

## Should States Ratify Human Rights Conventions?

Research Group at Centre for Advanced Study, Oslo, 2009-2010

With additional financial support for two Postdocs

provided by the Norwegian Research Council and the Norwegian Centre for Human Rights at the University of Oslo,

### 1. Proposal

The proliferation of global and regional human rights conventions in recent decades raises intriguing and important questions about their impact and legitimacy. The conventions restrict states' legislative, executive and judicial powers, earlier seen as sovereign prerogatives. The conventions also establish supervisory organs or courts, and are 'living instruments' in that these organs change the interpretation of the conventions over time in response to social changes.

This multi-disciplinary research group brings together legal scholars, social scientists, and normative theorists. It will address three central puzzles in the field of human rights conventions:

- the motivations of states when they enter into the conventions,
- the effects of these conventions on states,  
and, in light of these findings,
- whether such conventions are normatively legitimate.

To understand and assess the impact of human rights conventions is of the highest practical political importance, and also of great theoretical interest. Sound conclusions require multidisciplinary contributions from law, empirical political science and normative political theory. The causal analysis of states' choices must draw on legal and political perspectives, the effects on states are both of a legal and political nature, and the normative arguments must draw on a firm empirical and legal understanding of the situation and its causes. Research on how human rights norms affect the objectives, perceptions and choices of various actors also sheds light on more general issues of global governance:

- the roles of 'principled ideas' - such as human rights ideals - and law when forms of international governance and domestic forces interact, and
- how sovereignty is reconceived in response to, and as part of, processes of 'legalization' and globalisation.

#### ***1. Motivations: Why do governments take on international human rights obligations?***

Why would states choose to restrict their autonomy by signing on to human rights conventions? Even when the rules and norms of human rights

conventions are congruent with government preferences (Downs, Rocke, Barsoom), it is not obvious that states will find *international* regulation more attractive than regulation at the *domestic* level.

States may in fact have several reasons to take on such obligations, so many that their decision may be over-determined. Expected benefits may include locking in policy change and reforms (Moravcsik); compensation for domestic deconstitutionalization (*Peters*); avoidance of international 'shaming' (Chayes and Chayes) and humanitarian intervention (Forsythe); reputation benefits accruing to members in good standing within the (regional) reference group (Simmons), normative commitments to 'fairness,' 'legitimacy' or other ideas that constitute or modify the 'national interest' (Donnelly 2006, Franck 1990, Finnemore and Sikkink, *Checkel* 2001). Yet another explanation may be 'policy diffusion' among countries that face similar problems or that emulate responses, e.g. in the form of 'juridification' (*Simmons* 2006). Finally, states may be 'socialized' and 'taught' that respect for fundamental rights is essential if they are to be members in good standing of broader regional or international communities (Risse, Ropp and Sikkink 1999, *Checkel* 2007). For many governments, the decision to take on human rights obligations will probably be based on some combination of these and perhaps other reasons. And the emphasis is likely to vary depending on – *inter alia* – the state's own human rights record and the level of domestic conflict. This assumption is supported by quantitative analyses of ratification and compliance patterns (Hathaway; *Hafner-Burton* 2005; Landman 2005; *Simmons*).

Support for human rights conventions may wax and wane, in fits and starts. One reason is that willingness to take on certain obligations will often be contingent on what important others do. Where positions are linked through webs of contingencies, processes of policy diffusion or multilateral treaty negotiation and ratification are likely to be characterized by thresholds and tipping points. (Zachary and *Simmons* 2005, Schelling 1978). Moreover, negotiation processes tend to generate their own stakes, and often serve as important arenas for learning. This all suggests that motivations should be analyzed in dynamic terms, and that progress towards convergence on stronger commitments will typically be non-linear in form.

