

Human Rights: Principle or Politics?  
Comparative Perspectives from American and  
British History

Laura Shoaps

*Faculty Advisor*

Dr. Kiyoteru Tsutsui

*University of Michigan  
Winter 2011*

*A Thesis Presented to the Department of Sociology in Partial Fulfillment  
of the Requirements for the Degree of Bachelor of Arts with Honors*

## Abstract

Human rights have been the focus of various governments' foreign policy commitments, but they have not always made the transition from the rhetorical arena to the actual protection of human rights. One of the most important ways that nation states are held accountable for protecting human rights is through their cooperation with international human rights treaties, which then empower human rights activists. Nation states declare their binding commitment to the protections embodied in human rights treaties through the process of ratification. These treaties gain legitimacy when more nations ratify them, and it is particularly important that powerful nations take advantage of their influential position within the international community to ratify human rights treaties. In this study, I conducted a historical comparative analysis of the United Kingdom and the United States between 1960 and 1980. The United Kingdom ratified the International Covenant on Economic, Social and Cultural Rights, while the United States has not and this study seeks to identify what factors influence nation states' decisions to ratify human rights treaties. This comparison offers a multidimensional analysis of nation state behavior through its unique combination of ideational-constructivist theory, world society approach, realism and republican liberalism. I analyzed government records to examine possible influential factors at domestic and international levels, focusing on documents that discuss the attitudes of political leaders toward the International Covenant on Economic, Social and Cultural Rights. A more comprehensive understanding of what factors influence nations to ratify human rights treaties will empower human rights advocates to more specifically target elements that affect nation states, if they hope to encourage the actualization of human rights commitments throughout the world.

## Acknowledgements

*Dr. Kiyoteru Tsutsui*

...for his kindness, willingness to help, and for sharing his dedication to human rights with his students. His Human Rights in the United Nations course inspired me to cultivate my interest in human rights law.

*Dr. Sarah Burgard*

...for her sincere investment in her students' development and her continued guidance throughout this project. Her encouragement has been incredibly appreciated over the past year and a half.

*My parents, Robert and Carolyn Shoaps*

...for their endless love and support.

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## INTRODUCTION

The fundamental goal of contemporary human rights activities is for individuals throughout the world to learn to recognize “the inherent dignity and the equal and inalienable rights of all members of the human family, [as it] is the foundation of freedom, justice and peace in the world.” This lofty mission is outlined in the preamble of the Universal Declaration of Human Rights, which is considered the most important document for the evolution of global human rights in the post-World War II era. The Universal Declaration of Human Rights is one of the three documents that comprise the International Bill of Human Rights along with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The separate Covenants represent the artificial division of human rights into two separate branches, civil and political rights, and economic, social and cultural rights. Civil and political rights include “due process, freedom of speech, and the right to vote,” and tend to hold more precedence internationally (Donnelly 2007: 25). Economic, social and cultural rights include “entitlements to socially provided goods, services, and opportunities such as food, health care, social insurance, and education” (Donnelly 2007: 25). These rights are protected, respectively, by the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, which are the two main treaties for the protection of human rights through international human rights law.

Nation states become states parties by ratifying the Covenants, and as the number of states parties increase, the international legitimacy of the rights codified in the treaties grows as well. The United States’ status as a superpower within the international community gives it a unique role in the implementation of human rights treaties. When the United States ratifies a

treaty it not only effectively works to improve the lives of its own citizens, but the treaty also gains greater international legitimacy, and is thus endowed with more power to create change. This power is harnessed through civil society actors who are able to use these treaties as leverage to pressure governments into protecting the rights they promised to uphold (Hafner-Burton and Tsutsui 2006). The United States has ratified the International Covenant on Civil and Political Rights but has yet to ratify the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Due to the United States' superpower status within the international community, its refusal to ratify the ICESCR hinders progress that could improve the attainment of economic, social and cultural rights not only within its own nation, but also throughout the world. Many of the rights embodied within the ICESCR have been addressed to some extent but not comprehensively throughout the United States. Those rights include labor rights, the right to health care, social security, education, to take part in cultural life, and to economic development, which is termed as the "right to an adequate standard of living."

Understanding the factors that influence nation states' decisions to ratify human rights treaties will provide us with insight into how we can effectively induce policy change to ensure that individuals' rights are being protected. In this study, I will seek to identify what these factors are, by performing a comparative historical analysis between the United States and the United Kingdom. This historical analysis will cover the 1960s and 1970s, the period when the ICESCR became open for ratification, and when the United Kingdom ratified the Covenant while the United States did not. This difference motivates the comparison between the two nations. The difference is striking in light of their similar characteristics including a democratic structure, a commitment to human rights and a relatively powerful status within the international community. To uncover the reasons behind the discrepancy in action with regard to ratification, I

analyzed government documents from the United States, the United Kingdom, and United Nations documents. In exploring this comparison, I analyzed the documents for indications of why while both countries expressed a strong rhetorical commitment to human rights, the United Kingdom ratified the ICESCR but the United States refused to do so.

To properly analyze this commitment to economic, social and cultural rights, it was necessary to examine both nations' attitudes toward the International Covenant on Economic, Social and Cultural Rights, and the United Kingdom's decision to ratify the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Since the United Kingdom ratified the ICESCR relatively early, the government documents I analyzed did not include international pressures being placed upon the United Kingdom. Since the international pressures targeted at the United States regarding the ICESCR were abundant, in order to accurately compare and contrast the actions of the two nations it was necessary to find a human rights treaty that supported economic, social and cultural rights that could illuminate how the United Kingdom responded to international pressures regarding ratification. The ECHR is such a treaty.

## BACKGROUND

### *Timeline of United States and United Kingdom's Activity Regarding the Covenant*

The ICESCR has been open for signature since December 19, 1966 and since then 160 nation states have ratified this covenant<sup>1</sup>. While it became open for signature in 1966, it didn't enter into force until 1976, as entering into force is dependent on having a sufficient number of states backing the treaty through ratification. The differentiation between a signature and a ratification

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<sup>1</sup> Appendix A contains a table of all nation states that have signed or ratified the ICESCR

lies with the binding nature of the commitment. When a nation state signs a treaty, it is obligated not to engage in activity that directly conflicts with the goals of the treaty. However, this signature does not leave the nation state legally bound to this obligation. It is only through ratification that the nation state is bound to upholding the goals and provisions set forth in the treaty. Nation states also have the option of acceding to the treaty, which has the same effect as ratification without having to sign the treaty first. The key dates surrounding the ICESCR are:

- December 16, 1966: International Covenant on Economic, Social and Cultural Rights opens for ratification
- September 16, 1968: The United Kingdom signs the ICESCR
- January 3, 1976: The ICESCR enters into force
- May 20, 1976: The United Kingdom ratifies the ICESCR
- October 5, 1977: The United States signs the ICESCR (but has not ratified)

