with “Amnesty International, for example, being determined to use the death penalty question as an element of critique, as well as insisting that ‘they should be let in everywhere to see what is happening’.”²¹⁶ Annual AI reports provided fodder for CHR accusations against Cuba,²¹⁷ identifying “isolated reports of torture” in Cuba, 1991-1996.²¹⁸ AI was nevertheless not among the INGOs that regularly denounced Cuba at the CHR,²¹⁹ and there is no information to indicate it directly impacted Cuban decision-making regarding the CAT. Although Cuban diplomats paid stern attention to INGO condemnation of Cuba they did not appear to respect INGOs enough for INGOs to hold any positive influence.²²⁰ INGO impact on both Cuban norm endorsement and socialisation was in fact adverse, contrary to expectations in associated literature.

5.3.b: State-Level Attributes

5.3.b.i: Domestic Norm Entrepreneurs

Much HR norm evolution scholarship, such as the boomerang pattern and spiral model, highlight the critical impact of DNEs on norm endorsement, particularly in conjunction with systemic attributes.²²¹ Lutz and Sikkink, for example, credit 1970s Latin American DNEs with aiding “international HR groups by providing accurate evidence of violations that they could use when appealing to other governments and inter-governmental organizations to exert pressure to stop the violations.”²²² The *process* of this “powerful form of naming and shaming”²²³ was reflected to a certain extent in relation to Cuba and the norm to prohibit torture, however the *outcome* was not. DNE reports of Cuban HR violations were submitted

²¹⁶ MINREX, “Ref: 132.4.D,” 10.

²¹⁷ E/CN.4/1994/SR.29, E/CN.4/1994/SR.50. Franklin, “HR,” 50: “HR NGOs often have an indirect influence, as their reports or condemnations are cited by governmental leaders, intergovernmental organizations.”

²¹⁸ AI, *Annual Reports, 1991-1996*, 73-5,97-100,108-110,111-4,110-2,131-4 respectively.

²¹⁹ Although identifying others by name, AI only condemned Cuba once in 1993: E/CN.4/1993/SR.29,16.

²²⁰ MINREX nevertheless reported INGO meetings despite no evidence of membership/official attendance: “Declaración Final de los Asistentes a la Reunión Constitutiva de la Asociación Latinoamericana para Los Derechos Humanos,” 20-23 Nov 1979, “Informe de los Asistentes a la Reunión Constitutiva de la Asociación Latinoamericana para Los Derechos Humanos,” 11-13 Aug 1980, Comité Internacional de la Croix-Rouge, “Actividades del CICR por lo que Respecta a Visitas a las Personas Privadas de Libertad,” 2-3 April 1990.

²²¹ Keck, Sikkink, *Activists*, 12-3, Risse, et al, *Power*, 17-32.

²²² Lutz, Sikkink, “Justice,” 8.

²²³ Franklin, “HR,” 56.

directly to the CHR,²²⁴ referenced in resolutions,²²⁵ countless INGO and state statements,²²⁶ and reports from AI, the CHR WG, UNSG, and SRs on Cuba.²²⁷ Rather than encouraging Cuban CAT ratification, however, HR DNEs fed into the overarching CHR campaign against Cuba and effectively deferred Cuban norm endorsement, impeding potential socialisation. Given this, and contrary to expectations in the analytical framework, any DNE influence over Cuban endorsement of the norm to prohibit torture was indirect and surprisingly detrimental.

5.3.b.ii: Domestic Structural Conditions

A range of scholarship on HR treaty ratification contends that states endorse HR norms for domestic political objectives. These include arguments such as Moravcsik's locking-in-rights gains, Vreeland's increased domestic legitimacy, and Nielson and Simmons' contention that "a much closer look at the strategies and tactics governments employ *domestically* to keep a grip on their rule will provide much more purchase on the politics of HR treaty ratification."²²⁸ Analysis of prevailing DSCs in Cuba in the early 1990s, however, indicate that akin to DNEs, DSCs also played an indirect yet fundamental role in prolonging Cuban norm endorsement. These conditions - known as Cuba's 'Special Period' - provided fuel for Cuba's detractors and momentum to CHR investigations. For in the absence of political, economic and diplomatic support from the former Soviet-bloc, alongside re-amplification of US sanctions, "Suddenly, Cuba was brought to its knees by a catastrophic economic crisis" - Cuba's welfare system, including provision of basic goods, food, medicine and services, collapsed.²²⁹ The collateral effect of such economic degradation reportedly included increased domestic agitation, frustrated immigration opportunities and impeded

²²⁴ E/CN.4/1988/61,2-3, E/CN.4/1988/77,2,4, E/CN.4/1989/46, Annexes XXII,XXVI,XXVII.

²²⁵ E/1988/12;E/CN.4/1988/88,230-1, E/1989/20;E/CN.4/1989/86,232, E/1990/22;E/CN.4/1990/94,110, E/1991/22;E/CN.4/1991/91,251, E/1992/22;E/CN.4/1992/84,142, E/1993/23;E/CN.4/1993/122,195, E/1994/24;E/CN.4/1994/132,201, E/1995/23;E/CN.4/1995/176,194, E/1996/23;E/CN.4/1996/177,218-9.

²²⁶ Examples: E/CN.4/1988/84, E/CN.4/1989/SR.42,3,9, E/CN.4/1989/SR.43,5-6, E/CN.4/1990/SR.33,9,14, E/CN.4/1991/SR.40,5,32, E/CN.4/1991/SR.43,4,11, E/CN.4/1992/SR.39,4,8,12,17, E/CN.4/1993/SR.35,11-2, E/CN.4/1993/SR.55,12,14, E/CN.4/1994/SR.26,17, E/CN.4/1994/SR.54,10,22, E/CN.4/1995/SR.50,17.

²²⁷ AI, *Annual Reports 1987-1996*, 151-2,106-7,118-9,76-7,73-5,97-8,108-9,111-2,110,131 respectively, E/CN.4/1989/46,14,26-8, E/CN.4/1991/28,4, E/CN.4/1992/27,3,29, E/CN.4/1993/39,30-2, E/CN.4/1994/51,9,26-8, E/CN.4/1995/52,3,6-7,22.

²²⁸ Moravcsik, "Origins," Vreeland, "Institutions," Nielsen, Simmons, "Rewards," 206.

²²⁹ Kayla Fory, "Dissecting My Cuban Experience," *Journal of Human Behaviour in the Social Environment* (25, 2015), 48. Also: Carmelo Mesa-Lago, "Balance Económico-Social de 50 Años de Revolución en Cuba," *América Latina Hoy* (January, 2010), 49-50,59.

rights, thus propelling HR abuse allegations and, naturally, the CHR investigation into Cuba.²³⁰ According to the 1992 SR on Cuba report, for example:

The already serious difficulties caused by the economic and commercial embargo imposed on Cuba in recent decades have now been augmented as a result of the radical change in the relations between the countries with which Cuba had established political, economic and commercial links that were the basis of its development policies. This change has led to a serious deterioration in Cuba's economic life... Unfortunately for the cause of human rights, the Cuban authorities have decided to confront this difficult economic situation by stepping up their repressive control of alleged opponents of the regime, the majority of whom are seeking non-violent changes in circumstances which they find intolerable.²³¹

With the Special Period, Cuba's DSCs indirectly and negatively impacted official Cuban endorsement of the norm to prohibit torture.

5.3.b.iii: Salience

Aligning with norm scholarship that contends states may endorse international norms as a form lip-service when holding them in high indifference, Hathaway and others have argued that HR treaties, and the CAT in particular, are uniquely positioned to play not only an instrumental but expressive role in international politics. An expressive role exists when reputational benefits outweigh minimal compliance costs. According to Hathaway, "When a country joins a human rights treaty, it engages in what might be called "position taking," defined here as the public enunciation of... a pleasing statement not necessarily intended to have any real effect on outcomes."²³² It is therefore arguable that the CAT's expressive role explains Cuban ratification:

When countries are rewarded for positions rather than effects - as they are when monitoring and enforcement of treaties are minimal and external pressure to conform to treaty norms is high - governments can take positions that they do not honor, and

²³⁰ AI, *Report 1991*, 73, Fidel Castro, Ignacio Ramonet, *Fidel Castro: My Life* (New York: Scribner, 2007), 424-5, Joaquín Roy, "Cuba: Transición, Sucesión, Estabilidad, Seguridad," *América Latina Hoy* (52, 2009), 19-20.

²³¹ E/CN.4/1992/27,29. Also: E/CN.4/1992/SR.34,19-20, E/CN.4/1992/SR.34/Add.1,4, E/CN.4/1995/52,6-7,20, E/CN.4/1993/39,31-2: 1993 SR report: "Cuba is going through one of the most difficult periods in its recent history so far as the economic situation is concerned. The level of living has deteriorated to a point where basic services such as public transport have reached levels close to a standstill.... the Government seems to be resorting to repressive measures to silence any expression of discontent or independent opinion, however moderate it may be. The persecution of individuals is being carried on, sometimes even at trifling levels, and with a callousness which, in the eyes of an impartial observer, would seem patently out of proportion."

²³² Hathaway, "HR," 2005-7.

benefit from doing so... Countries that take the relatively costless step of treaty ratification may thereby offset pressure for costly changes in policies.²³³

This conception of “window dressing rather than a serious commitment to implement respect for human rights in practice” - in which states endorse particularly HR treaties given low-cost reputational benefits - comprises one of the few scholarly explanations other than socialisation for why purportedly revisionist states endorse HR norms.²³⁴

Lopez-Levy similarly rejects notions of socialisation and describes Cuban endorsement of international norms during this period as tactical adjustments for obfuscation purposes. He argues that Cuba maintained its revolutionary posture, yet hid it under the radar via CAT ratification during a period of increased external pressure and isolation. Cuba moderated/radicalised its public image as required in response to US power asymmetry. Survival logic necessitated ostensible moderation, however ongoing rivalry sustained resistance in practice. Referencing Halliday, Lopez-Levy contends a “revolutionary state will never abandon revolutionary actions,” despite Cuba publicly reformulating and adjusting them to evade attention during this period, in what Lopez-Levy labels ‘peaceful revisionism’. Cuba sought to maintain its revolutionary posture, whilst avoiding the revisionist label.²³⁵ Hafner-Burton, et al, therefore conclude “Repressive states want the legitimacy that the human rights treaties confer on them more than non-repressive states because they are under tighter scrutiny for their practices.”²³⁶

However, such arguments of norm acquiescence in the event of low salience to escape adverse international attention rely on several contentions that simply do not align with Cuban endorsement of the norm to prohibit torture. First, these contentions require a level of indifferent, if not insincere, intent on the part of the ratifying state. According to Hathaway, “In nations in which there tends to be little or no internal pressure for

²³³ Hathaway, “HR,” 1941.

²³⁴ Hafner-Burton, Tsutsui, “HR,” 1378, Emilie Hafner-Burton, et al, “International Human Rights Law and the Politics of Legitimation,” *International Sociology* (23:1, 2008), 115-41, Zartner, Ramos, “HR,” 87, Vreeland, “Institutions,” 78-9: it “raises the interesting possibility of international legitimacy as a further payoff from entering into the CAT” resulting in “Westernization of a dictatorship.”

²³⁵ Dr. Arturo Lopez-Levy, Cuban government political analyst, 1992-1994: interview at *International Studies Association Annual Conference*, Toronto, 29 March 2019. Arturo Lopez-Levy, “International Socialization of a Revolutionary State: Has Cuba's Foreign Policy Moderated?” *ISA Conference Paper*, Toronto, 28 March 2019.

²³⁶ Hafner-Burton, et al, “HR,” 132. Also: Nielsen, Simmons, “Rewards,” 199.

enforcement of the treaty commitments - such as nondemocratic nations - this benefit is unaccompanied by any substantial costs. This makes it possible for the nation to engage in disingenuous expression of commitment to the norms embodied in the treaty by ratifying the treaty with no intention of complying.”²³⁷ However, the norm to prohibit torture held high salience for Cuban decision-makers, evidenced not only by the aforementioned internal MINREX significance attached to CAT compliance,²³⁸ but by Cuba’s overall HR strategy. Cuban decision-makers attended and hosted international symposiums in support of the norm,²³⁹ actively engaged at the CHR,²⁴⁰ and sought establishment of a national HR Study Group given:

the importance that all questions related to HR, in all their diversity, acquire every day... demands on our part deep and careful preparation and exhaustive analysis... Once the Group is constituted, it must immediately elaborate the thematic programme that should be its object of study, prioritised according to importance and urgency. Within this, questions related to the convention on torture.²⁴¹

Cuban decision-makers were not indifferent towards the norm to prohibit torture.

Second, such arguments presume international legitimacy and reputation benefits result from low-salience lip-service ratification, given the treaty acts as “a shield for increasingly repressive behaviors after ratification.”²⁴² Yet an intensive study by Nielsen and Simmons reveals that in this precise case “The only implicit acknowledgement of a treaty ratification is a *negative* reference to Cuba’s ratification of the CAT which the United States criticizes as ‘the Cuban Government... attempting to project an image of greater openness and willingness to cooperate with the international community on HR’ while simultaneously

²³⁷ Hathaway, “Cost,” 1839. Similarly: Krasner, *Sovereignty*, 32.

²³⁸ MINREX, “Ref: Memorandum RS/175,” 1, MINREX, “De: Dra. Olga Miranda Bravo,” 1-3.

²³⁹ MINREX, “Informe sobre la Reunión del Caribe Preparatoria del Congreso de Viena,” 21-22 July 1978, 2, Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura, “Congreso Internacional sobre la Enseñanza de los Derechos Humanos,” 12-16 Sept 1978, 4, MINREX, “Reunión de Expertos en Derechos Humanos de los Países Socialistas: Tema 4,” 6-7, MINREX, “Reunión Consultativa, A Nivel de Expertos, de los Países Socialistas Sobre Cuestiones de Derechos Humanos,” 9 Jan 1978, MINREX, “Palabras de Apertura,” 1.

²⁴⁰ MINREX, “Síntesis de la Comportamiento de los Debates en la Comisión de Derecho Humano,” 13 March 1978, MINREX, “REF: 132.4,” MINREX, “De: René Anillo, A: Carlos Rafael Rodríguez, Vicepresidente del Consejo de Estado y del Consejo de Ministros,” 27 November 1979, MINREX, “Informe sobre el 34th Periodo de Sesiones,” 34, E/1980/13; E/CN.4/1408,88,103-5,116-8,283-9,306-11, E/1980/13/Add.1; E/CN.4/1408/Add.1,9, 18,45,72,111, E/CN.4/L.1576, E/CN.4/1982/30, E/CN.4/1983/60, E/CN.4/1984/SR.50,2,9.

²⁴¹ MINREX, “Ref: 132.4, Asunto: Constitución de un Grupo de Estudio,” 1.

²⁴² Hafner-Burton, Tsutsui, “HR,” 1378. Also: Zartner, Ramos, “HR,” 74-5, Hawkins, “Responses,” 407-8.

cracking down on HR activists.”²⁴³ Cuba’s CAT ratification ceased neither broad international condemnation nor the SR investigation into Cuba.²⁴⁴ Third, these claims presuppose “little reputational cost from failing to observe the obligations assumed” via treaty membership.²⁴⁵ However, as already documented, Cuba suffered a great deal of reputational censure from allegations of norm breach even prior to CAT ratification, and MINREX documentation reveals attention was devoted, confidentially, to guaranteeing compliance. MINREX was highly conscious of both legal obligations and reputational ramifications, with a 1990 private memo documenting debate over the consequences of ratification with a reservation to ensure compliance, or not ratifying at all.²⁴⁶ Ultimately, the MINREX Legal Director recommended that postponing or not ratifying would hold greater negative reputational consequences for Cuba than ratifying with reservation in accordance with their legal priorities.²⁴⁷ Private correspondence reveals that Cuban decision-makers were highly conscious of, and appeared committed to ensuring, compliance with CAT undertakings.

Fourth, these arguments contend “the current treaty system may create opportunities for countries to use treaty ratification to displace pressure for real change in practices.”²⁴⁸ However, if this was indeed the case, it begs the question why Cuba waited eight years to ratify the CAT following the first draft CHR resolution against it. Fifth, low-salience arguments contend states “may seek to use international commitments, including treaty ratifications, to gain political advantage at the domestic level in what may be termed a “reverse two-level game.”²⁴⁹ However, unlike the other norm cases analysed in this thesis, domestic recognition of Cuban endorsement of the norm to prohibit torture - both

²⁴³ Nielsen, Simmons, “Rewards,” 205: “ratification does not reduce criticism.”

²⁴⁴ Pressure remained, with ongoing SR on Torture, WG on Arbitrary Detention, SR on Promotion and Protection of Right to Freedom of Opinion and Expression inquiries: E/CN.4/1996/60,26, E/CN.4/1996/35,16, E/CN.4/1996/39,7, E/CN.4/1996/SR.24,13, E/CN.4/1996/SR.59,4-6, E/1996/23;E/CN.4/1996/SR.43,5, E/CN.4/1996/35/Add.1,Addendum,34, E/CN.4/1996/177,27,351-2,218-20.

²⁴⁵ Hathaway, “HR,” 2011.

²⁴⁶ Particularly as a reservation “could give the US a new argument for attacking us in its propaganda campaigns on human rights violations in Cuba,” although not intended to violate/evade CAT accountability: MINREX, “De: Dra. Olga Miranda Bravo,” 3,5.

²⁴⁷ Ibid, 2: given 1969 Vienna Convention on Law of Treaties, “we do not share the opinion in which formulating a treaty reservation signifies intention to violate or disobey it; this procedural formula is recognised by International Law.”

²⁴⁸ Hathaway, “HR,” 2011-4,2022,1942. Similarly: Hafner-Burton, et al, “HR,” 117.

²⁴⁹ Hathaway, “HR,” 2010.

signature and ratification - remained entirely and conspicuously absent in national press.²⁵⁰ Finally, contrary to expectations of socialisation, Cuba's revolutionary posture, evidenced in aforementioned CHR and national press rhetoric, hardly moderated during this period. Cuban decision-makers were far from indifferent towards the norm to prohibit torture, and CAT ratification was neither insincere nor a result of perceived reputational benefits at nil cost. Against scholarly expectations, salience was high.

5.3.c: Norm-Related Attributes

5.3.c.i: Domestic Resonance

Indicators for this attribute reveal domestic resonance of the norm to prohibit torture in Cuba is complex. On the one hand, the norm was not definitively codified in domestic legislation as required under CAT auspices.²⁵¹ Publicly, Cuban diplomats argued that Article 57 of the 1979 Cuban Constitution, which designated that "The arrested person or prisoner is inviolable in his personal integrity,"²⁵² inherently incorporated "the equivalent to the right not to be subjected to any cruel, inhuman or degrading treatment or punishment."²⁵³ However, the 1994 SR Report on Cuba determined "that those rights may be exercised only when, in the eyes of the authorities, that would not involve any challenge to the status quo or to the official ideology... A logical corollary to those constitutional precepts is the punishment of any act that can in any way be contrary to the status quo."²⁵⁴ Privately, internal MINREX communiques conceded that while "no *political* reasons exist to impede it... Convention signature was authorised," legal obstacles remained.²⁵⁵ Ratification was

²⁵⁰ Nil *Granma* reference 2 weeks either side of key dates, despite general CHR reference: Anon, "Hilo directo: Los temas centrales de la Comisión de Derechos Humanos de la ONU," *Granma* (22:28, Tue 4 Feb 1986), 5.

²⁵¹ CAT requires codification of torture as a criminal offence, then absent in Cuban legislation:

E/CN.4/1989/46,16-7, E/CN.4/1986/15,20, López, "Panorama," 6.

²⁵² E/CN.4/1989/46,Annex XIX,27, also Art 58: "No violence or pressure of any kind can be used against people to force them to testify... those responsible for the violation will be punished as outlined by law."

²⁵³ E/CN.4/1986/15,18-9. See also: E/CN.4/1985/SR.3,7, E/CN.4/1996/60,Annex,32: MINREX Minister: "We have cooperated extensively in the implementation of laws which ensure all constitutional and procedural guarantees, and very recently we acceded to the Convention against Torture, even though we neither practise torture nor allow it. By sovereign decision of Cuba, in 1987 we approved the drafting and adoption of a new penal code; in 1990 we hosted an important worldwide event of the United Nations on penal law and, more recently, we began a process of decriminalization and a search for alternative forms of punishment."

²⁵⁴ E/CN.4/1994/51,5.

²⁵⁵ MINREX, "Ref: Memorandum RS/175," 1 (emphasis mine).

postponed until dissonance between national Cuban law and the CAT was resolved. The norm did not, therefore, align precisely with pre-existing legal hierarchies in Cuba.

On the other hand, and in line with its overarching HR strategy, Cuba had hosted the First International Symposium on Penal Systems in 1979. Cuba submitted the symposium report to the 1980 CHR, which concluded that “penal treatment should be based on respect for human dignity and... should, therefore, be implemented without any torture.”²⁵⁶ Cuban representatives frequently deplored reports of torture at the CHR and supported associated resolutions that reportedly comprised “the fundamental aspect upon which Cuba centred its work, from the beginning,” and regarding which “the Cuban delegation actively participated trying to achieve the greatest political content possible within the text, combating USA attempts to weaken it.”²⁵⁷ Domestic press was similarly forthright in condemnations of torture, quickly denouncing reports of the practice in other countries.²⁵⁸ *Granma* hailed Cuban sponsorship of UNGA resolutions condemning HR violations,²⁵⁹ and quickly defended Cuba against allegations. For example, *Granma* reported that 1987 US accusations against Cuba relied upon “known terrorists and saboteurs,” ignored “irrefutable proof of the scrupulous respect for all HR in Cuba,” and overlooked US HR violations against its own minority groups.²⁶⁰ *Granma* praised Cuba’s CHR invitation “to send an observer to assess the HR situation... a fact without precedent in the annals of this UN organ.” It reported the Cuban delegate “dismantling delirious declarations formulated in the afternoon hours by US representatives,” and affirmed:

torture and clandestine executions do not exist in Cuba; no death squadrons or political repression with dogs, puppies, or tear gas, as used by many Western so-called democracies... the treatment of prisoners is humane and not cruel, degrading or humiliating - as has been denounced in numerous north american prisons.²⁶¹

²⁵⁶ E/CN.4/1386,3.

²⁵⁷ MINREX, “Informe sobre el 34th Periodo de Sesiones,” 1-3.

²⁵⁸ 5.2.a.i: National Identity, Anon, “Llama la UPEC a intensificar en America Latina y el Caribe la solidaridad con los periodistas perseguidos,” *Granma* (16:216, Wed 3 Sept 1980), 4, Anon, “Cuba sera la sede del XXIV Congreso Internacional de Psicologia,” *Granma* (20:211, Fri 7 Sept 1984), 5.

²⁵⁹ Anon, “Intenta EE.UU mediar entre el regimen de Pinochet,” *Granma* (20:288, Fri 7 Dec 1984), 6.

²⁶⁰ Forteza, “Entra en una etapa crucial,” 5.

²⁶¹ Casals, “Introduce EE.UU.,” 1,6.

However, in direct juxtaposition to the lauding of Cuban CBD signature and at least reference to the same in relation to the CWC, not one article was found within *Granma* that mentioned either CAT adoption on 10 December 1984,²⁶² its opening for signature on 4 February 1985,²⁶³ Cuba's signature on 27 January 1986,²⁶⁴ its entry-into-force on 27 June 1987,²⁶⁵ or Cuban ratification on 17 May 1995.²⁶⁶ This was despite contemporaneous reports of other CHR developments and HR norms around those dates.²⁶⁷ While domestic press thus condemned torture and staunchly denied accusations against Cuba, it remained silent on the CAT. While Cuban decision-makers denounced torture internationally and recommended CAT ratification internally, a dissonance remained between CAT requirements and domestic Cuban law. Given these complexities, alignment between the norm to prohibit torture and pre-existing Cuban norm hierarchies is indefinite.

5.3.c.ii: Internal Characteristics

Unlike the norm to prevent OCIDTP in CAT Article 16, the norm to prohibit torture is relatively well defined, compliance obligations are specific, universal application is clear and non-derogability explicit.²⁶⁸ According to Lutz and Sikkink, "In addition to being obligatory, the norm against torture also is precise... (The CAT contains) detailed definitions of torture and the obligations of states to prevent and punish it."²⁶⁹ The norm is thus internally strong, stable, clear, specific, prominent, compelling and universal, which likely contributed to its broad international endorsement.²⁷⁰ However, the CAT's specificity actually contributed in part to delayed Cuban ratification,²⁷¹ given previously referenced concerns over legislative compliance requirements.²⁷² Overall, internal characteristics therefore played an influential, yet mixed, role in endorsement of the norm to prohibit torture.

²⁶² 3-17 December 1984.

²⁶³ 1-12 February 1985, although one article denounced use of snakes to torture prisoners in Brazil: Anon, "Usan serpientes como tortura en Brasil," *Granma* (21:29, Mon 4 Feb 1985), 7.

²⁶⁴ Only Anon, "Hilo directo," 5.

²⁶⁵ Although 27-28 June 1987 were missing.

²⁶⁶ 16-27 May 1995.

²⁶⁷ "Anon, "Aprueban resolución sobre derechos del niño," *Granma* (30:50, Fri 11 Mar 1994), 4, Casals, "Introduce EE.UU." 1,6, Forteza, "Entra en una etapa crucial," 5, Anon, "Hilo directo," 5.

²⁶⁸ CAT, Art 16, 5.1.a: Definition of Norm, Towns, Rumelili, "Pressure," 767: CAT "premised on absolute legal and administrative standards, allowing each and every state to eliminate torture."

²⁶⁹ Lutz, Sikkink, "HR," 634.

²⁷⁰ Hathaway, "HR," 1965: "norms against torture... are also relatively clear and precisely specified."

²⁷¹ As anticipated in Finnemore, Toope, "Legalization," 748.

²⁷² 5.1.c: Why Cuban Rejection was Anticipated, 5.3.c.i: Domestic Resonance, 5.4.b.i: Feedback Loop.

5.3.c.iii: Origin

Assessment of indicators related to this attribute reveal the impact of origin on Cuban norm endorsement is similarly complex. HR's historical underpinnings are frequently considered Western in both source and nature.²⁷³ This has led to a perceived ideological divide between Western, liberal, individual, civil and political rights, and Marxist-Leninist, economic, social, cultural, and communal rights:²⁷⁴ a juxtaposition between protection of rights *against* the state versus rights to *protect* the state.²⁷⁵ According to Nordahl, "the Marxian HR theorist is naturally suspicious of what the elites and the intelligentsia (Western, state 'socialist', Third world, or Fourth World) say about human rights,"²⁷⁶ and should thus resist and revolt against HR propagation of capitalist oppression:

Marx did not himself believe that a great deal could be done to improve the state of HR within the existing structures of most societies. Most societies are class, and thus exploitative, societies, with repressive state apparatuses... For these societies, including liberal capitalist societies, fundamental improvement in HR requires social revolution and the construction of fundamentally different societies.²⁷⁷

Vincent notes the additional relevance of the North-South dichotomy at the time, where "the East-West debate takes place between established systems, two varieties of 'have' countries, whereas the North-South dispute is between 'haves' and 'have nots'... (HR) is not a mere conversation, but a project from which one side looks to gain materially at the expense of the other."²⁷⁸

As ideologically both 'East' and 'South', Cuba was in a delicate position. Cuba employed 'ordering discourses'²⁷⁹ in attempts to sustain the significance of economic and social rights, with recommendations to "Drive concrete initiatives, anathema to the adversary, regarding

²⁷³ Implied in 5.1.b: Timeline of Diffusion, Kathryn Sikkink, *Evidence for Hope* (Princeton: Princeton University Press, 2017), 10, An-Na'im, "Conclusion," 428, Falk, "Cultural," 45, Burgers, Danelius, *UNCAT*, 5,174.

²⁷⁴ An-Na'im, *HR*, Vincent, *HR*, 2,36,61-4,70,74-81.

²⁷⁵ Vincent, *HR*, 64, An-Na'im, "Cross-Cultural," 20.

²⁷⁶ Richard Nordahl, "Marxian Approach to HR" in An-Na'im, *HR*, 163-5.

²⁷⁷ Nordahl, "Marxian," 181. See also: Vincent, *HR*, 62-3, Tore Lindholm, "Prospects for Research on the Cultural Legitimacy of HR" in An-Na'im, *HR*, 415-6,419.

²⁷⁸ Vincent, *HR*, 76,84-9,103: Basic Needs Doctrine.

²⁷⁹ Smetana, *Deviance*, 82-3: deviants "employ ordering discourses, implicitly or explicitly reconstructing the relative super- and subordinate positions of norms... through ordering discourses, actors do not contest the meaning or the legitimacy of the norm, but instead its inferiority vis-à-vis a superior normative standard."

economic rights, such as the indivisibility and interdependence of civil and political rights with economic, social and cultural rights,”²⁸⁰ which Cuban delegates reinforced at the CHR.²⁸¹ The purportedly liberal capitalist origin of HR also contributed to Cuban reticence over key texts, including the ICCPR and UDHR, which “have limitations and problems of principle since they have origin in agreements of universal character in which elaboration by bourgeois governments at the UN played an important role... The Declaration contains no mentions of rights of the people, nations or States.”²⁸² Cuba’s lack of ICCPR ratification directly impacted CAT ratification, given MINREX advice that “Our country should conclude studies of the Pacts and decide on their ratification before the Convention, given the latter has as its base the former.”²⁸³ These perspectives, alongside aforementioned Cuban concerns of HR as a form of Western imperialism and tool of US hegemony,²⁸⁴ evidence Cuban anxieties over the perceived origin of the norm to prohibit torture. These anxieties are reflected holistically in a Cuban speech to the CHR the year of CAT adoption:

There had been much theorizing about respect for HR, with undue emphasis on supposed non-compliance with certain civil and political rights, but most speakers on the matter represented States that were responsible for denying basic HR to many people... Because of illiteracy, hunger, poverty and racist, colonialist and neo-colonialist oppression, millions died each year without ever learning the meaning of a human right... Those whose actions helped keep nations in a state of deprivation were not morally qualified to speak of HR. Responsibility for developing nations' economic and social problems rested largely with the forces of colonialism, neo-colonialism, imperialism, racism and apartheid... it was hard to see how nations which had for so long robbed others of their wealth could speak so grandly about humanitarianism.²⁸⁵

However, Cuban concerns over norm origin resulted in an outcome opposite to that anticipated. Instead of rejecting a purportedly Western civil and political norm, Cuba attempted to usurp responsibility for it and rupture perceived Western/Eastern, Liberal/Marxist, North/South, civil and political/economic and social rights dichotomies.

²⁸⁰ MINREX, “Reunión Consultativa,” 2-3, 7-8. Also: MINREX, “De: René Anillo,” 1: “it is not possible to enjoy civil and political rights without enjoying economic, social and cultural rights, economic questions vital to us return to the core of future treatment on the theme.”

²⁸¹ E/CN.4/1990/SR.20,9: “Cuba did not share the view of those who would like to stress civil and political rights... all rights - civil, political, economic, social and cultural - must be given equal attention.”

²⁸² Misión Permanente, “Apuntes Sobre las Posiciones de los Social-Demócratas en Relación a los Derechos Humanos,” 1 September 1983, 5. Also: MINREX, “De: René Anillo,” 1.

²⁸³ MINREX, “Ref: Memorandum RS/175,” 1.

²⁸⁴ 5.1.c: Why Cuban Rejection was Anticipated, 5.3.a.iii: State Suasion.

²⁸⁵ E/CN.4/1984/SR.18,16-7.

Private MINREX memos detail the ideological justification to do so given only a “founding in Marxism-Leninism implies the elimination of exploitation of man by man, and (thus) capacity to guarantee real and effective implementation of HR and fundamental freedoms for all members of society.”²⁸⁶ Additional MINREX documents record Cuban attempts to secure socialist support for this endeavour, with MINREX representatives announcing at the 1978 Meeting of HR Experts from Socialist Countries:

The principle purpose of the invitation that gave rise to this meeting, is to narrow even more the bonds that unite socialist countries in all fields and now in the sphere of HR, which the imperialist enemy is trying to use as an instrument of intervention in the internal affairs of our countries to undermine the good prestige of socialism in world public opinion. We consider the exchange of criteria amongst our delegations will contribute extraordinarily to demonstrate the cynical and false campaign of capitalist countries and in particular the US, developed against socialist countries regarding HR.²⁸⁷

Although ultimately failing in relation to the norm to prohibit torture, Cuba walked a fine line attempting to disrupt prevailing narratives and traditional HR dichotomies via HR norm promotion in the CHR throughout this period.²⁸⁸ Norm origin thus held high impact on Cuban deliberations regarding the norm to prohibit torture, however it was not a cause for rejection as anticipated in scholarly accounts.