At least two strands of theory may help us understand these patterns. One deals with policy diffusion, defined as a process through which prior adoption of a particular policy or practice by one or some actors increases the probability that others will decide to adopt similar policies or practices. The key mechanisms at work are adaptation and learning, including socialization (Elkins and *Simmons* 2005; *Checkel* 2007). The other strand of theory deals with cooperation, defined as deliberate coordination of behaviour. The study of international regimes seems particularly relevant in this context. However, the human rights area seems to differ in important respects from well researched issue-areas such as disarmament and protection of the environment (*Ulfstein* 2007). Most importantly, human rights conventions aim at the protection of basic human

dignity and rule of law standards, and may differ from international management of a more technical character. Hence, the nature of the benefits that could be achieved through collaboration (the 'club goods'), and the opportunities and need for coercive enforcement both seems more obscure. Moreover, human rights issues have traditionally been regarded as domestic affairs that pose few coordination dilemmas at the international level (Goodman and Jinks 2004; Krasner 1993; Young 1993, 1999). Why, then, do we see so much formal coordination through international human rights conventions? To answer this question we need research relying on different approaches – ranging from in-depth analysis of preparatory materials (*travaux préparatoires*) of the drafting of the conventions and of national ratification debates, to quantitative analysis of patterns of convergence.

## ***2. Effects: How do human rights conventions affect states?***

This part of the project compares states' expectations when they ratify human rights conventions with the actual effects of ratification on state sovereignty. Our focus is on issues related to interpretation, implementation and compliance, rather than 'effectiveness' – i.e. whether the treaties solve the problems they address (Young). To understand the impact of the conventions, we must consider their legal and political effects, and the causes of these effects and of any discrepancies.

A) What are the *legal* effects of the international supervisory organs and courts of the various conventions that seek to uphold human rights standards, on states' legal sovereign freedom? We must consider both the cumulative effects of obligations and decisions, and the effects in individual cases. In what ways do the conventions and decisions affect the national legal systems (Alston 2000)? What is the extent of the leeway that international human rights bodies grant states in their implementation of the legal obligations flowing from the treaties, such as the 'margin of appreciation' of the European Court of Justice (Aasen 2007)?

B) What are the *political* effects on states' policies, options, expectations, perceived interests, or conception of sovereign statehood (Hathaway, Keohane, Semb, Simmons, Young)? Do human rights conventions, individually or systemically, pose greater challenges to the 'core' of perceived national interests and sovereignty than other conventions?

C) What are the drivers of such norm compliance and other change – be it 'recalcitrant' compliance or not – and of wilful non-compliance (Hellum and Derman, Keohane, Underdal, Zürn)? The multidisciplinary research team is well suited to address interrelated sets of causes of (non)compliance: domestic and international, state and non-state actors who are affected by rational calculations or ideational diffusion, and who may use legal means in pursuit of political ends and vice versa. Candidate causes include hierarchical, horizontal or 'communal' mechanisms that generate compliance or non-compliance; (networks of) international and/or domestic judges, international NGOs, domestic publics, 'human rights entrepreneurs' who (ab)use the conventions to mobilize groups, legal actors on behalf of corporations, or individuals of

political parties and governments. Human rights conventions may also serve as a reference point for the politization of international institutions and affairs through non-state actors, thus additionally undermining the tradition ideas of sovereignty.

D) It may seem that many current discussions concerning human rights obligations occur at the level of implementation. What are the causes of discrepancies between state expectations and the actual impact of the conventions? One cause may be disagreement among the ratifying states about how rights should be interpreted and implemented in concrete cases in a national or local context, where what is at stake is not at the core of the right, but its limits (*Aasen* 2007, *Donnelly* 2003). Other important causes may be ineffectiveness, 'dynamic' (or 'evolutive') treaty interpretation, 'agency drift' of judges, 'forum shopping' by strategic domestic agents who choose among different treaties with partly overlapping mandates, or the lack of inclusion of some world views such as the Islamic (*Aasen*, *Falk*, *Mayer*). Are there decisive domestic agents that remain committed to human rights conventions even in the face of such discrepancies? And if so why?

These findings should shed light on the causal roles of human rights ideals in shaping state policy, and also on how such processes of legalization and globalisation affect and challenge received understandings of legal and political sovereignty. These conclusions are necessary for, and require, normative assessment of international human rights conventions.

### ***3. Assessment: Are such constraints on sovereign democracies legitimate?***

Judicial review of the legislature by domestic courts has been the focus of constitutional debate for centuries. Human rights treaty obligations with international judicial review add new and peculiar puzzles for normative political theory, since domestic legal and political accountability mechanisms might be offset by international organs. Also, various cultural traditions and socio-political contexts might give rise to different understandings of the same human rights obligations.