### *Theories Influencing International Behavior*

#### Republican Liberalism

A Republican Liberalist approach seeks to identify the likelihood that nation states will ratify human rights treaties based upon the type of government the nation has, and what their corresponding motivations are. This theory is outlined in Moravcsik's "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe," where he discusses how newly established democracies are more inclined to ratify human rights treaties to legitimize their government structure and decrease the likelihood that if a new power takes over the state will descend into an autocratic form of government. Moravcsik (2000: 228) states that these nations are ratifying treaties to "constrain the behavior of future national governments," as ratification worked in the nations' best interest to protect them from internal threats of government



overthrow and against external takeovers. Conversely, republican liberalism also predicts that nation states with well-established democracies are less likely to ratify binding international treaties. Moravcsik elaborates on this concept in stating that “established democracies can be expected to support rhetorical declarations in favor of human rights and regimes with optional enforcement that bind newly established democracies but exempt themselves” (2000: 229).

Nation states’ notion of self-exemption can be perceived as connected to the concept of exceptionalism, as the nation is refusing to hold itself to the same standards as other members of the international community.

Republican liberalism can shed light on why the United States did not ratify the ICESCR, but did choose to sign it. This theory predicts “long-established democracies will support only rhetorical or optional commitments” (Moravcsik 2000: 230). This notion can be applied to the case of the United States, as its leaders exhibited powerful rhetoric in advocating for human rights issues, but then did not bind themselves beyond rhetorical commitments to the provisions of the ICESCR. While this theory begins to explain the actions of the United States, it is insufficient in describing the rationale behind the United Kingdom’s actions. The United Kingdom is also a relatively powerful and longstanding democracy, but it has backed up its rhetorical commitments with a binding agreement via ratification.

### Realism

The Realist approach emphasizes the role of self-interest and power in determining nation states’ actions. The states’ “interest provides the spring of action; the necessities of policy arise from the unregulated competition of states; calculation based on these necessities can discover the policies that will best serve a state’s interest [which is the preservation and strengthening of the state]” (Waltz 1979: 117). According to realist theory, nation states must determine whether

ratification of human rights treaties is in the interest of the preservation and strengthening of the state. Realist theory predicts that “norm-violating governments conform to human rights norms only when it is in their self-interest to comply with external pressures” and that compliance with these norms will increase when “pressures are applied by a hegemonic state and the target state is weak internationally” (Shor 2008: 119). This account of realist theory acknowledges the role that self-interest plays in guiding actions, and the calculation of this self-interest is influenced by the relative power of the nation state. Realist theory could begin to explain why the United States hasn’t ratified the Covenant, as it is a leading world power and therefore isn’t considered vulnerable to these human rights norms, however it fails to take into account the influence that international pressures have on the United States. Furthermore, realist theory fails to capture why the United Kingdom, which is also relatively powerful in the international community, would ratify the ICESCR, since they were not targeted by more powerful nation states to ratify the treaty.

#### Ideational-Constructivist Theory

Ideational-Constructivist Theory emphasizes the role of norms, social actors, and identity with regard to decision-making processes of nation states (Cardenas 2004: 213). As nation states create social change through “...a process of self-reflection and political actions that are shaped by collectively held norms,” the cultural-institutional context must be taken into account because self-reflection does not occur in isolation but rather through the communication of norms (Katzenstein 1996: 21). The manner in which these norms are communicated within the cultural-institutional context presents nation states with “political constraints and opportunities that can substantially affect how governments calculate their interest” (Katzenstein 1996:19). This reference to a rational calculation based on norms enhances the realist conception of a rational

calculation to incorporate forces other than self-interest and power. These norms are more likely to lead to human rights reform when international pressures coincide with domestic pressures, which generally arise from civil society (Cardenas 2004: 216). Cardenas explains how civil society in a given nation “mediates the impact of international pressure,” leading me to take into account public opinion polls from the time frame under investigation for the United States (2004: 215). Understanding what American civil society valued during this era will illuminate the relationship between government actors’ decision-making and that of their citizens’ desires. As shown below, the American people felt favorably toward the handling of human rights affairs when the signing of the ICESCR took place, so opposition to the treaty cannot be considered an explanatory factor for the United States’ lack of ratification.

Ideational-constructivists stress the level of norm influence on the nation state in predicting the nations’ behavior, as they understand stronger international norms as being more likely to constrain the nations’ behavior (Cardenas 2004: 214). This suggests that the way nation states interact with each other is heavily dependent not only on what will benefit their country the most, but on international pressures they might be facing, in addition to how they view themselves relative to other nation states. This focus on nation states’ sense of identity is intimately tied with the cultural-institutional context of human rights norms as “Cultural-institutional contexts do not merely constrain actors by changing the incentives that shape their behavior...[or] regulate behavior. They also help to constitute the very actors whose conduct they seek to regulate.” (Katzenstein 1996: 22). As nation states begin to socialize these norms, they become part of the nations’ sense of identity. Socialization refers to the “process by which international norms are internalized and implemented domestically” (Risse, Ropp, Sikkink 1999: 5). As norm influence becomes more pervasive with the greater number of nations identifying

with and endorsing it, the “diffusion of international norms in the human rights area crucially depends on the establishment and sustainability of networks among domestic and transnational actors” (Risse et al. 1999:5). This illuminates a potential reason why the United Kingdom ratified the ICESCR, as its membership within the European Union, which is considered an intergovernmental organization, strengthened the influence of human rights norms on the United Kingdom’s sense of identity. However, this cannot be applied to the case of the United States, because despite its position on the Security Council within the United Nations, which is also considered an intergovernmental organization, the human rights norms did not penetrate its national identity enough to compel it to ratify the ICESCR.

#### World Society Approach

The world society approach depicts the nation state as “constructions of a common wider culture, rather than as self-directed actors responding rationally to internal and external contingencies” (Meyer, Boli, Thomas, Ramirez 1997: 152). The commitment to protecting human rights is one example of this worldwide cultural construction that nation states “routinely organize and legitimate themselves in terms of” (Meyer et al. 1997: 148). The world society approach provides an explanation for the gap between rhetorical human rights commitment and actual policy change. It states that this “decoupling is endemic because nation-states are modeled on an external culture that cannot simply be imported wholesale as a fully functioning system” (Meyer et al. 1997: 154). This could partially explain why the United States maintains a rhetorical commitment to human rights without ratifying the ICESCR, as it would rather create domestic initiatives that work toward the promotion of economic, social and cultural rights embodied within the Covenant, rather than committing itself to full realization of these rights. However, the world society approach predicts that this decoupling occurs when “formal

structuration<sup>2</sup> and centralization are difficult, [so] state managers may retreat simply to planning for future progress”; this overwhelmingly occurs in peripheral countries where the resources to implement the actualization of these cultural models are lacking (Meyer et al. 1997: 155). As the United States is well equipped to ratify international human rights treaties, implementing formal structuration through the ratification of the ICESCR is not beyond its capabilities.