5.4 NEGLIGIBLE INFLUENCE

With most norm diffusion attributes thus holding significant albeit far from positive influence, only three attributes remain outstanding. Analysis of indicators for each of these reveal relatively negligible impact on Cuban endorsement of the norm to prohibit torture. Interestingly, results mirror some of those from the previous chapter. This section therefore documents the minimal influence – over both Cuban norm endorsement and purported socialisation - of the remaining systemic attributes of regional suasion and INEs, and the state-level attribute of the feedback loop.

²⁸⁶ Misión Permanente, “Apuntes Sobre las Posiciones,” 2-3.

²⁸⁷ MINREX, “Palabras de Apertura,” 1.

²⁸⁸ One example is particularly emblematic regarding Cuba’s UNGA Resolution on Right to Development as an HR: MINREX, “De: René Anillo,” 1: “Its approval constitutes a victory that saw negotiations from the Cuban delegation with capitalist as much as Non-Aligned countries... The vote isolated the US and evidenced before the Commission the hypocrisy of the North American campaign in matters of HR.”

5.4.a: Systemic Attributes

5.4.a.i: Regional Suasion

Given the confluence of regional HR conventions and commissions from the 1960s, norm scholarship frequently credits regional HR bodies for the promotion of snowballing public support for and endorsement of the norm to prohibit torture.²⁸⁹ Indeed, Lutz and Sikkink contend the post-1985 surge in Latin American HR treaty ratification “can only be explained by the occurrence of a genuine norms shift that rippled through the region.”²⁹⁰ UN records certainly report some Latin American delegates drawing attention to regional influence in the field.²⁹¹ However, Cuba was expelled from the OAS in 1962 and was therefore not party to either the 1959 Inter-American Commission on HR, the 1969 American Convention on HR, the 1979 Inter-American Court of HR, or the 1985 Inter-American Convention to Prevent and Punish Torture. Regional organisations had little impact on Cuban endorsement of the torture norm.²⁹² This was acknowledged by the MINREX Vice-Minister in 1992 when:

Mr. ROA KOURI (Cuba) said that regional arrangements for the promotion and protection of human rights could make a major contribution to the effective exercise of such rights... provided, of course, that the regional arrangements in question were genuinely regional, but that was not, in his opinion, the case of the Organization of American States, from which Cuba had been illegally excluded.²⁹³

Cuban delegates had in fact denounced the Inter-American Commission on HR as “merely a tool of the United States.”²⁹⁴ Much like its relationship with INGOs, Cuba sought to employ regional initiatives, when opportune, to promote its own stance rather than vice versa.

Granma, for example, reported that Cuba’s re-election to the Vice-Presidency of the 1993 Latin American and Caribbean forum on HR:

demonstrates the situation of the island in relation to HR is not like that described by detractors of the Cuban Revolution... Even though during the last two years our enemies have tried to pretend that we do not cooperate with the UN system of HR, the fact we

²⁸⁹ Fruhling, “Culture,” 269-70, Donnelly, “Regime,” 22, Hathaway, “HR,” 1995-96, 2016-19.

²⁹⁰ Lutz, Sikkink, “Justice,” 15. Also: Lutz, Sikkink, “HR,” 638, Obregón, “Civilisation,” 112-23.

²⁹¹ Ecuador: A/C.3/32/SR.41, Uruguay: Burgers, Danelius, *UNCAT*, 10.

²⁹² Inter-American Commission on HR, OAS, “American Convention on HR, Signatories and Ratifications,” <https://www.cidh.oas.org/basicos/english/Basic4.Amer.Conv.Ratif.htm>, Department of International Law, OAS, “Inter-American Convention to Prevent and Punish Torture, Signatories and Ratifications,” <https://www.oas.org/juridico/english/sigs/a-51.html>, OAS, “Inter-American Commission on HR,” <https://www.oas.org/en/iachr/mandate/what.asp>, Burgers, Danelius, *UNCAT*, 28-9.

²⁹³ E/CN.4/1992/SR.52, 15.

²⁹⁴ E/1980/13; E/CN.4/1408, 311.

have been elected for the Vice-Presidency of this conference demonstrates the contrary.²⁹⁵

In this manner - and unlike expectations in associated literature - on the rare occasion regional bodies were relevant to Cuban HR norm endorsement, they were relevant as a tool for Cuban foreign policy rather than for socialisation or norm endorsement. Given this, regional suasion was negligible.

5.4.a.ii: INEs – Individuals, Epistemic Communities, MNCs

Following INE indicators, specific individuals have been credited with consolidation of the international norm to prohibit torture, such as the Swedish CHR delegate for his role in initially prompting and drafting treaty texts, and Dutch delegate for his role as WG chair and informal negotiator overcoming stalemates.²⁹⁶ However, while their influence over some state delegations is recorded,²⁹⁷ there is no information to indicate that Cuba was one of these. Furthermore, these individuals arguably only held impact through their role as state delegates in the relevant IO, rather than unique exogenous entrepreneurship. As such, individual norm entrepreneur suasion is considered negligible. No evidence was also found to indicate any MNC impact on either diffusion, endorsement or the socialisation of Cuba in relation to the norm to prohibit torture.

With regard to epistemic communities, particular legal advocacy networks certainly contributed to general norm development, including formulation in both the ICCPR and CAT.²⁹⁸ The International Association for Penal Law, for example, convened expert drafting committees and proposed one of the two original draft conventions,²⁹⁹ while the International Commission of Jurists submitted multiple proposals and textual amendments directly to the CHR during negotiations.³⁰⁰ However, once again, there is no evidence that they played a role in Cuban norm endorsement. Indeed, the *Granma* image at the start of

²⁹⁵ Fernando Alonso, "Elegida Cuba para ocupar vicepresidencia en foro sobre derechos humanos," *Granma* (29:14, Wed 20 Jan 1993), 5.

²⁹⁶ A/C.3/39/SR.56,13, Burgers, Danelius, *UNCAT*, 91-2, Tardu, "UNCAT," 303.

²⁹⁷ Burgers, Danelius, *UNCAT*, 95.

²⁹⁸ E/CN.4/528,36: International Group of Experts on Prevention of Crime and Treatment of Offenders.

²⁹⁹ In conjunction with ICJ, AI, International Committee of Red Cross: E/CN.4/NGO/213, Rodley, *Prisoners*, 48, Boulesbaa, *UNCAT*, 39, Burgers, Danelius, *UNCAT*, 25-6.

³⁰⁰ Alongside codes of ethics promotion: E/CN.4/L.1470,4, E/CN.4/1984/72,2, E/CN.4/1984/SR.34, E/1982/12/Add.1;E/CN.4/1982/30/Add.1,14, Tardu, "UNCAT," 303, Burgers, Danelius, *UNCAT*, 19,32,40.

this chapter implied Cuban opposition to such legal advocacy networks that “pioneered the strategies, developed the legal arguments, often recruited the plaintiffs and/or witnesses, marshalled the evidence, and persevered through years of legal challenges” to contribute to the extradition and surge of legal proceedings against HR and torture-related crimes in the 1980s.³⁰¹ Thus, although holding a level of impact on general norm endorsement, epistemic communities held minimal influence over Cuba in terms of either endorsement or socialisation.

5.4.b: State-Level Attributes

5.4.b.i: Feedback Loop

Consideration of associated indicators reveals no direct evidence of Cuban attempt to reformulate the torture norm via the feedback loop. However, despite early MINREX emphasis on “taking maximum advantage” to secure “our own criteria” within the CAT,³⁰² clues indicate Cuba was likely part of primarily failed attempts. First, internal MINREX praise for USSR technical-legal suggestions³⁰³ imply Cuba likely supported USSR proposals regarding extradition and non-refoulement, which “caused problems of principle for a great many delegations,”³⁰⁴ represented one of the three core issues that stalled negotiations between 1980-1983, and was ultimately subject to compromise.³⁰⁵ Second, the CHR became divided between states opposed in principle to universal jurisdiction,³⁰⁶ and those insisting on its necessity “to deal with situations where torture is a State policy and, therefore, the State in question does not, by definition, prosecute its officials who conduct torture. For the international community to leave enforcement of the Convention to such a State would be essentially a formula to do nothing.”³⁰⁷ Cuba’s official position on universal jurisdiction during this time is unclear, although the opening *Granma* graphic to this chapter indicates

³⁰¹ Lutz, Sikkink, “Justice,” 1-33.

³⁰² MINREX, “Reunion Consultativa,” MINREX, “Palabras de Apertura,” 1, MINREX, “Reunión de Expertos en Derechos Humanos de los Países Socialistas: Tema 4,” 6-7.

³⁰³ MINREX, “REF: 132.4- Informe sobre el 35 periodo de Sesiones,” 9-10, E/CN.4/L.1470,4-11, Burgers, Danelius, 40-51. Compare: An-Na’im, “Conclusion,” 428.

³⁰⁴ Burgers, Danelius, *UNCAT*, 54-6,61-4. Also: E/CN.4/1367, E/CN.4/L.1470,9-10, Boulesbaa, “Analysis,” 195.

³⁰⁵ E/CN.4/1984/72,4-5: USSR and China withdrew proposals/reservations “to facilitate consensus.”

³⁰⁶ Argentina, Uruguay, Senegal, Australia, Brazil, USSR: E/1982/12/Add.1;E/CN.4/1982/30/Add.1,6-8, Burgers, Danelius, *UNCAT*, 78-9, Boulesbaa, *UNCAT*, 213, Burgers, “Delivery,” 47-9.

³⁰⁷ E/1982/12/Add.1;E/CN.4/1982/30/Add.1,5-7. Also: Burgers, Danelius, *UNCAT*,78-9, Boulesbaa, *UNCAT*, 214.

that at least Cuban press was opposed to transnational prosecution via rendition.³⁰⁸ Records indicate that by 1982 Argentina and Uruguay were isolated in their opposition to universal jurisdiction,³⁰⁹ and in 1984 - following Argentinean change of government - this opposition collapsed entirely.³¹⁰

Third, following 1981 UN legal advice preventing the ICCPR compliance body from additionally supervising the CAT,³¹¹ a dichotomy arose between CHR states that rejected mandatory international monitoring for implementation “assured by each State Party within the context of its legal system,”³¹² and states that argued “implementation procedures were an indispensable part of the treaty” given “self-enforcement has been shown to be a failure.”³¹³ The latter states demanded a stand-alone supervisory committee with mandatory fact-finding powers.³¹⁴ Although Cuba’s official stance is once again unclear, given its previously outlined concerns over international control, Cuba likely occupied a position within the second group. As Ingelse explains:

Two groups of States soon emerged. On the one side were Western States and several Third World States. This group was working to achieve a strong supervisory mechanism. On the other side was a group of States from the former East Bloc and most of the Third World States which, while rejecting torture... were unwilling to subject themselves to a strong international supervisory mechanism... (and) far-reaching and uncontrollable infringement of the domestic jurisdiction... Supervision remained a major stumbling block during negotiations.³¹⁵

However, at the 1984 CHR the USSR “informed the Group that, in a spirit of compromise, it would no longer insist on giving all elements of the implementation system an optional character... However, it maintained its fundamental objections against the mandatory character of the proposed Article 20 concerning inquiries.”³¹⁶ The USSR and Ukraine also

³⁰⁸ Cuba unnamed in UN documentation, MINREX archives unavailable for this period.

³⁰⁹ E/1982/12/Add.1;E/CN.4/1982/30/Add.1,8, Burgers, “Delivery,” 49, Burgers, Danelius, *UNCAT*, 79.

³¹⁰ A/C.3/39/SR.56,12, E/CN.4/1984/72,5-7, Burgers, “Delivery,” 49, Burgers, Danelius, *UNCAT*, 94-5, Lutz, Sikkink, “HR,” 659, Boulesbaa, *UNCAT*, 197-8,216-7, Ingelse, *UNC*, 77.

³¹¹ E/CN.4/L.1576,14, Burgers, Danelius, *UNCAT*, 75-6, Boulesbaa, *UNCAT*, 243.

³¹² USSR: E/CN.4/1983/63,8-9. See also: Burgers, Danelius, *UNCAT*, 75-6,87-9, Boulesbaa, *UNCAT*, 249.

³¹³ E/CN.4/L.1576,14-5. Also: E/1982/12/Add.1;E/CN.4/1982/30/Add.1,12-3, E/CN.4/1983/63,9, Boulesbaa, “Analysis,” 195, Boulesbaa, *UNCAT*, 243-9, Burgers, Danelius, *UNCAT*, 77.

³¹⁴ E/1982/12/Add.1;E/CN.4/1982/30/Add.1,10-8, Burgers, Danelius, *UNCAT*, 75-88, Boulesbaa, *UNCAT*, 246-8,270,281-3,289, Boulesbaa, “Analysis,” 200-2.

³¹⁵ Ingelse, *UNC*, 75.

³¹⁶ E/CN.4/1984/72,9-10. See also: Boulesbaa, “Analysis,” 197, Burgers, “Delivery,” 49-50, Boulesbaa, *UNCAT*, 271, Burgers, Danelius, *UNCAT*, 97-8, Kamminga, *Accountability*, 59,107,110-1,126.

insisted on authorising the Committee Against Torture to make only ‘general comments’ rather than ‘comments or suggestions’ in Article 19.³¹⁷

This prompted the USSR to lead a movement at the November 1984 UNGA Third Committee - post-CHR yet pre-UNGA CAT adoption - that threatened to return the draft convention to the CHR negotiating table in ongoing protest over Articles 19-20.³¹⁸ Cuba was part of this effort. At the UNGA Third Committee on 26 November 1984, the Cuban delegate announced:

Cuba had urged the prohibition and condemnation of the use of torture and had supported from the beginning the idea of drawing up a draft convention against torture. Her delegation shared the view that it was important for an instrument of that nature to be adopted by consensus. To that end, some of the proposed articles, such as articles 19 and 20, would require further consultation.³¹⁹

In this matter, and this matter alone, Cuba and allies achieved feedback loop success. Given concerns over indefinite adjournment of UNGA adoption,³²⁰ and following urgent informal consultations,³²¹ a resolution to endorse the draft convention that omitted ‘or suggestions’ from Article 19 and added the Article 28 opt-out procedure for Article 20, was submitted to the UNGA Third Committee “strictly conditional upon the withdrawal of all other amendments.”³²² Following brief suspension for consultation, “The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution L.40, as orally revised, without a vote. It was so decided.”³²³

An internal MINREX memo subsequently recorded that “the Cuban delegation that participated in the UNGA Third Commission where (the CAT) was adopted, played an important role in the negotiations and adoption of the text.”³²⁴ However, Cuba did not

³¹⁷ Burgers, Danelius, *UNCAT*, 97, Burgers, “Delivery,” 50.

³¹⁸ A/C.3/39/SR.49, A/C.3/39/SR.49/Add.2, A/C.3/39/SR.49/Add.1,8, A/C.3/39/SR.49,5-9,12, A/C.3/39/SR.50, A/C.3/39/SR.51,6, A/C.3/39/SR.52,3, A/C.3/39/SR.49, A/C.3/39/SR.49/Add.1, A/C.3/39/SR.49/Add.2, A/C.3/39/SR.44, A/C.3/39/SR.46, A/C.3/39/SR.48, A/C.3/39/SR.49, A/C.3/39/SR.51, A/C.3/39/SR.52, Ingelse, *UNC*, 80, Burgers, Danelius, *UNCAT*, 102-3, Burgers, “Delivery,” 51, Boulesbaa, *UNCAT*, 259,271.

³¹⁹ A/C.3/39/SR.50,13.

³²⁰ Burgers, Danelius, *UNCAT*, 103, Burgers, “Delivery,” 51-2, Nowak, McArthur, *UNCAT*, 5, Ingelse, *UNC*, 81.

³²¹ A/C.3/39/SR.44, Burgers, “Delivery,” 51, Burgers, Danelius, *UNCAT*, 33,102.

³²² A/C.3/39/SR.60,9.

³²³ A/C.3/39/SR.60,10-11. See also: A/C.3/39/SR.61, Burgers, Danelius, *UNCAT*, 106.

³²⁴ MINREX, “Ref: Memorandum RS/175,” 1.

achieve reformulation precisely as desired and maintained concerns following CAT adoption given “article 20 contradicts our position of not accepting verification on our territory, except when a sovereign decision on our part exists in this respect.”³²⁵ Indeed, overall feedback loop failure led to the subsequent MINREX debate regarding CAT reservation.³²⁶ Finally, equal geographic representation within the Committee against Torture was additionally not secured in the CAT, as likely also desired by Cuba.³²⁷ Given such key failures, the feedback loop comprised a relatively insignificant factor behind Cuban HR norm endorsement.

5.5. PRELIMINARY ASSESSMENTS

This chapter has assessed the impact and manner of operation of the fifteen norm diffusion attributes with regard to Cuban endorsement of the HR norm to prohibit torture. It reveals the strong and positive impacts of national identity, norm substance, international concurrence, salience and origin. Cuba endorsed the CAT given deliberate overt alignment between Cuban national identity and the norm, public recognition of the norm’s immanent power, repeated sponsorship of resolutions to secure its international codification, and an initial attempt to usurp responsibility for its diffusion to disrupt and counter perceived origin dichotomies. The only initial reasons preventing immediate CAT ratification according to private MINREX documents were concerns over cost and legal capacity to comply, which intrinsically also revealed the salience and gravity with which Cuba considered the norm at the time.

While domestic resonance proved complex, of most interest once again was that traditional socialisation drivers, alongside some facilitators and enablers, may have promoted norm endorsement generally but had the opposite effect upon Cuba.³²⁸ All systemic attributes, alongside DNEs, DSCs, the feedback loop and internal norm characteristics, had either negligible or adverse effects. Indeed, several of these attributes

³²⁵ MINREX, “Ratificación de la Convención contra la Tortura,” 5.

³²⁶ Ibid, 3,5.

³²⁷ Byrnes, “CAT,” 512.

³²⁸ Nielsen, Simmons, “Rewards,” 199,206.

effectively *postponed* purported revisionist norm endorsement. Hiatus in MINREX consideration of CAT ratification aligned directly with the periods in which Cuba suffered most scrutiny, and felt the impact most severely from these attributes at the CHR. By looking at the process of norm diffusion, rather than intentions or outcomes, it becomes evident that the systemic-level socialisation drivers proved counter-productive in this instance. As Kim notes generally, “third parties with strong economic leverage, namely, the US government... generally do not have repression-reducing, moderating effects on dictatorships.”³²⁹ In fact, it was the very ascription of revisionism that deferred Cuban norm endorsement, ironically yet inevitably strengthening revisionist accusations in the process. As Geis and Wunderlich observe, “initiation of ‘enemy relations’ by US actors significantly contributed to and reified the very ‘roguish’ behaviour of states that were later on stigmatized as ‘rogues’. Exaggerated threat perceptions and a fear of communism... led the US to adopt hostile attitudes towards countries such as Cuba.”³³⁰

This again raises questions regarding conceptions of revisionism in IR. From the Cuban perspective, it was targeted by the US through defamation and deflection: defamation in the sense of stigmatising those who did not mirror dominant behaviour and attitudes, and deflection via diverting attention from the US’ own roguish practices. In relation to the former, for example, *Granma* reported that Iran “today accused the United States of utilising the pretext of HR for ‘hitting those countries in disagreement with the politics of the White House’.”³³¹ In relation to the latter, according to Castro, “the imperialists increase their hostility and campaigns against Cuba, which has seen with what fury they try to impute to us, in speaking of torture in our country, the things that they do in all parts of the world.”³³² Echoing Falk - who argues that “Such selectivity in protest activity introduces an element of hypocrisy and manipulativeness into most statist (and even international

³²⁹ Kim, “Mobilizing,” 62.

³³⁰ Geis, Wunderlich, “Good,” 467-8. Similarly: Gertheiss, Herr, “Dissidence,” 19, Hoyt, “Rogue,” 309, Wunderlich, *Rogue*, 64, Smetana, *Deviance*, 33, Wunderlich, “Delegitimation,” 89: “Designation as ‘rogue’ may trigger a process of mutual demonisation that ultimately perpetuates stigmatisation.”

³³¹ Anon, “Líder espiritual iraní denuncia falsedad de política norteamericana,” *Granma* (28:92, Thu 7 May 1992), 5. Also: Casals, “Introduce EE.UU,” 1,6.

³³² Castro, “Fidel en el Acto Central,” 3. Similarly: E/CN.4/1989/SR.44,9.

institutional) approaches to HR³³³ - Cuban diplomats condemned their US accusers for hypocrisy and “alarming symptoms of a double standard and double morality.”³³⁴

As observed in the previous chapter, Cuba pursued similar strategies, repeatedly launching accusations of revisionism against its accusers - fellow states, INGOs and even UN officials – in an effort to deflect and counteract attention.³³⁵ Yet what was initially equally weighted, mutual demonisation between the US and Cuba³³⁶ - “each side has the capacity to wound the other: the East the West on equality, the West the East on liberty”³³⁷ - became US domination as the world context changed. As Rajagopal notes, “the end of the Cold War marked the birth of a new hegemonic role for HR”³³⁸ - and for the US. According to Bloomfield, “the temporal context matters in the sense that exogenous events or contingencies such as shifts in the global distribution of power or crises affect the roles actors play and how they play them.”³³⁹ Altered power asymmetries at the end of the Cold War promoted US ascription of Cuban revisionism and rendered parallel Cuban efforts against the US futile.³⁴⁰ According to *Granma*, “it is those who have domination over the great means of international publicity that attempt to distort reality (and) present us in a way that does not correspond with reality.”³⁴¹ As Zarakol observed, “states are *not equal when it comes to normative weight*.”³⁴² By the time Cuba officially endorsed the norm to prohibit torture, as it had always intended given the aforementioned effective attributes, it had failed in its ambitions to harness the norm, and its revisionist status in the field of HR became largely unquestioned.

³³³ Falk, “Cultural,” 55. Additionally: Ikechi Mgbefji, “Civilised Self and the Barbaric Other,” Wadie Said, “Political Asylum and Torture,” in Falk, et al, *IL*, 161,177, Obregón, “Civilisation,” 123, Smetana, *Deviance*, 219-20, Anghie, “Evolution,” 47: “while proclaiming to further HR, the USA has persistently violated them.”

³³⁴ Editorial, “David, Goliath,” 3. Also: Lino Oramas, “Ricardo Alarcón en entrevista a la televisión,” *Granma* (29:13, Tue 19 Jan 1993), 4, Stimmer, “Internalization,” 276-7, E/1980/13/Add.1;E/CN.4/1408/Add.1,111, E/CN.4/1993/39,Annex I,34, Organización de ONU, “Congreso Internacional,” 4: “many hypocritical voices are raised speaking of HR... to interfere in the internal affairs of countries... it is illusory and hypocritical.”

³³⁵ Cotayo, “Hablará Vernon Walters,” 5, every CHR Cuban right of reply: e.g. E/1980/13;E/CN.4/1408,289, E/1980/13/Add.1;E/CN.4/1408/Add.1,9,18,45,72, E/CN.4/1991/SR.28,20, E/CN.4/1991/SR.41,3-4, E/CN.4/1993/SR.58,19, E/CN.4/1992/SR.22,18, E/CN.4/1993/SR.52/Add.1,9, E/CN.4/1996/SR.48,3.

³³⁶ This chapter, footnote 127.

³³⁷ Vincent, *HR*, 74.

³³⁸ Rajagopal, “Counter-hegemonic,” 66.

³³⁹ Bloomfield, “Antipreneurs,” 312,326.

³⁴⁰ Elkins, Simmons, “Waves,” 41: Cuba “found itself alone only after the Cold War. Until then, Castro sought a much more central position in the international community.”

³⁴¹ Oramas, “Ricardo Alarcón,” 4.

³⁴² Zarakol, “World,” 327.

CHAPTER 6:
INTERNATIONAL ENVIRONMENTAL NORM
The Conservation of Biological Diversity



Figure 12: 'Bush reiterates his refusal to sign the biodiversity treaty.'¹

6.1 INTRODUCTION

This final empirical chapter seeks to rectify the omission noted by Hurrell and Kingsbury, that "theoretical accounts of international environmental law have often paid rather little explicit attention to the political bargaining processes that underpin the emergence of new norms of international environmental law, to the role of power and interest in inter-state negotiations, and to the range of political factors that explain whether states will or will not comply with rules."² It does so by assessing the reasons behind Cuban endorsement of the international environmental norm to conserve biological diversity embodied in the 1992

¹ Anon, "Reitera Bush su negativa a firmar tratado de biodiversidad," *Granma* (28:114, Sat 6 June 1992), 1.

² Andrew Hurrell, Benedict Kingsbury, "The International Politics of the Environment" in Andrew Hurrell, Benedict Kingsbury (eds), *The International Politics of the Environment* (Oxford: Clarendon Press, 1992), 12.

United Nations Convention on Biological Diversity (CBD).³ Paralleling results from previous chapters, and further questioning arguments pertaining to state socialisation, this chapter once again reveals Cuban attempts to harness the norm as their own and shame the US. The chapter highlights the primary contribution of the state-level attributes and contended socialisation filters comprising national identity and the feedback loop. Surprisingly, it was Cuba's very revisionist identity as an anti-capitalist, anti-US, Third World protector and advocate of the norm following reformulation that led to Cuban norm endorsement. Findings of further import pertain to reaffirmation of the symbiotic relationship between IOs and norms, IOs operating as platforms for ulterior state agendas that revise the norm rather than socialise the state, collective and indirect inverse state suasion and the surprising significance, once again, of MNCs, high salience, domestic resonance and DSCs, although not quite as expected within extant frameworks.

The chapter commences with background defining the norm, outlining the timeline of international diffusion, reasons for anticipated Cuban rejection and the resulting puzzle of Cuban norm endorsement. Substantive empirical analysis is then undertaken in respect of each diffusion attribute, commencing with those operating in accordance with expectations from the analytical framework. These include the systemic attribute of world context, state-level attributes of national identity and the feedback loop, and norm-related attributes of domestic resonance, norm substance and international concurrence. Attributes that had influence, however not quite as anticipated, are then analysed: IOs, state suasion and MNCs at systemic-level, salience and DSCs at state-level, and internal characteristics at the level of the norm. Empirical analysis concludes with assessment of the attributes holding negligible impact, including regional and remaining INE suasion at systemic-level, DNEs at state, and origin at the level of the norm. The chapter concludes with a preliminary review of results, confirming which attributes held most influence over Cuban norm endorsement in this environmental instance, and what this may mean for norm diffusion, revisionism and arguments pertaining to socialisation in IR.

³ https://treaties.un.org/doc/Treaties/1992/06/19920605%2008-44%20PM/Ch_XXVII_08p.pdf.

6.1.a: Definition of Norm

The CBD encompasses a confluence of norms and, as will be shown, mutated well beyond its original mandate to incorporate commitments to additional norms, such as sustainable use and equitable sharing of biotechnology and genetic resources.⁴ Biodiversity conservation nevertheless remains at the heart of the Convention, listed as the first of three objectives in Article 1.⁵ According to the Preamble “the intrinsic value of biological diversity” as “a common concern of humankind,” renders it “vital to anticipate, prevent and attack the causes of significant reduction or loss of biological diversity at source.”⁶ While confirming sovereign rights over resources,⁷ the CBD departs from the previous norm of natural resource exploitation however states deem fit,⁸ to affirm that “States are responsible for conserving their biological diversity and for using their biological resources in a sustainable manner,” in order to “conserve and sustainably use biological diversity for the benefit of present and future generations.”⁹ The Executive Director of the United Nations Environment Programme (UNEP) argued biological conservation remained the central CBD focus, “all the rest is the methodology of how to conserve.”¹⁰

The precise meaning of biodiversity and mechanisms for conservation, however, remained contested. According to Guay, “Scientists do not even all agree on its scientific

⁴ Vicente Sánchez, “Convention on Biological Diversity” in Vicente Sánchez, Calestous Juma (eds), *Biodiplomacy* (Nairobi: African Centre for Technology Studies, 1994), 10,228-9, Marian Miller, *The Third World in Global Environmental Politics* (Boulder: Lynne Rienner, 1995), 122,126, Alan Boyle, “Rio Convention on Biological Diversity” in Michael Bowman, Catherine Redgwell (eds), *International Law and the Conservation of Biological Diversity* (London: Kluwer Law, 1996), 35-8,49, Philippe Le Prestre, “Emergence of Biodiversity Governance,” Désirée McGraw, “Story of the Biodiversity Convention,” Louis Guay, “Science and Policy of Global Biodiversity Protection” in Philippe Le Prestre, *Governing Global Biodiversity* (Aldershot: Ashgate, 2002), 2,5,7,11,24,209.

⁵ CBD, 3, Koester, “Biodiversity Convention Negotiation Process,” *Environmental Policy & Law* (27:3,1997), 176.

⁶ CBD, 1. Also: R. Nayar, David Ong, “Developing Countries, ‘Development’ and the Conservation of Biological Diversity” in Bowman, Redgwell, *IL*, 245-6.

⁷ CBD, 1,4, David Hunter, et al, *International Environmental Law and Policy* (New York: Foundation Press, 2002), 934, Sánchez, “CBD,” 10, Philippe Le Prestre, “Long Road to a New Order” in Prestre, *Biodiversity*, 325.

⁸ Michael Bowman, “Nature, Development and Philosophical Foundations of the Biodiversity Concept in International Law” in Bowman, Redgwell, *IL*, 6-7.

⁹ CBD, 1,2, Arts 7-14,26. See also: Boyle, “Convention,” 39-40, Preste, “Road,” 321, Hunter, et al, *IELP*, 935,945, Michael Bowman, Catherine Redgwell, “Conclusions” in Bowman, Redgwell, *IL*, 291.

¹⁰ McGraw, “Biodiversity,” 24. Also: Gabriel Michanek, “National Protection of Biological Diversity” in Ellen Basse (ed), *Environmental Law* (Copenhagen: Gadjura, 1997), 301, Bo Kjellén, “UNCED Process” in Gunnar Sjöstedt, et al (eds), *International Environmental Negotiations* (Stockholm: SCPCR, 1993), 227.

definition, or more precisely, they are often reluctant to give it a definition.”¹¹ McConnell confirmed that during initial CBD negotiations, “everyone was using the shortened term-biodiversity - but with as yet little clear understanding of its meaning.”¹² Whilst acknowledging its nebulous parameters, Article 2 defines ‘biodiversity’ as the “variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part.”¹³ Although conservation is not defined, ‘sustainable use’ is listed as “the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity.”¹⁴ Importantly, the CBD preamble affirms that “where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such.”¹⁵ The crux of the Convention is thus that “such a threat exists, even though the exact magnitude of the underlying causes of biodiversity loss, and the nature of its impact, may be subject to debate,” and this threat must be mitigated through specific conservation measures.¹⁶ Labelled “a milestone in an ongoing process for the conservation and wise use of the world’s biodiversity,”¹⁷ the CBD therefore “establishes for the first time a unifying conceptual and practical framework for international efforts concerning the conservation and sustainable utilisation of the living natural resources of the planet.”¹⁸ By ratifying the CBD, states thus endorsed the international environmental norm to conserve biological diversity and to be held accountable to obligations to comply.

¹¹ Guay, “Science,” 209. See also: Vandana Shiva, *Biodiversity* (Pulau Pinang: Third World Network, 1992), 23.

¹² Fiona McConnell, *The Biodiversity Convention* (London: Kluwer Law International, 1996), 5. Similarly: Hunter, et al, *IELP*, 912, Hurrell, Kingsbury, “Politics,” 13,41.

¹³ *CBD*, 1,3. Also: Miller, *World*, 109-12.

¹⁴ *CBD*, 4.

