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Land mines, climate change and norms. What are the limitations of M. Finnemore and K. Sikkink "life cycle of norms"?

Miny lądowe, zmiana klimatu i normy. Jakie są ograniczenia "cyklu życia norm" M. Finnemore i K. Sikkink?

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The purpose of this article is to demonstrate limitations of "life cycle of norms" concept proposed by M. Finnemore and K. Sikkink in their paper "International Norm Dynamics and Political Change." using example of UN climate change policy (mostly UNFCCC) as a case study. Through analysis of UN documents on climate change and climate protection and its comparison to actions and statements taken by states, this paper argues that there is major difference between the internalization of norms – by meaning proposed by Finnemore and Sikkink – and actual implementation of norms. By the example of proposed case study, this paper proves that Finnemore and Sikkink's "life cycle of norms" concept has limitations which may be described as too general and too optimistic approach to the perception of stage 2 ("norm cascade") and stage 3 ("internalization") of cycle.

Keywords: Normative Approach, internalization of norms, impelentation of norms, UNFCCC, Ottawa Treaty.

Introduction

First presented in 1998 in the journal International Organization in the article International Norm Dynamics and Political Change, the concept of "life cycle of norms" by M. Finnemore and K. Sikkink provides a very clear and helpful model for understanding the process of emergence and further diffusion of international norms.

However, despite its undoubted advantages, Finnemore and Sikkink's concept has limitations, which can be most simply described as: 1) the difference between the internalization of norms and the actual implementation of norms, and 2) the inadequacy and imprecision of the model in relation to all types of norms.

In the case of the first limitation, the authors take an too general and too optimistic approach to perceiving stage 2 ("norm cascade") and stage 3 ("internalization") of the proposed cycle and equate two terms: internalization of norms and [actual] implementation of norms. This assumption is flawed for several reasons, two in particular seem worth articulating: the importance of the quantity and quality of actors adopting/implementing a norm, and the difference between formal recognition of a norm and its actual entry into force. In the case of the second limitation, the analysis of specific case studies leads to doubts about the possible effective use of Finnemore and Sikkink's model in the case of norms other than those concerning human rights.

To demonstrate these limitations, two case studies will be analyzed: 1) the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Treaty) and 2) the United Nations Framework Convention on Climate Change (UNFCCC). The first case study was presented back by the authors in support of their proposed concept, but over the years it has become increasingly evident that the authors' predictions do not match reality. The second case study, new and independent from the previous one, analogically presents the same divergence of theory and practice.

Life cycle of norms

The foundation of the concept proposed by Finnemore and Sikkink is the division of the "life" of international norms into 3 stages: 1) norm emergence, 2) "norm cascade," and 3) internalization; a tipping point occurs between stage 1 and stage 2 (Figure 1). Each stage graduates the presence of the norm in social consciousness and public space, based on the actions of particular stage-specific actors who are guided by specified motives and use certain dominant mechanisms (Finnemore, Sikkink, 1998, p. 898).

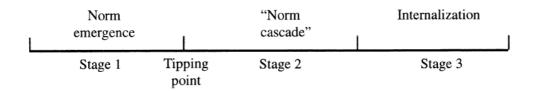


Figure 1. Life cycle of norms

Source: Finnemore, M. Sikkink, K. (1998). International Norm Dynamics and Political Change. *International Organization*, vol. 52, 4, p. 896.

Stage 1 involves the actions of bottom-up actors. These include the norm entrepreneurs and their organisational platforms, such as individuals, groups and NGOs. These actors often initiate the very concept of a norm (or the modification of an existing norm according to new guidelines) and then try to disseminate it in the widest possible circles. Depending on the nature and type of the norm, the target audience of norm entrepreneurs is decision-makers, decision-making groups, and/or the media in order to gain as much support as possible for the idea they are promoting. In stage 1, actors are mainly motivated by altruistic and ideological motives and are driven by empathy. Due to the limited legislative influence, the actors' actions are mainly limited to popularization of knowledge and persuasion according to the "logic of appropriateness".

The tipping point between stage 1 and stage 2 occurs when bottom-up norm entrepreneurs convince a certain number of states to their cause (the so-called critical mass), who then take over from them the role of norm entrepreneurs. The authors emphasize that the concept of "critical mass" is not precise and therefore it is difficult to determine how many states are needed to cross it, nevertheless, based on empirical research they give the number of 1/3 of all states in the world (system) necessary as an absolute minimum to cross the tipping point. This quantity may vary by different standards and depends primarily on the "weight" of individual states in the international arena – both locally and globally (Finnemore, Sikkink, 1998, p. 901).