The world society approach expands upon this notion of nation states as embedded within the international community to predict that those which are more integrated are more likely to ratify human rights treaties, especially when their neighboring countries have done so (Tsutsui and Wotipka 2008). Great Britain’s level of involvement within the United Nations indicates that the United Kingdom is quite integrated within the international community. This theory may shed some light on why the United Kingdom ratified the treaty so much earlier than the United States, as its neighboring countries of Denmark, Sweden and Norway signed and ratified the treaty before the United Kingdom did. Additionally, Belgium, Poland and Italy signed the covenant before the United Kingdom, and ratified it around the same time as United Kingdom. The world society approach does little however, to account for the actions of the United States. While the United States is quite integrated within the international community, its lack of ratification cannot be explained by this theory alone.

### *The Argument: Combining the Four Theories*

For the purposes of this paper, I blend these four theories to provide a better understanding of the factors influencing the United States and United Kingdoms’ actions toward the ICESCR. The international pressures and norms surrounding human rights that are affecting

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<sup>2</sup> Structuration refers to the “formation and spread of explicit, rationalized, differentiated organizational forms” (Meyer et al. 1997: 156)

these governments must be analyzed, but this analysis cannot afford to overlook the component of self-interest and power that guides how the nation states will interpret and value the international pressures. The realist and constructivist components of theory reinforce one another and shed light on how each nation's unique social location influences its decision-making.

Taken individually, none of these theories can accurately explain the actions of the United States and the United Kingdom. Republican liberalism hypothesizes that neither the United States nor the United Kingdom would ratify the ICESCR, as they are both stable democracies. Realist theory similarly predicts that neither nation would ratify the Covenant, due to their relative power within the international community, which leaves them less vulnerable to international pressures than weaker nation states would be. While realist theory emphasizes the role of self-interest, it does not sufficiently explore what factors affect nation states' calculation of self-interest. This shortcoming can be compensated for by the incorporation of ideational-constructivist theory and world society approach in explaining the nation states' behavior. Ideational-constructivist theory predicts that both the United States and the United Kingdom would ratify the ICESCR, as it states that when international pressures coincide with domestic pressures, the nation state will act accordingly to these demands. The civil society of both the United States and the United Kingdom supported human rights, and the international community was also pressuring nations to ratify the Covenant. World society approach hypothesizes that both the United States and the United Kingdom would ratify the ICESCR, as it predicts that nations which are deeply embedded within the international community are more likely to ratify international human rights treaties.

While ideational-constructivist theory focuses on norms, social actors and their international relations, the world society approach complements this well by focusing on the

nation states' embeddedness within the international community. By combining these two approaches one can better understand how the sense of identity and international relationships mutually reinforce one another and influence decision-making. Republican liberalism provides a lens for understanding why the United States did not ratify the ICESCR, but fails to explain the behavior of the United Kingdom toward the same Covenant. Realist theory discusses the notions of power and self-interest more broadly, which will be important to both the United Kingdom and United States, as ultimately all nation states want to act in their self-interest. Combining these theories allows for a more comprehensive understanding of how self-interest is determined and how it interacts with power to influence nation states in their decision-making processes.

#### *Human Rights History of the United States and the United Kingdom*

As this study seeks to identify the motivations behind nation states' decisions to ratify or not ratify the ICESCR, it is important to note any discrepancies in motivation that exist between the domestic and international levels. For the purposes of the background section, I have split the influential factors into those at domestic and international levels. As compliance with human rights treaties and norms is "tied to interstate bargaining" in addition to "domestic politics in the countries applying pressure...as well as in the target state" it is important to analyze any discrepancies that exist both across the two nations on both international and domestic levels, and within each nation at the international and domestic levels (Cardenas 2004: 219). This implies that forums like the United Nations and other international networks where diplomats and international actors communicate with one another to make decisions influence nation state behavior. The domestic level also influences nation state behavior as the government representatives for the United States and United Kingdom are influenced by domestic politics

within both their own countries and by those countries pressuring them. As the Cold War was one of the most salient international factors affecting the handling of foreign affairs during this era, I discuss its predicted impact on human rights treaty ratification below. I then discuss domestic factors related to the nations' handling of economic, social and cultural rights including the concept of exceptionalism, human rights initiatives within both nations, public opinion within the United States, and the distinct structural frameworks for treaty ratification within each nation, followed by a discussion of the nations' understanding of the ICESCR as a non-self executing treaty.

#### International Factor: The Cold War

The Cold War exerted significant influence on international politics in the post-World War era, and human rights issues were affected by it. As the USSR and the United States battled for superpower status and the arms race reached a frightening level, all issues of foreign policy were affected, and human rights was no exception. The Cold War could be interpreted as a potential factor that influenced the split of the covenants, or the creation of separate covenants for civil and political rights and economic, social and cultural rights. Socialist countries and the USSR in particular were aligned with economic, social and cultural rights, and the belief exists that the United States' support for civil and political rights but not for economic, social and cultural rights could be interpreted as declaring U.S. leaders' opposition to socialism. Whelan and Donnelly argue that research which states that Cold War ideology is an explanation for the split between economic social and cultural rights from political and civil rights has not been firmly grounded. However, they still admit that United States policy was "deeply intertwined with Cold War ideological rivalry." (2007: 930). The United Kingdom was aligned with the United States during the Cold War, however, therefore providing an interesting case for



comparison in discovering what factors motivated it to transcend this Cold War ideology and ratify the ICESCR.

Another interpretation of Cold War ideology is discussed by Wotipka and Tsutsui (2008). While the Cold War may have drawn attention from the United Nations' focus on human rights, it also may have functioned as a "...facilitating factor in governments' decisions to ratify human rights treaties because many governments could expect one of the superpowers to protect them when their human rights violations became a target of criticism" (Wotipka and Tsutsui 2008: 732). While neither the United States nor the United Kingdom were in the position to need protection from superpowers, it would be negligent to not mention how the Cold War shaped attitudes to the International Covenant on Economic Social and Cultural Rights more broadly. This similarity implies that the influence of the Cold War does not sufficiently explain the discrepancies between treaty ratification with the United States and United Kingdom.