A) Which forms of influence or control over democratically accountable legislatures and executives, by which international actors, are defensible in the protection of human rights, that are often thought to impinge more severely on domestic political controversy than those of other treaties? (*Buchanan* and *Keohane* 2006, *Pogge*) Should a distinction be made between different human rights, such as between on the one hand prohibition against torture and certain fair trial guarantees - or civil and political rights more broadly, and on the other hand economic, social and cultural rights ?

B) In particular, with what right might parliamentary legislative decisions, court rulings or government policies be set aside on grounds of human rights violations in general (*Bellamy*, *Follesdal*, *Waldron*) - and on grounds of particular, controversial convention texts in particular?

C) And why should international, unaccountable courts have that authority, especially when their members belong to a wide range of legal and constitutional traditions of varying normative legitimacy? Such challenges are most profound where the human rights conventions are perceived as a foreign or modern (Western) "invasion" into an existing cultural and normative heritage (An-Na'im 1990).

Answers to these normative questions crucially depend both on the substantive constraints, and on process: How the human rights bodies – and courts in particular – are organized and work, and how they influence domestic legislatures and policy makers. For instance, do conventions shape the domestic polity by overriding democratic politics e.g. through (the shadow of) external sanctions; or by convincing legislators to return to the issues; or by affecting the bargaining positions and frames of domestic actors, including their ability to forcefully articulate claims within democratic procedures (Koskennemi, Underdal)?

The normative assessment also depends on how to best conceive of international human rights obligations, so as to determine whether and to what extent different cultures and normative traditions can integrate and develop human rights norms based on their own cultural and legal conceptions (Beitz, Follesdal, Pogge, Sen, Aasen). One conception to be explored is that human rights regimes serve to alleviate complex assurance problems among citizens and governments in multi-level domestic and international games, 'contingent compliers' who prefer to comply if assured that the practices are normatively legitimate and generally complied with (Levi, Rawls).

***Cases: The European Convention on Human Rights (ECHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and ILO Convention 169 concerning Indigenous and Tribal Peoples.***

Empirically, the research will have four focal points that vary with regard to generality of obligations, the extent of legal hierarchy – monitoring or adjudicatory – , global and regional application, and the extent of commonality of values and ideas among the signatories. The team will also draw on comparisons with other conventions and their supervisory organs as necessary.

A) The European Convention on Human Rights (ECHR) provides for a regional mechanism in the form of a Court and a political organ – the Committee of Ministers of the Council of Europe – which has responsibilities in the implementation of the Court's judgments. The ECHR significantly challenge state sovereignty as traditionally conceived, and the legitimacy of the Court's judgements has been challenged in academic and political debate in several established European democracies (Bellamy 2001, Campbell, Ewing, Tomkins 2001). This vulnerability is limited because, although it has a general application in terms of addressees, the Convention is largely limited to civil and political rights, and because its signatories – at least until the Post-Cold War

enlargement of the mid-1990s - may be the closest we have seen to a confederation of like-minded, liberal republics in Kant's sense. However, most European countries consist of multi-ethnic and multi-religious populations, with different understandings of morals, rights and duties, as witnessed by the debates about Hijab and about the Muhammad cartoons (Aasen 2007).

B) The International Covenant on Civil and Political Rights (ICCPR) is one of the two most prominent global human rights conventions with a general application. Similarly to the ECHR, it is limited to civil and political rights. Its supervisory organ, the Human Rights Committee, can only make decisions in the form of recommendations. But like many other supervisory organs, it examines state reports, issues general recommendations, and under its optional protocol receives individual complaints. It is largely reputed to be a competent legal body and has developed an extensive jurisprudence. The Committee evaluates reports from states all over the world. One topic to be examined is whether and to which extent the Committee takes into account socio-political and cultural variations among countries in its recommendations as for how to implement specific human rights obligations.

C) The Convention on all forms of Discrimination against Women (CEDAW) appears to require pervasive and often contested changes in a wide range of institutions, also in Western democracies, in order to combat discrimination of women as one half of mankind, in political and public life, customs and practices, including sensitive areas of property, education, health and employment (Hellum, Hellum et al 2007). It is ratified by many but not all states, not all of which would count as decent liberal republics. Situated at the interface of universal rights and legal pluralism, it also has the most number of reservations by signatories among human rights conventions - and interestingly, several objections by other states to some of these reservations. Its supervisory organ, the Committee on the Elimination of Discrimination against Women, has since recently a mandate comparable to that of the Human Rights Committee of the ICCPR (Simmons 2004).