The "norm cascade" stage (2) introduces a qualitative change in the dynamics of norm diffusion. Concepts and ideas previously propagated by actors with less influence, through the activities of states, international organizations and networks, gain more and more interest and, consequently, approval of more and more states, which then have the opportunity to join the role of entrepreneurs and further replicate and propagate norms using mechanisms of socialization, institutionalization and demonstration. Over time, an international "social pressure" effect is also created and developed, where the inter-

national community is responsible for the social factor. In stage 2, by far the motives of the actors — mainly states — are more diverse than in stage 1, as legitimacy, reputation and respect are distinguished. These motives, while they may be positive on principle, force one to wonder to what extent this "social pressure" makes some states adopt a given norm and to what extent the adoption of norms by states is sincere or apparent and opportunistic. The authors are aware of these concerns, but seem to assume the dominance of positive intentions of states and rulers.

The last (3) stage in the model proposed by Finnemore and Sikkink is internalization, which should be understood as "the extreme of a norm cascade, [when – A/N] norms may become so widely accepted that they are internalized by actors and achieve a «taken-for-granted» quality that makes conformance with the norm almost automatic." (Finnemore, Sikkink, 1998, p. 904). In this stage, the norm-promoting actors are law, professions, and bureaucracy – in other words, the actors are still states or international organizations, but their activities are no longer directed "outward," i.e., to the international community, but "inward," i.e., to state communities. The main motive of actors in this stage is conformity to the norm (the need for some kind of standardization and professionalization), and the dominant mechanisms are institutionalization and habit (Finnemore, Sikkink, 1998, p. 898).

The above characteristics of the model, although brief and simplified, allow for an similarly brief and critical analysis. The first doubts arise in relation to the tipping point between stages 1 and 2 and are related to the concept of "critical mass". The authors are aware of the lack of precision of this concept, as already mentioned, but this lack directly implies the subsequent stages, only deepening the imprecision and reliance on contractual values. As will be described later, it is hard to imagine a "critical mass" without some of the "critical" actors, which in turn implies further doubts about the "cascade of norms" and, in particular, the internalization of norms and their actual implementation. Any doubts will be discussed in more detail later in the paper, during the description of the two case studies.

Case study no. 1: Ottawa Treaty

The examples used by the authors to illustrate their model can be divided into two groups: those devoted to human rights and those devoted to international humanitarian law. In the case of the first group of rights, represented mainly by women's suffrage, the effectiveness of the model proposed by Finnemore and Sikkink is clearly noticeable and

therefore there are no reasons to question the argumentation and conclusions of the authors – this will not be analyzed further. The second group is represented by the Ottawa Treaty, and this is quite a different case, heavily undermining the sense of the "life cycle of norms" concept.

The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, i.e. the Ottawa Treaty, was passed in December 1997 and entered into force in March 1999 (UN, 2022a). The authors thus base their argument not so much on the actual convention, but on the actions leading up to it. Finnemore and Sikkink argue that "in case of land mines, by May 1997 the number of states supporting the ban on anti-personnel land mines reached 60, or approximately one-third of the total states in the system. After that point, a norm cascade occurred, and 124 states ratified the Ottawa land mine treaty in December 1997." (Finnemore, Sikkink, 1998, p. 901).

The above argumentation is questionable for three reasons. First, referring to recent events (happening while the research is being conducted and the article is being prepared) is always fraught with considerable risk due to the changing nature of the reality under investigation. This is particularly important in the context of studying international relations. Secondly, the authors based their arguments on incomplete data (or even lack of data), which means that their argumentation is at least partly based on speculations, which may raise objections and criticism. Third and finally, the authors are imprecise in their argument – writing about the ratification of the treaty in 1997 by 124 states, the authors confuse signing the treaty, which is not directly binding and which does not yet have any legal consequences, with its ratification, which does have such consequences. If one compares the actual numbers regarding the ratification process of the Treaty, in the cited December 1997, it is possible to speak of 3 countries (Canada, Ireland, Mauritius), while by the time the Treaty entered into force (March 1999), a total of 67 countries had ratified or otherwise accepted or approved its provisions (UN, 2022a). This represents more than 1/3 of all countries in the system (all countries in the world), but only slightly more than half of all countries that have signed the Treaty. Moreover, if one looks at the chronology of accession/ratification of the Treaty by subsequent states, it is difficult to see any pattern resulting from a "norm cascade". At the time of writing this article (June 2022), the Trea-

¹ For the Treaty to enter into force, ratification by at least 40 countries was required, which occurred in September 1998.