#### Domestic Factor: Attitudes of Exceptionalism

Attitudes of exceptionalism have traditionally been associated with the United States, especially Americans' sense of individualistic national identity. Fischer (2008) examines the level of individualism that characterizes the United States and compares it to other European countries, uncovering contradictions within the overarching perception of "American exceptionalism." Fischer defines American exceptionalism or "American individualism" as a rejection of the state and a sense of impatience regarding restraints upon economic activity. The definition of American exceptionalism inherently aligns it against economic, social, and cultural rights, since it can be understood as a lack of patience for interference with economic activity, which would ultimately arise in some form from the promotion of economic, social and cultural rights. Fischer's examination of cross-national poll data revealed that "...Americans were likelier

than other Western nation states to understand the world in terms of independent, self-reliant individuals,” as exemplified by the statistic that Americans are two times more likely than Europeans to believe that laziness explains poverty (2008: 365). However despite this statistic the research also showed that in contrast to other Western countries, Americans favored group interests over individual interests (Fischer 2008). Fischer cites Robin Williams’ argument that individualistic attitudes are more prevalent in certain spheres, like the economic sphere, while attitudes that support group norms above individualistic norms are more prevalent in spheres like the family or church (Fischer 2008).

Williams’ argument suggests a possible clue: ratification of the ICESCR would fall into the economic sphere, where American’s individualistic attitudes prevail, and exceptionalist attitudes could thus hinder promotion of ratification. The United States’ failure to ratify the ICESCR could illustrate that the United States government or American general public do not align their sense of national identity with that of the goals laid forth in the ICESCR, as the American sense of national identity is heavily intertwined with notions of individualism. However the public opinion polls that surveyed the population on their opinion of Carter’s handling of human rights, after his signing of the Covenant, would suggest that an overwhelming opposition to the ICESCR was not the reasoning behind the United States’ lack of ratification (discussed further below).

Within the United States, the refusal to ratify could be envisioned as exceptionalistic, given its history of refusing to become a party to the International Criminal Court (ICC) because it refused to grant the United States specific requested exemptions. The creation of the ICC was conceived as a transnational institution that would be empowered with the ability to prosecute individuals for genocide, war crimes, crimes against humanity, and crimes of aggression

(Wippman 2004: 153). The United States eventually refused to support the International Criminal Court, when the framers of the ICC emphasized that the United States would be held to the same standards as other countries in terms of restricted state sovereignty, despite its superpower status. David Wippman explains that the United States refused to support the ICC because “For the United States, creation of the ICC in its present form represents a deliberate (if minor) shift in the architecture of international society. It transfers coercive authority, even if only slightly, from powerful states and the UN Security Council to an international tribunal” (2004: 179). Refusing to be held to the same international standards as other countries, as with this case, exhibits attitudes of exceptionalism that may influence the decisions of the American government on ratification of international treaties.

#### Timeline of Human Rights Initiatives in the United States and United Kingdom

Despite the prioritization of civil and political rights in American society, Presidents throughout the years have expressed interest in advocating for economic, social and cultural rights. Some of these domestic-led initiatives include Franklin Delano Roosevelt’s “Four Freedoms” speech, Lyndon Johnson’s “War on Poverty,” and Jimmy Carter’s signing of the ICESCR and his encouragement of the United States Senate to push the treaty through the ratification process. The United Kingdom also passed legislation to promote human rights on the domestic front including the Race Relations Act and National Health Service Act. The United Kingdom and the United States also had a combined effort in 1941 to promote human rights through the drafting of the Atlantic Charter. Since both the United States and the United Kingdom regarded economic, social and cultural rights provisions favorably on the domestic front, this similarity among the cases implies that domestic government attitudes toward these rights cannot fully explain the lack of ratification on behalf of the United States.

1941: Roosevelt's Four Freedoms Speech and the Drafting of the Atlantic Charter:

Roosevelt vocalized to the American people what he envisioned as basic rights for citizens in the United States in January of 1941. In his famous "Four Freedoms Speech" he outlined that American people should experience freedom of speech and expression, freedom of everyone to worship god, freedom of want, and freedom from fear. His third freedom, the freedom from want, addresses the very real need of all American citizens to have access to economic rights. While the United States was in a state of affluence, there still remained groups in society that were excluded from this affluence including the working class, and those marginalized due to their race. While the nation as a whole was ascending as an economic superpower during the 1940s, "...if there had been a 'poverty rate' at that time, it would have identified at least 40 million people, 30 percent of the population, as 'poor'" (Patterson 1996:62).

In August of 1941 Franklin Roosevelt of the U.S. and Winston Churchill of the U.K. combined efforts to bring this notion of the "freedom of want" to the attention of the international scene through their drafting of the Atlantic Charter. This statement was seen as a collaboration of the United States and the United Kingdom's efforts to bring economic and social rights to the forefront (Whelan and Donnelly 2007). Among the goals of the Charter was to "bring about the fullest collaboration between all nations in the economic field, with the object of securing, for all, improved labor standards, economic advancement and social security."<sup>3</sup>

1964: Johnson's War on Poverty: President Lyndon B. Johnson, taking on the role of the presidency after the passing of John F. Kennedy, was determined to begin a relentless "War on

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<sup>3</sup> <http://avalon.law.yale.edu/wwii/atlantic.asp>

Poverty.” Though the United States was in the midst of an unprecedented state of affluence, Johnson was perhaps overly optimistic about his prediction that this “unconditional war” could eliminate poverty within ten years (Patterson 1996: 542). To commence this war on poverty Johnson passed the Economic Opportunity Act, which included the implementation of community action programs that aimed at giving the poor an active role in gaining education and employment (Patterson 1996:536).

1965 and 1976 Race Relations Acts: The Race Relations Act of 1965 was the first piece of legislation within the United Kingdom that addressed racial discrimination. One year later, this act also led to the creation of the Race Relations Board to handle complaints that occurred under the Act. This 1965 Act was weak however, only prohibiting discrimination occurring in specific “places of public resort,” which did little to stop racial discrimination.<sup>4</sup> The original 1965 Act was repealed in 1976 and replaced by a stronger Race Relations Act that expanded race discrimination to include indirect discrimination, and created the Commission for Racial Equality for individuals to seek enforcement of the Act.

1977: National Health Service Act: The National Health Service (NHS) is an umbrella term referring to the four government funded healthcare systems in the United Kingdom. All residents of the United Kingdom are permitted health care through this service without discrimination. The National Health Service Act of 1977 states that it is the duty of the Secretary of State to promote a health service designed to improve physical and mental health of citizens and to prevent and treat illness. This legislation ensures that citizens are granted the social right to healthcare, which is one of the provisions within the ICESCR.