D) ILO Convention No. 169. concerning Indigenous and Tribal Peoples in Independent Countries....

### ***Broader implications***

The research group will seek answers to the questions presented above, but will also identify promising tasks for further empirical, legal and normative work, including comparative studies of state expectations (in *travaux préparatoires*), and tests of the best competing explanations of ratifications and their impact.

The research will also shed light on some broader issues of great practical and theoretical interest, since the findings will help understand and assess how human rights conventions provide avenues for international regulation while restricting governmental freedom, and how they shape various actors' objectives and perceived scope of interdependent action.

This research will also illuminate on more general issues of effective and sustainable modes of global governance and regime design, such as the appropriate forms of influence and the requisite role and legitimacy of legal instruments in international dispute resolution, and compliance monitoring and coercive enforcement by courts and supervisory organs in a 'partially globalized world' (Ulfstein, Aasen).

The findings will contribute to reconceptualise 'legitimacy', 'democracy', 'rule of law' and 'sovereignty' in multi-level governance settings beyond the state (Marks 2000). The research will also provide input for a broader understanding of the opportunities for global governance and credible compliance; the inter-penetration of international and domestic legal and political authorities; the relation between normative political theory and empirical political science; and how such structuring concepts as 'state interests' and 'sovereignty' should be unbundled, reconceived and re-aggregated in a new world order.

## ***Operational Issues***

### **Research Team**

The research will be pursued by the team partially presented below; a comprehensive presentation is available at

<http://www.cas.uio.no/research/coming.php>

The team includes two Post Docs hired for 3 years, recruited on the basis of an international call, financed by the Norwegian Research Council and the Norwegian Centre for Human Rights at the University of Oslo. This support is graciously acknowledged.

### **Securing Multi-disciplinarity**

A crucial challenge for projects such as this is to ensure that the several disciplines do not pass as ships in the night, but develop interfaces that facilitate better research. The project secures this both through the selection of team members, and by some organizational means.

- Several project members have considerable experience in establishing and running multi-disciplinary projects, including, Follesdal (2004), Simmons (2006), Ulfstein (2007).... The group as a whole has experience with research design in several fields (Follesdal, Underdal), and participants cover a variety of disciplinary methodological expertise, including quantitative and qualitative methods in political science (Simmons), empirically grounded normative political theory (Follesdal, Pogge), and empirically informed legal scholarship (Hellum, Ulfstein).

- The project will start with a *conference early fall 2009* to ensure that all members have a common and state-of-the-art understanding of the overall objectives and the relevance of each contributor for the overall project, and the relevant current research frontier within each discipline. This conference is especially important for those members who will not be in residence the whole year. The conference

will also bring appropriate international attention to the project, and to the Centre for Advanced Study.

- The project will maintain a *bi-weekly seminar* where all members present their ongoing research for multidisciplinary discussion.

### **Additional Events**

- The project will host a closing conference to present some of the main findings, and to acquire some international assessment of the conclusions. Both of the conferences will aim at publication of selected and revised papers.

- The project also aims to host dissemination events for certain audiences in Norway and beyond, to inform about the project findings and thereby about the societal contributions of the Centre for Advanced Study. Audiences will include relevant Norwegian Parliamentary Committees and Ministries, select nongovernmental organisations, and relevant offices of bodies of the United Nations and the Council of Europe. Such events will be conducted in close cooperation with the Centre for Advanced Study and with the Norwegian Centre for Human Rights.

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## 2. Andreas Follesdal

Andreas Follesdal is Professor and Director of Research at the Norwegian Centre for Human Rights at the University of Oslo. Ph.D. 1991 Philosophy, Harvard University. His research focuses on the political philosophy of human rights and of the European Union, and he writes on topics of distributive justice, federalism, minority rights, deliberative democracy, subsidiarity, and European citizenship. He has a long standing commitment to multi-disciplinary work, harking back to his graduate studies in philosophy when he also did course work in Economics (with Sen, Schelling, Timmer, Babai), Government (Nye, Keohane), and at Harvard Law School (Steiner, Alston, van Boven, Fisher).