¹⁵ *CBD*, 1.

¹⁶ Prestre, “Biodiversity,” 3; *CBD*, 1,2, Arts 7-14,26: commitments on national identification and monitoring, national protection programs, *in/ex situ* conservation, environmental impact statements, national reports.

¹⁷ Brazilian NGO SOS Mata Atlantica in Pratap Chatterjee, Matthias Finger, *The Earth Brokers* (London: Routledge, 1994), 42. Also: Hunter, et al, *IELP*, 911, Sánchez, “CBD”, Vicente Sánchez, Calestous Juma, “Introduction” in Sánchez, Juma, *Biodiplomacy*, 2,4,7,16.

¹⁸ Bowman, Redgwell, “Conclusions,” 289,290. See also: Prestre, “Biodiversity,” 1, Boyle, “Convention,” 33, Ulf Svensson, “Convention on Biodiversity” in Sjöstedt, et al, *LEN*, 190.

6.1.b: Timeline of Diffusion

Although not expressed in explicit terms of biodiversity conservation, measures to protect natural resources are recorded in edicts as early as 1900BC.¹⁹ Species-specific conservation measures existed within an array of international agreements since the first officially recorded in 1875.²⁰ Global discourse surrounding the norm gradually increased from the 1960s, with 1982 UNGA Resolution 37/7: World Charter for Nature comprising the first international recognition of the specific norm of biodiversity conservation.²¹ Associated commentary recognised, however, that “These principles, which are not legally binding in a formal sense, represent moral or social rules which, if they are to have the force of law, must be transformed by the international community into the terms of conventions or into customary international law.”²² The 1987 World Commission on Environment and Development Brundtland report *Our Common Future*,²³ in conjunction with two UNEP environmental reports,²⁴ provided the catalyst for deliberations at the UNEP Governing Council (GC) and kick-started CBD negotiations.²⁵

UNEP GC Decision 14/26, adopted by consensus at the 14th Session, 8-19 June 1987, requested establishment of “an ad hoc working group of experts to investigate, in close collaboration with the Ecosystems Conservation Group and other international organizations, the desirability and possible form of an umbrella convention to rationalise current activities in this field.”²⁶ The norm was refined and CBD consolidated in three subsequent sessions of an Ad Hoc Working Group of Experts on Biological Diversity (EBD WG), 1988-1990, two sessions of an Ad Hoc Working Group of Legal and Technical Experts

¹⁹ Bowman, “Nature,” 7.

²⁰ UNEP/GC.15/Inf.2, UNEP/GC.16/Inf.4, Charles Okidi, “International environmental law and national interests” in Sánchez, Juma, *Biodiversity*, 34.

²¹ A/RES/37/7, Hunter et al, *IELP*, 911,932, 6.2.c.iii: International Concurrence.

²² Bowman, “Nature,” 9,18: although approved 111 votes to 1, 18 abstentions.

²³ World Commission on Environment and Development, *Report: Our Common Future*, <http://www.un-documents.net/our-common-future.pdf>, paras 7,9,11,53,57, McConnell, *Biodiversity*, 3-4, Bowman, Redgwell, “Introduction,” 2, Bowman, “Nature,” 9, Sánchez, “CBD,” 8, Koester, “Biodiversity,” 177.

²⁴ UNEP/GC.14/14/Add.1: recommending international protected areas, *in/ex situ* conservation, common heritage of mankind, conservation education, research, cooperation, assistance, UNEP/GC.14/9,7: ‘The biological diversity crisis’ represented “extinction of species at an unprecedented rate,” recommending a World Conservation Strategy to “stimulate the conservation of living resources.”

²⁵ UNEP/GC.14/26,4-6, McConnell, *Biodiversity*, 3, Boyle, “Convention,” 35, Sánchez, “CBD,” 8.

²⁶ Albeit “cautiously”: UNEP/GC.14/26,17,58-59,Annex I, McConnell, *Biodiversity*, 5,Annex A.

on Biological Diversity (LTEBD WG), 1990-1991, and five additional sessions of an Intergovernmental Negotiating Committee for a Convention on Biological Diversity (INC), 1991-1992. The convention was adopted by 91 states, including Cuba, at the Nairobi Final Act of the Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity, 22 May 1992.²⁷ The CBD opened for signature on 5 June at the 1992 UN Conference for Environment and Development (UNCED), also known as the Rio Earth Summit, with Cuban signature and ratification relatively quickly following suit.²⁸ The CBD entered into force on 29 December 1993.²⁹

6.1.c: Why Cuban Rejection was Anticipated

6.1.c.i: 'Laggard' States

Cuba was expected to reject this norm for reasons additional to its general status as a purported revisionist state. Scholarship anticipated that when it comes to environmental norms, "Success is much more pronounced within the developed countries than the developing countries."³⁰ Rather than a "Powerful government lead(ing) the way in some areas, pressed by concerned publics under the influence of perceived environmental crises," Cuba was more likely a "laggard state" likely to evade norm endorsement.³¹ According to Björkbom, "You have to use a much wider set of arguments to bring 'recalcitrant' nations to pay heed... non-cooperative national governments must be made to understand the need of assessing the costs of their 'intransigence' on a particular environmental issue from the full range of their national interests."³² Lupis concurred, "in the South, State action is probably due to pressure from the outside coupled with highly warranted financial incentives."³³ Given such incentives were dubious at best in relation to the CBD, Cuban norm endorsement presented as unlikely.

²⁷ Secretariat of the Convention on Biological Diversity, *Handbook of the Convention on Biological Diversity* (London: Earthscan Publications, 2001), Section IX, 399-400.

²⁸ 12 June 1992, 8 March 1994 respectively: 6.1.d: Endorsement Conundrum.

²⁹ Sánchez, "CBD," 12.

³⁰ Robert Keohane, et al, "Effectiveness of International Environmental Institutions" in Peter Haas, et al (eds), *Institutions for the Earth* (Cambridge: MIT Press, 1993), 15.

³¹ Keohane, et al, "Effectiveness," Marc Levy, et al, "Improving the Effectiveness of International Environmental Institutions" in Haas, et al, *Institutions*, 12-3, 16-7, 399.

³² Lars Björkbom, "International Environmental Diplomacy in a Wider Context" in Sjöstedt, et al, *IEN*, 41 (sic).

³³ Ingrid Detter de Lupis, "Role of States in International Environmental Regulation," *ibid*, 78.

6.1.c.ii: Financial/Compliance Costs

Immediate costs outweighed potential material benefits in the CBD. Sjöstedt explains, “Due to the fact that the benefits of an agreement will usually accrue but in the distant future, the related costs will become pushed into the forefront when the stipulations of an environmental treaty are analysed, and particularly when it is assessed in domestic political processes.”³⁴ Indeed, Cuba’s March 1994 National Report to the CBD listed ten principal commitments assumed under CBD auspices, each of which entailed substantial costs.³⁵ The only potential material benefit comprised an interim funding mechanism administered through the much maligned and developing-states-rejected Global Environmental Fund (GEF), alongside indeterminate undertakings regarding sovereign ownership over and compensation for extraction of genetic material.³⁶ Indeed, the precise financial institutional structure and technology transfer terms remained unresolved upon CBD adoption, pending Conference of State Parties negotiation.³⁷ Cuba and developing country allies did not secure the new financial fund and international economic order they had demanded.³⁸ In 1999, Cuba thus complained that the “international assistance received for conservation projects and protection of biological resources has been poor... Most projects have been carried out through national efforts... due to influence of the hostile US policy against Cuba, Cuba receives no financing from either the IDB, World Bank or IMF.”³⁹ In ratifying the CBD, Cuba committed to a norm entailing unknown costs in the absence of immediate, direct or even foreseeable material benefits.

³⁴ Gunnar Sjöstedt, “Special and Typical Attributes of International Environmental Negotiations,” *ibid*, 29.

³⁵ República de Cuba, “Informe Nacional a la Cuarta COP del Convenio Sobre Diversidad Biológica,” *National Report for the Convention on Biological Diversity*, 2: national strategies/plans of action for conservation/sustainable use, monitoring mechanisms, ecosystems restoration/protection, strengthening National System of Protected Areas, legislative, political, institutional enactment, biosecurity regulation compliance, information dissemination, national research, education, training, outreach. Also: Hunter, et al, *IELP*, 937.

³⁶ “UNCED 1992: Daily Issue no. 5- 6 March 1992, Daily Issue no. 26- 5 April 1992, Daily Issue no. 27- Summary of Proceedings of the Fourth Session of the UNCED Preparatory Committee,” *Earth Negotiations Bulletin* (2: 1-13, 1992), Sam Johnston, “Financial Aid, Biodiversity and International Law” in Bowman, Redwell, *IL*, 286.

³⁷ *CBD*, Arts 15-6,19-21, McConnell, *Biodiversity*, 70-1,82-4,90,95-7,131.

³⁸ Bernstein, “Ideas,” 473-5.

³⁹ República de Cuba, “Status as of 1999- Cooperation,” *Agenda 21 National Country Information*.

6.1.c.iii: Potential Ideological Dissonance

Expectations of Cuban norm rejection were furthered by contemporaneous developing state claims that the norm represented neo-colonial exploitation via 'bio-imperialism.'⁴⁰ In a book published the year the CBD was adopted, Shiva explained:

Physical violence might no longer be the main instrument of control, but control of the Third World's biodiversity for profits is still the primary logic of North-South relationships on bio-diversity... They threaten to create a new era of bio-imperialism, built on the biological impoverishment of Third World... dominant approaches to biodiversity conservation suffer from the limitations of a northern bias, and a blindness to the role of the North in the destruction of biodiversity in the South.⁴¹

Similarly, that same year the Malaysian Prime Minister denounced that "Now that the developed countries have sacrificed their own forests in the race for higher standards of living, they want to preserve other countries' rain forests - citing a global heritage - which would indirectly keep countries like Malaysia from achieving the same levels of development."⁴² Crucially, for the purpose of this research, the Cuban government agreed. In a personal message to UNCED, where the CBD opened for signature, President Castro argued that:

negotiations around a convention on biodiversity... have aroused a concern particular to underdeveloped countries. They all seem to indicate that developed countries, and especially the US, hope to reach an agreement that guarantees them free access and more control over that which is the national and sovereign resource of underdeveloped countries... any convention on biodiversity that favours the interests of industrialised countries preferentially... could not only represent a threat to the sovereignty of underdeveloped countries, but could also constitute a legal instrument serving to reinforce conditionality of economic aid to the Third World... How will the Third World be able to protect its natural resources and, in particular, its biological diversity, to serve its own development?"⁴³

Given such staunch concerns that the CBD might facilitate uncompensated Northern access to Southern biological resources, and thus consolidate the very structural inequalities that Cuba so vehemently opposed, the stage appeared set for Cuban rejection of the norm to conserve biodiversity.

⁴⁰ Sumudu Atapattu, Carmen Gonzalez, "North-South Divide in International Environmental Law" in Shawkat Alam, et al (eds), *International Environmental Law and the Global South* (New York: Cambridge University Press, 2015), 5-10, Nayar, Ong, "Developing," 236, Bowman, "Nature," 18.

⁴¹ Shiva, *Biodiversity*, 14-23, 27-8: "corporations, governments and aid agencies of the North continue to create legal and political frameworks to make the Third World pay for what it originally gave."

⁴² Nayar, Ong, "Developing," 236. Also: Atapattu, Gonzalez, "Divide," 5-10.

⁴³ Castro, "Mensaje de Fidel," 6.

6.1.d: Endorsement Conundrum

Given these factors, commentators expressed surprise at the attention and support devoted by Cuba to international environmental norms, including biodiversity conservation, at UNCED. Kjellén, for example, reported that “*Paradoxically* it was Fidel Castro who received the loudest applause and most public attention.”⁴⁴ Indeed, only seven days after its opening-for-signature, Castro officially signed the CBD, authorising ratification a mere two years later on 6 June 1994.⁴⁵ The reasons behind this apparent ‘paradox’ and Cuba’s swift environmental norm endorsement against expectations presents a puzzle worth investigating.

6.2 INFLUENCE AS EXPECTED

Six norm diffusion attributes present initial answers to this conundrum, holding influence over diffusion and endorsement in the manner outlined in the analytical framework. Once again, systemic-level socialisation drivers hardly feature in this category. While the systemic attribute of world context and norm-related attributes of domestic resonance, norm substance and international concurrence play out as anticipated in associated literature, the most portent attributes pertain to those of national identity and the feedback loop at state-level.

6.2.a: Systemic Attributes

6.2.a.i: World Context

As acknowledged by former-WG Chair, Veit Koester, all CBD negotiators were “partly inspired by events in other international environmental fora... The evolution of a major international legal instrument will never take place in total isolation. At least in the

⁴⁴ Kjellén, “UNCED,” 221 (emphasis mine).

⁴⁵ United Nations Treaty Collection Depository, *Convention on Biological Diversity*: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-8&chapter=27, Gustavo Robreño, “Ovacionado Fidel en la Cumbre,” *Granma* (28:119, Sat 13 June 1992), 8.

environmental field, there will always exist or be linkages to parallel events.”⁴⁶

Consideration of indicators reveals the most relevant world context was UNCED, at which the CBD opened for signature. First, UNCED provided a definitive deadline for the conclusion of negotiations and norm endorsement as reiterated by decision-makers at multiple UNEP GCs,⁴⁷ and prescribed in UNGA Resolution 44/228.⁴⁸ The final INC operated under immense pressure to conclude the CBD given the rapidly approaching UNCED deadline the following fortnight.⁴⁹ Koester contends the INC “would never have been able to finish in time without the Rio-deadline... It is also tempting to state that with that *momentum* lost, it is rather doubtful that a convention on biodiversity would have existed by now.”⁵⁰

Second, UNCED indirectly broadened the scope and content of the norm represented in the CBD given its prioritisation of socio-economic development, new financial mechanisms, and biotechnology/resource transfers alongside environmental protection.⁵¹ In this context, the norm was also subject to parallel UNCED Preparatory Commission (PrepCom) discussions regarding Agenda 21 and the Rio Declaration.⁵² Third, UNEP and UNCED held relevance given their “venues forced two of the key developing countries, Kenya and Brazil, into the role of mediators, brokering a united front”⁵³ in CBD support. As evident further below, UNCED also provided the arena and platform for particular Cuban endorsement as well.⁵⁴ Finally, negotiators recorded the impact of political pressure generated by the “spirit of Rio” to encourage norm endorsement from certain states.⁵⁵ Sánchez therefore later described UNCED PrepComs and CBD INCs as “parallel processes,” which heavily impacted each other.⁵⁶

⁴⁶ Koester, “Biodiversity,” 177,181. See also: McGraw, “Biodiversity,” 14.

⁴⁷ UNEP/GC.16/21/Add.3,7, UNEP GC Decision 16/42: UNEP/GC.16/27,Annex I,24-25,101, UNEP/GC.16/26,10.

⁴⁸ A/RES/44/228, especially Part I,12(e),12(f),15(d),15(f), Boyle, “Convention,” 35.

⁴⁹ Svensson, “Biodiversity,” 177: “serious risk that the Convention would not be ready in time for signature.”

⁵⁰ Koester, “Biodiversity,” 179. Also: Boyle, “Convention,”35, Hunter, et al, *IELP*, 933, McGraw, “Biodiversity,”7.

⁵¹ McGraw, “Biodiversity,” 14-5.

⁵² Chatterjee, Finger, *Brokers*, 41.

⁵³ Koester, “Biodiversity,” 179. Similarly: McGraw, “Biodiversity,” 15.

⁵⁴ Refer: 6.2.b.i: National Identity, 6.3.a.i: International Organisations.

⁵⁵ Johnson, *Summit*, 102.

⁵⁶ Sánchez, “CBD,” 8.

An additional, and now very familiar, aspect of world context also held high influence, although not in the direct or cataclysmic manner frequently considered in environmental norm scholarship.⁵⁷ The ostensibly permissive effect of the end of the Cold War once again broached prior East/West divides and “had a considerable impact on the UNCED process... the sterile and rigid positions taken by East Bloc countries in the past would have made the negotiations more difficult.”⁵⁸ It also facilitated G77 influence, which had a remarkable and unanticipated impact on norm development and endorsement, especially from the Cuban perspective, as elaborated further below.⁵⁹ Finally, as Kjellén observes “the psychological impact of the events was even more important for the negotiation. The fall of Soviet communism had proven that change is possible, that also the most rigid systems or ideologies cannot live forever... Rio was the first major UN Conference in a new era of world history.”⁶⁰ World context thus impacted diffusion and endorsement of the norm to conserve biodiversity, in line with the analytical framework.

6.2.b: State-Level Attributes

6.2.b.i: National Identity

A detailed assessment of indicators for this attribute reveals the norm to conserve biological diversity embodied in the CBD resonated strongly with Cuban national identity in at least three ways. First, the norm aligned with Cuban identity as a socialist state opposed to the purported scourges of capitalist consumer societies. In his 12 June 1992 speech to the UNCED Plenary,⁶¹ for example, President Castro blamed ‘consumer societies’ for rendering humankind one of the biological species in danger of extinction and denounced that:

⁵⁷ Lupis, “States,” 81: an “accident may propel immediate international activity to regulate environmental behaviour.”

⁵⁸ Kjellén, “UNCED,” 234-5. Also: Hurrell, Kingsbury, “Politics,” 21, Gunnar Sjöstedt, Uno Svedin, “International Environmental Negotiations” in Sjöstedt, *IEN*, 253.

⁵⁹ Refer: 6.3.a.ii: State Suasion, Juma, Sánchez, “Conclusion,” 311: “The ideological vacuum created by the collapse of the Eastern bloc created new opportunities for the developing countries to be more assertive.” Compare: M. Rafiqul Islam, “History of the North-South Divide in International Law” in Alam, et al, *IEL*, 39.

⁶⁰ Kjellén, “UNCED,” 236.

⁶¹ “UNCED 1992: Daily Issue no. 11,” Ramón Martínez, “Dos discursos acapararon la atención el primer día,” *Granma* (28:119, Sat 13 June 1992), 7, Susana Lee, “Regresó Fidel,” *Granma* (28:121, Tue 16 June 1992), 1, Robreño, “Sin esfuerzo,” 5, Anon, “Transmite la Televisión hoy a las 9 documental sobre la presencia de Fidel en la Cumbre de Río,” *Granma* (28:128 Thur 25 June 1992), 1, Gustavo Robreño, “Desde la Cumbre de la Tierra: Cinco minutos electrizantes,” *Granma* (28:120, Sun 14 June 1992), 4.

With only 20 percent of the world's population, these societies consume two-thirds of the metals and three-fourths of the energy produced in the world. They have poisoned the seas and rivers, polluted the air, weakened and punctured the ozone layer... The forests are disappearing. The deserts are expanding... Numerous species are becoming extinct.⁶²

Castro reiterated socialist and developing country demands for greater distribution of wealth and technology, although not associated lifestyle and consumption habits, from consumer societies to the Third World: "Let us use all the science necessary for pollution-free sustainable development. Let us pay the ecological debt, and not the foreign debt."⁶³

This theme was a focus of Castro's 53 page, personally signed, written message to UNCED, simultaneously re-published word for word in *Granma*.⁶⁴ While recognising the responsibility of humankind broadly, and conceding the role of Third World poverty and capitalist exploitation, Castro argued "It is not possible to blame the Third World countries for this. Yesterday, they were colonies; today, they are nations exploited and pillaged by an unjust international economic order."⁶⁵ Castro pointed the finger of blame squarely at capitalist societies, explicating in great depth the manner in which the "concept of the 'green market', which reveals the presence of the disastrous neoliberal stamp on environment and development discussions, tends to favour economic agents interested in legitimising the right to cause environmental harm, and to commercialise that right."⁶⁶ Castro targeted neoliberal IMF policy failures, the danger of reliance upon such agencies moving forward, and, ultimately, the need to reject neoliberal policies of deregulation, privatisation and profit.⁶⁷ In specific relation to biodiversity conservation, Castro argued that "efforts to balance external commercial equilibrium at all costs expedites increasing volumes of exportation at the expense of overexploitation of renewable and non-renewable

⁶² Fidel Castro, "Speech by Cuban President Fidel Castro at the UNCED in Rio de Janeiro on 12 June-recorded," *FL1206173592 Havana Radio Rebelde Network in Spanish 1615 GMT 12 Jun 92*, translated by the Castro Speech Data Base, Latin American Network Information Center, 4,5, Castro, *Life*, 393,397.

⁶³ Castro, "Mensaje de Fidel," 6.

⁶⁴ Ibid, 1-8, Robreño, "Ovacionado Fidel," 8.

⁶⁵ Castro, "Mensaje de Fidel," 2,4.

⁶⁶ Ibid, 7.

⁶⁷ Ibid, 7: such policies "minimise the role of the State in the ecological sphere and ignore the contradiction that exists between commercial interests in the short term, which tend to accelerate natural resource degradation, and the necessary conservation of said resources, for society interests in the long term."

natural resources.”⁶⁸ Supported by detailed statistics on specific environmental problems, Castro condemned developed and industrialised nations, where “life patterns that stimulate irrational consumption, and propitiate waste and destruction of non-renewable resources, multiply, on a scale without precedent, previously unimaginable effects and tension on local and global physical environments.”⁶⁹ Complementing Cuban socialist identity, Castro concluded “No one can argue today in good faith that the first factor of global environmental deterioration is not the model of economic behaviour created and extended by the most developed societies... A lifestyle based on irrational desire for consumption and absurd squandering of resources is the principle enemy to the environment in our days.”⁷⁰

Reflecting Cuba’s socialist identity, Castro recommended Northern countries uphold the greater share of “differing degrees of responsibility,”⁷¹ and proposed a two-tiered solution:

(first) successfully substitute the wasteful and consumerist culture of the industrialised world and high income sectors in underdeveloped countries, for a mode of life that, without sacrificing what is essential for current material levels, seeks most rational use of resources and significant reduction of aggression against the environment... (second), facilitate a radical change in the socioeconomic conditions of the Third World and, accordingly, life conditions of huge impoverished populations, by transforming the current system of international economic relations and socio-economic structures that in most underdeveloped countries favour the existence of those many layers of the hungry, sick, dispossessed and ignorant.⁷²

Echoing G77 CBD demands,⁷³ Castro specified finding a just and durable solution to the external debt problem, restructuring global economic relations, ensuring adequate financial, technological and resource transfers, removing commercial barriers for equal trade conditions, securing MNC commitments, removing privatised patents and protection regimes, committing to additional flows of capital under favourable conditions, and rejecting debt-for-nature swaps.⁷⁴

The developed and rich world is now responsible for settling its ecological debt with the underdeveloped and poor part of humankind by means of cooperation, financial and

⁶⁸ Ibid, 7.

⁶⁹ Ibid, 2: “the most harm to the global ecosystem has been occasioned by consequences of patterns of development pursued by most industrialised countries.”

⁷⁰ Ibid, 4.

⁷¹ Ibid, 2,4,7.

⁷² Ibid, 3.

⁷³ Refer: 6.3.a.ii: State Suasion.

⁷⁴ Ibid, 3-6,8.

technical help, and transfer of clean environmental technologies. Doing this would be nothing more than an act of historical justice and, finally, a demonstration of good judgement and contribution to wellbeing and subsequent development.⁷⁵

This alignment of anti-capitalist identity with environmental protection and biodiversity conservation was also emphasised by other Cuban decision-makers. Having previously undertaken to “ask the industrialised nations to account for their high degree of responsibility for the deteriorating planetary environment and looting of natural resources, which have imposed truly irrational patterns of consumption and lifestyles,”⁷⁶ the President of the Cuban Academy of Sciences and UNCED representative, Dr. Simeón, observed the unsustainable habits of industrialised consumption during her 6 June 1992 announcement of Cuban intent to sign the CBD.⁷⁷ The “confrontation between the overexploited and impoverished South and the arrogant and industrialised North,”⁷⁸ was also a key *Granma* theme throughout UNCED, focusing on the deleterious impact of neoliberal economies and governance regimes and Northern (especially US) culpability for and responsibility to rectify global environmental degradation.⁷⁹ As one editorial noted, “the lifestyle of rich nations is ecologically irrational and their development cannot presently be labelled as ‘sustainable’.”⁸⁰ Castro continued to employ biodiversity loss as condemnation of consumer societies and neo-liberal globalisation fifteen years later: “Saving the species will be a titanic undertaking, but it will never be possible through economic and social systems in which the only things that count are profit and advertising.”⁸¹ In this manner, the anti-capitalist socialist revolutionary identity of Cuba played a large role in not only Cuban endorsement, but Cuban spearheading of the norm to conserve biodiversity.

⁷⁵ Ibid, 4.

⁷⁶ Orfilio Peláez, “A las puertas de ECO’92: Defender el derecho a la vida; entrevista con Rosa Elena Simeón,” *Granma* (28:105, Tue 26 May 1992), 3.

⁷⁷ Ibid.

⁷⁸ Nidia Diaz, “Cumbre de la Tierra: La esencia de sus debates,” *Granma* (28:94, Sat 9 May 1992), 6. Similarly: Anon, “Comenzó con polémico tema última ronda negociadora de la Cumbre de Río,” *Granma* (28:96, Wed 13 May 1992), 5, Gustavo Robreño, “Desde la Cumbre de la Tierra: A punto de caer las cortinas se perfilan los acuerdos,” *Granma* (28:120, Sun 14 June 1992), 1, Javier Rodríguez, “Comienza hoy ECO’92,” *Granma* (28:111, Wed 3 June 1992), 1.

⁷⁹ Ramon Madruga, “ECO’92: Neoliberalismo y deterioro ambiental,” *Granma* (28:111, Wed 3 June 1992).

⁸⁰ Anon, “De ecológicamente irracional califican modo of vida de países ricos,” *Granma* (28:112, Thu 4 June 1992), 1. Also: Peláez, “A las puertas de ECO’92,” 3, Diaz, “Cumbre de la Tierra: La esencia,” 6, Ramón Madruga, “ECO’92: Medio Ambiente y Desarrollo Bajo Enfoque Integral,” *Granma* (28:106, Wed 27 May 1992), 5.

⁸¹ Castro, *Life*, 356,397-9: “all efforts to preserve the environment are incompatible with the economic system imposed on the world, that ruthless neoliberal globalisation... those models of consumption are incompatible with the world’s limited and non-renewable essential resources and the laws that govern nature.”

The context in which the norm evolved aligned with a second, also now familiar, aspect of Cuban national identity: personification of the staunch and resolute foe of ‘yankee hegemony’. This was implied by Simeón when *Granma* reported her announcement that the CBD “is just and balanced and it would be lamentable if powerful countries - in an implicit reference to the US - unjustly denounce its contents or pretend to use interpretative formulas to deteriorate its spirit.”⁸² It also featured in Castro’s UNCED speech, when he appeared to call for readjustment of the very world order:

Now that the alleged threat of communism has disappeared and there are no longer any more excuses for cold wars, arms races, and military spending, what is blocking the immediate use of these resources to promote the development of the Third World and fight the threat of the ecological destruction of the planet? Let selfishness end. Let hegemonies end... Tomorrow it will be too late.⁸³

Yet it was *Granma* that most consistently and emphatically highlighted the Cuba/US dichotomy in relation to the norm to conserve biodiversity. As the US refused to sign the CBD, Cuba became the model international citizen battling US recalcitrance. On the opening day of UNCED, for example, *Granma* reported Castro arrived to a “crowd of adoring fans and journalists” with “ECO’92 participants noting this is a very favourable moment for his visit. They recognise Cuban positions at the forum here contrast severely with the rejection and subsequent conduct of the US.”⁸⁴ *Granma* contended UNCED “will be a favourable scene to corroborate whether the unipolar world imposed by Washington also emerges as the worst predator for the future of humankind.”⁸⁵ As backlash to US CBD rejection reportedly increased, so did celebrations in Cuban press.⁸⁶ No less than 11 separate articles

⁸² Anon, “ECO’92: Cuba demanda compromisos firmes que benefician a países pobres,” *Granma* (28:114, Sat 6 June 1992), 12.

⁸³ And support ‘disarmament for development’ in chapter 4: Castro, “UNCED Speech,” para 7.

⁸⁴ Anon, “Cumbre de Rio: Confirman participación 93 jefes de Estado y/o gobierno,” *Granma* (28:94, Sat 9 May 1992), 12. Also: Javier Rodríguez, “Enjuician en Brasil posiciones yankis sobre ECO’92,” *Granma* (28:95, Tue 12 May 1992), 5, Anon, “Adopta Bush Medidas Adversas a Esfuerzos Ecologistas,” *Granma* (28:100, Tue 19 May 1992), 13, “ECO’92: Cuestión clave pendiente: las finanzas,” *Granma* (28:101, Wed 20 May 1992), 5.

⁸⁵ Díaz, “La esencia,” 6. Similarly: “Habla el Embajador de Brasil en Cuba,” *Granma* (28:102, Thu 21 May 1992), 4, Javier Rodríguez, “Abogará Brasil por discutir en ECO’92 miseria del Tercero Mundo,” *Granma* (28:97, Thu 14 May 1992), 5, Anon, “De ecológicamente irracional califican modo of vida de países ricos,” *Granma* (28:112, Thu 4 June 1992), 1, “ECO’92: Salvar el Planeta, Voluntad expresada en la jornada inaugural,” *ibid*, 5, “ECO’92: Destructivo para el planeta modo de vida de industrializados,” *Granma* (28:107, Thu 28 May 1992), 4, “Critican en Brasil a Bush por negarse a firmar acuerdo sobre biodiversidad,” *Granma* (28:111, Wed 3 June 1992), 8.

⁸⁶ “UNCED 1992: Daily Issue no. 11,” McConnell, *Biodiversity*, 111, Anon, “Inauguró Collor de Mello,” 7, Martínez, “Dos discursos,” 7, Robreño, “Ovacionado Fidel,” 8.

lauded the resulting ‘abandonment’ of the US at UNCED.⁸⁷ *Granma* reported anti-Bush protests in Río under the banner ‘Bush Go Home’, alongside Greenpeace labelling the US President an ‘Environmental Degenerate’.⁸⁸ Indeed, the primary UNCED outcome heralded in a post-event *Granma* analysis was “the political and diplomatic harm suffered by the US, the absolute isolation in which it remained on themes like biodiversity.”⁸⁹ Once again, the ‘anti-yankee imperialist’ aspect of Cuban national identity proved particularly portent to Cuban norm endorsement.

Finally, the biodiversity conservation norm complemented Cuban national identity as self-proclaimed Third World protector and guarantor of developing countries’ interests. According to Article 12(ch) of the 1976 Cuban Constitution, Cuba “advocates the unity of all countries of the Third World against the imperialist and neocolonialist policy seeking limitation or subordination of the sovereignty of our peoples, and aggravation of economic conditions of exploitation and oppression in underdeveloped nations.”⁹⁰ According to the MINREX Vice-Minister in 1987, “his country will maintain its active role favouring development of cooperation between Third World states.”⁹¹ Cuba therefore played a role presenting developing countries’ concerns as a united G77 front. At UNCED, for example, Simeón confirmed Cuba’s aspiration to unite underdeveloped countries in defence of communal principles and problems.⁹² *Granma* subsequently hailed G77 coordination as playing a “fundamental role at the Conference,”⁹³ focusing on unified Third World demands to share Northern biotechnological benefits obtained from Southern biodiversity, establish a biodiversity fund, and formulate a code of conduct for genetically modified organisms.⁹⁴

⁸⁷ Javier Rodríguez, “Estados Unidos podría quedar aislado en ECO’92,” *Granma* (28:113, Fri 5 June 1992), 1, “Culmina ECO’92 con Declaración de Río,” *Granma* (28:121, Tue 16 June 1992), 8, Ramón Martínez, “En su última fase Cumbre de la Tierra,” *Granma* (28:115, Tue 9 June 1992), 1, “Dos discursos,” 7, Anon, “Africa Quiere Ser Escuchada en la Cumbre de Río,” *Granma* (28:115 Tue 9 June 1992), 5, “Reitera Bush su negativa,” 1, “Posición europa completa aislamiento de Estado Unidos,” *Granma* (28:116, Wed 10 June 1992), 8, Gustavo Robreño, “Desde la Cumbre de la Tierra: Comenzaron a llegar los mandatorios a Brasil,” *Granma* (28:117, Thu 11 June 1992), 1, “Fidel en Brasil,” *Granma* (28:118, Fri 12 June 1992), 1, “A punto de caer,” 1.