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<sup>4</sup> <http://www.nationalarchives.gov.uk/cabinetpapers/themes/discrimination-race-relations-policy.htm>

1977: Carter's Promotion of Human Rights: Months before President Carter's signing of the ICESCR, he delivered his first foreign policy statement before the United Nations General Assembly in March of 1977. He called for the strengthening of the Commission on Human Rights, and also expressed his intent to ratify both the ICESCR and the International Covenant on Civil and Political Rights (Walsh, 1977, p. A12). Carter also promised to seek "a more open foreign policy [and to continue] speak[ing] frankly about the policies we intend to pursue" as a nation (Walsh, 1977, p. A12). In October of the same year, President Carter made true on his promises as he signed both covenants and pressured the Senate to push the treaties through the ratification process.

While both nation states expressed a rhetorical commitment to human rights, the United Kingdom's willingness to comply to international provisions was unmet by the United States' stalling of ratification. While the nation states are similar in their rhetorical commitment, the cases diverge in the ratification phase.

#### Domestic Factor: Public Opinion within the United States

In democratic countries, the population at large has an influence on the actions of government actors, it is important to understand if there was significant opposition to the ICESCR among citizens that could be an explanatory factor for the lack of ratification. National polls from 1977 that surveyed the public's opinion about Carter's handling of human rights issues reveal that staunch public opposition was not the case in the United States.

One poll conducted in May of 1977 by American Public Opinion on Human Rights asked citizens, "How much have you heard or read about human rights as a foreign affairs issue?" and asked them to choose their response from: a great deal, fair amount, very little, or nothing at all (Roper Center). 27% of respondents reported that they had heard or read a great deal, 40% said a

fair amount, 25% knew very little, 7% reported nothing at all, and 1% responded that they had no opinion. This would indicate that around two thirds of the population thought they were well informed about human rights and how they factored into international relations.

A second poll asked respondents to think about President Carter's first year in office and to grade his performance in dealing with human rights. This poll was conducted in October of 1977, and the selections for responses included excellent, good, only fair, poor but passing, and failure (Roper Center, Cambridge Reports/National Omnibus Survey). Since Carter signed the ICESCR on October 5<sup>th</sup> of 1977, his signing of the covenant was probably one of the most recent developments with regard to human rights and international affairs, and it can be assumed that this action might have still been salient in their minds when considering their response. 12% responded that they felt Carter had done an excellent job, 42% responded that he had done a good job, 29% responded "only fair," 12% judged him as having done poorly but passing, and 5% felt he had failed in dealing with human rights. Again, the majority of respondents felt that Carter had done a positive job in dealing with human rights, right after he had signed the ICESCR, and so the lack of public support for the covenant does not appear to be the factor that prevented the United States from ratifying the treaty.

#### Domestic Factor: Distinct Structural Frameworks for Treaty Ratification

It is important to take into account any discrepancies that exist between the procedures for treaty ratification within the United States and the United Kingdom. In the United States, the Senate is the government body that must consent to treaty ratification. Before the treaty arrives at the Senate, it must be reviewed by the U.S. State Department, which provides the President with a recommendation regarding the treaty. The State Department then prepares the documents to submit to the Senate for consideration of the treaty's ratification, which is sometimes

accompanied by a letter from the President supporting the ratification, as was the case with the ICESCR. Once the treaty has arrived in the Senate it is forwarded to the Senate Foreign Relations Committee, which holds hearings to determine if the treaty should be ratified. At this time, reservations or declarations may be added to the treaty in order to better conform its goals to that of the United States' government policy, and the treaty can be ratified with these modifications attached. In order to become ratified, the treaties must pass through the Senate with a two-thirds vote.

The ratification procedure in the United Kingdom takes the form of a parliamentary vote. The parliament is divided into the upper house, the House of Lords, and the lower house, the House of Commons. The Ponsonby Rule declares that usually international treaties are placed before parliament for a period of 21 days before they come up for a vote. Once treaties are ratified within the United Kingdom their provisions do not immediately become part of the legal system, but must be incorporated into their domestic law through Acts of Parliament. Acts of Parliament must receive approval from the Sovereign, the House of Lords and the House of Commons.

It is also worth noting that the United Kingdom's government differs from the United States' government in the sense that it does not have a codified constitution. The United Kingdom has an assortment of statutory provisions and common law rules that ascribe rights and liberties to the citizens. This common law is arrived at through judicial decisions rather than through legislative or executive procedures. During the era under study the United Kingdom did not have a constitutional court, which under the common law system made the United Kingdom's government structure less adaptable to implementation of new law (Moravcsik 2000). This suggests that the United Kingdom would be less likely to ratify treaties that



necessitated the incorporation of new laws. However, its ratification of the ICESCR provides evidence that although structural difficulties associated with the ratification process may have existed, they were not significant enough to hinder ratification. Likewise, any difficulties associated with the treaty ratification process within the United States do not explain a lack of ratification, as multiple other international human rights treaties have successfully passed through its ratification process. While noting differences in government structure between the nations allows us to more comprehensively analyze the comparison, these differences do not serve as an explanatory factor for the discrepancy of ratification among the nations.

#### Domestic Factor: Interpretation of the ICESCR as Non Self-Executing

There is some level of debate surrounding the self-executing and non-self executing nature of human rights treaties. A treaty is considered self-executing if domestic law does not need to be enacted in order to formally protect the rights embodied in the treaty. Discussion within both the United States and the United Kingdom indicated that the governments themselves needed to determine if they considered the ICESCR to be self-executing. The United Kingdom cited the ICESCR as an example of a treaty that was not “readily susceptible to legal enforcement by the international courts of Contracting States...[and that its implementation depended] upon the adoption of appropriate economic and social policies by the governments of those States.”<sup>5</sup> The United States also interpreted the ICESCR to be a non-self executing treaty, as a majority of legal scholars stated that “the only rights in that covenant which might be deemed self-executing are one or two which are ‘negative’<sup>6</sup> in character” like the right to join trade unions for example, which wouldn’t require any active intervention from the government

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<sup>5</sup> Plant, Cyril, ‘Standing Advisory Commission on Human Rights: The protection of human rights by law in Northern Ireland’ (Cmnd 7009, 1977) [40]

<sup>6</sup> Negative rights require that governments refrains from acting in a manner that hinders the attainment of the right. This is contrasted with positive rights, which oblige governments to take action to ensure these rights are being protected.

(International Human Rights Treaties, 1979). Both nations' understanding of the ICESCR as non-self executing illustrates that the implementation procedures necessary to protect the rights within the ICESCR are more extensive than with self-executing treaties. However, this similarity in interpretation among the cases indicates that the non-self executing nature of the ICESCR is not a sufficient cause for lack of ratification by the United States.