He is Founding Series Editor of *Themes in European Governance*, Cambridge University Press. He was a Fulbright "New Century Scholar" 2003, and is a repeat Visiting Scholar at the Harvard Center for European Studies. He is a member of the Council on Ethics of the Norwegian Government Pension Fund, and a Research Coordinator of the 2007 Centre of Excellence for the Study of Mind in Nature at the University of Oslo.

### Education

1991 Ph.D., Philosophy, Harvard University.

Dissertation: *The Significance of National Boundaries for International Distributive Justice*.

Advisers: John Rawls and T. M. Scanlon, with Amartya K. Sen.

1982 Mag. Art. Philosophy, University of Oslo. Thesis: *John Rawls's Theory of Civil Disobedience*.

### Employment and Academic Qualifications

2001- Professor, since 2005 Director of Research, [Norwegian Centre for Human Rights](#), Faculty of Law, University of Oslo.

(2000 Acknowledged competence at the Full Professor level in the field of Political Science.)

1999-2005 Professor, [Department of Philosophy](#), University of Oslo.

1994-2005 Research Professor and Coordinator, Research Group on Normative Theory, [ARENA](#) (Centre for Advanced Research on the Europeanisation of the Nation-State).

### Administrative Experience

2005- Director of Research, Norwegian Centre for Human Rights, University of Oslo.

2006 Acting Director of Research, [Ethics Programme](#), University of Oslo.

1994-2000 Coordinator, Research Group on Normative Theory, [ARENA](#).

1991-94 Director, Norwegian Committee on Research Ethics in the Social Sciences and the Humanities ([NESH](#)), Oslo.

1985-91 Assistant Senior Tutor, [Currier House](#), Harvard University (part time).

### Offices, Service

2004- [Council on Ethics](#), Norwegian Government Pension Fund - Global.

2001- Board, International Political Science Association, on European Unification.

2001-2003 Board, Centre for Medical Ethics, University of Oslo.

1999-2001 [Norwegian Biotechnology Advisory Board](#) (Bioteknologinemnda)

### Editorial responsibilities

Founding Advisory Editor, *Cambridge Studies in European Politics*, Cambridge U. Press

Founding Series editor (with Johan P. Olsen) , *Theories of European Governance*, Cambridge UP.

2003- *European Political Science*, and *European Union Politics*

## Appointment and Evaluation Committees

Professorships at Freie Universität Berlin, Roskilde University Denmark, Saami University College; and of the Philosophy Departments in Sweden.

## Administration and Leadership of Research Projects and Conferences, selected

EU projects:

- Task force on Legitimacy and Democracy, [NEWGOV](#) EU Integrated Project;
- [CONNEX](#), EU Network of Excellence;
- EURCIT on European Citizenship

Research Council of Norway: "Accommodating Difference", ARENA and others  
IPSA, ECPR, IVR, etc: Various workshops and conferences.

## Grants, Fellowships

2007 Member of the *Centre of Excellence for the Study of Mind in Nature*, University of Oslo.

2003 *New Century Scholar*, Fulbright.

1990-91 Graduate Fellow, *Program in Ethics and the Professions*, Harvard University.

1988-90 *Doctoral Stipend*, Research Council of Norway.

1983-84 *Fulbright* Fellowship.

## Lectures and Presentations, Contributions to Public Debate

Updated lists at <http://folk.uio.no/andreasf/>

## Some relevant publications

- complete list at <http://folk.uio.no/andreasf/PUBL.HTM>

2007 "Legitimacy Deficits beyond the State: Diagnoses and Cures" In Hurrelmann, Schneider and Steffek, eds. *Legitimacy in an Age of Global Politics*. Palgrave.

- "The legitimacy of international judicial human rights review: A defense." *Scandinavian Studies in Law*.

2006 "The Legitimacy Deficits of the European Union." *Journal of Political Philosophy* 14(4):441-468.

- "The Constitutional Treaty: the Answer to the European Union's Quest for a Consistent Human Rights Policy?" *International Journal on Minority and Group Rights*, 3-4: 209-22.

- "EU legitimacy and Normative Political Theory ." *Palgrave Advances in European Union Studies*. Michelle Cini and Angela Bourne, editors . Houndmills: Palgrave, 151-73 [\[WEB VERSION\]](#).

- "Justice, stability and toleration in a Federation of Well-ordered Peoples." *Rawls's Law of Peoples: A realistic utopia?*. Rex Martin and David Reidy, editors . Oxford: Blackwell, 299-317 [\[WEB VERSION\]](#).