² Counting from March 2, 1999, the numbers were as follows: 1999 - 23, 2000 - 19, 2001 -

ty has been ratified by 164 parties, so 33 states remain outside the Treaty. Significantly, among these 33 states are the 10 states³ that currently have the largest land armies (Statista. com, 2022), the impact of which will be mentioned later.

The authors further address the role of individual states in the adoption of norms. Some states have been labeled "critical," meaning those that are crucial to the adoption of a particular norm. In the case of the Ottawa Treaty, Finnemore and Sikkink thus distinguished between insignificant states, which do not produce or use landmines, and significant states, that is, mine producers like France and the United Kingdom. According to the authors, the accession of both of these states in mid-1997 to the treaty support camp contributed to the subsequent "norm cascade" in late 1997 (Finnemore, Sikkink, 1998, p. 901). Two specific examples are also invoked to confirm the rule – South Africa's decision under Nelson Mandela strongly influenced other states both in Africa and globally (Finnemore, Sikkink, 1998, p. 901), while the United States' lack of decision and its attempts to justify it were supposed to indicate the general justification and legitimacy of the ban's implementation (Finnemore, Sikkink, 1998, p. 892). The section on "critical states" concludes by stating that the involvement and unanimity of all states recognized as such is not required for a "norm cascade" to occur.

In order to make a summary analysis of the treaty using the "life cycle of norms" model, therefore, inaccuracies can be traced to 2 of the 3 stages and the tipping point:

- 1. In the stage of norm emergence, the model performs well. The topic of a landmine ban came up from the bottom up in 1991, to be taken up a year later by the International Campaign to Ban Landmines (ICBL), which became an advocate for it and whose actions led to the passing of a treaty in December 1997 (ICBL, 2012);
- 2. The support of the ban by 60 states by May 1997 (about one-third of the world's total) became, according to the authors, a tipping point followed by a "norm cascade". This assumption raises some doubts because verbal support, even of important states (France, Great Britain) is not equal to real international legal changes;
- 3. The "norm cascade" stage involves the signing of the Treaty by 124 states in December 1997. As mentioned, the authors have used misleading terminology

^{13, 2002 - 8, 2003 - 11,} after 2004 - 23. Moreover, there is also not some significant correlation resulting from the adoption of the Treaty by a country and the spread of the idea of its adoption to neighboring countries.

³ These 10 countries include: China (PRC), India, the United States, North Korea, Russia, Pakistan, Iran, South Korea, Vietnam, and Egypt.

- in calling the signing a ratification. This error calls for serious reflection on the evaluation of the argumentation of the "norm cascade" stage itself, as well as the subsequent internalization stage;
- 4. The internalization stage was obviously not included in the authors' argumentation, but doubts and inaccuracies arising from the analysis so far also translate into it. Especially when considering the actual differences between internalization, implementation and the actual state of affairs.

Considering all the arguments given previously both in favour of Finnemore and Sikkink's conception and those that undermine it, an attempt can be made to compare the potential stage of internalisation (3), which according to the assumptions of the model can be observed today, with the actual state of international reality. Looking at the lists of states that have adopted and have not adopted the principles of the Treaty, it is difficult to resist the impression that the "weight" of the two lists differs significantly and that the states that have not adopted the Treaty have a greater importance in the international arena. Since it is difficult to equate the military (in the first place), population, economic and territorial potential of states such as the United States, China, India or Russia with states such as Belize, Cambodia, Sri Lanka or Lithuania. Therefore, if the countries that could actually be affected by the norm (restriction) are not parties to the agreement implementing the norm (restriction), it is difficult to talk about the real global impact of this norm (restriction). Also, the authors' claim that unanimity and commitment of all states considered "critical" are not necessary for a "norm cascade" to occur is hard to defend when the majority of "critical" states remain outside the norm. In other words, the cascade may have occurred, but as a result the norm does not turn into a rushing river that drives the international community, but rather spills over and slowly loses its momentum.