⁸⁸ Gustavo Robreño, “Fidel en Brasil: Tenemos un gigante amigo,” *Granma* (28:120, Sun 14 June 1992), 1, “Fidel en Brasil,” 1, Anon, “Posición europa,” 8, “Inauguró Collor de Mello,” 7.

⁸⁹ Robreño, “balance y perspectivas,” 5. Also: “Ovacionado Fidel,” 8, Javier Rodríguez, “Culmina ECO’92,” 8.

⁹⁰ *Cuba’s Constitution of 1976 with Amendments through 2002*, Oxford University Press, 2018.

⁹¹ Copa, “Mantendrá Cuba activo papel,” 6.

⁹² Anon, “ECO’92: Salvar el Planeta,” 5, Robreño, “balance y perspectivas,” 5.

⁹³ Robreño, “A punto de caer,” 1.

⁹⁴ Robreño, “Ovacionado Fidel,” 8, Díaz, “Cumbre de la Tierra,” 6, Anon, “Africa Quiere Ser Escuchada,” 5.

Cuba thus also sought to incorporate developing country socio-economic priorities within the CBD. First, Cuba supported each of the concerns and demands expressed by the G77 during CBD and UNCED negotiations. In May 1992, for example, Simeón concurred with the G77,⁹⁵ and announced that the fundamental purpose of UNCED was to defend “the right of man to a life in set conditions of food, housing, education, health and work,” ensure adequate financial and technical transfers from the North, and secure state sovereignty over natural resources.⁹⁶ In his UNCED message, Castro similarly emphasised the symbiotic relationship between underdevelopment and environmental degradation, noting the detrimental impact of increasingly unequal income, technological capacity, economic growth, population growth, and dangers of urbanisation between North and South.⁹⁷ Castro argued that the “ecology-development coupling is not interpreted as an irreconcilable dichotomy, but as interconnected elements.”⁹⁸ With specific regard to biodiversity, Castro acknowledged overexploitation and lack of compensation for natural resources resulting from underdevelopment and poverty in the South and demanded rectification in international agreements.⁹⁹ *Granma* also maintained focus on the interdependence of the environment and sustainable development, and defended “the principle in which you cannot have an ecologically healthy world if it is socially and economically unjust.”¹⁰⁰

In these respects, the context in which the norm to protect biodiversity developed complemented Cuban revisionist identity as Third World protector and vocal opponent of and counterpoint to predominant consumerist industrialised modes of capitalist imperialist society. Ideology was critical. Cuban endorsement of the norm to conserve biodiversity reinforced the stark juxtaposition between the US and Cuba, consolidating Cuban socialist and revolutionary identity instead of rendering Cuba vulnerable to socialisation.

⁹⁵ Refer: 6.3.a.ii: State Suasion.

⁹⁶ Rather than biodiversity as heritage of mankind, which “is nothing more than an intent to impose a new mode of neocolonialism”: Peláez, “A las puertas de ECO’92,” 3, Rodríguez, “Culmina ECO’92,” 8, Robreño, “balance y perspectivas,” 5.

⁹⁷ Castro, “Mensaje de Fidel,” 3-4.

⁹⁸ *Ibid*, 7.

⁹⁹ *Ibid*, 3-4.

¹⁰⁰ Díaz, “Cumbre de la Tierra,” 6. Also: Madruga, “ECO’92: Neoliberalismo,” 4, Anon, “ECO’92: Pobreza la peor de las contaminaciones,” *Granma* (28:108, Fri 29 May 1992), 5, Anon, “ECO’92: Los niños y la degradación ambiental presentes en la Cumbre de la Tierra,” *Granma* (28:115, Tue 9 June 1992), 5.

Reinforcement of revisionist national identity and not socialisation led to Cuban norm endorsement in this case. Indeed the last, but not least, key UNCED outcome articulated by *Granma* pertained to “the bankruptcy, once more, of the myth about the supposed ‘isolation’ of the Cuban Revolution, evidenced by the warm reception of Fidel (and) the ovation at his pronouncements... that provided confirmation, additionally, of the authority and prestige of our country in the bosom of the international community.”¹⁰¹ Cuba’s international reputation mattered. However, contrary to socialisation arguments, it was precisely its revisionist reputation - unifying and spearheading resistance to US and capitalist modes of society as Third World protector - that promoted Cuban endorsement of this international environmental norm.

6.2.b.ii: Feedback Loop

Unlike the previous two chapters, the feedback loop played a crucial role in this case. For Cuba held a very different and much more expansive understanding of the norm than that of simple conservation. For Cuba, biodiversity conservation incorporated the prevention of commercial appropriation and exploitation of Southern biodiversity from Northern biotechnology.¹⁰² According to a *Granma* article devoted exclusively to the norm, biodiversity conservation mattered because the Northern practice of sequestering, patenting and dominating markets based on raw genetic material from the South:

must not signal the massive extinction of traditional seeds, and much less be dominated in an exclusive and closed manner by multinational corporations... because the most powerful consortiums already manage the highest performance seed banks and deny, for financial and political reasons, access to those seeds to countries that supplied the genetic material... Genetically modified seeds are necessary but must be made with the just participation of the Third World in the results and not unilaterally and arbitrarily as being done by multinational corporations to solely obtain rapid profit and growth.¹⁰³

Conception of biodiversity conservation as the pursuit of biotechnological equity was reinforced in several other *Granma* references that reported the CBD as “trying to create mechanisms for the preservation *and rational exploitation* of millions of species of plants,

¹⁰¹ Robreño, “balance y perspectivas,” 5.

¹⁰² Robert Quiñones, “Mini-enciclopedia económica mundial: Biodiversidad,” *Granma* (28:117, Thu 11 June 1992), 4.

¹⁰³ Ibid.

animals and insects.”¹⁰⁴ Cuba understood the biodiversity conservation norm not simply as one of species protection but one of ensuring access to benefits obtained from their exploitation.

Rather than becoming socialised into norm endorsement, Cuba, alongside G77 allies, was able to substantially re-mould and socialise the norm instead. As early as 1989, the UNEP GC instructed the CBD WG to consider, despite US objections,¹⁰⁵ biotechnological and “financial transfers from those who benefit from the exploitation of biodiversity, including through the use of genetic resources in biotechnology development, to the owners and managers of biological resources.”¹⁰⁶ UNGA Resolution 44/228 of 22 December 1989, which officially authorised UNCED preparations, concurred noting that both biodiversity conservation and environmentally sound biotechnology management “are among those (issues) of major concern in maintaining the quality of the Earth’s environment and especially in achieving environmentally sound and sustainable development in all countries.”¹⁰⁷ As demonstrated in detail in State Suasion below, analysis of indicators reveal the feedback loop resulted in explicit CBD guarantee of national sovereignty over natural resources rather than biodiversity as a heritage of humankind, fair and equitable financial, technological and resource transfers, and provisions concerning biotechnology - matters well beyond the biodiversity conservation provisions originally envisioned. The former INC Chair explains:

The process that led to the adoption of the Convention was initiated with the conviction - particularly among developed countries - that it would be an all-encompassing convention on the conservation of species: a convention on parks and reserves. From the very beginning of the negotiations this approach proved to be incomplete and began changing to include aspects of the complex environment/development interaction. Consequently, as negotiations progressed, the character of the proposed convention was modified, and the process became much more complicated than had originally been envisaged.¹⁰⁸

Although compromises were made and some goals unattained, the substantial reworking and expansion of the norm’s very parameters within the CBD evidenced a feedback loop

¹⁰⁴ Anon, “Comenzó con polémico tema última ronda negociadora de la Cumbre de Río,” *Granma* (28:96, Wed 13 May 1992), 5 (emphasis mine). Similarly: Robreño, “Ovacionado Fidel,” 8: CBD “establishes right of countries to rational exploitation and preservation of flora and fauna.”

¹⁰⁵ McConnell, *Biodiversity*, 11.

¹⁰⁶ UNEP/GC.15/12, Annex 1,165-6. Also: UNEP/Bio.Div/WG.2/3/5, 1.

¹⁰⁷ A/RES/44/228: Part I, paras 12 (e),12(f),13. See also: Bernstein, “Ideas,” 472.

¹⁰⁸ Sánchez, “CBD,” 9. Similarly: Chatterjee, Finger, *Brokers*, 41.

that reflected the successful incorporation of priority Cuban goals. Norm endorsement was facilitated, not by the socialisation of the state but the socialisation of the norm in accordance with state demands. Feedback loop impact was high.

6.2.c: Norm-Related Attributes

6.2.c.i: Domestic Resonance

According to Lang, “The main factor determining the action of government in international environmental co-operation is, obviously, the national environmental policy of a government.”¹⁰⁹ Associated indicators reveal that biodiversity conservation already resonated strongly within Cuban norm hierarchies. Prior state-led environmental initiatives, institutions, national legislation, regional and international agreements, and even the Cuban Constitution affirmed:

The State protects the country’s environment and natural resources. It recognises the close links between sustainable economic and social development to make human life more rational and ensure the survival, well-being and security of present and future generations... It is the duty of citizens to contribute to water and atmosphere protection, and conservation of soil, flora, fauna and all the rich potential of nature.¹¹⁰

A National Commission for Protection of the Environment and Rational Use of Natural Resources was created in 1977, and by 1980 similar commissions were reportedly established in every municipality throughout the country.¹¹¹ Law number 33 of 10 January 1981 further authorised “basic principles for conservation, protection, improvement and transformation of the environment and rational use of natural resources.”¹¹² A National System of Protection was approved in 1990,¹¹³ and by 1992 Cuba had endorsed a variety of associated norms at both international and regional levels.¹¹⁴ Between 1980 and 1994,

¹⁰⁹ Winfried Lang, “International Environmental Co-operation” in Sjöstedt, et al, *IEN*, 17.

¹¹⁰ *1976 Cuban Constitution*, Article 27.

¹¹¹ Castro, “Mensaje de Fidel,” 7.

¹¹² República de Cuba, “Le Ley 33 de 10 de enero de 1981: De Protección del Medio Ambiente y el Uso Racional de los Recursos Naturales”, Roberto Quiñones, “Celebran foro Cuba ante la Cumbre de Río,” *Granma* (28:106, Wed 27 May 1992), 2: Cuba’s National Report to UNCED: “natural resources are the common heritage of society... to which comprehensive attention has an obligatory character and laws and statutory orders exist.”

¹¹³ Castro, “Mensaje de Fidel,” 7.

¹¹⁴ Convention for Protection of World Cultural and Natural Heritage 1972, CBW 1972, United Nations Convention on Law of the Sea 1982, Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973, Convention for protection and development of the marine environment of Greater Caribbean region 1983, Spaw Protocol 1990: Cuba, “Status as of 1999– Cooperation.”

biodiversity conservation was reported from grassroot to government levels of Cuban society, with university graduates, media programmes, educational systems, and other environmental initiatives reportedly focused on biodiversity.¹¹⁵

Simeón thus lauded “the environmental situation in Cuba as privileged, where serious problems of air contamination and water sources do not exist.”¹¹⁶ Simeón credited Cuba as having worked for decades on many Agenda 21 items, including protected areas for flora/fauna preservation and not only ceasing deforestation but increasing forestry.¹¹⁷ Indeed, another prevailing theme of Castro’s UNCED message pertained to Cuba’s own environment and development achievements.¹¹⁸ With usual consummate detail, Castro depicted Cuban advances in biodiversity protection, reforestation, medicine, health, education, labour, technical and professional qualifications, protected areas, energy production, agricultural innovations, self-sufficiencies, industry, transport and economic equality. As a conscientious and valuable global citizen, Castro offered to share such environmental expertise with the international community:

The scientific research and qualified human resource potential at Cuba’s disposal permits translation into concrete actions, through collaboration... in programmes of environmental and social assistance to Third World countries. A first proposal, therefore, is the offer of technical personnel... to afford all possible cooperation in the sphere of scientific research, where Cuba has achieved considerable advances.¹¹⁹

Cuban reports contended the only limitation to otherwise unquestionable biodiversity conservation commitment was “of a financial nature and mainly due to the country’s economic situation, aggravated by the blockade imposed by the United States.”¹²⁰

¹¹⁵ Cuba, “Status as of 1999– Decision-Making,” Castro, *Life*, 397, Katiuska Blanco, “Pioneros en la Protección del Medio Ambiente,” *Granma* (28:101, Wed 20 May 1992), 1.

¹¹⁶ Peláez, “A las puertas de ECO’92,” 3.

¹¹⁷ Ibid, 3, Quiñones, “Celebran foro Cuba,” 2, Anon, “Cuba demanda compromisos,” 12, Jesús Mena, “Estudian ecosistema de la bahía de Cienfuegos,” *Granma* (28:109, Sat 30 May 1992), 2.

¹¹⁸ Castro, “Mensaje de Fidel,” 7: “Concern with protection and conservation of natural resources, considered the heritage of all peoples, began in Cuba from the 1959 revolutionary triumph... environment and natural resources are the common heritage of society, and constitute, thus, a fundamental interest of the nation.”

¹¹⁹ Ibid, 7-8.

¹²⁰ Cuba, “Status as of 1999– Challenges.”

Great importance was also attached domestically to the now-associated matter of biotechnology.¹²¹ Biotechnology programmes were developed during the 1980s, alongside the 1982 Biological Research Centre, inaugurated “with the most advanced technology” by Castro in 1986.¹²² *Granma* reported that “given the uncontrollable advance of genetic engineering and biotechnology in highly industrialised nations, (Castro) took (these) series of measures to drive biotechnology as one element contributing to the country’s development.”¹²³ By 1992 scientific faculties, research facilities and pre-university biotechnology courses were reportedly extended across the country,¹²⁴ with *Granma* heralding outcomes on par with Western genetic engineering methods and concomitant regional influence.¹²⁵ Cuba had undertaken joint technological transfer ventures,¹²⁶ and hosted Biotech Havana ’92, “a demonstration of the mature level and adequate extension of Cuban achievements in this discipline.”¹²⁷ Given this, both traditional and broader understandings of the norm to conserve biodiversity complemented pre-existing Cuban norm hierarchies and this attribute held significant impact.

6.2.c.ii: Norm Substance

Despite scholarly contentions doubting the immanent power of environmental norms,¹²⁸ indicators reveal the content of the norm to conserve biodiversity held high influence over general and Cuban norm endorsement. The multifaceted necessity of the norm rendered it extremely compelling, as Guay notes, “There are strong reasons why we should be concerned about biodiversity loss. These reasons are economic, ecological, cultural, and cognitive.”¹²⁹ The norm possessed inherent, intrinsic and instrumental value as evident within the CBD text. While the Preamble explicitly recognises its intrinsic and aesthetic

¹²¹ Castro, *Life*, 356: “We worked a great deal within traditional genetics, and then later began to see the possibilities of genetic engineering, which we also began to use.”

¹²² Silvia Martínez, “Investigadores de Sanidad Vegetal,” *Granma* (28:116, Wed 10 June 1992), 2, Orfilio Pelaez, “El presente del país comienza a ser un presente de hombres de ciencia,” *Granma* (25:23, 27 Jan 1989), 3.

¹²³ *Ibid*, 3.

¹²⁴ José Martín, “Ciencia en la Ciudad Héroe,” *Granma* (28:108, Fri 29 May 1992), 3, Aldo Madruga, “Preuniversitarios en biofábricas,” *Granma* (28:109, Sat 30 May 1992), 2.

¹²⁵ José de la Osa, “Alta eficacia de vacuna cubana antihepatitis B,” *Granma* (28:118, Fri 12 June 1992), 8.

¹²⁶ Miller, *World*, 120.

¹²⁷ José de la Osa, “Biotecnología ’92, pasado mañana,” *Granma* (28:114, Sat 6 June 1992), 1. Also: “Anuncian Biotecnología Habana ’92 en Junio,” *Granma* (28:101, Wed 20 May 1992), 1.

¹²⁸ Björkbohm, “Diplomacy,” 41: “The environmental argument, however forceful and convincing it might be, has rarely been sufficiently strong on its own merits to change national environmental policies.”

¹²⁹ Guay, “Science,” 223.

value, the majority of the text references instrumental values and utilitarian priorities.¹³⁰

The internal value of biodiversity preservation was so strong it overcame other deficiencies, as Guay explains: “Despite uncertainty regarding many aspects of the science of biodiversity, governments felt obliged to act.”¹³¹ The Brundtland Commission put it simply, “As regards the convention on biodiversity, differences over access to genetic resources and relevant biotechnologies should be reconciled. The issue at stake is survival.”¹³²

The power of the norm directly impacted decision-makers, with UNEP GC Decision 14/26 that established the WG recognising the explicit “need for adequate protection and preservation of biological diversity, because of both the intrinsic and the economic value of the species concerned.”¹³³ Similarly, UNEP GC Decision 15/34 confirmed that “for environmental, ethical, social, economic and technical reasons, the conservation and utilisation of biological diversity is more than ever essential for... continued functioning of the biosphere and human survival.”¹³⁴ When the UNEP Executive Director took a stand against outstanding negotiator recalcitrance at the final INC, it was based upon the very argument that the “world’s biological diversity was a million times more important than saving face or maintaining an untenable negotiating line.”¹³⁵ Values inherent to the norm resonated with decision-makers and contributed in a high degree to international endorsement.

This included in relation to Cuba, as reflected in Castro’s personal message to UNCED. First, Castro focused on very detailed, highly statistical, accounts of causes, status, consequences and possible solutions to a range of environmental issues, including biodiversity conservation.¹³⁶ Second, Castro promoted the urgency to act: “accelerating and growing environmental deterioration is, today, possibly the gravest long-term danger that

¹³⁰ CBD, 1-4, Bowman, “Nature,” 15-20, 28, Hunter, et al, *IELP*, 917-8, Boyle, “Convention,” 34: biodiversity “should be conserved, it has been argued, on moral grounds, ‘because all species deserve respect regardless of their use to humanity’, and on utilitarian grounds, because they are all components of our life support system, and because biological wealth supplies food, raw material and genetic material for agriculture, medicine.”

¹³¹ Guay, “Science,” 226. Similarly: Hurrell, Kingsbury, “Politics,” 14.

¹³² Johnson, *Summit*, 39.

¹³³ UNEP/GC.14/26, 17.

¹³⁴ UNEP/GC.15/12, Annex 1, 165-6.

¹³⁵ McConnell, *Biodiversity*, 90-2.

¹³⁶ Castro, “Mensaje de Fidel,” especially 2, 8.

faces all human species, and particularly what is called the Third World... it is the worst threat before all of humankind.”¹³⁷ Third, Castro devoted an entire section of his message specifically to biodiversity. Castro outlined rates and causes of extinction, “linked, as perhaps none other of the many related to the ecological crisis, to the phenomenon of underdevelopment,” consequences of biological extinction, and potential solutions, including access to scientific and technical advances and establishment of a South forum for conservation and development.¹³⁸ Castro expressed strong support for the CBD, recognising the immanent power of the norm itself:

There is no doubt that the convention on biodiversity... constitutes a valiant effort on the path of protection as much for the current and future riches enclosed within biodiversity as for the secure and rational use of results from biotechnology research.¹³⁹

Considering the relevant indicators, norm substance exerted strong influence over both general and Cuban norm endorsement.

6.2.c.iii: International Concurrence

Noting the indicators for normative complementarity, the content of the norm to conserve biodiversity grew within an increasingly conducive international environment. The 1968 UN Educational, Scientific and Cultural Organisation (UNESCO) Intergovernmental Conference of Experts on the Scientific Basis for Rational Use and Conservation of Resources of the Biosphere, 1972 UN Conference on Human Environment Stockholm Declaration, and Action Plan for Human Environment each reiterated the significance of environmental conservation.¹⁴⁰ Specific reference to “genetic diversity” and protection of “essential ecological processes and life-support systems” first appeared in the 1980 International Union for Conservation of Nature (IUCN) *World Conservation Strategy*,¹⁴¹ with focus intensifying in the second report, *Caring for the Earth*,¹⁴² and aforementioned UNGA Resolution 37/7, which first internationally recognised the specific norm of biological

¹³⁷ Ibid, 2.

¹³⁸ Ibid, 7-8.

¹³⁹ Ibid, 2,8.

¹⁴⁰ Miller, *World*, 113, Sánchez, “CBD,” 8, Bowman, “Nature,” 7-8.

¹⁴¹ The IUCN is a composite organisation comprising intergovernmental, IO and INGO members, established by UNESCO in 1948: Bertil Hägerhäll, “Evolving Role of NGOs” in Sjöstedt, et al, *IEN*, 51, Bowman, Redgwell, “Introduction,” 2, Guay, “Science,” 222, Sánchez, “CBD,” 7, Bowman, “Nature,” 8.

¹⁴² Hunter, et al, *IELP*, 911, Bowman, Redgwell, “Introduction,” 1-2.

diversity conservation.¹⁴³ The term ‘biodiversity’ first appeared in 1985 in preparation for a US scientific forum, which Guay contends “was highly instrumental in transforming biodiversity loss into an environmental and public issue. The message took shape and reached major national institutions.”¹⁴⁴ The simultaneous circulation of a draft IUCN convention to governments, NGOs and UNEP generated further interest and became a guide for subsequent action.¹⁴⁵ With the Brundtland report providing the final catalyst for CBD negotiations,¹⁴⁶ UNCED presenting the official deadline for conclusion, and both emphasising the paramountcy of environmental norms such as biodiversity conservation, the stage was set for international norm endorsement. The norm nested well within prevailing international norm hierarchies that prioritised transnational environmental concerns. International concurrence proved significant.¹⁴⁷

6.3 INFLUENCE YET NOT AS EXPECTED

This section considers the attributes that held strong influence over norm endorsement from the Cuban perspective, yet in a manner different to that anticipated in extant literature. It commences with systemic attributes including IOs, which once again held a symbiotic relationship with the norm but also provided a platform for ulterior state agendas that promoted norm reformulation, state suasion, which once again incorporated collective and indirect inverse impact, and MNCs, which on this occasion held stronger influence than generally anticipated in norm literature. Once again, however, none of these purported socialisation drivers operated as such. This section then demonstrates the high yet complex significance of salience and DSCs at state-level and internal characteristics at the level of the norm.

¹⁴³ A/RES/37/7, Hunter et al, *IELP*, 911,932.

¹⁴⁴ Guay, “Science,” 226.

¹⁴⁵ IUCN General Assembly Resolution 16/24: McGraw, “Biodiversity,” 10, Hunter, et al, *IELP*, 932.

¹⁴⁶ WCED, *Our Common Future*, especially paras 7,9,11,53,57, McConnell, *Biodiversity*, 3-4, Bowman, Redgwell, “Introduction,” 2, Bowman, “Nature,” 9, Sánchez, “CBD,” 8, Koester, “Biodiversity,” 177.

¹⁴⁷ Bernstein, “Ideas,” 497-500.

6.3.a: Systemic Attributes

6.3.a.i: International Organisations

While several IOs held impact over the international emergence of the norm,¹⁴⁸ the primary organ responsible for institutionalisation of biodiversity conservation was UNEP, commencing with UNEP GC Decision 14/26 to establish a WG on the topic. The first UNEP EBD WG in November 1988 recommended a stand-alone, legally binding, international mechanism that was not simply an umbrella convention or rationalisation of pre-existing treaties and programmes.¹⁴⁹ This was endorsed at the following UNEP GC 15th Session, May 1989, at which “Many representatives and observers expressed their concern about biological impoverishment.”¹⁵⁰ The three 1990 EBD WGs focused on the need for and cost of technological transfers, funding mechanisms and genetic resources/technology access. A consensus was reached that “Those who enjoy most the economic benefits of biological diversity should contribute equitably to its conservation and sustainable management; a new partnership should be developed and in this context funding for developing countries should be characterized as co-operation among countries.”¹⁵¹ The UK UNEP delegate, McConnell, records that although “experts felt that biotechnology was probably too difficult a subject for the convention, it was remitted to a sub-group.”¹⁵² The final EBD WG resolved to convene a LTEBD WG to, rather obtusely, “consider the content of detailed draft elements in preparation for the actual negotiation of draft articles.”¹⁵³

The LTEBD WG held two sessions, 1990-1991. Its Chair, Koester, subsequently described this as “almost a ‘waste-of-time-phase.’”¹⁵⁴ According to McConnell, “the meeting was frustrating and unproductive, and frequently very tedious... There was little sense of achievement among the departing delegations, except perhaps among the few who had

¹⁴⁸ Refer: 6.2.c.iii: International Concurrence.

¹⁴⁹ UNEP/Bio.Div.1/3,4-6, Koester, “Biodiversity,” 176,186.

¹⁵⁰ UNEP GC Decision 15/34, UNEP/GC.15/CW/L.6, UNEP/GC.15/12,43-7,68,73,Annex 1,166, UNEP/GC.15/8/Add.3,6-7, UNEP/GC.15/9/Add.2,3,8. Also: Svensson, “Biodiversity,” 164.

¹⁵¹ UNEP/Bio.Div.2/4,3.

¹⁵² McConnell, *Biodiversity*, 14.

¹⁵³ UNEP/Bio.Div.3/Inf.7. Additionally: Koester, “Biodiversity,” 178.

¹⁵⁴ Koester, “Biodiversity,” 178, UNEP/Bio.Div/WG.2/1/4, UNEP/Bio.Div/WG.2/1/4/Add.1, UNEP/Bio.Div/WG.2/2/5.

taken part in the hope that there would be no progress.”¹⁵⁵ Nevertheless, draft provisions on industrialised states’ financial obligations and national conservation requirements were considered and authorisation was granted to finally establish an INC to officially commence treaty negotiations.¹⁵⁶ Disputes remained in the five INCs, 1991-1992, over basic definitions, objectives, biotechnology and financial mechanisms.¹⁵⁷ All but the latter two issues were overcome by the final session, at which it “looked as if a reasonably presentable conservation text had been agreed, even if it was weaker than the UK would have liked because of further qualifications introduced by both the US and G77.”¹⁵⁸ The final INC operated under a tight deadline: it was technically scheduled to conclude the day prior to the Conference for Adoption of the Convention, which in turn was planned within two weeks of UNCED and intended CBD opening-for-signature.¹⁵⁹ Although running two days over schedule, following increased tensions over perceived bullying of developing countries at the recently concluded Climate Change INC and ongoing disputes over biotechnology and financial arrangements,¹⁶⁰ agreement was reached on key provisions, including *in situ/ex situ* conservation, environmental impact assessments, incentives, jurisdictional scope, national strategies, biodiversity as a common concern rather than heritage of humankind, and Conferences of Parties.¹⁶¹ In the early hours of 22 May 1992 the Convention text was finalised and presented for adoption at the Final Act Conference later that day.

In this respect, and in accordance with the analytical framework, UNEP and its WGs/INC were crucial for the international diffusion and crystallisation of the norm. However, UNEP did not necessarily impact Cuban norm endorsement. Cuba was unrepresented at the UNEP

¹⁵⁵ McConnell, *Biodiversity*, 24,26,33.

¹⁵⁶ UNEP GC Decision 16/42 adopted by consensus: UNEP/GC.16/27,20, Annex I,101, UNEP/Bio.Div/WG.2/2/2, UNEP/Bio.Div/WG.2/2/5, McConnell, *Biodiversity*, 42-4.

¹⁵⁷ McConnell, *Biodiversity*, 46-7,50,65-7,71-3, Boyle, “Convention,” 35, Svensson, “Biodiversity,” 175.

¹⁵⁸ McConnell, *Biodiversity*, 71.

¹⁵⁹ Svensson, “Biodiversity,” 177, McConnell, *Biodiversity*, 83.

¹⁶⁰ McGraw, “Biodiversity,” 13, Koester, “Biodiversity,” 179, McConnell, *Biodiversity*, 83-7, Svensson, “Biodiversity,” 182-3,187-9: “the fury that many of the developing countries, in particular Malaysia and India, felt over having been pushed into an unwanted solution in the final hours of the climate negotiation made the deliberations in Working Group II on this issue even harder. A rational and constructive dialogue on this issue proved impossible until the very last hours of the final session of INC.”

¹⁶¹ McConnell, *Biodiversity*, 84-5.

GC 14th-15th Sessions,¹⁶² the first and second EBD WGs,¹⁶³ and all LTEBD WGs.¹⁶⁴ One Cuban representative attended the third and final EBD WG, although UN records do not identify particular state contributions.¹⁶⁵ Cuban delegates attended at least the second and fourth INCs, however attendee records for the first and third are missing. Cuba was an intermittent member of both INC WGs, although official documentation provides no detail on specific Cuban contribution.¹⁶⁶ Whilst it is therefore difficult to envisage how the norm to conserve biodiversity could have attained broad international endorsement without it, there is simultaneously no evidence of specific UNEP influence over or socialisation of Cuba. Furthermore, akin to the CD in chapter four, there was both give and take in the relationship between the norm and UNEP. For, as McGraw explains, “Having ‘lost’ the climate change negotiations to the UN General Assembly, UNEP was anxious to justify its institutional existence, highlighted by UNCED as uncertain. A convention on biodiversity, an increasingly important focal point in both scientific and policy communities, presented such an opportunity.”¹⁶⁷ The norm thus became indispensable for UNEP, as UNEP was indispensable for the norm.

The IO that held greatest impact on specific Cuban norm endorsement was in fact UNCED, despite UNCED PrepComs holding minimal effect on the norm beforehand.¹⁶⁸ This was not solely because the CBD successfully opened for signature at UNCED on 5 June 1992,¹⁶⁹ that outstanding concerns for Agenda 21 biodiversity and biotechnology chapters were resolved and approved at UNCED,¹⁷⁰ or that “By the end of the Summit the convention had been signed by an unprecedented 156 countries,”¹⁷¹ rendering “the biodiversity convention... generally considered the biggest success of the entire UNCED process.”¹⁷² It

¹⁶² UNEP/GC.14/26,4-6, UNEP/GC.15/12,4-6, McConnell, *Biodiversity*, 3.

¹⁶³ UNEP/Bio.Div.1/3,1, UNEP/Bio.Div.2/3.

¹⁶⁴ UNEP/Bio.Div/WG.2/1/4, UNEP/Bio.Div/WG.2/1/4/Add.1, UNEP/Bio.Div/WG.2/2/5.

¹⁶⁵ UNEP/Bio.Div.3/Inf.7.

¹⁶⁶ UNEP/Bio.Div/N5-INC.3/4, UNEP/Bio.Div/N4-INC.2/5, UNEP/Bio.Div/N6-INC.4/4, McConnell, *Biodiversity*, 24, Koester, “Biodiversity,” 179.

¹⁶⁷ McGraw, “Biodiversity,” 15.

¹⁶⁸ “UNCED Prepcom IV: Daily Issues no. 1,7,15,18,20-1,26-7,” Svensson, “Biodiversity,” 178-9, McConnell, *Biodiversity*, 18,20,35,56-7,80, Chatterjee, Finger, *Brokers*, 63, Kjellén, “UNCED,” 231-2, Johnson, *Summit*, 31, Lawrence Susskind, *Environmental Diplomacy* (New York: Oxford University Press, 1994), 38-9.

¹⁶⁹ “UNCED 1992: Daily Issues nos. 1-13 – 1-14 June 1992, Summary Issue.”

¹⁷⁰ “UNCED 1992: Daily Issue nos. 8,10,13.”

¹⁷¹ McConnell, *Biodiversity*, 111. Also: McGraw, “Biodiversity,” 7.

¹⁷² Chatterjee, Finger, *Brokers*, 42.

was because of the import and effect UNCED had for Cuba. As already evidenced by Castro's personal UNCED attendance, passionate Plenary speech and devoted written message, Cuba held UNCED in particularly high regard and invested serious resources into UNCED representations.¹⁷³ UNCED provided the ideal platform from which Cuba publicly asserted its priorities, goals and values, preached its credentials as a good international citizen, and proffered socialism as the ideological answer to global problems.¹⁷⁴ In accordance with norm scholarship, one of the key diffusion attributes at systemic-level was indeed that of IOs.¹⁷⁵ However, rather than driving socialisation of a purported revisionist state as often anticipated,¹⁷⁶ IOs instead promoted an agenda and provided a forum for debate of perceived revisionist viewpoints. Naturally, the capacity for IOs to serve as platforms for the pursuit of state interests is largely unquestioned in IR scholarship. What is oft-neglected in norm literature that considers IOs as norm 'transmission belts',¹⁷⁷ however, is the potential for that capacity to promote revisionist viewpoints that substantially reformulate the international norm itself.¹⁷⁸ As in previous chapters, IOs impacted norm diffusion and Cuban endorsement, however not quite in the manner commonly envisaged. IOs needed the norm as much as vice versa, and IOs also provided the platform for the propagation of alternative norm agendas, priorities and ambitions.