- "Subsidiarity, Democracy and Human Rights in the Constitutional Treaty for Europe." *Journal of Social Philosophy*: 61-80. [\[WEB VERSION\]](#).

- With Simon Hix. "Why there is a Democratic Deficit in the EU: A Response to Majone and Moravcsik." *Journal of Common Market Studies* 44, 3: 533-62. [\[WEB VERSION\]](#).

2005 "Exit, Choice and Loyalty: Religious Liberty versus Gender Equality. In memory of Susan Moller Okin." *Journal of Social Philosophy* 36, 4: 407-20. [\[WEB VERSION\]](#).

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- 1999** "Global ethics, culture and development." *Forum for Development Studies* 4, 1: 5-21. [\[WEB VERSION\]](#).
- "Democracy, legitimacy and majority rule in the EU." *Political Theory and the European Union: Legitimacy, constitutional choice and citizenship*. Albert Weale and Michael Nentwich, editors . London: Routledge, 34-48 [\[WEB VERSION\]](#).
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- 1991** *The significance of state borders for international distributive justice*. Ph. D. dissertation. Harvard University : UMI No. 9211679.

### 3. Members of the Research Team

#### 3.1 Senior Scholars, 1-page CVs

##### Thomas Pogge

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2006-                Professor of Political Science, Columbia University

1983-2006        Professorship in the Columbia Philosophy Department

06/1983            Ph.D. in philosophy, ungraded, Harvard (Advisor: John Rawls)

05/1977            Diplomprüfung für Soziologen, Hamburg, with highest honors

##### HONORS AND AWARDS:

Core Group Member in the Centre for the Study of Mind in Nature (Oslo), awarded Centre of Excellence status by the Norwegian government in 2007

Australian Research Council Discovery Grant for project "Just Rules for Incentivising Pharmaceutical Research," 2006-08

Visiting Fellowship, All Souls College, Oxford: 2002-03

Member of the Princeton Institute for Advanced Study, Grant from the Global Security and Sustainability Program of the John D. and Catherine T. MacArthur Foundation: 1999-2000

Member of the Norwegian Academy of Science: since 1996

Fellowship to the Centre for Advanced Study, Oslo, Norway: 1-6/1996

Alexander Hamilton Medal from the Columbia University Alumni Association: 11/1994

L.S. Rockefeller Visiting Fellow, Princeton University Center for Human Values: 1993-94

Visiting Scholar at the Harvard Philosophy Department, with full NEH support: 1990-91

Rockefeller Fellowship at Univ. Maryland Institute for Philosophy and Public Policy: 1986-87

##### PROFESSIONAL SERVICE:

Member of the Board of Directors of International Association of Bioethics: since 2005

Chairman, American Committee of the Philosophy Summer School in China: since 2005

Editor for *Stanford Encyclopedia of Philosophy*, 41 commissioned entries published

Member of twelve journal editorial boards

##### BOOKS:

*John Rawls: His Life and Theory of Justice* (Oxford UP 2007).

*World Poverty and Human Rights* (Polity Press 2002); with Spanish (Barcelona: Paidós 2005), Turkish (Istanbul: Istanbul Bilgi UP 2006), and Portuguese (Atalanta 2007) translations.

*John Rawls*, in the book series *Denker* (München: C.H. Beck Verlag 1994);

*Realizing Rawls* (Ithaca: Cornell University Press 1989, 2<sup>nd</sup> 1991).

*Companion to Contemporary Political Philosophy*, edited with Goodin and Pettit (Blackwell 2007).

*Freedom from Poverty as a Human Right*, edited (Oxford UP 2007).

*Real World Justice*, edited with Andreas Follesdal (Springer 2005).

*Global Institutions and Responsibilities*, edited with Christian Barry (Blackwell 2005).

*Rights, Culture, and the Law*, edited with Lukas Meyer and Stanley Paulson (Oxford UP 2003)

*Global Justice*, edited (Blackwell 2001).

## **Beth Simmons**

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Professor Simmons is the Director of the Weatherhead Center for International Affairs and the Clarence Dillon Professor of International Affairs in the Department of Government at Harvard University.

Her fields of interest and course subjects are International Relations, International Political Economy, and International Law. Her current research focus is on the effects of international law and institutions on state behavior and policy choice.