Case Study no. 2: UNFCCC

The second proposed case study addresses an area even different from those addressed by Finnemore and Sikkink, but equally important for contemporary international reality – the implementation of agreements on international climate protection⁴

⁴ By climate protection it is meant actions that aim to protect the environment in terms of water, land, air, atmosphere, etc. Due to the volume and nature of this work, these activities are covered synthetically and in a generalized manner to briefly outline the focus of the UN-FCCC and to allow for an analysis of the Convention itself in the context of the "life cycle of norms".

cooperation. The main document in on this issue is the United Nations Framework Convention on Climate Change (UNFCCC), and it is its analysis that will be made.

The Convention was signed in May 1992, entered into force in March 1994, and almost all⁵ (196) countries of the world and the European Union are parties to it (UN, 2022b). However, the "road" to the Convention itself began quite a bit earlier, with the rise of climate change awareness. For the purposes of this analysis, the beginning of this "road" will be set at the turn of the 1950s/60s, when the first scientific articles on global warming were published (Revelle, Suess, 1957; Keeling, 1960), which initiated the growth of interest in this topic in the scientific community (Pestler, 2021). In the late 1960s and into the 1970s, the topic of climate protection returned as a result of actions taken by Sweden, resulting in the UN Stockholm Conference (June 1972)⁶ and the First World Climate Conference in Geneva (February 1979). Further activities in this area included subsequent conferences with scientists and politicians, e.g. in Toronto (June 1988) and Geneva (October-November 1990), as well as simultaneous UN activities to establish relevant organizations (e.g. Intergovernmental Panel on Climate Change - IPCC - in December 1988). In parallel, since the 1960s and 1970s, the bottom-up activities of pro-environmental activists from organizations such as Greenpeace and WWF also began⁷.

After the Convention came into force in 1994, it was expanded with additional protocols and agreements, including the Kyoto Protocol (1997) and the Paris Agreement (2015-16). Within the framework of the Convention, annual United Nations Climate Change Conferences (the so-called Climate Summits) have also been held since 1995. In the social sphere (bottom-up movements), there has been a significant increase in climate protection activism since the second decade of the 21st century, manifested by such events as climate marches and strikes.

The analysis of the Convention using the "life cycle of norms" model is as follows:

⁵ The exception is the Holy See, which has observer status.

⁶ The outcome of the Conference was the Declaration of the United Nations Conference on the Human Environment (the so-called Stockholm Declaration), which was the first ever UN document dedicated to the environment.

⁷ It is worth mentioning that both organizations were not initially focused directly on comprehensive climate protection - Greenpeace was founded as a protest against U.S. nuclear testing, while WWF was founded to protect wildlife.

- The stage of norm emergence can be dated to the 1950s-80s, when the beginning and growth of the scientific community's interest in climate change occurred; in parallel, since the 1960s, some countries have also shown interest in climate issues;
- The tipping point appeared around 1988 with the Toronto Conference, which
 initiated real action on climate change and can be seen as the beginning of
 the "norm cascade" in the sense of Finnemore and Sikkink; in addition, the
 IPCC began its work in 1988;
- 3. The "norm cascade" stage is associated with the drafting of the UNFCCC and its signing by 154 parties by June 14, 1992 (the remaining 11 signatures were made by June 1993);
- 4. The internalization stage involves ratification or other form of adoption of the Convention's rules by almost all states of the world by 2015⁸.

On the surface, it may appear that the model fully works, but at each stage certain elements can be seen that perhaps do not so much undermine the validity of the model, but demonstrate some of its limitations and inaccuracies. Finnemore and Sikkink clearly point to the advancing change with each stage in the actors/entrepreneurs, the motives driving them and the mechanisms used to achieve the goals. In the case of the UNFCCC, or climate change action more broadly, the actors, motives and mechanisms are smoothly intertwined at each stage of the cycle. During the emergence of the norm (stage 1), one can distinguish both the actions of the scientific community, the political community (states) and pro-environmental social groups, with the motives of each group being more or less the same and dedicated to the desire to secure the future. Such a strong pluralism of actors reflects the difficulty in defining the "critical mass" at the tipping point - does this "critical mass" consist mainly of scientific, state or social circles? If only scientific, then how to treat the UN activities and the establishment of the IPCC? If only political, how to treat the conference in Toronto, where scientists were also important participants? Again, it is not possible to single out strictly bottom-up actors, because almost from the very beginning, states and global decision-making centers were also involved in the creation and promotion of standards.