6.3.a.ii: State Suasion

If confined to predominant conceptions of state suasion, indicators demonstrate this attribute would hold low import in the case of Cuban endorsement of the norm to conserve biodiversity. For other than draft Convention proposals from Sweden, including a contingency plan that overcame last minute stalemates at the final INC, and co-optation of both Kenya and Brazil as norm mediators given their roles as UNEP/UNCED hosts, positive state suasion remained low.¹⁷⁹ In fact, once again, the individual state that appeared to

¹⁷³ 6.3.b.i: Salience.

¹⁷⁴ 6.2.b.i: National Identity.

¹⁷⁵ Keohane, et al, "Institutions," 21-3, Levy, et al, "Effectiveness," 399,401-2,409.

¹⁷⁶ Levy, et al, "Effectiveness," 400.

¹⁷⁷ Examples: McNeill, St. Clair, *Global Poverty*, 3,10-7, Barnett, Finnemore, *Rules*, 33, Barnett, Finnemore, "Politics," 712-3.

¹⁷⁸ Refer: 6.2.b.ii: Feedback Loop, 6.3.a.ii: State Suasion. Exception: Levy, et al, "Effectiveness," 400: "International institutions with open procedures for agenda setting may enable weak states, or groups of states, to put issues on the international agenda in ways that cannot be ignored by others."

¹⁷⁹ Svensson, "Biodiversity," 177-190, Koester, "Biodiversity," 179, Kjellén, "UNCED," 236-40.

most heavily impact Cuban norm endorsement was the US, perversely through its CBD recalcitrance in another case of indirect inverse state suasion.¹⁸⁰ This was evident within the numerous *Granma* reports glorifying the isolation of the US as Cuba became the vanguard of CBD advocacy.¹⁸¹ Singular, positive state influence - whether hegemonic or middle power, material or ideational, direct or indirect - was not required for either general or Cuban endorsement of the norm to conserve biodiversity.

Nevertheless, state suasion held immense impact on the norm to conserve biodiversity and associated Cuban endorsement, if it is once again extrapolated to include collective effort. This was due to the geographically disparate yet ideationally united composition of states that held the core biological material at issue, was most affected by conservation costs, and identified and acted upon its leverage. The G77 was able to present a relatively united position and employ state suasion to, rather than socialise Cuba, socialise the norm to facilitate Cuban endorsement.¹⁸² According to Miller, "Third World countries were quick to identify the interests they had at stake in the evolving biodiversity regime. They pursued these interests aggressively in the processes of problem definition and bargaining."¹⁸³ Such influence commenced with the March 1989 *Declaration of Brasilia*, from the Sixth Ministerial Meeting on the Environment in Latin America and the Caribbean, which recognised the urgent need for balance between development and conservation, rational use of resources, state sovereignty over natural resources, reversal of global resource transfers, free access to environmental research and technology, and the need for a 'New International Economic Order' with increased financial contributions and additional financial institutions to fund developing country environmental projects. Aligning almost directly with Castro's subsequent UNCED message, the Declaration specified:

¹⁸⁰ "UNCED 1992: Daily Issue no. 11," McConnell, *Biodiversity*, 111, Anon, "Inauguró Collor de Mello," 7, Martínez, "Dos discursos," 7, Robreño, "Ovacionado Fidel," 8.

¹⁸¹ Rodríguez, "Estados Unidos podría quedar aislado," 1, Anon, "Critican en Brasil a Bush," 8, "Reitera Bush su negativa," 1, "ECO'92: Cuba demanda compromisos," 12, "Posición europa," Martínez, "En su última fase Cumbre de la Tierra," 1, 6.2.b.i: National Identity.

¹⁸² Sam Johnston, "North South Tensions Within the Convention on Biological Diversity" in Basse, *Environmental*, 260-2: "most of the world's biodiversity is found in developing countries... A feature which provided developing countries with unprecedented leverage in the negotiations for the CBD" - "the fact that most of the world's biodiversity is located in the developing world gives developing countries an usually strong bargaining position.. developing countries used this unprecedented leverage to demand genuine concessions." Also: Koester, "Biodiversity," 185, McGraw, "Biodiversity," 28, McConnell, *Biodiversity*, 16,31,62.

¹⁸³ Miller, *World*, 122.

The serious environmental problems the world is facing today derive mainly from industrialisation models and patterns of consumption and waste adopted in the industrialised countries, which gave rise to the accelerated deterioration of the planet's natural resources... [we] urge industrialised countries to assume their full responsibility commensurate with their financial and technological resources for reversing the environmental degradation process.¹⁸⁴

McConnell records the Declaration's impact on CBD negotiations, given developing countries thereby "made it clear that if biotechnology was excluded they would oppose any new convention."¹⁸⁵ The Declaration was explicitly endorsed by UNEP GC Decision 15/16 as a "frame of reference for international co-operation with developing countries."¹⁸⁶

Developing countries' unity was bolstered by subsequent proclamations, such as the *Langkawi Declaration on the Environment*, from the 1989 Meeting of Commonwealth Heads of Government, which sought balance between environmental protection, economic growth and sustainable development, and approved biodiversity conservation on condition of the elimination of aid/development conditionalities and trade barriers.¹⁸⁷ Of particular note were the Ministerial Conferences of Developing Countries on Environment and Development (MCDCED), with the 1991 *Beijing Declaration* enunciating demands regarding sovereign equality and non-interference, state rights over resources, and a new and equitable international order. In specific reference to CBD negotiations, the Declaration encouraged access to and transfer of biotechnology, and promoted interconnectedness of conservation and development.¹⁸⁸ The final UNEP EBD WG explicitly reflected this, recording developing country calls for additionality of funds, concessionality of assistance, new financial mechanisms and assumption of all incremental costs by developed countries.¹⁸⁹ It also recorded an "Obligation for developed countries to transfer technology to the gene-rich but technology-poor developing states on a non-commercial and preferential basis,"¹⁹⁰ which became an immensely controversial yet fundamental aspect of CBD negotiations,

¹⁸⁴ UNEP/GC.15/12,140-1.

¹⁸⁵ McConnell, *Biodiversity*, 11.

¹⁸⁶ UNEP/GC.15/12,30,36,139-41.

¹⁸⁷ Nayar, Ong, "Developing," 239.

¹⁸⁸ "Beijing Ministerial Declaration on Environment and Development," *Chinese Journal of Population, Resources and Environment* (1:1, 1992), 54-60, David Humphreys, *Forest Politics* (London: Earthscan Publications Ltd, 1996), 96, Nayar, Ong, "Developing," 239-40.

¹⁸⁹ UNEP/Bio.Div.3/5,3, UNEP/Bio.Div.3/2,2-3.

¹⁹⁰ UNEP/Bio.Div.3/2,18. Also: Koester, "Biodiversity," 177.

ultimate element of the convention, widely acknowledged reason for US refusal to ratify, and, in accordance with specific Cuban demands, crucial factor behind Cuban endorsement.¹⁹¹ Such a unified approach gave the G77 negotiating power. McConnell, for example, records LTEBD WG tensions and stalemates, with “Regular G77 statements warn(ing) that there would be no negotiations before WEOG (Western European and Others Group) countries committed themselves to fund all conservation action in developing countries.”¹⁹²

Then came the 1991 South Centre brochure, *Environment and Development: Towards a Common Strategy of the South in the UNCED Negotiations and Beyond*.¹⁹³ At its outset, the brochure recognised the crucial opportunity presented by UNCED for developing countries and the power that they held.¹⁹⁴ UNCED:

provides the South with an opportunity to exercise considerable leverage and bargaining power... The South’s stake in the environment-related negotiations cannot be over-emphasised. The outcomes of these negotiations can profoundly affect, for years to come, the development prospects of the South. Developing countries thus need to coordinate their strategies and policies and to combine their negotiating resources, if their interests are to be protected and if the voice of the South is to be heard.¹⁹⁵

Echoing Cuban priorities, the report detailed four overarching South goals for UNCED: 1) global economic reform, 2) changing Northern habits of production and consumption, 3) poverty alleviation and environmental protection, and 4) new democratic institutions. It also specified two goals for the biodiversity negotiations: 1) a special system of international property rights and biological resource compensation, and 2) Southern access to

¹⁹¹ 6.2.b.ii: Feedback Loop, Miller, *World*, 123, Nayar, Ong, “Developing,” 238, McConnell, *Biodiversity*, 45-7, 52-5, Guay, “Science,” 228, Boyle, “Convention,” 46.

¹⁹² McConnell, *Biodiversity*, 25, 16, 30.

¹⁹³ Established by NAM in 1987 as the South Commission, with a Cuban Advisory Committee Member: South Centre, *Environment and Development: Towards a Common Strategy for the South in the UNCED Negotiations and Beyond* (Geneva: Atar Printers, 1991), Preface. See also: Chatterjee, Finger, *Brokers*, 30-2.

¹⁹⁴ South Centre, *Environment*, 19. Additionally: “UNCED Prepcom IV: Daily Issue nos. 23, 26, 27,” Bernstein, “Ideas,” 472-6, McGraw, “Biodiversity,” 7, 29, Hurrell, Kingsbury, “Politics,” 14, 39-41, Hunter, et al, *IELP*, 195, Nayar, Ong, “Developing,” 235-7.

¹⁹⁵ South Centre, *Environment*, i, 1: “some developing countries have greater importance in the eyes of the North in deliberations on the global environment” - “Global action on the environment cannot succeed without the full participation and collaboration of the South. Indeed, UNCED is an international conference where the North is seeking environmental concessions from the South, and where the South can make such concessions in return for firm commitments by the North to restructure global economic relations.”

biotechnology.¹⁹⁶ Mimicking strategies of the “well-organised North,”¹⁹⁷ the report outlined mechanisms to achieve these goals, including establishing monitoring teams, expert task forces, specialised G77 negotiators, MCDCED meetings, concessions bargaining via issue linkages, information and educational campaigns targeting the North and strengthening links with Southern NGOs.¹⁹⁸

The brochure also reflected alignment with Cuba’s more expansive understanding of the biodiversity norm, expressing concern that the “convention on biodiversity, in contrast, seeks to appropriate national resources for universal access and use... The biodiversity convention raises even more disturbing questions than the climate convention as far as the South and global equity are concerned.”¹⁹⁹ Whilst acknowledging CBD success in terms of securing national sovereignty over resources, the report expressed concern regarding unequal biotechnology access and lack of compensation for Southern genetic materials.²⁰⁰ Ultimately, the report recommended the South unite to:

reject the proposed biodiversity convention in its present form, and insist that any negotiation on biodiversity should be linked to a negotiation on biotechnology and more generally to intellectual property rights... In sum, if the international community considers it necessary to adopt actions to avoid the erosion of the world’s genetic pool, then the rights of the owners of the genetic pool must be duly recognised. Agreements to be negotiated should establish rights and obligations not only in relation to the conservation and management of biodiversity, but also as regards the use of the resulting knowledge and technology.²⁰¹

The considerations and directives contained in the South Centre report directly mirrored those of Cuba and heavily impacted the formulation and ultimate endorsement of the norm to conserve biodiversity. Indeed, Chatterjee and Finger contend the approved Rio Declaration and Agenda 21 reflect the precise philosophies and ideologies contained within it.²⁰² As for the CBD, subsequent INC WGs were reportedly so disrupted over resulting G77/European Community tensions over financing, technological transfers and biotechnology that even the definition of biological diversity could not be narrowed to less

¹⁹⁶ Ibid, iii-iv,9-15.

¹⁹⁷ Ibid, 2.

¹⁹⁸ Ibid, iv-v,2,6,16,19-22. See also: Johnston, “Tensions,” 259-60.

¹⁹⁹ Ibid, 16,18.

²⁰⁰ Ibid, 18. See also: Bernstein, “Ideas,” 472-473,498.

²⁰¹ Ibid, 18-19.

²⁰² Chatterjee, Finger, *Brokers*, 49,54.

than five alternative options.²⁰³ The greatest impact across all INCs was thus attributed to this collective of states. According to McConnell, the “G77 negotiating line was in effect ‘We’ve got most of it: you want it; you’ll have to pay for it.’ The successful promotion of this line was all the more surprising in view of the diversity of style and policies within the three regional groups that made up the G77.”²⁰⁴

The G77 consolidated its position prior to UNCED at the second MDCED, April 1992,²⁰⁵ where Humphreys recounts the “Malaysian prime minister, Dr Mahathir Bin Mohamad, pleaded for South unity in his opening speech: ‘The voice of the individual developing countries will be drowned. It will be different if they speak together with one strong voice in Rio.’ Revealingly, he enquired, ‘What use is there of an Earth Charter if there is no real advance on the critical issues of finance and technology?’”²⁰⁶ The meeting resulted in the *Kuala Lumpur Declaration*,²⁰⁷ which reflected Cuban priorities when calling for the CBD’s early conclusion but on condition of re-affirmation of state sovereignty and equality, developing country responsibility, “the need for sustained economic growth and development of developing countries,” new, additional, transparent and democratic funding measures, biotechnology and research transfers, and the “sharing of commercial profits and products devised from the genetic material” of developing countries.²⁰⁸ According to the *Earth Negotiations Bulletin*, which documented daily UNCED progress and outcomes, the Kuala Lumpur statement “was significant in that it sent to developed countries a strong and unified message of the Southern position related to key UNCED issues”²⁰⁹ including biodiversity conservation. It had direct impact on UNCED PrepComs, with the *Bulletin* recording the need to address “Resolution of the North-South debate. During PrepCom III

²⁰³ McConnell, *Biodiversity*, 62-4, Svensson, “Biodiversity,” 176,189: the “Group of 77 slowed down the pace of negotiations in Working Group I whenever the negotiations in Working Group II on the articles on transfer of financial resources and technologies to the developing countries got into a stalemate... The deadlock could not be overcome until the European Communities, after an appeal from the other developed countries in the Western Group, decided to give up their position.”

²⁰⁴ McConnell, *Biodiversity*, 76-7. Similarly: Koester, “Biodiversity,” 180.

²⁰⁵ Johnson, *Summit*, 34: “to prepare a common G77 position for the forthcoming Earth Summit.”

²⁰⁶ Humphreys, *Politics*, 101.

²⁰⁷ Responding in part to *Tokyo Declaration on Financing Global Environment and Development*, Eminent Persons’ Meeting on Financing Global Environment and Development, Tokyo, 15-17 April 1992: Johnson, *Summit*, 34-9, Humphreys, *Politics*, 101.

²⁰⁸ Per G77 UNCED PrepCom IV proposal: “UNCED 1992: Daily Issue no. 1.” Also: Johnson, *Summit*, 35-9, Humphreys, *Politics*, 101, Nayar, Ong, “Developing,” 240.

²⁰⁹ “UNCED 1992: Daily Issue no. 1.”

the recurring conflict between North and South prevented substantive discussions on the central issues.”²¹⁰ It likely also influenced both OECD and EC responses, which pledged cooperation with developing countries on trade and aid policies and addressed “a number of the changes in the North-South relationship that must be made to ensure that the goals of sustainable development are met.”²¹¹ Finally, it resulted in direct and explicit outcomes for the CBD, such as adoption of the G77 financial proposal as the basis for subsequent negotiations.²¹²

Via “the ability to define common positions, speak with one voice, build coalitions with other states, and in doing so ensure their positions are included in the final texts,”²¹³ developing countries were able to substantially “modify the biodiversity agenda.”²¹⁴ By extending the norm from biodiversity conservation to biotechnology development, rejecting existing financial mechanisms, calling for fair and equitable sharing of benefits, reaffirming state sovereignty and a range of other matters,²¹⁵ the G77 aligned with Cuba and defied contemporary assumptions:

that international negotiations are characterised by a strong imbalance of power... developing countries have been clearly inferior to industrialised nations, which have usually largely set the agenda between themselves and also determined the crucial elements of the outcome... Many of the poorer Third World countries have become completely marginalised in the negotiations; they have remained passive and have evidently had difficulties even to understand their own interests.²¹⁶

Yet, according to McGraw, “although the development of a biodiversity convention was originally a Northern government/NGO initiative, the South was better able to exercise its

²¹⁰ “UNCED Prepcom IV: Daily Issue no. 1.”

²¹¹ “UNCED 1992: Daily Issue no. 1.”

²¹² “UNCED 1992: Daily Issue no. 4,” Humphreys, *Politics*, 92.

²¹³ Jack Corbett, et al, “Norm entrepreneurship and diffusion ‘from below’ in international organisations,” *Review of International Studies* (45:4, 2019), 19: small/developing state norm entrepreneurship.

²¹⁴ Miller, *World*, 109,123-5. Also: Atapattu, “Significance of International Environmental Law Principles” in Alam, et al, *IEL*, 98-102, Johnston, “Aid,” 286, Hunter, et al, *IELP*, 188,196-7, Atapattu, Gonzalez, “Divide,” 5, McGraw, “Biodiversity,” 27-9, Svensson, “Biodiversity,” 164-81,190, “UNCED PrepCom IV: Daily Issue no. 27.”

²¹⁵ Deletion of precautionary principle, responsibility for damage, global list of protected areas/species, amendment of national action plans: “UNCED PrepCom IV: Daily Issue nos. 3,5,9,22,” McConnell, *Biodiversity*, 85,95-7, Susskind, *Diplomacy*, 42, Boyle, “Convention,” 35-8,44-9 Johnston, “Tensions,” 259-60, Miller, *World*, 119-21, Hanne Svarstad, “National sovereignty and genetic resources” in Sánchez, Juma, *Biodiversity*, 45, Nayar, Ong, “Developing,” 237,241, Jorge Medaglia, “Access and Benefit-Sharing” in Alam, et al, *IEL*, 192.

²¹⁶ Sjöstedt, “Attributes,” 31. See also: Islam, “Divide,” 31-2,43, Atapattu, Gonzalez, “Divide,” 1,15: “dominated by the priorities and concerns of affluent countries (such as nature conservation). The concerns of poor countries (such as social and economic development and poverty alleviation) are frequently marginalised.”

bargaining power throughout the negotiations.”²¹⁷ McConnell concludes “the G77 could undoubtedly claim to have set the agenda and shaped the content of the convention.”²¹⁸

Such developing country influence particularly affected Cuban endorsement, given Cuban membership of and participation within both the G77 and South Centre, the distinct overlap between Cuban and G77 goals, and Cuban focus upon developing country unity at UNCED.²¹⁹ Thus, when the *Granma* special envoy reported salient outcomes from UNCED, he included the “cohesion between Third World countries, independent of ideologies and political regimes, around powerful common interests found within these spheres of human activity for the future of the Planet.”²²⁰ Ultimately regarded as one of the primary ‘veto coalitions’ in CBD negotiations,²²¹ the conglomerate body of developing nations represented by the G77 therefore comprised the closest equivalent to a ‘critical state’ in the diffusion and Cuban endorsement of the norm to conserve biodiversity. Considering indicators, collective G77 state suasion, in conjunction with the feedback loop, played a prominent role in both the formulation and Cuban endorsement of the norm. Overall, although it once again did not operate to drive socialisation, state suasion nevertheless significantly impacted norm endorsement, albeit via rarely acknowledged indirect inverse influence and positive collective efforts.

6.3.a.iii: INEs – MNCs

According to Chatterjee and Finger, the only INE entity that really influenced outcomes at UNCED was the business and industry sector, presenting “themselves as the solution rather than as the problem,” and keeping items detrimental to their interests off the agenda.²²² They became ‘partners in dialogue’, rather than targets of discussions.²²³ Attribute

²¹⁷ McGraw, “Biodiversity,” 29.

²¹⁸ McConnell, *Biodiversity*, 76. Also: Hunter, et al, *IELP*, 192,197, Bowman, Redgwell, “Conclusion,” 297, Miller, *World*, 126, McGraw, “Biodiversity,” 17.

²¹⁹ 6.2.b.i: National Identity, 6.2.b.ii: Feedback Loop, 6.2.c.i: Domestic Resonance.

²²⁰ Robreño, “balance y perspectivas,” 5.

²²¹ Humphreys, *Politics*, 157,160: “A veto coalition is a group of government delegations whose cooperation is necessary for agreement on a particular issue, but which has the power to block regime creation if it so chooses.” Contra: Kjellén, “UNCED,” 238.

²²² Chatterjee, Finger, *Brokers*, 2-3,89,91,105,121-2,170. Also: Sjöstedt, Svedin, “Negotiations” 247,254, Levy, “Effectiveness,” 420, Humphreys, *Politics*, 161, Hurrell, Kingsbury, “Politics,” 10, Susskind, *Diplomacy*, 51-2.

²²³ Chatterjee, Finger, *Brokers*, 105-6.

indicators support this, with the 1991 Business Council for Sustainable Development (BCSD) established to “provide advice and guidance to the UNCED secretariat on initiatives and activities undertaken by business and industry in respect of the preparatory process for the 1992 Conference,” and the February 1992 World Industry Council for the Environment created to lobby business interests on environmental issues.²²⁴ These MNC initiatives had close links to UNCED and its Secretary-General Maurice Strong. As Bruno notes, “Throughout the UNCED process, the BCSD had special access to Strong, access which was unavailable to non-governmental organizations.”²²⁵ Other MNCs financially sponsored UNCED and the associated Global Forum,²²⁶ which Chatterjee and Finger describe as “a tactic from which they reaped considerable benefits. In particular, it helped defeat recommendations from within the UN... that would have called for a much stricter monitoring and regulation of corporations, replacing them with the much weaker idea of ‘self-policing’.”²²⁷ According to Third World Resurgence, MNC suasion was so pervasive that “the thrust of the biodiversity convention - as well as that of chapter 16 of Agenda 21 dealing with biodiversity and biotechnology - is exactly the same as a document prepared by the biotechnology industry for UNCED.”²²⁸ However, when it came to Cuban norm endorsement, MNCs only provided a target for Cubans to rally against, evident in domestic press and Castro’s UNCED message.²²⁹ Rather than operating as a driver for socialisation, MNC influence upon Cuba was thus indirect and inverse, proffering a reason for Cuban endorsement given the CBD’s equitable biotechnology provisions, despite Cuban demands for greater MNC regulation.²³⁰ MNCs held larger influence than expected over general norm development, however only indirect inverse import over Cuban endorsement.

²²⁴ Ibid, 115. See also: Bernstein, “Ideas,” 479.

²²⁵ Kenny Bruno, “The Corporate Capture of the Earth Summit,” *Multinational Monitor* (13: 7-8, 1992), 15. Also Andre Carrothers, “Merchants of UNCED,” *Multinational Monitor* (13: 7-8, 1992), 15, Bernstein, “Ideas,” 479.

²²⁶ Bruno, “Capture,” from 15, Chatterjee, Finger, *Brokers*, 117-9.

²²⁷ Chatterjee, Finger, *Brokers*, 116-7.

²²⁸ Chatterjee, Finger, *Brokers*, 42. Also: Bruno, “Capture,” 15: “Corporate influence on the Earth Summit undermined Agenda 21, rendered the Climate Convention toothless and weakened the Biodiversity Convention.”

²²⁹ 6.2.b.ii: Feedback Loop, 6.2.b.i: National Identity.

²³⁰ *CBD*, Art 19.

6.3.b: State-Level Attributes

6.3.b.i: Saliency

Indicators for this attribute demonstrate the norm of biodiversity conservation held high salience within Cuba. According to one Cuban National Report on Biodiversity:

Cuban national territory is a representative and unique example of regional and global heritage. Cuba constitutes the island with the most biodiversity in the Antilles, as much in total wealth of species as in degree of endemic quality... use of biological diversity components constitutes the foundation of the country's economic development programmes.²³¹

Alongside the national identity concurrence and high domestic resonance already outlined, Cuban decision-makers devoted much time and resources to considerations and representations regarding the norm. Official UNCED preparations commenced in February 1991 with establishment of the National Preparatory Committee for UNCED, which included the Cuban Academy of Sciences, National Commission for Environment Protection, Ministry of Foreign Affairs and State Commission for Economic Collaboration, alongside a range of additional specialists. It reported on, presented and promoted Cuban engagement, experiences and positions on environment and development issues.²³² Cuba sent delegates from the highest levels to UNCED, including President Castro, to deliver Cuba's environment and development message and sign the CBD.²³³ UNCED and environmental issues were accorded voluminous and in-depth attention in *Granma*: at least one article featured on the topic every day from May to mid-June, 1992.²³⁴ *Granma* frequently referenced the CBD as one of the principal UNCED documents and highlighted the significance of rapid signature by a majority of countries.²³⁵ According to Cuba's subsequent CBD National Report:

Cuba participated actively in all processes of elaboration and negotiation for the Convention on Biological Diversity and preparatory process for the Rio Summit, where the Convention was signed by the President of the Republic on 5 June 1992. Since that

²³¹ Cuba, "Informe Nacional," 1-2, <http://www.ecosis.cu/biocuba/biocuba.htm>.

²³² Lidia Señarís, "Conferencia de la ONU sobre Medio Ambiente y Desarrollo: Constituyen Comité Preparatorio Cubano," *Granma* (27:49, Tue 26 Feb 1991), 2, Rodríguez, "Estados Unidos," 1.

²³³ Including Council of State Secretary, Head of Cuban Academy of Sciences, MINREX Vice-Minister: Anon, "Fidel en Brasil: Hablará hoy ante la ECO'92," *Granma* (28:118, Fri 12 June 1992), 1, Lee, "Regresó Fidel," 1.

²³⁴ Examples: Gustavo Robreño, "Desde la Cumbre de la Tierra: En la recta final quedan aún cuestiones pendientes," *Granma* (28:116 Wed 10 June 1992), 1, "Desde la Cumbre: A punto de aprobarse el Programa de Acción Agenda XXI," *Granma* (28:118, Fri 12 June 1992), 8, A punto de caer," 1.

²³⁵ One of many examples: Anon, "Critican en Brasil a Bush," 8.

moment, Cuba commenced work to achieve ratification and implementation of the Convention at the national level.²³⁶

Contrary to norm endorsement given low salience and indifference as anticipated in the analytical framework, Cuba took the norm to conserve biodiversity very seriously and considered the CBD of high salience.

6.3.b.ii: Domestic Structural Conditions

DSCs again played a role in Cuban norm endorsement, albeit indirectly and different to that anticipated in relation to revisionist or socialist states. Given the already documented strong resonance of the norm amongst relevant political elites - especially President Castro who considered “the biggest threat that weighs upon humanity is that of environmental degradation”²³⁷ - it was rapidly adopted. Norm endorsement was thus not obstructed but rather promoted by the one-party system in this instance, with DSCs holding an unexpectedly positive indirect but influential effect.

6.3.c: Norm-Related Attributes

6.3.c.i: Internal Characteristics

Indicators also reveal the somewhat unexpected impact of the norm-related attribute of internal characteristics. Contrary to dominant predictions that stable, clearly defined norms are more likely to be endorsed, it was precisely the malleability and lack of precision of the norm to conserve biodiversity that proved critical in this instance.²³⁸ The veil of uncertainty surrounding the meaning of biodiversity conservation facilitated greater satisfaction of otherwise divergent interests.²³⁹ According to McGraw, “Through a complex bargaining process, the CBD reflects a network of compromises. The Convention’s adoption can be attributed not so much to the fact that both industrialised and developing countries found many areas of common ground. Rather, it demonstrates that each negotiating group had a

²³⁶ Establishing the 1993 National Centre of Biodiversity and Law No. 147: Cuba, “Informe Nacional,” 2, República of Cuba “El Decreto-Ley No. 147 de abril de 1994”: <https://www.cbd.int/doc/search.aspx>.

²³⁷ Robreño, “Fidel en Brasil,” 1. Also: Castro, “Mensaje de Fidel.”

²³⁸ As acknowledged in Finnemore, Tooze, “Legalization,” 753, Percy, “Mercenaries,” 392.

²³⁹ Although uncertainty is arguably inherent to all environmental norms: Guay, “Science,” 227, Hurrell, Kingsbury, “Politics,” 13,41.

substantial portion of their respective vital demands met within the framework of the agreed text.”²⁴⁰ Le Prestre concurs, “the basic legitimacy of the CBD was secured during the negotiations through the multi-purpose character of the Convention itself. Industrialised states were able to focus the regime on conservation and access to genetic resources, while developing countries secured sovereignty over natural resources, differentiated responsibilities, benefit-sharing, and sustainable use.”²⁴¹ The norm could be, and was, framed equally legitimately in terms of economic benefits,²⁴² capacity to incorporate initially exogenous Cuban/G77 demands,²⁴³ and intrinsic value.²⁴⁴ McGraw concludes: “it is doubtful that the CBD could have been concluded according to its existing terms in current conditions of greater issue clarity.”²⁴⁵ Recalling the very specific biotechnology-related definition attributed to biodiversity conservation in Cuba, alongside priorities outlined in Castro’s message to UNCED, it is questionable whether Cuba would have ever endorsed the norm had it remained limited to its stricter definition of conservation alone.

Neither specificity nor prominence seemed to impact norm endorsement as often contended.²⁴⁶ Despite growing concurrence within necessary international circles as already recognised, broader resonance did not prevail. McConnell, for example, contended that “A global opinion poll at the end of 1991 of those travelling the Road to Rio might have produced the following results... Will the biodiversity convention be ready?

- 10 per cent: yes
- 20 per cent: possibly
- 70 per cent: don’t know (or care).”²⁴⁷

According to McGraw, “the CBD reached its peak in popularity when the US announced it would not sign in Rio. Since that time, the Convention has received negligible coverage in

²⁴⁰ McGraw, “Biodiversity,” 29,32.

²⁴¹ Le Prestre, “Road,” 324.

²⁴² UNEP/GC.16/4,6,8. Echoing Lang, “Environmental,” 17-8, Shiva, *Biodiversity*, 21,23, Bowman, “Nature,” 17, Hunter, et al, *IELP*, 914, Hurrell, Kingsbury, “Politics,” 43, Ian Walden, “Intellectual Property Rights and Biodiversity” in Bowman, Redgwell, *IL*, 171: “The only way to make a conservation ethic work is to ground it in ultimately selfish reasoning... an economic incentive to preserve the habitat which sourced such material.”

²⁴³ 6.3.a.ii: State Suasion, 6.2.b.ii: Feedback Loop.

²⁴⁴ Guay, “Science,” 229.

²⁴⁵ McGraw, “Biodiversity,” 28.

²⁴⁶ Examples: Sjöstedt, “Attributes,” 32, Lang, “Environmental,” 20-1.

²⁴⁷ McConnell, *Biodiversity*, 69.

the mainstream media - especially when compared to its ozone and climate change counterparts... both the breadth and depth of biodiversity make it difficult to define a clear problematique. In essence biodiversity lacks 'issue salience'."²⁴⁸ Koester agreed, attributing lack of public interest to both competing diversionary events and the scientifically complex and contested character of the norm. However, Koester contended it was precisely the *absence* of public interest and prominence that allowed the norm to fly safely under the radar and achieve consensus.²⁴⁹ Indicators thus reveal it was the malleability and understated characteristics of the norm, rather than clarity, specificity, prominence or strict resilience, that proved key to Cuban endorsement.

6.4 NEGLIGIBLE INFLUENCE

While the above-listed attributes held suasion over Cuban endorsement of the norm in unexpected ways, analysis of indicators for the remaining attributes reveal minimal impact. Closely mirroring previous chapters, these attributes once again include systemic-level purported socialisation drivers of regional suasion and remaining INEs, state-level DNEs and norm-related origin.