PhD., Harvard University, Cambridge MA, government, June 1991.

M.A., Harvard University, Cambridge, MA, government

M.A., University of Chicago, Chicago, IL, international relations

B.A., Univ. of Redlands, Redlands, CA, summa cum laude, political science and philosophy.

### **SOME RELEVANT PUBLICATIONS:**

*Who Adjusts? Domestic Sources of Foreign Economic Policy During the Interwar Years, 1923-1939* (Princeton University Press, 1994), winner of the 1995 American Political Science Association Woodrow Wilson Award for the best book published in the previous year in government, politics, or international relations.

*The Diffusion of Liberalism.* w/ Geoff Garrett and Frank Dobbin. Cambridge University Press, 2006.

*International Law and International Relations.* w/ Richard Steinberg. Cambridge University Press,

*Handbook of International Relations.* w/ Walter Carlsnaes, Thomas Risse. Sage Publications, 2002

*International Institutions.* With Lisa Martin. MIT Press, 2001.

"Competing for Capital: The Diffusion of Bilateral Investment Treaties, 1960-2000." With Andrew Guzman and Zachary Elkins. *International Organization* (2006).

"Introduction: The International Diffusion of Liberalism." With Frank Dobbin and Geoffrey Garrett. *International Organization* (2006).

"The Constraining Power of International Treaties." With Daniel Hopkins. *American Political Science Review*, 99:4 (November 2005) 623-631.

"On Waves, Clusters, and Diffusion: A Conceptual Framework." With Zachary Elkins. *Annals of the American Academy of Political and Social Science* No. 598 (March 2005) 33-51.

"Theories and Empirical Studies of International Institutions." with Lisa Martin. *International Organization*. 52:4 Autumn 1998. 729-757. Reprinted in Katzenstein, Keohane, and Krasner (eds.) *Exploration and Contestation in the Study of World Politics*. MIT Press. 1999.

"Compliance with International Agreements." *The Annual Review of Political Science*, vol. 1, 1998, 75-93.

"Theories of International Regimes," with Stephan Haggard, *International Organization*, Vol. 41, No. 3, summer 1987, pp. 491-518. Reprinted in Oran Young (ed.), *The International Political Economy and International Institutions*. London: Edward Elgar.

## Geir Ulfstein

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- 2004-    Director, Norwegian Centre for Human Rights, University of Oslo  
1998-    Professor, Department of Public and International Law, University of Oslo on leave  
2004-  
1989-90 Judge Tromsø City Court, and Judge Hålogaland Appeals Court, Fall 1990  
1995    Dr. juris, University of Oslo  
1976    Cand. jur., University of Oslo

### PROFESSIONAL SERVICE AND ACTIVITIES

- Chair, Association of Human Rights Institutes (AHRI)  
Deputy director of the Board, Norwegian Branch of the International Law Association (2001-).  
Member, International Law Association Committee on Human Rights Law and Practice (2004-)  
Member, IUCN (The World Conservation Union) Commission on Environmental Law (2001-)  
Member of the Advisory Board of the Nordic Journal of International Law (2003-)  
Chairman, Steering Committee on Environmental Law, Norwegian Research Council (1996-2003)  
Leader, Nordic Research Network for Saami Law and Environmental Law (NorFa) (2002-04)  
Visiting Professor, Max Planck Institute for Comparative Public and Public International Law, Heidelberg, Fall 2003  
Vice-Dean for Research, Law Faculty, University of Oslo, Fall 2002  
Visiting Fellow, Lauterpacht Research Centre for International Law and Research Associate, Corpus Christi College, University of Cambridge (1998-99)  
Visiting lecturer, Centre d'Études et de Recherches Internationales et Communautaires, Aix-en-Provence (1991)  
Visiting scholar, Institute for Marine Studies, University of Washington, 1985