### *Hypothesis*

I hypothesize that the United States' refusal to ratify the ICESCR is due to the international influences of the Cold War combined with domestic attitudes of exceptionalism within the nation. Ideational-constructivist theory stresses the notion of identity in predicting nation states' behavior, and in combining this with realism's focus on power, I predict that the superpower status of the United States encourages an exceptionalistic national identity. As the Cold War was a particularly salient factor in motivating the artificial division among the Covenants, this division aligned the United States more with civil and political rights and the USSR with economic, social and cultural rights. I believe that since the United Kingdom wasn't directly involved with the superpower competition between these two nations, it was able to ratify the ICESCR without negative pressures from its domestic government. I hypothesize that international pressures felt by the Cold War encouraged the United States to set its policy apart from the USSR. I hypothesize that these pressures were complemented by attitudes of exceptionalism within the United States due to its superpower status and high level of power within the international community, and hence, relative autonomy. While the United Kingdom was still a powerful nation, it did not have the same superpower status and was not as heavily influenced by the Cold War. I hypothesize that the United Kingdom was therefore more

susceptible to international pressures that encouraged human rights treaty ratification, holding it consequently more accountable to the international community.

## DATA AND METHODS

This thesis examines how nation states' characteristics influence their decisions to ratify human rights treaties, by comparing the types of arguments debated within the United States and the United Kingdom regarding ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and analyzing how these arguments influenced nation state's decisions to ratify or not ratify the Covenant.

### *Why A Comparison of the United States and United Kingdom?*

I chose to conduct a comparative historical analysis between the United States and the United Kingdom because they have many similarities, aside from the focal difference in treaty ratification with regard to the ICESCR. The United States and the United Kingdom are an appropriate set of nation states to compare because both advocate for human rights, while the United States has not yet ratified the ICESCR, and the United Kingdom has. Both the United Kingdom<sup>7</sup> and the United States are powerful members of the international community, as they both hold permanent seats<sup>8</sup> within the United Nations' Security Council. While studies have been performed that focus on a larger number of countries to analyze treaty ratification patterns, the unique focus of this study is its analysis of the United States' actions as the leading global

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<sup>7</sup> The differentiation between the presence of Northern Ireland in the United Kingdom and not in Great Britain is not significant enough to the purposes of this paper to warrant a distinction, and therefore these terms will be used synonymously throughout this paper.

<sup>8</sup> Permanent members (P-5) of the Security Council hold a great deal of power within the United Nations, as if even one P-5 vetoes a resolution it cannot pass, and four out of the five members must approve a resolution for it to pass (Donnelly, 2007, p. 25).

hegemon, which has yet to be examined specifically in regard to economic social and cultural rights. Contrasting this case with another powerful nation state allows us to look beyond their rhetorical commitments to human rights to begin to understand what underlying causes are affecting the nations' actions.

I chose to perform a comparative historical analysis because investigating the time frame that government leaders were making the decision to ratify or not is crucial to my study. The historical component of my thesis allows me to focus on these crucial years ranging from 1960 to 1980, in examining what influenced the United Kingdom to ratify the Covenant and what factors may account for the United States' failure to ratify. This time frame is important because this is the period in which the United States took signatory action in support of the ICESCR, and when the United Kingdom took the initiative to both sign and ratify the document, consequently making this the era in which the document was most heavily debated in both nations. As of 2007, the ICESCR remains pending before the United States Senate, and has been classified by the assistant secretary of state as a treaty that is "currently on the committee calendar on which the administration does not support senate action," which further lends support to studying the time frame where the ICESCR was still being actively considered for ratification ("Treaty Priority List Sets out Administration Priorities for Senate Action" 2007: 873). Comparing parallel sources and forums for the United States and the United Kingdom will allow me to begin to understand what types of factors regarding ratification impacted each government, and what types of arguments were the most influential within and across the nation states. I performed a content analysis of the government documents I studied, as it allows me to best understand the arguments put forth by the United States and United Kingdom, and by considering these

statements in the context of domestic and international factors, to assess how the salience of these arguments differs across the two nation states.

### *Sources Investigated*

To study factors that may have influenced the United States and United Kingdom in their decision-making about the ICESCR, it was necessary to examine different sources of archival data. Since government actors were those responsible for making the decision to ratify human rights treaties, I felt it was important to study the dialogue that was occurring within both the United States and the United Kingdom governments at the national level. I also felt it was essential to supplement these analyses by examining the dialogue occurring between actors on the international level, and I especially wanted to see if there were any discrepancies between what government actors were saying on the national level, and what they relayed to the international community. I supplemented the national level data with my analysis of United Nations documents, specifically records of General Assembly sessions.

### United States Government Documents

I used the Lexis Nexis Congressional database to search for United States government documents to analyze. The text I relied on most heavily to examine attitudes underlying the United States' decision not to ratify the ICESCR was the Senate hearing record, entitled "International Human Rights Treaties: Hearings before the Committee on Foreign Relations" which was held by the 96<sup>th</sup> Congress during the First Session on November 14<sup>th</sup> through 19<sup>th</sup> in 1979. I chose this document because it is a record of debate that specifically pertains to ratifying the Covenant, which occurred after President Carter signed the Covenant and submitted it to the Senate for consideration. These hearings are important because they contain discussions that

illuminate the nation's concerns about taking further action toward ratifying the ICESCR. This record also includes President Carter's letter to the Senate requesting recommendations regarding the ICESCR, which I considered important because he was heartily endorsing the Covenant and was constrained by the Senate. This record also included statements that had been inserted by not only government actors but also members of interest groups that promoted human rights, law professors specializing in the area of human rights, and attorneys who felt that the treaty was important. I chose to analyze these statements that had been inserted for the record to get an idea of what civil society was saying to influence the government actors. I believe that these outside statements are important because I know with certainty that they were specifically brought to the attention of government actors. By contrast, if I had used statements from other activists from the era I wouldn't definitively know if their claims had been brought to the attention of government actors. Therefore, I wouldn't know if their claims could be validly considered as a factor affecting the government's decision not to ratify the Covenant.

Using Lexis Nexis Congressional, I also analyzed a document from the Congressional Research Service prepared by an analyst in International Relations within the Foreign Affairs and National Defense Division, entitled "Primer of U.N. Human Rights Treaties" from 1977. I felt it important to see what other sectors of government that dealt with the Covenant, aside from the Senate, were concluding about ratifying the Covenant. This document was important because it succinctly discussed portions of the Covenant that U.S. Representatives found problematic, thus expanding my perspective beyond the Senate, and also highlighting "problem areas" to be aware of in further discussions.