6.4.a: Systemic Attributes

6.4.a.i: INEs – Individuals, Epistemic Communities, INGOs, GCS

INEs held minimal influence, particularly over Cuban norm endorsement, contrary to expectations.²⁵⁰ As in the previous two chapters, particular individuals - the UNEP Executive Director, INC President and WG Chairs - attracted credit for treaty negotiations.²⁵¹ The Executive Director's overt framing of the norm according to economic benefits, for example,

²⁴⁸ McGraw, "Biodiversity," 26. Also: McConnell, *Biodiversity*, 105,119, Johnson, *Summit*, 81, Chatterjee, *Finger, Brokers*, 42,99.

²⁴⁹ Koester, "Biodiversity," 179. Similarly: McGraw, "Biodiversity," 16, Hurrell, Kingsbury, "Politics," 19.

²⁵⁰ Tobias Böhmelt, "Environmental Interest Groups and Authoritarian Regime Diversity," *Voluntas* (26:1, 2013), 318-9, Lupis, "States," 77, Sjöstedt, "Attributes," 27-8, Susskind, *Diplomacy*, 43-4,73, Sjöstedt, Svedin, "Negotiations," 253, Lipschutz, 'Reconstructing,' 394, Levy, "Effectiveness," 399,420, Keohane, et al, "Institutions," 14,22, Hurrell, Kingsbury, "Politics," 20, Kjellén, "UNCED," 230-4,242, Hägerhäll, "NGOs," 50-75, Lang, "Environmental," 20, Peter Thatcher, "Role of the United Nations," in Hurrell, Kingsbury, *Politics*, 206.

²⁵¹ Key contributors: McConnell, *Biodiversity*, 157, Koester, "Biodiversity," 179, Johnson, *Summit*, 81, Kjellén, "UNCED," 228-40, Hunter, *IELP*, 187-93, Hurrell, Kingsbury, "Politics," 20-1, McGraw, "Biodiversity," 16.

likely held suasion,²⁵² while his interventions overcame last minute deadlocks to conclude CBD negotiations. McConnell records the Director abruptly cancelling hamstrung WGs at the final INC and calling a Plenary at which he “would tolerate no opposition... once the Chairman had brought down his gavel on clean text it would not be revisited in any circumstance.”²⁵³ Yet such influence once again resided firmly within the roles and parameters of IO structures and state representation, rather than autonomous individual entrepreneurship.

With regard to epistemic communities, scientists attracted credit for the initial international emergence of the norm. As Guay notes, “Discussed in the 1970s and 1980s at national and international scientific conferences, biodiversity came to the forefront of national and international news in the late 1980s and early 1990s. International scientific institutions, such as the International Council of Scientific Unions, were key actors in this process. A message on the importance of biodiversity loss has been building.”²⁵⁴ However, although relevant to initial agenda setting,²⁵⁵ the impact of scientific communities declined once the norm was officially subsumed under UNEP auspices. Indeed, influence diminished such that only some UNEP and UNCED delegations even incorporated scientific experts.²⁵⁶ Although this improved at later PrepComs, and scientific experts were called to attend, scheduling obstacles frequently stymied their contribution.²⁵⁷ Indicators in this respect suggest William Zartman was correct when he contended that the “much-vaunted epistemic community is a result rather than a motor of environmental negotiations.”²⁵⁸

²⁵² UNEP/GC.16/4,6,8.

²⁵³ McConnell, *Biodiversity*, 90-5: “he was exercising the full force of his authority and personality... protests were brushed aside with ferocity,” Also: Koester, “Biodiversity,” 179, Svernnson, “Biodiversity,” 183,189-90.

²⁵⁴ Guay, “Science,” 225. See also: Sánchez, “CBD,” 7, 6.1.b: Timeline of Diffusion.

²⁵⁵ Johnson, *Summit*, 81, Susskind, *Diplomacy*, 49-50, Sjöstedt, Svedin, “Negotiations,” 260-3, Lupis, “States,” 79-80, Hurrell, Kingsbury, “Politics,” 10, Levy, “Effectiveness,” 399, Lang, “Cooperation,” 21, Susskind, *Diplomacy*, 76-7, Guay, “Science,” 222,226-7: “NGOs transformed the message of biodiversity loss, with all its uncertainty, into a message of a great threat to life on Earth.”

²⁵⁶ UNEP/Bio.Div/WG.2/1/4, UNEP/Bio.Div/WG.2/1/4/Add.1, UNEP/Bio.Div/WG.2/2/5.

²⁵⁷ “UNCED PrepCom IV: Daily Issue no. 5,” Guay, “Science,” 226, McConnell, *Biodiversity*, 18,35-6,79-80: “did not reach this chapter until well into week four, by which time the experts had returned home... there was no one with sufficient knowledge or confidence to reduce the 27 page text to priority actions.”

²⁵⁸ Susskind, *Diplomacy*, 74. Bernstein, “Ideas,” 466,486-91: “causal arrow often ran opposite to expectations.”

INGO influence followed a similar path. As previously noted, the IUCN maintained early momentum,²⁵⁹ and reportedly proposed preparations for an umbrella biodiversity convention at the UNEP GC 14th session, where the IUCN General Assembly called for “a legal instrument on *in situ* biological diversity similar in spirit and scope to other international conventions reflecting the principles of universal resources.”²⁶⁰ This resulted in UNEP GC Decision 14/26, which IUCN also amended,²⁶¹ that authorised the WG and specifically referenced “the need to support actively the efforts currently underway within the International Union for Conservation of Nature and Natural Resources to develop a convention for the *in situ* preservation and conservation of biological diversity.”²⁶² The IUCN tabled a draft convention and advised it would continue to work closely with the EBD WG at the UNEP GC 15th session.²⁶³ However, this is when relevant indicators and the impact of this attribute ceased. Proposals for IUCN to assume a leading role were rejected by numerous delegations, claiming “that a non-governmental organisation, however eminent or well-supported, could not be permitted to usurp the functions of governments or an intergovernmental UN body like UNEP.”²⁶⁴ Although the UNEP Secretariat undertook to consider IUCN and other competent NGO proposals moving forward,²⁶⁵ there is little evidence of further influence.

Between 11 and 30 INGOs attended UNEP GCs, but with observer status only.²⁶⁶ INGOs did not attend EBD WGs and the LTEBD WG rejected the draft IUCN treaty given that “because it was both idealistic and mandatory in its approach it managed to offend practically everyone.”²⁶⁷ INGO influence was conspicuously absent during the INC period, with CBD negotiators frequently reporting overwhelming public indifference.²⁶⁸ Substantial INGO impediments remained at UNCED PrepComs. According to McConnell, under UNGA

²⁵⁹ 6.1.b: Timeline, McGraw, “Biodiversity,” 10, Hunter, *IELP*, 911,932, Bowman, Redgwell, “Introduction,” 1-2.

²⁶⁰ UNEP/GC.14/26,40-3. Although US later credited: McConnell, *Biodiversity*, 5, McGraw, “Biodiversity,” 11.

²⁶¹ UNEP/GC.14/L.37.

²⁶² UNEP/GC.14/26,17.

²⁶³ UNEP/GC.15/12,68,70, Svensson, “Biodiversity,” 167-8.

²⁶⁴ McConnell, *Biodiversity*, 11. Similarly: McGraw, “Biodiversity,” 15.

²⁶⁵ McConnell, *Biodiversity*, 12, Hunter, et al, *IELP*, 932.

²⁶⁶ UNEP/GC.14/26,4-6, UNEP/GC.15/12,4-6, McConnell, *Biodiversity*, 3.

²⁶⁷ McConnell, *Biodiversity*, 26: “the G77 who objected to being told they had a moral duty to protect their wildlife as the common heritage of mankind; the major industrialised countries who were resistant to anything that looked like a blank cheque.”

²⁶⁸ McConnell, *Biodiversity*, 45,69-70,75,83, McGraw, “Biodiversity,” 16, Koester, “Biodiversity,” 179.

Resolution 44/228 that authorised UNCED, “Non-governmental organisations were to be tolerated, if at all, only if they had been formally accredited to the UN.”²⁶⁹ Consequently, only 30 attended the first PrepCom where they wasted countless time and effort attempting to improve access.²⁷⁰ INGOs were also excluded from the formative ‘informal’, ‘informal informal’, and even ‘informal informal informal’ meetings that held most impact over norm consolidation.²⁷¹

Nevertheless, the UNCED secretariat established an NGO liaison unit and ‘Centre for Our Common Future’, which sponsored consultations with “environmental and developmental NGOs, business and industry, trade unions, professional associations, scientific and academic institutions, women’s organisations, youth groups, religious and spiritual groups, indigenous peoples’ organisations, and other citizens groups.”²⁷² As access improved, so did INGO lobbying “every day in the corridors by interested and generally knowledgeable people from industry, campaigning groups, women’s organisations, local authorities, and so on.”²⁷³ By the final Prepcom, approximately 1,500 NGOs held UNCED accreditation,²⁷⁴ “Press interest was growing and (in stark contrast to the INC) there were literally hundreds of observers from the business community, local government, environmentalists, development agencies, women’s groups and others.”²⁷⁵ Johnson concludes that, overall, NGOs “were treated extremely well. They were made to feel they had a real contribution to make (even though in practice they were firmly excluded when the negotiations came down to the wire at five minutes to midnight as was so often the case).”²⁷⁶ However, the *Earth Negotiations Bulletin* continued to record “considerable grumbling by NGOs over the issue of access to the official PrepCom meetings,”²⁷⁷ which manifested in innumerable obstacles,

²⁶⁹ A/RES/44/228, McConnell, *Biodiversity*, 16. Also: Hägerhäll, “NGOs,” 69,71, Susskind, *Diplomacy*, 47.

²⁷⁰ Chatterjee, Finger, *Brokers*, 63, Sjöstedt, “Attributes,” 32-3, Susskind, *Diplomacy*, 38, McConnell, *Biodiversity*, 18, Kjellén, “UNCED,” 230.

²⁷¹ “UNCED PrepCom IV: Daily Issue nos. 2,5,8,” Chatterjee, Finger, *Brokers*, 95, McConnell, *Biodiversity*, 16-7, Susskind, *Diplomacy*, 47, Hägerhäll, “NGOs,” 71, Kjellén, “UNCED,” 232, Koester, “Biodiversity,” 179.

²⁷² Chatterjee, Finger, *Brokers*, 80,85-7: however these initiatives were “certainly not a success story: important environmental and developmental NGOs refused to play along... bias towards business.” See also: Johnson, *Summit*, 9-10, Hägerhäll, “NGOs,” 69,71, Kjellén, “UNCED,” 229.

²⁷³ McConnell, *Biodiversity*, 18-9,35-6.

²⁷⁴ “UNCED PrepCom IV: Daily Issues 2,22,” Hägerhäll, “NGOs,” 71, Chatterjee, Finger, *Brokers*, 63-4.

²⁷⁵ McConnell, *Biodiversity*, 79. Also: “UNCED PrepCom IV: Daily Issue no. 2.”

²⁷⁶ Johnson, *Summit*, 9-10.

²⁷⁷ “UNCED PrepCom IV: Daily Issue no. 1.”

including guards refusing entry to pre-approved NGOs, inability to table documents, ticketing obstructions, last minute changes to agendas and weakening of texts pertaining to NGO participation.²⁷⁸ Chatterjee and Finger conclude that rather than reflecting any genuine impact, INGO engagement at UNCED PrepComs was in fact a manipulated façade, “a means to use NGOs for public relations purposes... If there was no substantive outcome in terms of conventions and documents, UNCED was at least an exercise in mobilisation and co-optation.”²⁷⁹

As for UNCED itself, accredited NGOs received some of the 20,000 passes issued to attendees, although the simultaneous NGO Global Forum attracted more.²⁸⁰ Nevertheless, despite frequent lauding of and calls for increased NGO participation within UNCED Ministerial speeches,²⁸¹ NGO participation remained obstructed.²⁸² NGOs were excluded from the biodiversity WG,²⁸³ which also ignored the ‘Ten-point plan to save the Earth Summit’ presented by over fifty NGOs.²⁸⁴ A leading INGO Director conceded that “Most NGOs would have to concur that citizens’ groups barely scratched the surface of the official documents. Bits and pieces were tinkered with and modified here and there, but the structure of the agreements, the context within which they were considered, and the level of political and financial investment, all conformed to governments’ expectations, not NGOs.”²⁸⁵ INGO influence was more often obstructed, repressed and ultimately segregated via the Global Forum, “best described as a circus or colossal mess.”²⁸⁶

Additionally, evaluating relevant indicators, there is no information to suggest any INGO impact on Cuban decision-making. Whilst INGOs directly influenced a minority of state delegations, Cuba was not among them.²⁸⁷ Although *Granma* occasionally reported GCS

²⁷⁸ “UNCED PrepCom IV: Daily Issue nos. 3,5,8,23,” Chatterjee, Finger, *Brokers*, 81-90,94-100.

²⁷⁹ Chatterjee, Finger, *Brokers*, 90,103,107.

²⁸⁰ McConnell, *Biodiversity*, 106-7, Hunter, *IELP*, 187, Chatterjee, Finger, *Brokers*, 63-5,76-8.

²⁸¹ “UNCED 1992: Daily Issue nos. 4,5,” Johnson, *Summit*, 51.

²⁸² “UNCED 1992: Daily Issue nos. 7,8,10,” Hägerhäll, “NGOs,” 69-75: “a very limited number of NGO statements were allowed... the need to involve them in the process could just be a form of window-dressing.”

²⁸³ Humphreys, *Politics*, 101.

²⁸⁴ Chatterjee, Finger, *Brokers*, 40, Hägerhäll, “NGOs,” 73-5.

²⁸⁵ Chatterjee, Finger, *Brokers*, 76-100,121: “shut out by the politicians, (NGOs) spent most of their time at their Global Forum 50km away, where they ran out of money and had their electricity cut off..

²⁸⁶ Chatterjee, Finger, *Brokers*, 78,98.

²⁸⁷ Hägerhäll, “NGOs,” 70,73, Lupis, “States,” 79, Chatterjee and Finger, *Brokers*, 97.

UNCED involvement, particularly protests against the US,²⁸⁸ INGOs were once again only reported in support of established Cuban stances, rather than vice versa driving socialisation or norm endorsement.²⁸⁹ Indeed, INGO influence is pertinent for its absence rather than prominence in Castro's UNCED message. Throughout 53 pages, Castro offered only the briefest nod to NGO impact: "A phenomenon that contributes in a certain way to this (ecological) conscience at a global level, has been the emergence and activity of a growing number of non-governmental environmental organisations, some of which are characterised by their combativeness and progressive reach of influence."²⁹⁰ In specific reference to the CBD, Juma and Sánchez, the former CBD INC Chair, conclude it was well "recognised that NGOs did not play a major role during the negotiations for the Convention."²⁹¹ Overall, INEs thus remained primarily on the periphery of biodiversity conservation norm diffusion, particularly with regard to Cuban endorsement.²⁹²

6.4.a.ii: Regional Suasion

Contrary to scholarly expectations,²⁹³ yet similar to the previous two case studies, regional suasion drove neither norm endorsement nor state socialisation. Cuba was a member of the 1983 Latin American Network of Technical Cooperation in National Parks, Other Protected Areas, Wild Flora and Fauna,²⁹⁴ and hosted the 1990 V Latin America Botanical Congress.²⁹⁵ However, considering the relevant indicators, no evidence was found to indicate influence from regional organisations or normative structures over Cuban endorsement of the norm to conserve biodiversity. Indeed, Cuba itself reported that "In reality, there is no regional integration and cooperation strategy on biological diversity, and this is one of the biggest problems within the Caribbean environment."²⁹⁶ Regional suasion proved insignificant.

²⁸⁸ Anon, "Reunión paralela a ECO'92 comienza al primero de Junio," *Granma* (28:106, Wed 27 May 1992), 5, "Posición europa," 8, Robreño, "Fidel en Brasil," 1, "Desde la Cumbre: Comenzaron a llegar los mandatorios a Brasil," *Granma* (28:117, Thu 11 June 1992), 1, "balance y perspectivas," 5.

²⁸⁹ Robreño, "Fidel en Brasil," 1, Anon, "Posición europa," 8, "Inauguró Collor de Mello," 7.

²⁹⁰ Castro, "Mensaje de Fidel," 2.

²⁹¹ Juma, Sánchez, "Conclusion," 322.

²⁹² McGraw, "Biodiversity," 26, Chatterjee, Finger, *Brokers*, 78, Susskind, *Diplomacy*, 42,50-1.

²⁹³ Lang, "Environmental," 17.

²⁹⁴ Cuba, "Status as of 1999– Cooperation."

²⁹⁵ Alexis Schiachter, "V Congreso Latinoamericano de Botanica," *Granma* (26: 153, Thu 28 June 1990), 2.

²⁹⁶ Cuba, "Status as of 1999– Cooperation."

6.4.b: State-Level Attributes

6.4.b.i: Domestic Norm Entrepreneurs

Contrary to general expectations,²⁹⁷ indicators reveal no DNE influence over Cuban endorsement of the norm to conserve biodiversity. The issue reportedly resonated at grassroot levels when Cuba claimed approximately 60 domestic NGOs supported biodiversity conservation.²⁹⁸ However, in a socialist state such as Cuba the one-party system ostensibly *is* civil society and such NGOs are subsumed directly into state governance apparatus.²⁹⁹ This accords with Böhmelt's findings that environmental NGOs are least effective within single-party regime states, which likely provide environmental public good services independently,³⁰⁰ in this instance through party-aligned grassroot organisations. Such minimal DNE impact was particularly the case at a time when some of the most powerful environmental protest movements and NGOs in the South were actually dedicated to combating Northern development schemes: an obvious redundancy in Cuba.³⁰¹ DNEs thus had little impact on Cuban endorsement of the norm to conserve biodiversity or Cuban socialisation.

6.4.c: Norm-Related Attributes

6.4.c.i: Origin

As already discussed, serious concerns were raised regarding the potential for Western 'bio-imperialism' via the norm to conserve biodiversity.³⁰² However, the intense reconfiguration and reformulation of the norm during CBD negotiations, via the feedback loop and state suasion, rendered the ultimate impact of origin on norm endorsement both generally and in the case of Cuba negligible.

²⁹⁷ Böhmelt, "Groups," 318.

²⁹⁸ Cuba, "Status," Castro, *Life*, 397.

²⁹⁹ Candace Johnson, "Framing for Change: Social Policy, the State, and the Federación de Mujeres Cubanas," *Cuban Studies* (42, 2011), 35-51: DNEs "handed down from above" as agents of the revolutionary leadership.

³⁰⁰ Böhmelt, "Groups," 315-35.

³⁰¹ Chatterjee, Finger, *Brokers*, 76.

³⁰² Ruth Gordon, "Unsustainable Development" in Alam, et al, *IEL*, 58.

6.5: PRELIMINARY ASSESSMENTS

This final case study has documented which of the fifteen international norm diffusion attributes exerted most influence over Cuban endorsement of the norm to conserve biodiversity and how. State-level attributes pertaining to the feedback loop and national identity were key. Being “recognised as equal partners in negotiations or to have their normative claims incorporated into a reshaped version of the current world order” played an important role in relation to the feedback loop, complementing Wunderlich’s conclusions that “even alleged norm-breakers are able to get the normative order reshaped in line with their visions.”³⁰³ Simultaneously, it was Cuba’s identity *as* a purported revisionist state that drove norm endorsement. Although rarely acknowledged in general scholarship, Wunderlich’s research uncovers revisionist state perspectives that “given the highly unjust nature of the international order, shaped largely by Western (and notably US) preferences, defiance of US hegemony and the promotion of alternative normative visions is a moral duty and this means it can be regarded as a form of norm entrepreneurship.”³⁰⁴ This proved pertinent in the case of the biodiversity norm, as Cuba (and allies) reformulated it to align with divergent national identity priorities. Perhaps the most surprising outcome therefore, is that it was precisely Cuba’s revisionist identity - not only ascribed but actively self-promoted - that drove not solely endorsement but leadership by Cuba of the norm. In this manner, this chapter presented the most overt example of an international norm empowering a purported revisionist state. Cuba embraced and in some sense commandeered the norm to conserve biodiversity in order to promote its brand of ‘revisionism’ and shame the US.

This once again places doubt upon arguments pertaining to socialisation. Particularly, although some of the remaining attributes influenced norm diffusion and endorsement, none did so as socialisation drivers or enablers. At the systemic-level, IO and state suasion proved significant, however IOs again possessed a symbiotic relationship with the norm and on this occasion were employed by Cuba as a platform for ostensibly revisionist priorities

³⁰³ Wunderlich, “Delegitimation,” 90,95. Wunderlich, *Rogue*, 272: ““rogue states” are in a position to change norms within the established normative structures, making use of classical strategies of norm entrepreneurs.”

³⁰⁴ Wunderlich, “Delegitimation,” 90.

that socialised the norm rather than the state. State suasion was crucial, however only in terms of indirect inverse US suasion and collective state suasion via G77 norm reconstruction. Contrary to socialisation literature, neither IOs, states, world context, MNCs or the range of INEs operated as socialisation drivers, although all but the latter impacted general norm endorsement in some substantive way. In relation to remaining state-level attributes, high rather than low salience again facilitated norm endorsement, DSCs held unanticipated relevance given elite norm support, and DNE influence was low. Norm-related attributes proved important, with norm substance, international concurrence and domestic resonance again holding high impact, while internal characteristics were significant, albeit due to the malleability, imprecision and low visibility of the norm rather than its resilience, strength and prominence. Norm origin proved irrelevant following substantial norm reformulation by a range of actors.

Cuban endorsement of the norm to conserve biodiversity also has important ramifications for conceptions of revisionism in IR. With US refusal to sign the CBD, Cuba exploited its revisionist identity to become the poster child for environmental protection, placing itself at the vanguard of norm endorsement. This begs the question regarding which state was revisionist in this instance: Cuba, which publicly supported and endorsed the broadly accepted norm, or the US, which was the only UNCED state not to do so. Revisionism as a construct of the superiorly positioned is clear. The US suffered little enduring international repercussions for norm refusal in a decade of consolidating US hegemony. Meanwhile, Cuba remained cast as the revisionist: a UN official compiling membership of the Small Island Developing States in 1994 reported, for example, “We wanted Cuba’s political strength... They could be a useful nuisance ... If Western powers wanted to change something that small islands were putting forward then you had Cuba as a scapegoat ... ‘Look at these crazy Cubans. What can we do with them?’”³⁰⁵ Reflecting conclusions from previous chapters, despite proactive norm endorsement, underlying international hierarchies had trapped Cuba in a cycle of perceived revisionism, whilst US power to ascribe yet simultaneously avoid revisionist ascription grew.

³⁰⁵ Corbett, et al, “Entrepreneurship,” 19.

CHAPTER 7:

ASSESSMENTS



Figure 13: 'Even for us the world is unipolar too.'¹

This thesis has analysed the empirical puzzle of international norm endorsement by purported revisionist states. It documents conclusions among scholarly and policy circles that revisionist states are not likely to endorse international norms in the absence of material incentives or state socialisation. It explores three empirical cases that demonstrate this is not always case. Employing Cuba as the paradigmatic revisionist state case study, it assesses the reasons behind Cuban endorsement of three international norms within a framework of fifteen reported norm diffusion attributes. This penultimate chapter assesses the results. Findings reveal that international norms are not always modes of socialisation that co-opt purported revisionist states as often anticipated in associated literature. Although impacting norm endorsement in various ways, the diffusion attributes operated neither as drivers, filters nor enablers of socialisation. Instead, their operation in these cases show that international norms were harnessed and ultimately endorsed by a purported

¹ Anon, "Hasta para nosotros también el mundo es unipolar," *Granma* (28:92, Thu 7 May 1992), 6.

revisionist state in attempts to constrain, shame or otherwise hold the prevailing hegemon, the US, to account. The very tools of hegemony and purported socialisation were appropriated by a perceived revisionist state for employment against the hegemon. In the process, this research raises questions regarding the very meaning of revisionism in world politics. It reveals conceptions of revisionism as subjective - indeed performative - constructs, rendered operational as devices of hegemonic consolidation only in the hands of the most powerful, thus simultaneously reflecting and propagating the stratified power relations underlying international politics.

This chapter commences with cross-case comparison and assessment of the impact and manner of operation of each international norm diffusion attribute. Conclusions are then drawn, culminating first in provision of a revised international norm diffusion framework, then consideration of implications for claims regarding socialisation, followed by the argument that international norm endorsement comprised a form of revisionist empowerment in these instances. The chapter then contemplates what this might mean not only for norm diffusion but for conceptions of revisionism, concluding that revisionism is a subjective construct, that its successful ascription represents a privilege of the superiorly positioned, and that its employment likely consolidates hegemony.

7.1 INTERNATIONAL NORM DIFFUSION

7.1.a: International Norm Diffusion Attributes

At the outset of formulating empirical observations from cross-case comparison, and bearing in mind the methodological goals outlined in the research design, it is worth considering Haas's argument that, "Remaining true to a typological commitment demands that the traditional canons of causal theorising be sacrificed to a less economical procedure that foregoes the search for clusters or straight paths as unique explanations."² For, as Smetana caveated, there are "inherent limits of generalizing from three empirical cases."³

² Haas, *Knowledge*, 11.

³ Smetana, *Deviance*, 218.

The norm diffusion attributes unquestionably possessed divergent weights of suasion across time, geography and norm issue area, and findings clearly offer evidence of equifinality. Diverging processes of norm contestation and multiple causal pathways combined to result in norm endorsement by a purportedly revisionist state. As Towns observed, “there is no one master process that can account for all cases of policy diffusion.”⁴ The significance of attributes including DSCs, the feedback loop, origin and some categories of INEs, for example, differed vastly across the three cases. There was no precise replication or definitive overarching pattern or trend. Nevertheless, complex causality, or equifinality, in revisionist state norm endorsement is an important finding in and of itself. According to George and Bennett, “various kinds of complex causal relations are central concerns of the social sciences” and “present in many social phenomena”⁵ given the very object of study - the political and social world - comprises few independent or isolated causal mechanisms. This research thus unveils a conjunction of variables that led to norm endorsement by a purported revisionist state, producing “a *differentiated* empirically based theory that identifies different causal patterns that produce similar outcomes.”⁶

Although a “factor’s necessity and causal weight may vary considerably across cases or types of cases,”⁷ it may still be compared and assessed to determine level and consistency of influence. Thus, as Kratochwil argued, “we cannot pick one explanatory model and consider it standard. Far from suggesting, therefore, that ‘anything goes,’ the upshot of this argument is that pragmatic criteria play a much greater role in social science explanations.”⁸ Acknowledging “certain caveats regarding sample size. It is possible that some of the broad conclusions drawn here are artifacts of the particular set of cases on which they are based,”⁹ such ‘pragmatic criteria’ may nevertheless be distilled across the cases. Indeed, similarities and consistencies, indicated in the following compilation of results, disclose important insights:

⁴ Towns, “Norms,” 185. Similarly: Cortell, Davis, “Understanding,” 85, Müller, “Agency,” 339-40, 362: “We have not observed a general cyclic pattern of norm development; norm change takes different forms.”

⁵ George, Bennett, *Case*, 12, 106, 157.

⁶ *Ibid*, 26, 161.

⁷ *Ibid*, 27.

⁸ Friedrich Kratochwil, *How Do Norms Matter?* (Oxford: Oxford University Press, 2000), 37. See also: Bowman, “Nature,” 14.

⁹ Sandholtz, “Contestation,” 143 (sic).

Level of Influence	Level of Attribute	CWC	CAT	CBD
Anticipated Influence	Systemic (Socialisation Driver)	<ul style="list-style-type: none"> World Context INEs: Individuals, EC 		<ul style="list-style-type: none"> World Context
	State (Socialisation Filter)	<ul style="list-style-type: none"> National Identity 	<ul style="list-style-type: none"> National Identity 	<ul style="list-style-type: none"> National Identity Feedback Loop
	Norm (Socialisation Enabler/ Impeder)	<ul style="list-style-type: none"> Norm Substance International Concurrence Domestic Resonance 	<ul style="list-style-type: none"> Norm Substance International Concurrence 	<ul style="list-style-type: none"> Norm Substance International Concurrence Domestic Resonance
Influence Yet Not As Expected	Systemic (Driver)	<ul style="list-style-type: none"> IOs State Suasion INEs: MNCs 	<ul style="list-style-type: none"> IOs State Suasion INEs: INGOs, GCS World Context 	<ul style="list-style-type: none"> IOs State Suasion INEs: MNCs
	State (Filter)	<ul style="list-style-type: none"> Salience 	<ul style="list-style-type: none"> Salience DSCs DNEs 	<ul style="list-style-type: none"> Salience DSCs
	Norm (Enabler/ Impeder)		<ul style="list-style-type: none"> Internal Characteristics Domestic Resonance Origin 	<ul style="list-style-type: none"> Internal Characteristics
Negligible Influence	Systemic (Driver)	<ul style="list-style-type: none"> Regional Suasion INEs: INGOs, GCS 	<ul style="list-style-type: none"> Regional Suasion INEs: Individuals, EC, MNCs 	<ul style="list-style-type: none"> Regional Suasion INEs: Individuals, EC, INGOs, GCS
	State (Filter)	<ul style="list-style-type: none"> Feedback Loop DNEs DSCs 	<ul style="list-style-type: none"> Feedback Loop 	<ul style="list-style-type: none"> DNEs
	Norm (Enabler/ Impeder)	<ul style="list-style-type: none"> Origin Internal Characteristics 		<ul style="list-style-type: none"> Origin

Figure 14: Table of outcomes showing levels of influence of international norm diffusion attributes - those featuring in the same category of influence across each of the three case studies are highlighted in red, with those featuring in two of the same highlighted in blue.

	Systemic-Level (Socialisation Drivers)	State-Level (Socialisation Filters)	Norm-Level (Socialisation Enablers/Impeders)
Anticipated Influence	<ul style="list-style-type: none"> ▪ World Context 	<ul style="list-style-type: none"> ▪ National Identity 	<ul style="list-style-type: none"> ▪ Norm Substance ▪ Int. Concurrence ▪ Dom. Resonance
Influence Yet Not As Expected	<ul style="list-style-type: none"> ▪ IOs ▪ State Suasion ▪ INEs: MNCs 	<ul style="list-style-type: none"> ▪ Salience ▪ DSC 	<ul style="list-style-type: none"> ▪ Internal Characteristics
Negligible Influence	<ul style="list-style-type: none"> ▪ Regional Suasion ▪ INEs: Individuals, EC, INGOs, GCS 	<ul style="list-style-type: none"> ▪ Feedback Loop ▪ DNEs 	<ul style="list-style-type: none"> ▪ Origin

Figure 15: Consolidated table of influence of international norm diffusion attributes - those featuring in the same category of influence across each of the three cases highlighted in red, those featuring in two of the same highlighted in blue.

As evident from Figures 14 and 15, various attributes performed at a consistent level of influence across the three observation studies. National identity at state-level and norm substance and international concurrence at the level of the norm held consistently high impact upon norm endorsement as anticipated within the analytical framework. Both world context at systemic-level and domestic resonance at the level of the norm featured in two of the three cases. In terms of attributes that held influence yet operated in a manner different to that anticipated, both IOs and state suasion featured consistently at systemic-level alongside salience at the level of the state. MNCs at the systemic, DSCs at the state, and internal characteristics at the level of the norm each held influence in unexpected ways in two of the three cases within this category. Finally, regional suasion at systemic-level had consistently minimal impact across all three studies, while the remaining attributes - INEs, feedback loop, DNEs and origin - featured in two out of three cases with negligible impact.