### SOME RELEVANT PUBLICATIONS:

- Geir Ulfstein (editor) in collaboration with Thilo Marauhn and Andreas Zimmermann: *Making Treaties Work: Human Rights, Environment and Arms Control* (Cambridge University Press April 2007)  
"Treaty bodies" in Daniel Bodansky, Jutta Brunnée and Ellen Hey (eds) *Oxford University Press Handbook on International Environmental Law*, 2007.  
*Implementing the Climate Regime: International Compliance* (co-editor with O.S. Stokke and J. Hovi), Earthscan 2005.  
The Sami People's Right to Land in Norway (with Hans Petter Graver), *International Journal on Minority and Group Rights*, Vol. 11, 2004, pp. 337-77.  
Indigenous Peoples' Right to land, *Max Planck Yearbook of United National Law*, Vol. 8, 2004, 1-47.  
*Yearbook of International Environmental Law*, Co-Editor-in-Chief, Oxford University Press (2003, 2004, 2005).  
Environmental Agreements: A Little noticed Phenomenon in International Law', *American Journal of International Law*, Vol 94, No. 4, October 2000, pp. 623-660  
*The Svalbard Treaty. From Terra Nullius to Norwegian Sovereignty*, Oslo, Scandinavian University Press, 1995.  
R. Churchill and G. Ulfstein, *Marine Management in Disputed Areas. The Case of the Barents Sea*, Routledge, London, 1992.

### 3.2 Senior Scholars

**Richard Bellamy** Professor of Political Science and Director of the School of Public Policy, University College London (UCL), University of London. Recent publications include *Liberalism and Pluralism: Towards a Politics of Compromise* (Routledge, 1999), *Rethinking Liberalism* (Continuum, 2000, 2005) and (as co-editor) *The Cambridge History of Twentieth Century Political Thought* (CUP, 2003), *Lineages of European Citizenship* (Palgrave, 2004) and *Making European Citizens* (Palgrave, 2006). His *Political Constitutionalism: A Republican Defence of the Constitutionality of Democracy* will be published by CUP in 2007. He has published widely on issues of constitutionalism and rights within the EU, including articles in *Constellations*, *Political Studies*, the *European Law Journal* and the *European Journal of Political Theory*.  
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**Anne Hellum** Professor of Law, Institute of Women's Law, Faculty of Law, University of Oslo. Her research focuses on the implementation of the CEDAW in Southern and Eastern Africa, Pakistan and Norway. A crosscutting theme is the relationship between local, national and international norms and institutions with a view to challenges of gender equality and cultural diversity. Publications include 2007 with Julie Stewart, Shaheen Sardar Ali and Amy Tsanga eds *Human Rights, Plural Legalities and Gendered Realities*. Harare: Weaver Press, 2006: "Menneskerettigheter, pluralisme, kompleksitet og integrasjon", i *Festskrift til Carl August Fleischer*, Oslo: Universitetsforlaget. 2004: with Bill Derman. "Land Reform and Human Rights in Contemporary Zimbabwe: Balancing Individual and Social Justice Through an Integrated Human Rights Framework", *World Development*, 32 (10): 1785-805. 1999. *Women's Human Rights and Legal Pluralism in Africa*. Oslo/Harare TANO/Mond Books.

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**Arild Underdal** Professor of Political Science/International Relations, University of Oslo. His recent research has concerned international cooperation and international institutions, with an empirical focus on resource and environmental management. He has participated in international environmental research programmes, and chaired the International Human Dimensions Programme on Global Environmental Change. Publications include E. L. Miles, A. Underdal et al.: 2002 *Environmental Regime Effectiveness*. (MIT Press) 2002. A. Underdal and O.R. Young, eds. 2004. *Regime Consequences - Research Strategies and Methodological Challenges*. Dordrecht: Kluwer.

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**Henriette Sinding Aasen** Professor of Law, University of Bergen.

Her current research focus on international law, welfare state law and various human rights issues, both in a national and global context. Publications include Aasen, Kim and Helgesen, eds. 2001, *Democracy, Human Rights, and Peace in Korea*; Kim, Aasen and Ebadi, eds, 2003, *Democracy, Human Rights, and Islam in Modern Iran*; 2004, "The Sami People and the Right of Self-Determination: Developments in International and Norwegian Law", *Nordic Journal of Human Rights*; 2006, Special issue on Health and Human Rights (guest editor), *Nordic Journal of Human Rights*; 2006, with Gunnar Kvåle "Svangerskapsomsorg - en menneskerett også for fattige kvinner", *Nordic Journal of Human Rights*; fall 2007, "Freedom of expression in Islamic law", *Freedom of Expression in Europe and Beyond - Current Challenges*, Martinus Nijhoff Publishers.

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