## United Kingdom Government Documents

I determined that the equivalent to studying United States government documents within the United Kingdom was to focus on their Parliamentary Papers. For my research purposes, the Parliamentary Papers include records of votes and proceedings, debates, and Sessional Papers. Sessional Papers refer to public bills, reports of committees of Parliament, Reports of Royal Commissions (which do research for the Parliament) and other international agreements. Reports of Royal Commissions and other international agreements are referred to as Command Papers. I used the Parliamentary Papers to analyze government decision-making processes within the United Kingdom, as I found them to be of a comparable forum to the United States domestic government documents I had studied. I was able to find these documents through the House of Commons Parliamentary Papers research database, which operates through Proquest.

I studied Command Papers within the United Kingdom that were composed of reports from various commissions. One of these included the Report from the Select Committee on Overseas Development: “Human Rights and the Development Strategy” from 1973, which discussed the importance of implementing treaty provisions regarding economic, social and cultural rights. This report was significant because it discussed the government’s attitudes toward the manner in which economic, social and cultural rights could be implemented. It is important to understand how the nation feels about the rights themselves, and how they envision them impacting their country. Another Command Paper I analyzed included the report from the Standing Advisory Commission on Human Rights detailing the protection of human rights in Northern Ireland from 1977. This report specifically discussed the implementation measures the United States thought would be necessary for the actualization of the rights included a discussion of the non self-executing nature of the ICESCR.

I also analyzed the Command Papers that included the Report on the Proceedings of the 21<sup>st</sup> Session of the General Assembly of the United Nations from 1966. Although these summarized an international level document, it was constructed to express the sentiments of the United Kingdom at the time, and so I am including it within the United Kingdom documents. The portion I derived useful data from specifically discussed the United Kingdom's sentiments regarding the Covenant and the promotion of economic, social and cultural rights before the United Kingdom became party to the ICESCR. This was part of an effort to locate documents including the United Kingdom's discussion of the ICESCR prior to its signing of the document in order to determine if their interest in economic, social and cultural rights shifted since the drafting of the treaty or if it remained relatively the same. I analyzed what concerns were brought up before the signing of the treaty to see if there were provisions that the governments felt should be adopted by the international community at large, or that they were particularly against.

#### International Level Government Documents

I used the Access UN research database to find United Nations documents that focused on discussion of the ICESCR. Access UN functioned as a search engine so that I could find records pertaining to the ICESCR that I wanted to use, and then locate these documents in the Government Documents segment of the University of Michigan Library.

I have examined the 1977 General Assembly records of the Third Committee, 32<sup>nd</sup> Session, discussing Agenda Item 81, which focuses on the international community's attitudes toward the promotion of economic, social and cultural rights. The General Assembly is composed of all representatives from the member states to the United Nations, and each nation state has the ability to contribute to the discussion. I selected the records from 1977 because they



occurred right after the United States signed the ICESCR. I found these records to be important because they included the motivations stated by the United States for its change in rhetoric regarding its support for economic, social and cultural rights. The interactions of the United Kingdom and the United States with the broader international community provided insight into how international pressures impacted these nations' decisions regarding ratification.

### *Coding Method*

In performing a content analysis, I have organized my coding system by the arguments and justifications discussed by the nation state regarding their stance on ratification of the ICESCR. My key codes include exceptionalism, international pressures, implementation concerns and legal conflicts.

#### Codes: Exceptionalism

The exceptionalism code was deductive, as I came across it as a potential influence on nation state behavior while conducting literature reviews. The concept of exceptionalism can be framed within the notion of individualistic national identity, which is generally understood as being more characteristic of the United States due to its role as a superpower. When I read a statement that referred to a nation state exempting themselves from standards that others in the international community are held to, I coded it as exceptionalistic. I also coded statements exceptionalistic that signified that the nation felt that they could handle a matter better on a domestic level than by upholding the same standards that the international provisions required.

#### Codes: International Pressures

This code was deductive, as I assumed that international relations would play an integral role in the decision-making process of nation states. This also speaks to the superpower role of

the United States and how it might react differently to international pressures than other nation state governments that are more vulnerable. I coded a statement as an “international pressure” whenever I read of a nation state that expressed concerns about credibility or how other countries were perceiving its decisions or actions. Conversely, I also coded statements as “international pressures” if they contained statements from other countries addressing the United States or United Kingdoms’ actions regarding ICESCR ratification.

#### Codes: Implementation Concerns

This code was inductive, as in the government documents the United States and United Kingdom actors discussed how they could logistically implement the treaty provisions while respecting their domestic traditions. I coded a statement as an “implementation concern” if the United States or the United Kingdom expressed concern about how they would logistically ensure that the treaty provisions were being promoted on the domestic level. The implementation concern code differs from the legal conflicts with domestic government code (below) in the sense that the latter is only applicable to legal conflicts with existing domestic law, rather than the “implementation concern” code which addresses issues regarding how the nation state should take the concepts resonating within the treaty documents and create infrastructural change to ensure that these rights are being protected for the people of the nation.

#### Codes: Legal Conflicts

This code was inductive, and by virtue of the amendment and reservation proponent to treaty ratification, it came up as more of an excuse than justification for non-ratification. Since nations are able to make reservations to treaties, and thereby exempt themselves from committing to certain provisions, the argument that the treaty legally conflicted with the domestic legal structure was moot, as if there were provisions the government disagreed with

they could make a reservation addressing that problematic component to the treaty. Therefore, discussions of legal conflicts shed light on what the nation states found problematic about the treaty. In some cases the nation states' determination to address the legal conflict, even though it could be circumvented by a reservation, indicated that it was problematic to the nation states' sense of identity and nationalism. As might be expected, the United States claimed that there were more legal conflicts in comparison with the United Kingdom.

### *Analysis*

I performed a content analysis on the government documents previously discussed to understand what arguments and reasoning were affecting the nation states' decision-making processes regarding ratification of the ICESCR. I also looked at national statistics from public opinion polls within the United States to understand how favorably civil society felt toward the manner in which human rights was being handled by their government leaders, to give an indication of their attitudes toward the ICESCR. This helps to understand the norm convergence as discussed with ideational-constructivist theory and to understand the relationship between government actors and the manner in which they are constrained by the wishes of their populace, by virtue of their democratic government. I focused on public opinion within the United States because the constraint of government actors that may have been felt within the United Kingdom with regard to human rights was not sufficient to prevent ratification.

### *Researcher Standpoint*

It is important to note how I may have influenced this study or its findings. As an undergraduate student interested in pursuing human rights law post-graduation, my personal

interest in this research topic is biased in favor of ratifying international human rights treaties. While taking a sociology course in which we were able to videoconference with the former Pakistani Ambassador to the United Nations about a wide range of human rights issues, the United States' refusal to ratify the ICESCR surfaced multiple times as a significant obstacle to the worldwide implementation of human rights standards. As the United States is an extremely powerful country in the international community, a significant benefit that would accrue from human rights treaty ratification by the US is the increased legitimacy that ratification would provide for human rights standards throughout the world. I became frustrated with the United States' refusal to ratify the Covenant and felt compelled to understand what sociological factors were impacting the nation's decision, and nations' decision-making processes more broadly with human rights doctrines.