When assessed solely according to level of impact on Cuban norm endorsement - irrespective of anticipated operation - six attributes exerted high influence across all three cases:

Level	CWC	CAT	CBD
Systemic (Socialisation Driver)	<ul style="list-style-type: none"> ▪ IOs ▪ State Suasion 	<ul style="list-style-type: none"> ▪ IOs ▪ State Suasion 	<ul style="list-style-type: none"> ▪ IOs ▪ State Suasion
State (Socialisation Filter)	<ul style="list-style-type: none"> ▪ National Identity ▪ Salience 	<ul style="list-style-type: none"> ▪ National Identity ▪ Salience 	<ul style="list-style-type: none"> ▪ National Identity ▪ Salience
Norm (Socialisation Enabler/Impeder)	<ul style="list-style-type: none"> ▪ Norm Substance ▪ International Concurrence 	<ul style="list-style-type: none"> ▪ Norm Substance ▪ International Concurrence 	<ul style="list-style-type: none"> ▪ Norm Substance ▪ International Concurrence

Figure 16: Table showing attributes with greatest overall impact on revisionist state norm endorsement in each case study

These results reflect the overall import of two attributes at each level: IO and state suasion at systemic, national identity and salience at state, and norm substance and international concurrence at the level of the norm. In each case, a complex interplay of systemic, state and norm-level attributes therefore proved critical. The overarching analytical framework for international norm diffusion thus requires some amendment when it comes to revisionist state norm endorsement.¹⁰

7.1.b: Revised Analytical Framework

First, a synthesis of the three levels of attributes should not be neglected: systemic, state or norm characteristics alone will likely prove insufficient in generating norm endorsement by revisionist states. At norm-level, the impact of origin may be de-prioritised: origin proved irrelevant in relation to the CWC, had the opposite of the anticipated response when Cuba sought to adopt rather than reject the norm in the CAT, and proved redundant following norm reconfiguration in the CBD. The significance of internal characteristics was complex, given the norm was neither simple, clear, stable nor definitive in the CWC, required malleability for success in the CBD, and postponed Cuban endorsement given specificity in the CAT. Domestic resonance was pertinent yet similarly complex, with some indicators present yet others absent in each study. Norm substance and international concurrence, however, proved essential. Each case entailed a mutually reinforcing confluence of powerful

¹⁰ Sandholtz, "Contestation," 143: "case studies can also feed back into theory, thus advancing the theory-building enterprise."

and compelling norm content alongside strong international concurrence. These two norm-level attributes in particular led to points at which the highlighted state and systemic attributes held impact.

At state-level, each norm ostensibly aligned with Cuban national identity. Indeed, the process paralleled that recognised by Symons and Altman in which “political actors make distinguishing moves: first they rhetorically link national identity to the state’s position in respect of an international norm. If this deepening of the connection between the norm and collective identity is successful, the norm may gain sufficient salience for a second step, of adopting a more distinctive collective position.”¹¹ Surprisingly, this alignment incorporated elements of Cuba’s purportedly revisionist, revolutionary identity.¹² Whilst acknowledging the fluidity, dynamism, potential for manipulation and diverging conceptions of national identity,¹³ each case clearly revealed the import of Cuba’s anti-‘yankee imperialist’, alter-to-the-US-ego self. Cuba’s socialist identity also played a role, in relation to disarmament for development with the CWC, attempts to subsume the purportedly Western, liberal, civil and political norm against torture in the CAT, and Cuba’s staunch anti-capitalist, environmental protector and developing countries’ defender role with the CBD.¹⁴ It was Cuba’s very identity *as* a revisionist state that led to norm endorsement.

Relatedly, and contrary to dominant expectations in the literature, each norm actually held high salience with Cuban decision-makers.¹⁵ The norms, legal obligations and compliance requirements were considered very seriously by MINREX and Cuban government officials, and a great deal of time, effort and resources were invested in their consideration and ultimate endorsement. There was additionally no evidence of localisation or alternative domestic reformulation of the norms ultimately endorsed in the treaties to indicate any local, subversive or everyday resistance.¹⁶ Given this, none of the norms were

¹¹ Symons, Altman, “Polarization,” 67.

¹² Epstein, “Infantilisation,” 80,82: prior focus “on socialisation leads to... downplaying the identity stakes altogether... the essentialisation of identities and the infantilisation of the socialisee are in fact two sides of the same conceptual coin.”

¹³ 2.3.b.ii: National Identity, Epstein, “Infantilisation,” 82, Campbell, *Security*, 12.

¹⁴ Adler-Nissen, “Stigma,” 170.

¹⁵ Wunderlich, *Rogue*, 272: “Another conjecture, namely that “rogue states” have a low overall interaction capacity, also cannot be maintained.”

¹⁶ Groß, “Global,” 312-3,328-9.

endorsed as a form of lip service or due to mere indifference. While the feedback loop proved highly significant in the CBD study, given it primarily failed in the other two cases it is considered not essential for revisionist state norm endorsement. DSCs held no significance in relation to the CWC, indirect adverse impact on the CAT and an unexpectedly positive impact on CBD endorsement. It is therefore also considered relatively dispensable. Finally, contrary to expectations in associated literature that “Domestic actors are also more likely to achieve real change in the most repressive states,”¹⁷ the remaining state-level attribute of DNEs had an indirect adverse impact on Cuban CAT endorsement - which was the only occasion it held any influence at all.

At systemic-level, the complexity, plurality, multilinearity and potential for adverse impact of each attribute must be acknowledged. World context proved significant as anticipated in relation to both specific events and broader windows of opportunity, however it also had the capacity to indirectly yet negatively impact Cuban norm endorsement in relation to the CAT.¹⁸ INEs proved influential for general norm development, particularly in initial stages although less so upon norm assumption by an IO. However, they held little positive impact on purported revisionist state endorsement. Indeed, Cuban decision-makers harboured deep distrust towards most categories of INEs, considering them agents or satellites of the US hegemonic project. According to the 1994 Cuban CHR delegate, “if there was a common objective in Cuba, it was to keep the people united and, above all, to prevent any outsiders, such as that NGO, from interfering with the country’s destiny, a right reserved for the Cuban people.”¹⁹ The CAT and CBD studies indicate that both INGOs and regional institutions in fact played a role contrary to that anticipated, with Cubans either dismissing their relevance or seeking to employ them in support of Cuban positions rather than vice versa. While MNCs had surprising influence over the CWC and CBD generally, they had indirect impact on anti-capitalist Cuban decision-makers, by clearing the path to endorsement or providing a target for Cubans to rally against.

¹⁷ Friman, “Introduction,” 23.

¹⁸ Müller, et al, “Change,” 141: “While scholars often invoke exogenous events as explanations for institutional change, such events can also inhibit change within a given normative structure.”

¹⁹ E/CN.4/1994/SR.32,2.

IO and state suasion proved significant albeit not quite as expected. Cuba maintained high regard for - and eager desire to participate in - the negotiating forum and future supervisory institution for each norm, rendering IO engagement an important component of Cuban foreign policy. However, IOs also had a symbiotic, mutually constitutive relationship with the norm in both the CWC and CBD, where the relevant IO harnessed the norm to justify its existence just as much as the norm relied upon the IO as a forum for development.²⁰ Furthermore, rather than unidirectional norm diffusers, IOs were also important platforms for the promotion of revisionist priorities, including by Cuba, resulting in substantial norm reformulation.²¹ In terms of state suasion, while positive, and also collective, examples were found, there was additionally evidence of the opposite in each case, albeit with divergent effects.²² With regard to the CAT, state suasion proved distinctly damaging, resulting in the delay of Cuban norm endorsement through what was labelled reverse state suasion. With the CBD and CWC, however, such negative influence ultimately resulted in indirect inverse state suasion as Cuba endorsed the norms to rally against perceived US recalcitrance.

Norm diffusion frameworks thus require refinement in accordance with these findings to better reflect cases of revisionist state endorsement. Without discounting the potential *ad hoc* influence of omitted attributes,²³ and bearing in mind the complexity, multilinearity and capacity for adverse effect, an amended analytical framework of attributes that most consistently impact norm endorsement by revisionist states may be presented as follows:

²⁰ McNeill, St. Clair, *Poverty*, 3,10.

²¹ Gertheiss, Herr, "Dissidence," 20, Müller, et al, "State," 322-6: UN "not an entrepreneur in itself.. (UN) bodies instead act as a forum, an arena, a factory, or a facilitator for the entrepreneurship projects of others. Even so, the UN is an indispensable institution for norm dynamics."

²² Supporting Müller, "Agency," 363.

²³ Haas, *Knowledge*, 10-11: "We will not seek to cull from our large list of descriptive variables those clusters of traits that most frequently 'predict' (norm endorsement). Many of the descriptive variables will be shown to be weakly associated with any pattern, any regularities," even though they "may turn up as more powerful in some later analysis or some new set of historical circumstances."

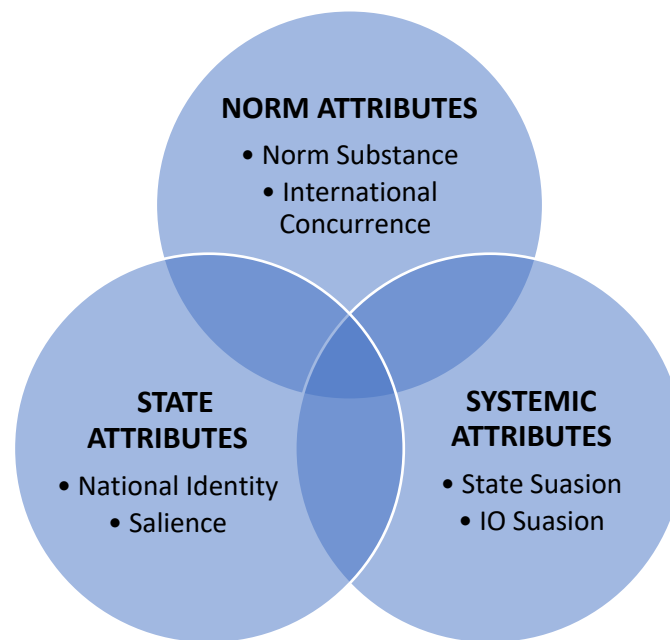


Figure 17: Revised analytical framework for the impact of international norm diffusion attributes on purported revisionist state norm endorsement

This particular configuration of international norm diffusion attributes most consistently influenced Cuban norm endorsement in the three observation studies. Given Cuba's status as the paradigmatic revisionist state, this conjunction of variables also likely reflects norm endorsement by the general revisionist state population to which Cuba pertains. Moreover, and as highlighted in the research design, given the least likely nature of the revisionist case itself, these results may additionally extend to other states generally. However, considering this single state case study and perspectivist approach, further work is required to determine the precise level of generalisation and universalisability. Two further conclusions may be drawn in addition to the contribution proffered by this distillation of key attributes and revised analytical framework.

7.1.c: Socialisation

First, mirroring recent research, international norm endorsement did not result from or in state socialisation.²⁴ Classic socialisation drivers of IO, state, INE (in conjunction with DNE)

²⁴ Chapter 2: critical fourth wave, Almagro, "Boomerangs," 7-8, Zarakol, "World," 313, Adler-Nissen, "Stigma," 169: "international shaming does not always work... as in the case of Cuba, Iran, or Belarus, international shaming and sanctions have no effect."

and regional suasion did not operate in the positive, persuasive, identity-altering manner anticipated in relevant literature. In fact, these attributes proved either negligible or perversely held the opposite effect. Rather than socialising states into norm endorsement, IOs, for example, provided platforms for ulterior agendas, and, in relation to the CAT, held a distinctly adverse effect resulting in the deferral of Cuban norm endorsement. With regard to state suasion, Cuba endorsed norms to rally against perceived US recalcitrance, rather than being induced into socialisation. Similarly, when not entirely negligible, most INEs, DNEs and regional entities actually had impact opposite to the socialisation anticipated. With the CAT and CBD they were employed by Cuba to reaffirm or support Cuban stances rather than influence Cuban decision-making, and with the CAT they indirectly postponed Cuban endorsement. Contrary to a wealth of associated scholarship, including the norm life cycle framework, boomerang pattern and spiral model, INEs and DNEs exerted no positive influence over norm endorsement by or the socialisation of a purported revisionist state. Without these systemic attributes operating as socialisation drivers, state and norm-level attributes functioned as neither filters nor enablers. They impacted norm endorsement in diverging ways, however did not contribute to state socialisation. Furthermore, Cuban norm endorsement was not a case of past identity “actively erased by the infantilisation of the socialisee.”²⁵ Cuban national identity as socialist, revolutionary, foe of the US and champion of developing country interests not only remained unchanged, but in fact comprised one of the key motivators behind Cuban norm endorsement in each observation. These results provide further empirical support to recent research that “Norm-internalisation does not always lead to socialisation.”²⁶ By analysing the process behind norm endorsement rather than simply the outcome,²⁷ it becomes clear that socialisation neither provoked nor resulted from norm endorsement in these cases.

²⁵ Epstein, “Infantilisation,” 82.

²⁶ Zarakol, “World,” 313.

²⁷ Per Hadden, Seybert, “Norm,” 250: “we seek explanations centering on norm definition as a process, rather than on institutionalization as an outcome.”

7.1.d: Norm Endorsement as Resistance

International norms were therefore not tools of hegemonic socialisation “reflecting the interests of the most powerful states”²⁸ designed to pull revisionist states into line as often anticipated in related scholarship.²⁹ Asking why a purported revisionist state in fact endorsed international norms in the absence of socialisation thus generates the second key conclusion regarding revisionist state norm endorsement: international norms were employed and endorsed by Cuba in attempts to constrain and counter the US. Norms maintained their instrumental role,³⁰ however they were engaged by the purported revisionist to empower resistance against the hegemon, rather than socialise in the reverse direction. Each of the international norms under analysis were perceived by Cuba as mechanisms to restrain, shame or otherwise rein in US “belief in US exceptionalism and moral significance, if not superiority.”³¹ Cuba did not enact the covert everyday resistance described by Scott,³² nor represent the type of small state norm entrepreneur that relied on competent performance of vulnerability to attain benefits by creatively exploiting its low ranking in international hierarchies.³³ Although it sought to achieve the same outcome - in which “the stigmatizer becomes perceived as the transgressor” - Cuba also did not resist or reject the norms via processes of counter-stigmatisation, normalisation, naturalisation, applicatory rejection or justificatory rejection.³⁴ Additionally, Cuba did not propagate “alternative norms which radically deviate from the prevailing Western liberal concept of normative order” as anticipated from revolutionary norm entrepreneurship in Wunderlich’s recent and similarly-focused study.³⁵ Furthermore, unlike Gramscian expectations, Cuba

²⁸ Foot, Walter, “Global,” 332,344,347. Similarly: Adler-Nissen, Zarakol, “Recognition,” 4,16: “actors who define what is ‘normal’,” Adler-Nissen, “Self,” 35: “how socialisation produces and upholds a particular ontology for the norm entrepreneur,” Symons, Altman, “Polarization,” 86: norms as “agents of international homogenization,” Cortell, Davis, “Clash,” 6: “success of the hegemon in socialising the target state has been argued to rest on whether domestic elites are receptive to the hegemon’s norms.”

²⁹ Ikenberry, Kupchan, “Socialization,” 283-315, Towns, “Norms,” 186: “Norms are thus seen as an important intervening variable - they help major powers diffuse policies internationally.”

³⁰ Lantis, Wunderlich, “Resiliency,” 575.

³¹ Fey, et al, “Established,” 165.

³² Scott, *Weapons*, 29,31,289-303,321-2,338: “ordinary weapons of relatively powerless groups... (include) passive noncompliance, subtle sabotage, evasion, and deception.”

³³ Corbett, et al, “Entrepreneurship,” 1-22.

³⁴ Adler-Nissen, “Stigma,” 153, Smetana, *Deviance*, 42-6,79,226: Cuba sought neither deviant image reconstruction through problematic attribute correction, justification of rule-violating behaviour, discursive norm acceptance yet applicatory rejection, nor rejection of the norm’s legitimacy.

³⁵ Wunderlich, *Rogue*, 72.

‘penetrated and demystified the prevailing ideology’³⁶ yet rather than seeking to overturn the establishment via exogenous revolution, instead attempted to work from within and hijack the very apparatus of hegemonic co-optation and consolidation - international norms - against the prevailing hegemon.

These attempts were most overt with regard to the norm to conserve biodiversity, when Castro stood on the world stage and denounced Western capitalist responsibility for environmental degradation, lauded socialist ideology as the environment and development saviour, and endorsed the CBD in direct and very public contrast to the US, which refused to do so.³⁷ The appropriation of international norms for such purpose was less public but privately stronger with the norm to eliminate CW, in which Cuban decision-makers gradually recognised the capacity of the CWC to not only provide opportunity for public condemnation of US CW development and deployment, but to also legally enforce removal of the US blockade, open Guantánamo to international inspectors, and prevent feared US biochemical attacks against Cuba. Attempted employment of international norms for revisionist empowerment was less obvious with the norm to prohibit torture. However, Cuba’s original attempt to subsume the norm under the auspices of socialist responsibility was a direct and deliberate effort to constrain and reverse increasing US influence, and the norm provided opportunities for denunciations and draft resolutions against the US year-after-year. In a revealing insight, Cuban press referred to this battle as one between David and Goliath:

The hostility of the giant Goliath overflows with hateful mortal fear. David, in the meantime, increases his register of followers, friends and sympathisers. And waits, knowing and alert, slingshot in hand. This biblical passage was reproduced just yesterday, in Geneva, in the CHR.³⁸

Norms in these cases were viewed by Cuba as the slingshot in their epic battle with Goliath.

³⁶ Scott, *Weapons*, 317.

³⁷ Bharat Desai, Balraj Sidhu, “Quest for International Environmental Institutions” in Alam, et al, *IEN*, 153: “International law has evolved into a protector, to some extent, of the small and weak states, rather than serving only as the handmaiden of powerful states.”

³⁸ Astudillo, “Solos o acompañados,” 3.

While this explanation for revisionist state norm endorsement may be novel to mainstream norm scholarship, it resonates with related observations. As acknowledged by Falk et al, for example, “international law, as with all law, is a two-edged reality and, with political and moral imagination, can be used advantageously by the weak to resist the plunder and invasions of the strong.”³⁹ Similarly, Wunderlich observes “Revolutionary norm entrepreneurs can also act subversively if they use the prevailing rules, but in the long term aim to undermine or overthrow the current system.”⁴⁰ According to Adler-Nissen, “This would provide a striking example of counter-stigmatization and demonstrate how a subordinate, “weak” state actually has room to manoeuvre in international society” - through a process of “symbolic interactionism” the agency of those “constituted as transgressive, the weak or deviant” is recognised, and it becomes “necessary to see various forms of dominance and structural inequalities as interactional processes, that is, always constituted by the weak in some way or another.”⁴¹ In this instance, the purported transgressive sought to harness, if not hijack, prevailing norms against the stigmatiser in attempted ‘norm entrapment’. Such potential for norm entrapment was recognised by Ikenberry, et al, who anticipated that “weaker states may engage a unipole by enlisting its participation in new or modified institutional arrangements in order to constrain or tie it down.”⁴² This conclusion thereby builds on scholarship that considers international norms as ‘weapons of the weak’,⁴³ providing means for otherwise disempowered states to shape IR,⁴⁴ and balance the power of the most dominant through common standards of behaviour.⁴⁵ As Busby and Greenhill explain, “one way relatively weak actors compensate for material deficiencies in interactions with more powerful counterparts is by harnessing the power of norms and employing them as nonviolent instruments of persuasion.”⁴⁶

³⁹ Falk, et al, “Introduction,” 5. Similarly: Hurd, “Breaking,” 209, Rajagopal, “Counter-hegemonic,” 63,68: Third World “use international law as an explicit counter-hegemonic tool of resistance.”

⁴⁰ Wunderlich, *Rogue*, 269.

⁴¹ Adler-Nissen, “Stigma,” 169, “Self,” 37-8 respectively.

⁴² Ikenberry, et al, “Unipolarity,” 19-21. Similarly: Haas, “Words,” 213: “a coalition of weaker states may wish to (maintain regimes), sometimes in opposition to a hegemon.”

⁴³ Abbott, Snidal, “Law,” 447-8, Acharya, *Rethinking*, 240, Thakur *R2P*, 181-2, Sikkink, “Latin,” 391.

⁴⁴ Acharya, “Idea-shift,” 1158-9, Acharya, *Rethinking*, 11-4, Adler-Nissen, “Stigma,” 169.

⁴⁵ Sikkink, “Latin,” 391, Abbott, Snidal, “Law,” 447-9, Ikenberry, “Unipolar,” Haas, “Words,” 213.

⁴⁶ Joshua Busby, Kelly Greenhill, “Ain’t that a Shame?,” Friman, “Conclusion” in Friman, *Leverage*, 105-7,203.

In this manner, the examples presented here are not unique. Indeed, other research contends that Canada, for example, promoted the Ottawa Convention to reportedly “stick it to the U.S.”⁴⁷ In this instance, however, this was attempted by a purported revisionist state. Foot and Walter’s peripheral observation therefore remains pertinent: “States can and do use norms strategically and for purposes for which they were not directly designed — for example, to enhance social status and international image *or to rebuke the behaviour of others and to cast doubt on the legitimacy of their words or deeds.*”⁴⁸ Similarly, Towns argues, “States that are low in rank may become the first to develop and adopt a policy, attempting to rise in rank within a given order *or as a challenge to or rejection of that order.*”⁴⁹ Noting the deliberate focus on depth over breadth in this single state-focused study, alongside potentially unique aspects of the US/Cuba relationship, the precise level of generalisability regarding this particular conclusion requires further research. Nevertheless, this case demonstrates at the very least that those perceived to be revisionist may seek empowerment through attempted commandeering of international norms against the superiorly positioned.

This conclusion challenges not only expectations in realist, liberal, and mainstream constructivist literature, but also core critical theories which anticipate that prevailing ideas, norms, interests and institutions reflect and propagate those of the dominant group: Carr’s hegemonised harmony of interests in which theories of social morality are “an ingenious moral device invoked, in perfect sincerity, by privileged groups in order to justify and maintain their dominant position;”⁵⁰ Gramsci’s false consciousness;⁵¹ Campbell’s “scripting of identity proffered by those with greater access to social resources;”⁵² Cox’s “Institutions (that) may become the anchor for such a hegemonic strategy since they lend themselves both to the representations of diverse interests and to the universalisation of policy;”⁵³ and postcolonial contentions that “the powerful use those rules as means to get others to

⁴⁷ Cottrell, “Legitimacy,” 241-2.

⁴⁸ Foot, Walter, “Global,” 334,347 (emphasis mine).

⁴⁹ Towns, “Norms,” 189,204 (emphasis mine).

⁵⁰ Edward Carr, *Twenty Years’ Crisis, 1919-39* (London: Palgrave Macmillan, 2016), 71-5. See also: Robert Cox, “Social Forces, States and World Orders,” *Millennium* (10:2, 1981), 139-40, an-Na’im, “Cross-Cultural,” 27-8.

⁵¹ Forgacs, *Gramsci*, 192, Scott, *Weapons*, 39,315,357.

⁵² Campbell, *Security*, x.

⁵³ Cox, “Social Forces,” 137.

submit.”⁵⁴ This research reveals a different form of resistance, one that attempts to employ the very rules of the game against the prevailing champion. As noted by Zarakol, “Emulation and non-compliance are at times the two sides of the same coin.”⁵⁵

This by no means dismisses ongoing, overarching tensions “between those who believe that international law - or some version of a global legal system - is an important part of establishing justice, and others who believe that international law in any form may be incurably tainted by colonialism, beset by ideology and hegemony, and may in the end legitimise the very structures that produce injustice in today’s world.”⁵⁶ Indeed, Cuban attempts to harness these norms for such purposes were far from successful,⁵⁷ and the ultimate result may well be overall co-optation into and propagation of an unjust, unequal international system.⁵⁸ Nevertheless, the attempts show that “Great powers do not always get what they want, and norm change... can emerge against their preferences.”⁵⁹ Furthermore, purported revisionist states may endorse norms for precisely that reason. As Rajagopal observes, “counter-hegemonic uses of (norms) co-existed with hegemonic uses.”⁶⁰

The overarching answer to the question of why a purported revisionist state endorsed international norms is neither direct material benefits nor socialisation. Considering the results of these three norm studies with Cuba as the paradigmatic revisionist state, international norms were endorsed in order to denounce, contain or otherwise discipline the prevailing hegemon. In this instance, from this perspective, international norms did not constitute part of “the battery of means then deployed to obtain that deviant actors toe the

⁵⁴ Chua, “Against,” 97-101. Similarly: Said, “Foreword,” vi, Mgbeoji, “Civilised,” 154,159, Anghie, “Evolution,” 36-48, Inayatullah, Blaney, “Constructivism,” 26, Falk, et al, “Introduction,” 4-5, Rajagopal, “Counter-hegemonic,” 64,66,68, Simpson, *Powers*, 49,52, Jabri, “Colonial,” 43-4,50-2: norms “products of frameworks of knowledge and hermeneutic meaning that confer legitimacy to these practices of domination.”

⁵⁵ Zarakol, “World,” 313.

⁵⁶ Falk, et al, “Introduction,” 5-6. Also: Anghie, “Evolution,” 45, Inayatullah, Blaney, “Dark Heart,” 164-9.

⁵⁷ Per Hurd, “Breaking,” 196, Friman, “Conclusion,” 211,217, Gertheiss, Herr, “Dissidence,” 21, unlike potential considered in Towns, “Norms,” 204, Friman, “Introduction,” 25, referencing Busby, Greenhill.

⁵⁸ Goffman, *Stigma*, 139: counter-stigmatiser “may find that he is necessarily presenting his militant efforts in the language and style of his enemies... the more he separates himself structurally from the normals, the more like them he may become.” Similarly: Wunderlich, *Rogue*, 273-4: “the alleged “black sheep” turn out to be a “sheep in wolf’s clothing” ... that can be (re-)integrated into processes of norm diffusion.”

⁵⁹ Müller, “Agency,” 362.

⁶⁰ Rajagopal, “Counter-hegemonic,” 64,66.

line.”⁶¹ Norms were employed and endorsed by a purported revisionist state to restrain the prevailing hegemon.

7.2 REVISIONISM IN INTERNATIONAL RELATIONS

While norms themselves were not successful underlying mechanisms of hegemonic consolidation in these instances, an alternative device was: that of defining and ascribing revisionism in world politics. Analysing the micro-processes behind international norm diffusion from the perspective of a purported revisionist state has opened “up to question the way in which those (more powerful) parts of the world that shape and promote norms define the (less powerful) rest.”⁶² Three observations may be made. First, results support research regarding the façade of deviance in world politics. Revisionism is a subjective, indeed performative, construct. Second, broadly acquiesced allegations - or the ‘stickiness’ of revisionism - represent a privilege of the superiorly positioned such that the latter not only have the power to name and define, but also the capacity to avoid being tarred by the same brush. In doing so, third, such ascriptions serve to propagate prevailing power relations and consolidate hegemony in alignment with Foucault’s ‘knowledge-power’ nexus.⁶³

7.2.a: Revisionism as a Subjective Construct

Each case presented in this thesis documented assumptions in English language scholarship that the US, and its allies, lie in juxtaposition to entities deemed revisionist; that revisionism adheres either to those challenging the international order, rejecting international norms, resisting neo-colonial structures and/or possessing autarkic domestic regimes. Yet results in each study reveal revisionist allegations were based upon selective, arbitrary, and ultimately subjective ‘meaning-making processes’. As Goffman originally explained, “We *construct a stigma theory*, an *ideology* to explain (the stigmatised’s)

⁶¹ Epstein, “Postcolonial,” 5.

⁶² Julia Gallagher, “Chopping the World into Bits,” *International Theory* (6:2, 2014), 335 (original brackets).

⁶³ Smetana, *Deviance*, 51, Epstein, “Postcolonial,” 4, Almagro, “Boomerangs,” 8-9, 22.

inferiority and account for the danger he represents.”⁶⁴ According to Schultz, revisionist ascription “is a symbolic act that embodies judgment and seeks to associate the target with all that is reprehensible in the human character and human history. It is designed to tarnish the name and remove its bearer from the circle of civilised society.”⁶⁵ Conceptions of revisionism are thus a matter of idiosyncratic “perceptual construct,”⁶⁶ held by Cuba against the US just as much as vice versa. Both states established what Campbell described as “a geography of evil that inscribe(d) the boundaries of inside/outside,”⁶⁷ with the other most definitively located on the outside.

This is nothing new or surprising in international politics.⁶⁸ Indeed, the marking of a constitutive ‘other’ may be necessary for the very construction of international social order.⁶⁹ In this manner, the “propagation of theories designed to throw moral discredit on an enemy... reflecting moral credit on oneself” is as old as, and natural to, politics itself.⁷⁰ As Kirchheimer observed, “Every political regime has its foes or in due course creates them.”⁷¹ However, what was balanced tit-for-tat between Cuba and the US ended alongside the Cold War, with the loss of Cuba’s support-base and US engagement in a “fervent casting around for new dangers in the form of countries such as Iran, Iraq, Cuba, North Korea, and other so-called ‘rogue states’.”⁷² Homolar explains, “the foundations of the contemporary US preoccupation with the problem of rogue states were formed in the elite political contests over competing narratives to define the nature of the post-Cold War era that occurred

⁶⁴ Goffman, *Stigma*, 15,140. Also: Mona Sheikh, “Appointing evil in international relations,” *International Politics*, (51:4, 2014), 496-7, Anna Geis, Christopher Hobson, “The existence and use of ‘evil’ in international politics,” *International Politics* (51:4, 2014), 419-20, Smetana, *Deviance*, 29,38,226, Müller, “Evilization,” 476, O’Reilly, “Perceiving,” 297,311, Wunderlich, *Rogue*, 62, “Delegitimisation,” 81-4,89,95.

⁶⁵ Schultz, “Caught,” 39. Similarly: Smetana, *Deviance*, 218.

⁶⁶ Hoyt, “Rogue,” 298,304-6,310.

⁶⁷ Campbell, *Security*, 130,196. See also: Smetana, *Deviance*, 39, Geis, Wunderlich, “Good,” 470.

⁶⁸ O’Reilly, “Perceiving,” 295,298, Evers, “Transgression,” 789, Zarakol, “World,” 313-7, An-Naim, “Cross-Cultural,” 24, Towns, “Norms,” 188-9,204, Geis, Wunderlich, “Good,” 458-63, Adler-Nissen, “Stigma,” 149,170, Mgbeoji, “Civilised,” 153-4, Simpson, *Powers*, 4,315, Campbell, *Security*, 3,73,169-70, Smetana, *Deviance*, 30,38-9,55,227: “deviance-making is ‘a fundamental force at the core of society, not merely at the fringes’,” Müller, “Evilization,” 478: “Evilization is a procedure that we find across cultures.”

⁶⁹ Adler-Nissen, “Stigma,” 144-50,170-1, Zarakol, “World,” 313-28, Tannenwald, “Taboo,” 463, Ramirez, “Analysis,” 326, Towns, *Women*, 51-2,190-1, Zimmermann, “Same,” 103-4, Adler-Nissen, Tsinoi, “Misrecognition,” 6: quoting Ringmar: “through practices of recognition, affirming sameness, and through practices of non-recognition, affirming difference, that international society came to constitute itself as such.”

⁷⁰ Carr, *Twenty Years*, 69.

⁷¹ Simpson, *Powers*, 319.

⁷² Campbell, *Security*, 3,8,193-6,209. Also: Wunderlich, *Rogue*, 58, Gertheiss, Herr, “Dissidence,” 18.

within the US defence policy community.”⁷³ According to Hoyt, the “‘Rogues’ have supplanted the ‘Reds’.”⁷⁴

7.2.b: Revisionist Ascription a Privilege of the Powerful

This generates the second conclusion regarding revisionism: although ascription is open to all, success is not. Despite marked exceptions,⁷⁵ as the world context changed perceptions of Cuban revisionism appeared to become reified and undisputed. Cuba had endorsed the CWC to control perceived US recalcitrance, spearheaded CBD adoption, and initiated processes to ratify the CAT. However, Cuba had entered “the world of antagonists and rebels that, once declared antagonistic to civilised negotiation, become assigned an immutable quality of villainy.”⁷⁶ Especially within the CHR but also in relation to CW, renewed, vehement ascription of Cuban revisionism primarily stuck, whilst ascriptions of hegemonic recalcitrance from the purported revisionist predominantly fell on deaf ears. Changing power asymmetries and underlying global hierarchies likely explains this. With the end of the Cold War it was the US that had “the ‘leverage’ that comes with control of information, symbols, accountability processes, and practices of shaming.”⁷⁷ In its then dominant position, “the United States as the liberal superpower of the world is able to shape international discourses and practices on security to a considerable extent.”⁷⁸ And it did so in relation to conceptions of Cuban revisionism.