⁸ Chronologically, the numbers of ratifications/acceptances on an annual basis are as follows: 1992 - 9; 1993 - 43; 1994 - 64; 1995 - 35; 1996 - 13; 1997 - 6; 1998 - 6; 1999 - 4; after 2000 - 17.

In the "norm cascade" stage (2), the trend of plurality of actors continues, but there is also a doubt about the "cascade" itself, since the vast majority of actors signed the Convention almost simultaneously (within more than a week, during the 1992 Earth Summit), and ratification proceeded at a pace that could be described as natural. The Convention entered into force according to Point 1 of its Article 23 "on the ninetieth day after the date of deposit of the deposit of the fiftieth instrument of ratification, acceptance, approval or accession." (UN, 1992), i.e. on 21 March 1994. It is also worth mentioning that it is difficult to find any pattern in the context of the states that signed and accepted the Convention and the dates of signatures and acceptances. Analogous findings can also be applied to the internalization stage (3).

Looking at the dynamics of events, we are dealing either with a very short time gap between the tipping point and stages 2 and 3, or with the incompatibility of the proposed model with the analysed case study, which may result from too much pluralism of actors and too much similarity of motives and actions, which makes it difficult to clearly distinguish the "critical mass" at the tipping point, which in turn leads to difficulty in unambiguously defining stages 2 and 3 and the elements constituting them.

A separate issue worth mentioning at this point is the currently growing role of bottom-up social movements in attempts at the real implementation of norms, which can be treated in two ways: 1) as a reversal of the cycle in terms of actors (the motivation of movements based on altruism, empathy and ideological commitment definitely fits into stage 1 of the cycle) or 2) as the beginning of a new, unrevealed and uncrystallized norm.

In addition to the above doubts, as in the case of the Ottawa Treaty, a significant difference between internalization, implementation, and actual state of affairs is noticeable. It is particularly visible in the context of the declared and real actions in the implementation of the objectives of the Convention, which is manifested by the attitude of the parties to the Paris Agreement⁹, mentioned earlier.

The assumptions of the Paris Agreement include, first of all, the reduction of emissions of pollutants (so-called greenhouse gases; mainly CO₂) into the atmosphere in order to lower the global temperature growth and thus counteract global warming (UN, 2015). All parties to the UNFCCC have signed the Agreement (almost all of them have adopted it) and thus expressed their willingness to take action, but, as with the Kyoto Protocol, this is not translated into reality, as according to a recent

⁹ Equally, if not more interesting, would be the parties' attitude toward the Kyoto Protocol, but that expired definitively in 2020.

UN report analyzing the climate commitments of the various actors is not leading to achieve the goals (UN, 2021a; UN 2021b). Added to this is the Trump administration's declaration to withdraw the United States, one of the major CO₂ emitters, from the Agreement in 2020, which, although short-lived (the Biden administration rejoined the Agreement in 2021), is of great symbolic importance because the United States is a role model for many countries in the world and sets moral trends in foreign policy¹⁰.

Conclusions

During the study, doubts about the lack of precision, excessive optimism and limitations in the possibility of implementation of the discussed concept were confirmed. The analysis of the characteristics indicates certain lack of precision and argumentation of the authors, which translates into a lack of precision of the model itself and provides grounds for its criticism. The analysis of the two case studies, on the other hand, indicates the model's incompatibility with all types of norms (e.g. international humanitarian law and climate protection commitments), as well as the authors' excessive optimism related to the internalization of norms. The latter point in particular leads to the conclusion that there are indeed significant differences between the declared internalisation or implementation of norms and the actual application of the principles derived from these norms.

The analysis also confirms the questions that have been repeatedly posed (although not raised in this text) concerning the nature of norms and, above all, the attributes of norms that influence their diffusion and the actual, sincere willingness to adopt and actually implement them, as well as the question concerning the primacy of the direct interests of the state (economic, political, geopolitical) and/or the state's rulers over the moral issues arising from norms.

Nevertheless, despite the demonstrated flaws and doubts, it should be emphasized that the "life cycle of norms" by Finnemore and Sikkink still remains a valuable research model applicable to norms relating to human rights issues. This is due to the aforementioned clarity and simplicity in the presentation of the various stages, which allow for an understanding of the process of emergence and subsequent proliferation of international standards.

¹⁰ From the perspective of the Finnemore and Sikkink model, the United States, along with China, should be considered by all means a "critical state."

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