Goffman thus observed that to identify stigmatisation, “a language of *relationships*, not attributes, is really needed.”⁷⁹ The hierarchical nature of said relationships, or what Adler-Nissen terms an “asymmetric power relationship,”⁸⁰ requires emphasis. Sheikh identified

⁷³ Homolar, “Rebels,” 706-9,722. Additionally: O’Reilly, “Perceiving,” 295-8,304.

⁷⁴ Hoyt, “Rogue,” 297,301,307.

⁷⁵ Aforementioned G77 unity with the CBD, eight of 52 other CHR members voting against the 1994 Cuba SR inquiry resolution, and Iranian, Cuban, Pakistan unity against the Australia Group after the CWC, for example.

⁷⁶ Chua, “Against,” 101. See also: Wunderlich, “Delegitimisation,” 87-8 regarding Cuba, Adler-Nissen, “Stigma,” 146, Smetana, *Deviance*, 30,32,47-9: “the stigma becomes a part of the transgressor’s identity: the label transmutes the quality of the original ‘act’ to suggest that the individual is somehow naturally deviant.”

⁷⁷ Inayatullah, Blaney, “Constructivism,” 28. Also: Towns, Rumelili, “Pressure,” 761, Simpson, *Powers*, 67,70, Chan, “States’,” 12, Smetana, *Deviance*, 49-55,218-9, Adler-Nissen, “Stigma,” 154,172, Hurd, “Breaking,” 197.

⁷⁸ Geis, Wunderlich, “Good,” 460-1. Similarly: Campbell, *Security*, 12-3,33,132-6,170.

⁷⁹ Goffman, *Stigma*, 13 (emphasis mine). See also: Zarakol, “World,” 314.

⁸⁰ Adler-Nissen, “Stigma,” 151, Adler-Nissen, “Self,” 36.

“the privileged position of the powerful when it comes to the right to name threats/phenomena as evil” via “hegemonic discourse,”⁸¹ which Smetana labels ‘stigma power’: “the successful construction of deviant categories largely relies on the power configurations in respective social orders.”⁸² Simpson observes this as “part of a particular tradition of Great Power prerogative and privilege,”⁸³ which, at the end of the Cold War, resided firmly with the ‘inner core’ of the liberal international order and the US.⁸⁴ Although neither spatially nor temporally universal, and with potential for outright refutation, such as from other purported revisionist states, or nuanced responses, such as from the EU, Geis and Wunderlich conclude that given its superior positionality at that time, “the question of which country counts as a ‘rogue state’ ultimately rests with the United States.”⁸⁵ By reconstructing “the perspective of resistance” this study provides additional insight into the “asymmetrical power relations that are solidified in international institutions,”⁸⁶ in this instance, reliance of taken-for-granted assumptions of revisionism upon underlying hierarchies.

7.2.c: Revisionist Ascription as Hegemonic Consolidation

The consequences of successful revisionist ascription are not limited to target impact however. The US - as a type of ‘norm antipreneur’ - actively defended normative status quos in these case studies,⁸⁷ and maintained “its exceptionalist impulse... a related self-perception as the ‘ultimate custodian of international order’ ... (which) has sometimes encouraged US policymakers to ignore certain norms in defending the existing global order, and on occasion to act as ‘norm revisionists’.”⁸⁸ Steele in fact concludes the US is one of

⁸¹ Sheikh, “Evil,” 497,502-3. Similarly: Goffman, *Stigma*, 137.

⁸² Smetana, *Deviance*, 31,220-9: “*Stigma power* relates to the inherently political and power-laden nature of deviance-making and the respective stratifications and hierarchies in social orders.”

⁸³ Simpson, *Powers*, x,17-8,348. Such prerogative represents (neo)imperialist ‘resurgent colonial rationality’: Jean Cohen, “Rethinking Human Rights, Democracy, and Sovereignty in the Age of Globalization,” *Political Theory* (36:4, 2008), 595, Julia Gallagher, “Civilising norms and political authority in Africa” in Epstein, *Against IR*, 57-8, Mgbeoji, “Civilised,” 152, Jabri, “Colonial,” 39-41,45, Wunderlich, “Delegitimisation,” 89-90,95.

⁸⁴ Adler-Nissen, Zarakol, “Recognition,” 17-8, Simpson, *Powers*, 6,21, Wunderlich, “Delegitimisation,” 81-3,89, Adler-Nissen, “Stigma,” 172, Müller, “Evilization,” 479-81, Wunderlich, *Rogue*, 57-63.

⁸⁵ Geis, Wunderlich, “Good,” 465-6. Also: Wunderlich, *Rogue*, 3,62, Smetana, *Deviance*, 222: recognising “key importance of the US in the initiation, course, as well as outcome of the process of deviance (re)construction.”

⁸⁶ Daase, Deitelhoff, “Reconstructing,” 19.

⁸⁷ Bloomfield, “Antipreneurs,” 311,324-6.

⁸⁸ Foot, Walter, “Global,” 344,347. Echoing chapter 2 recognition of hegemonic revisionist tendencies.

those countries or groups that reject norms in a different way: not because they are Western or non-Western, but because norms in general are an affront to their supposedly exceptional nature... this case is one not merely of contestation, but of flat out rebellious or celebratory rejection of a norm.⁸⁹

Yet US recalcitrance is oft-neglected in mainstream norm scholarship, and even less acknowledged in prevailing real world discourse. Through the performance of revisionist ascription, the US avoided broadly acquiesced tarring by the same brush.⁹⁰ Geis and Wunderlich explain, the “politicized use of ‘evil’ and ‘rogues’ in the US security policy discourse leaves no room for internalizing ‘evil’ or ‘roguish’ intentions or actions within the self. One’s own identity as an actor is excluded from critical review and is kept clean of all negative aspects.”⁹¹ The US attained the special deviant position identified by Goffman in which “a confirmed high position in some small close-knit groups can be associated with a license to deviate and hence to be a deviator... The eminent... can be free, then, to be deviators precisely because their deviation can be fully discounted.”⁹²

Successful revisionist prescription not only protected the US but consolidated US hegemony. The performativity associated with such power-laden constructions are important in this respect given that “Adjectives such as ‘revisionist,’ ‘anti status-quo’ and ‘unilateral’ are often used as a rhetorical device to construct perceived reality and shape popular discourse. These terms are deployed to represent any opposition to an incumbent hegemon as necessarily a threat to the interstate system as a whole.”⁹³ In the three cases presented in this thesis, it was not international norms that performed the hegemonic consolidation role of Carr’s harmony of interests or Gramscian cultural hegemony: it was broadly acquiesced ascriptions of revisionism.⁹⁴ Much like Cox’s argument that “Theory is always *for* someone and *for* some purpose,”⁹⁵ the same may be said for revisionist ascriptions, representing almost precisely what Bially Mattern and Zarakol refer to as

⁸⁹ Steele, “Broadening,” 134-6. Similarly: Cuba: CD/PV.359,39-40.

⁹⁰ Campbell, *Security*, 90,169,199,219.

⁹¹ Geis, Wunderlich, “Good,” 469. Similarly: Wunderlich, *Rogue*, 63.

⁹² Goffman, *Stigma*, 167-8. See also: Deitelhoff, Zimmermann, “Norms,” 10, Bloomfield, “Antipreneurs,” 321, Adler-Nissen, “Stigma,” 154: “very powerful states may feel they can ignore international shaming.”

⁹³ Chan, “States,” 12. Also: Simpson, *Powers*, x,xi, Wunderlich, *Rogue*, 62.

⁹⁴ Smetana, *Deviance*, 51.

⁹⁵ Cox, “Social Forces,” 128.

intersubjective manifestations of organised inequality.⁹⁶ Revisionist ascription was performed as a “central strategy of rule to preserve the status quo.”⁹⁷

by using the ‘rogue state’ concept to delegitimise a country... proponents of the ruling order can also reinforce their hegemonic position. By stigmatising alleged rogues as such, those in charge... avoid having to address the normative visions and demands which they propagate... The inconsistent and arbitrary application of the ‘rogue state’ label thus primarily serves the interests of the proponents of the existing order.⁹⁸

Although axiomatic, this thesis thus reveals ramifications associated with the performativity and stickiness of revisionist ascription as “a strategic construction embedded in a system of power.”⁹⁹ In doing so, it has contributed to “research in the social constructions of deviance (that) represents an inherently critical inquiry, in that it questions the “natural” existence of seemingly taken-for-granted institutions and reveals associated power relations as well as the potential for change.”¹⁰⁰

⁹⁶ Bially Mattern, Zarakol, “Hierarchies,” 629-33. Similarly: Puchala, Hopkins, “Regimes,” 66.

⁹⁷ Gertheiss, Herr, “Dissidence,” 15.

⁹⁸ Wunderlich, “Delegitimation,” 89. Also: 81, *Rogue*, 3-4, 64-7, 272, Homolar, “Rebels,” 707.

⁹⁹ Gertheiss, Herr, “Dissidence,” 12.

¹⁰⁰ Epstein, “Postcolonial,” 301-2. Similarly: Engelkamp, Glaab, “Norms,” 211-2.

CHAPTER 8:

CONCLUSION

A critique is not a matter of saying that things are not right as they are. It is a matter of pointing out on what kinds of assumptions, what kinds of familiar, unchallenged, unconsidered modes of thought the practices that we accept rest... Criticism is a matter of flushing out that thought and trying to change it: to show that things are not as self-evident as one believed, to see what is accepted as self-evident will no longer be accepted as such. Practicing criticism is a matter of making facile gestures difficult.

Michel Foucault
Practicing Criticism¹

This thesis has responded in not one but two ways to ‘the duty of critique’: “to ‘denaturalise the taken-for-granted’ social constructs that were built on and further entrench unequal power relations.”² First, it challenged assumptions in mainstream norm literature that international norms will be rejected by a purported revisionist state, alternative revolutionary norms may be proffered in response, or revisionists will be socialised into norm internalisation and thereby no longer revisionist. Instead, this thesis reveals that purported revisionist states may appropriate and endorse international norms in attempts to constrain the hegemon credited with maintaining the very normative structure within which such norms flourish. Rather than boycotting the league, Cuba sought to harness the rules of the game to challenge the prevailing champion. International norm endorsement became a form of empowerment of resistance against the hegemon. Second, this study revealed the smoke and mirrors of prevailing ascriptions of revisionism. By foregrounding the perspective of the purported revisionist it exposed taken-for-granted constructions of revisionism as not only subjective but performative ascriptions, designed to reinforce the supremacy of the supreme. Successful revisionist ascriptions therefore represent both products and producers of the stratified power relations underlying IR. This concluding chapter briefly summarises these key findings and contributions and outlines avenues for further research.

¹ In Campbell, *Security*, 191.

² Epstein, “Postcolonial,” 3.

8.1 KEY FINDINGS

By analysing the respective influence of fifteen international norm diffusion attributes in the case of purported revisionist state norm endorsement, this research offers six key findings. First, results demonstrate the presence of equifinality in revisionist norm endorsement with multiple causal pathways and divergent attribute influence contributing across the three studies. Second, results reveal the import of a synthesis of attributes across systemic, state and norm-levels: top-down, bottom-up or norm-focused explanations alone prove insufficient. Third, cross-case comparisons highlight the particular significance of six of the fifteen attributes frequently credited for norm diffusion, however they did not always operate as expected. While norm-related attributes of norm substance and international concurrence proved crucial in each case as anticipated in the analytical framework, national identity and salience proved likewise at state-level, although in unexpected ways. It was high rather than low salience, and both self-perceived and ascribed *revisionist* national identity that led to norm endorsement in each case. National identity, in a twist unanticipated in associated scholarship, held impact *given* conceptions of revisionism. It was precisely Cuba's identity *as* a purported revisionist state that drove norm endorsement. Similarly, IO and state suasion at the systemic-level proved influential but highly complex, multilinear and plural. Whilst IOs were critical for norm development and endorsement, they also had symbiotic relationships with the norms, provided platforms for dissident objectives and, on one occasion, actually facilitated postponement of endorsement via indirect adverse effect. Meanwhile, state suasion was found to be not only singular but collective, and not only positive but negative, resulting in new notions of 'reverse state suasion' and 'indirect inverse state suasion'. Ultimately, these results led to reconsideration of the overarching analytical framework to highlight and prioritise these six key attributes, while recognising the alternative effects of those remaining.

This led to two key conclusions pertaining to socialisation and revisionist norm endorsement, which reflect the fourth and fifth overall findings. With the frequently negligible or detrimental impacts of key drivers of socialisation including international norm entrepreneur (in conjunction with domestic norm entrepreneur), regional, IO and state suasion, alongside stalwart maintenance of Cuba's revolutionary identity and the remaining

state and norm-level attributes operating as neither socialisation filters or enablers, socialisation was neither the explanation for, nor outcome of, revisionist norm endorsement. Cuba endorsed the norms under analysis in the absence of socialisation. The fifth key conclusion finds instead that norm endorsement in fact represented an attempt by the purported revisionist to constrain the prevailing hegemon. Cuba played by the rules in an attempt to beat the champion at its own game. International norm endorsement in these cases thus became a tool of resistance, and type of 'weapon of the weak', for attempted hegemonic entrapment. Sixth, and finally, in unveiling Cuban attempts to harness international norms against perceived hegemonic recalcitrance, questions were raised regarding the very meaning of revisionism in IR. Cuba and the US launched allegations of revisionism against each other in each case, yet US rather than Cuban ascriptions primarily stuck. The final finding of this thesis thus reveals revisionism as a subjective construct, reliant upon underlying power relations for its success and reinforcing those very power relations as a result, in a mutually propagating process. It was not international norms that socialised revisionist states, thereby reinforcing the hegemonic status quo. Conceptions of revisionism proved to be both the product and producer of hegemonic consolidation.

8.2 CONTRIBUTION

These findings hold important ramifications for both scholarly and policy circles. By foregrounding the perspective of a peripheral, post-colonial, socialist, purportedly revisionist 'Other,' this thesis placed the subaltern standpoint at the forefront of international norm research and proffered a crucial contribution to the theory and practice of global governance from an oft-neglected perspective. It aimed to overcome the "implicit or explicit normative predisposition vis-a-vis dissenters"³ and "the 'abnormal'"⁴ in associated scholarship, and directly addressed the 'infantilisation of the socialisee,' or otherwise

³ Gertheiss, Herr, "Dissidence," 12. Adler-Nissen, "Stigma," Wunderlich, *Rogue*, 67,276, Engelkamp, Glaab, "Norms," 211-2, Smetana, *Deviance*, 70,217-8 foreground revisionists however focus on stigma management, revolutionary entrepreneurship and contestation rather than norm endorsement.

⁴ Epstein, "Postcolonial," 302. Similarly: Zarakol, "World," 328: "the peculiar experiences of the 'outsiders' of the international system get completely overlooked in these accounts."

complete occlusion of the revisionist ‘Other’.⁵ As Epstein has demonstrated, socialisation “in the conventional constructivist scholarship has yielded an epistemological apparatus that effectively silences those whom one might call reluctant socialisees,” in effect “reproducing the very structures it purports merely to be studying.”⁶ This echoes Guha’s concern that, “this, too, amounts to an act of appropriation which excludes the rebel as the conscious subject of his own history and incorporates the latter as only a contingent element in another history with another subject.”⁷ Instead, analysing such “situated perspectives offers different starting points for theory-building, ones that seek not to deny the partiality of perspective, but instead use it to deliberately delimit the claims to be able to generalise about the social world.”⁸ Although it cannot “*fully* grasp a past consciousness and reconstitute it,”⁹ by resurrecting the critical perspective of a purportedly revisionist outsider, placing it at the forefront of consideration, and determining why such an actor endorsed international norms against expectations, this thesis offers a unique perspective and important contribution to both academic and policy circles.¹⁰

In terms of academic contribution, the results call for refinement of international norm diffusion theories. A vast range of IR and IL scholarship has attributed credit for international norm diffusion to a confluence of attributes, yet rarely have they been consolidated and assessed holistically. IR studies frequently focus either solely on systemic, state or norm-related attributes, or on more comprehensive, yet singular, norm or state case studies. Meanwhile, IL research is primarily directed towards explaining non/compliance and post-adherence non/implementation rather than endorsement, and rarely incorporates in-depth qualitative analysis of particular cases to support larger N studies. Finally, few tested results in specific relation to revisionist cases. This thesis rectified this. By identifying the respective influence of international norm diffusion attributes in a

⁵ Epstein, “Infantilisation,” 75-6, 79-83, “Postcolonial,” 13, Chua, “Against,” 101, Falk, et al, “Introduction,” 4, Anghie, “IL,” 37, Phillips, “Violence,” 151. Reflecting Edward Said, *Orientalism* (London, Penguin Books, 2003), 109: “The West is the actor, the Orient a passive reactor.”

⁶ Epstein, “Infantilisation,” 74, 77, 79-80: “these epistemological limits carry over into the policy arena where, effaced theoretically, the socialisee’s perspective becomes even harder to bring to bear upon the negotiations.” Also: Phillips, “Violence,” 151.

⁷ Ranajit Guha, “Prose of Counter-Insurgency” in Guha, Spivak, *Subaltern*, 77.

⁸ Epstein, “Postcolonial,” 10-11.

⁹ Guha, “Prose,” 77.

¹⁰ Akin to Ranajit Guha, “Preface” in Guha, Spivak, *Subaltern*, 35.

combined and systematic manner across three separate norm observations, this research built upon and refined existing norm diffusion and treaty endorsement theories. Certain causal pathway conjunctions were identified and others dismissed, resulting in revision of the overarching analytical framework with particular regard to revisionist states. This is useful, according to George and Bennett, given “middle-range typological theories, which identify recurring conjunctions of mechanisms and provide hypotheses on the pathways through which they produce results, provide more contingent and specific generalisations for policymakers and allow researchers to contribute to more nuanced theories.”¹¹ Further research is required to determine the precise universalisability - and placement upon Sartori’s ladder of abstraction¹² - of these results, both within the revisionist state population and beyond. Yet these conclusions nonetheless fill an important gap and provide the requisite stepping-stone for this work.

From a policy perspective, these conclusions assist international and national civil servants, policy-makers and norm entrepreneurs in practice. This research has stripped back the layers of a frequently misunderstood process to expose who is successfully promoting what, why, where and how in international norm diffusion and multilateral treaty endorsement in a least likely scenario. Findings assist policy-makers to formulate and promote multilateral rule-based action at the international level, with particular reference to, involvement of and engagement with perceived revisionist states. Understanding and harnessing the power through which ideas prompt global change is empowering in and of itself, let alone in respect of how it may be employed in relation to ostensibly recalcitrant subjects, whether considered rogues or hegemons. Policymakers may also be interested in the potential consequences of perceived hegemonic exceptionalism, if not hypocrisy, which may justify and propel revisionist norm endorsement as hegemonic resistance. Finally, the subjective and performative construction of revisionism as an “expression of power” and “discursive weapon,”¹³ which underlies so much policy and discourse in international politics, remains crucial to understand; for considerations of international norms,¹⁴

¹¹ George, Bennett, *Case*, 8,129.

¹² Sartori, “Concept Misformation in Comparative Politics,” *Political Science Review* (64:4, 1970), 1040-6.

¹³ Wunderlich, *Rogue*, 66,272, quoting Jacobi, et al.

¹⁴ Gallagher, “World,” 335: “intrusive and controlling definitions of ‘them’ in relation to ‘us’ saturate the language of norms and socialization, and continually overlook and seek to overturn political and social

interrogation of interrelationships between deviance and hegemony,¹⁵ and understandings of global governance and world order.

8.3 FURTHER RESEARCH

8.3.a: International Norm Diffusion and Socialisation

This thesis revises the analytical framework for international norm diffusion in relation to a single paradigmatic deviant state case. Given it represents norm endorsement in the least likely scenario, these results may well extrapolate broadly, both to the general population of 'revisionist' states and population at large. As Wunderlich notes: "That the transferability of the concept could be proven by applying it to an extreme case suggests that it can also be applied to other unorthodox and previously unconsidered types of actors. Yet this assumption remains to be confirmed in future studies."¹⁶ Further work is thus required to determine precisely how these conclusions might apply more broadly, and to solidify generalisations regarding norm diffusion. Analysis of negative case studies, and the respective impact of the norm diffusion attributes in counter cases - where purported revisionist states did not endorse international norms - will likely prove useful. Further research is also required to establish under which conditions international norms may not only be endorsed but in fact employed by purported revisionist states as a form of hegemonic resistance, when these efforts may or may not prove successful, and why.¹⁷ Such work will entail obvious implications for the socialisation agenda, and likely advance fourth wave and more critical constructivist norm and socialisation research. Overall, this will contribute to broader understandings regarding how ideas may be harnessed to impact decisions, actions, actors, behaviour and governance at the global level, with important ramifications for international relations policy and scholarship.

relationships and meanings that do not conform." Also: Epstein, "Infantilisation," 74: a "larger critique levelled at conventional constructivism for its neglect of the dynamics of power in the international system."

¹⁵ Chan, "States'," 15-6, Evers, "Transgression," 789, Foot, Walter, "Global," 344, Simpson, *Powers*, xiv, 52, Fey, et al, "Established," 196, Müller, "Agency," 356, 360, Rajagopal, "Counter-hegemonic," 71, Smetana, *Deviance*, 34: "deviance-making is also closely connected with the diffusion of power, social stratification, and the issue of hierarchical relationships."

¹⁶ Wunderlich, *Rogue*, 275.

¹⁷ Busby, Greenhill, "Shame," 108-13.

8.3.b: Revisionism in International Relations

Noting the prevalence of constructions of revisionism spatially and temporally, and the likelihood it is an inherent element of the very constitution of society,¹⁸ future research should also target questions regarding what leads to or comprises revisionist constructions in world politics, examining “the process of deviance (re)construction rather than an explanation of deviant behavior.”¹⁹ In one sense this entails reversing Campbell’s question regarding “What functions have difference, danger, and otherness played in constituting the identity of the United States as a major actor in international politics?”, but it unquestionably involves interrogating his further question regarding “the strategies and tactics by which (states) are calculated as dangers, and the means by which they come to be other.”²⁰ Wunderlich has argued that “it seems apt to entirely abandon the “rogue state” concept. It neither has analytical benefits, nor has it generated the desired political effects... ‘roguishness’ is inherent in every actor.”²¹ However, so long as it remains a dominant and impactful construction of world politics, it merits active interrogation.²²

Clues pertaining to what generates revisionist construction already appear in this research. A consistent theme across the case studies, for example, was *deflection* - employment of revisionist allegations to divert attention from one’s own behaviour. This is akin to Blaney and Inayatullah’s ‘projected deflection’, where there is “an attempt to distance oneself from the bad by displacing it onto another, who becomes the object of one’s rescue or reform through socialization.”²³ As explained by Smith in relation to the anti-racist norm, “forms of denial require other reference groups or individuals as exemplars

¹⁸ Goffman, *Stigma*, 164-5, Adler-Nissen, “Stigma,” 145,147-52,170-1, Towns, Rumelili, “Pressure,” 768, Smetana, *Deviance*, 33, Gallagher, “World,” 345-6, Adler-Nissen, Tsinovoi, “Misrecognition,” 6, Adler-Nissen, “Self,” 33, Adler-Nissen, Zarakol, “Recognition,” 26.

¹⁹ Smetana, *Deviance*, 33: five interrelated dimensions of stigma nexus, imposition, management, reversal, power. Also: Geis, Wunderlich, “Good,” 463,466-8: four rationales, O’Reilly, “Perceiving,” 299-300: Herrmann and Fischerkeller’s ‘strategy scripts’, Hoyt, “Rogue,” 306-7: three judgements of other- threat, relative capability, relative culture, Adler-Nissen, “Stigma,” 146-7: Link and Phelan’s four steps of stigma imposition.

²⁰ Campbell, *Security*, 8,191,196.

²¹ Wunderlich, *Rogue*, 273.

²² O’Reilly, “Perceiving,” 296,305.

²³ Inayatullah, Blaney, “Dark Heart,” 174. Also: Gallagher, “World,” 335,346.

of racism in order to show that the speaker or speaker's group is not racist... Deflecting racism to another society, however, requires specific discursive constructions of entire other cultures... as opposed to one's own society."²⁴ This was reflected in both US and Cuban rhetoric in each case study. As noted by Geis and Wunderlich, the "long history of the use of demonizing concepts has shown: The temptation to suppress or externalize all the troubling features of one's own identity and to shift responsibility onto others seems too great to resist... The self bears no responsibility for abhorrent deeds; it is always the 'other' on whom all evil in the world can be blamed."²⁵ Further work is required to understand the international dimension of such 'diversionary theory', and how norms may be employed to deflect and denote the deviant 'other' in global discourse.²⁶

Deflection may in part explain why or when revisionism is deployed, but not against whom. Conceptions of *stigmatisation* may help in this regard.²⁷ Perhaps states that do not mirror the behaviour of the dominant group - an absence of mimicry - suffer stigmatisation,²⁸ rendering them ripe for targeting as revisionist when deflection is required. As Campbell demonstrates, the "mere existence of an alternative mode of being, the presence of which exemplifies that different identities are possible and thus denaturalises the claim of a particular identity to be the true identity, is sometimes enough to produce the understanding of a threat."²⁹ Stigmatisation - or lack of deferential mirroring - in conjunction with deflection may therefore lead to revisionist ascription. And when such ascriptions are repeatedly tendered by a dominant party, they may resonate until taken-for-granted and presumed as fact.

²⁴ David Smith, "On the therapeutic uses of racism in other countries" in Epstein, *Against IR*, 125. Similarly: Geis, Hobson, "Existence," 420, Inayatullah, Blaney, "Constructivism," 34-5.

²⁵ Geis, Wunderlich, "Good," 458-70. Also: Gertheiss, Herr, "Dissidence," 18, Sheikh, "Evil," 500.

²⁶ Smith, "Therapeutic," 125-9, Gertheiss, Herr, "Dissidence," 17: "The strategy of pointing the finger at an enemy as a way of safeguarding one's own power is well-known and much discussed - under the rubric of 'diversionary theory' - as a domestic-level explanation of international conflict."

²⁷ Adler-Nissen, "Stigma," Wunderlich, "Delegitimisation," 89, Gertheiss, Herr, "Dissidence," 18, Smetana, *Deviance*, Zarakol, "World," 313.

²⁸ Epstein, "Postcolonial," 14, Jabri, "Colonial," 49, Chowdhury, "Norms," 119, An-Naim, "Cross-Cultural," 24 blames ethnocentricity, Zarakol, "World," 314, Adler-Nissen, Zarakol, "Recognition," 18, Mgbeoji, "Civilised," 153: "To be regarded as 'civilised', the 'savage' is required to imbibe and reproduce Eurocentric norms." Adler-Nissen, Gad, "Post-colonial," 175-81, 187: document an absence of stigmatisation, possibly due to mimicry.

²⁹ Campbell, *Security*, 3, 30-1, 89.

Recent research also suggests answers to the 'stickiness' or success of revisionist ascription,³⁰ although often only implicitly given "explicit theorising on the performativity of evil is absent despite the presence of all the necessary stepping stones."³¹ Work on hierarchies, including social and organised hierarchies associated with norm diffusion and inter-communal non/mis/recognition state hierarchies, will likely provide important insights on conceptions of revisionism, given recognition that "the *stratification* of international systems is an important variable in the whole setting of blame tolerance and blaming effects."³² Much as "social ranking is a requisite component built into the logic of all norms"³³ it is also both the driver and outcome of successful revisionist ascription. While some scholars focus on conditions attached to the ascriber³⁴ - such as Franklin,³⁵ or Gertheiss and Herr who consider actor legitimacy or 'moral authority'³⁶ - others focus on ascribee responses— such as Busby and Greenhill who consider target reactions "to public exposure of hypocrisy"³⁷ and Adler-Nissen and Zarakol who document varying responses to stigmatisation.³⁸ A great deal of scope is available to elucidate and build upon this research with specific regard to revisionist construction.

The varying consequences of revisionist ascription also require further understanding, building upon recent research into "the damaging and dangerous consequences that arise from using 'evil' rhetorically."³⁹ This thesis at least demonstrates that socialisation may not in fact result, with allegations of Cuban revisionism appearing misplaced in relation to the CWC, where Cuba endorsed the norm due to fears it was the victim and not protagonist of roguery, serving to defer Cuban CAT endorsement, and actually promoting Cuba's

³⁰ Smetana, *Deviance*, Wunderlich, "Delegitimisation," Sheikh, "Evil," 503.

³¹ Sheikh, "Evil," 493-7, 503. Also: Müller, "Evilization," 482, 485-8, Geis, Wunderlich, "Good," 458-74.

³² Hveem in Towns, Rumelili, "Pressure," 761. Also: Ayse Zarakol (ed), *Hierarchies in World Politics* (New York: CUP, 2017), Mattern, Zarakol, "Hierarchies," Towns, *Women*, "Norms," 179-209, Smetana, *Deviance*, 50-4, Simpson, *Powers*, 20-1, 88, Adler-Nissen, Zarakol, "Recognition," Adler-Nissen, Tsinoi, "Misrecognition," 6, Carsten-Andreas Schulz, "Hierarchy Salience and Social Action," *International Relations* (33:1, 2019), 88-108.

³³ Towns, "Norms," 203.

³⁴ Müller, "Evilization," 483-5, Goffman, *Stigma*, 152: "it is not to the different that one should look for understanding our differentness, but to the ordinary."

³⁵ Franklin, "HR," 53-5: military, economic, diplomatic, geographic might. Also: Friman, "Conclusion," 211.

³⁶ Gertheiss, Herr, "Dissidence," 21. Further: Adler-Nissen, "Stigma," 171, Wunderlich, "Delegitimisation," 95.

³⁷ Busby, Greenhill, "Shame," 105. See also: Friman, "Conclusion," 211, O'Reilly, "Perceiving," Hoyt, "Rogue."

³⁸ Adler-Nissen, "Stigma," Zarakol, "World." Similarly: Smetana, *Deviance*, 42.

³⁹ Geis, Hobson, "Existence," 420. Also: Geis, Wunderlich, "Good," 464, Müller, "Evilization," 476-9, Sheikh, "Evil," 493, 495-7, Gertheiss, Herr, "Dissidence," 16, 18, Smetana, *Deviance*, 32-3, Zarakol, "World," 326, Hoyt, "Rogue," 309, O'Reilly, "Perceiving," 297, 300, 308-12.

unexpected role as CBD vanguard. Thus, Friman's observation proves pertinent: "the prominence of these efforts and their uneven track records of success underscore the need to look more closely at what naming and shaming entails and the conditions that shape its effectiveness."⁴⁰ Following Adler-Nissen, further research should explore the conditions under which such ascriptions are accepted, acted upon, countered or rejected,⁴¹ and how, in relation to both dominant ascriptions against the weak and vice versa. Analysis of consequences for the ascriber may also prove worthwhile. As Gallagher notes, "such avoidance of 'psychic discomfort' dooms them to continually misunderstand and misrepresent the world." This leads to examination of potentially broader consequences in which such ascriptions may represent an "inherent ambivalence at the heart of liberalism itself... an idealized representation of a universal pure project, to paper over the internal confusion and a hidden terror of the colonial project."⁴²

These conclusions are written in a world under lockdown due to the global Covid-19 pandemic. In this 'post-truth' world accusations and allegations of revisionism, deflection, stigmatisation and hypocrisy prevail from a multitude of directions. Understanding the constitution, causes and consequences of the constructions behind such discourse remains all the more important. Campbell's contention maintains prescience: we must continue to interrogate "claims of 'fact' made by the policy discourses to support their articulation of danger," given "what counts as 'normal' and what is thus 'pathological' would have been reconfigured."⁴³ Comprehending the nuances behind global constructions of revisionism - its causes, manifestations, performance, misconceptions and consequences - and analysing the impact of deflection, stigmatisation, hypocrisy, legitimacy and rhetoric, will contribute a great deal to contemporary understandings and management of global governance.

⁴⁰ Friman, "Introduction," 2,22-3. Similarly: Smith, "Therapeutic," 124, Schulz, "Caught," 34-7.

⁴¹ Adler-Nissen, "Stigma."

⁴² Gallagher, "World," 346-7. Also: Smith, "Therapeutic," 125: "liberal states affirm their anti-racist identities by condemning norm violators... blinding them and their citizens to their own realities of racial inequality."

⁴³ Campbell, *Security*, 172,203.

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