## RESULTS

My analysis of these data revealed that the code for international pressures appeared most frequently, thereby deeming it the most important factor affecting the behavior of the United States and the United Kingdom. These findings support the ideational-constructivist model, as international pressures resulted in credibility concerns that begin to explain behavioral changes by the nation states (albeit only rhetorical in the former case). Realist theory complements this explanation in its consideration of the nation states' relative power as affecting its behavior, as relative power alters the weight that international pressures hold in nation states' calculations of self-interest. While international pressures affecting the United Kingdom were not as apparent in the data due to its early ratification, the United Kingdom's response to ratifying the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) sheds light

on how international pressures affected its decisions and further establishes that international pressures hold the power to modify nation state behavior.

### *International Pressures*

International pressures were found to be most clearly associated with behavioral change regarding treaty ratification, although the cases of the United States and United Kingdom were different in terms of their relative power internationally. As the United States was a superpower it was less vulnerable to international pressures but still sought to appease the international community, albeit on a mostly rhetorical level. International pressures on the United Kingdom did not appear to be as prevalent, due to its early ratification relative to other nation states. However, this does not mean that international pressures were not affecting the United Kingdom and its decision to move beyond a rhetorical commitment in support of the ICESCR.

International pressures influenced the United Kingdom to ratify the ECHR, as they felt that upholding a rhetorical commitment to human rights without ratifying a treaty protecting those rights rendered their claims indefensible (Moravcsik 2000: 242). The ECHR, which originally came into force in 1953, is designed to keep governments accountable with regard to human rights policy, by allowing individual citizens to challenge the domestic activities within their own country (Moravcsik 2000: 217). Moravcsik notes that in discussing the practicalities surrounding supporting the ECHR, the United Kingdom stressed “the compatibility of the ECHR with existing domestic legal practices dominated discussion—a fact suggesting also that decision-makers took the commitment seriously” (2000: 238). The extensive discussion of implementation concerns surrounding the ICESCR also can be interpreted as indicating that both governments meant to take these commitments seriously.

The United Kingdom was originally hesitant to support the ECHR, as their common complaint was the fear that it would undermine parliamentary sovereignty (Moravcsik 2000: 240). Human rights treaties' infringement upon nation state sovereignty is a frequently cited tension within human rights disputes, and can be understood as a calculation of self-interest. Moravcsik notes "For British decision-makers, the decisive point was not the nature of these concrete objections but *the utter absence in the British domestic context of any countervailing self-interested argument in favor of membership.*" (2000: 241). This illustrates that the realist component cannot be excluded from studying human rights decisions, as calculations about self-interest can reduce a state's support for a cause if overwhelming benefits are not perceived to be likely.

As nation states act to promote their self-interest, in weighing the different factors that influence their final decision, international pressures were influential throughout this process. In deciding to ratify the ECHR, an internal Foreign Office paper within the United Kingdom stated:

The alternative, namely refusal to become a party to a Convention acceptable to nearly all the remaining States of the Council of Europe, would appear to be almost indefensible...Political considerations, both domestic and foreign, compel us now to bring ourselves to accept. (Moravcsik 2000: 242)

The United Kingdom's perception of themselves as being left "indefensible" to explanations of why they refused to ratify the ECHR in light of international pressures exemplifies how influential these pressures are in affecting nation state behavior. International pressures have the potential to override the self-interest equation in favor of committing to an international human rights treaty that was previously considered not beneficial enough to the country to warrant ratification.

In promoting his human rights rhetoric, Carter accentuated the United States' role in the international community as the "champion of human rights." In an attempt to motivate Senators to ratify the treaty, Carter wrote a letter to the U.S. Senate that argued if the United States didn't ratify the treaty, then human rights standards would be implemented without United States oversight (International Human Rights Treaties, 1979). Carter directly suggests that the credibility of the United States has been questioned by stating "Regimes with which we raise human rights concerns will no longer be able to blunt the force of our approaches or question the seriousness of our commitment by pointing to our failure to ratify" (International Human Rights Treaties, 1979). In his appeal to the Senate to ratify the bill, Carter chose to emphasize the role of power and credibility as the most likely factors to compel the government to support the ICESCR.

Other nations expressed frustration with the United States' rhetorical commitment to human rights and expressed how they would like to see action taken to back up these statements. In the General Assembly session that took place on October 26, 1977, which was 21 days after the United States signed the ICESCR, Ms. Mair, the Jamaican Ambassador to the United Nations eloquently stated that she was:

...surprised that those countries which spoke so zealously of freedom and peace, which claimed to be the sole defenders of human rights in their own countries and elsewhere and which waged noisy and hypocritical campaigns allegedly for the promotion of human rights, had let more than 10 years go by before signing them. (A/C.3/32/SR.32)

Although Ms. Mair's comment was indirect, it was certainly aimed at the United States. President Carter spoke zealously about his commitment to human rights, and his rhetoric

describing the United States as the “champion of human rights” fits her description. Also, President Carter was vocal about other nation states that were committing human rights violations, and it took the United States ten years exactly to sign the treaty once it became open for signature in 1966.

The Bulgarian Ambassador to the United Nations shared a similar sentiment to Ms. Mair in stating that there were “conspicuous absences from the list of States which had ratified or acceded to the Covenants, particularly among certain Western States which were in the habit of making frequent declarations about human rights” (A/C.3/32/SR.32). These critical statements indicated that the United States’ fear that it might lose credibility within the international community was well founded. To defend this behavior, the United States Ambassador to the United Nations, Mrs. King responded that the United States was now committed to the promotion of economic, social and cultural rights, but did not express an intention to readily ratify the covenant. Rather she expressed that while Carter said he was sending the ICESCR to the Senate, “that might actually take a few years,” for ratification to take place (A/C.3/32/SR.33).

Lady Gaitskell, the United Kingdom’s delegate to the United Nations did not voice concerns about the United States’ lack of ratification, but instead stressed the importance of allocating resources to the Human Rights Committee so that it could function most effectively. She discussed how the United Kingdom supported the Human Rights Committees’ request for additional funding assistance from the Division of Human Rights branch (A/C.3/32/SR.32). President Carter, prior to signing the ICESCR, in addressing the United Nations also stressed the importance of financial support toward the Human Rights Committee (Walsh, 1977, p. A12).

In comparing the international pressures felt by the United Kingdom with the ECHR and the United States within the General Assembly, their differences in handling of the pressures is



worth noting. While rhetorical commitments to human rights were evoked by both nations, the United Kingdom's understanding of its sentiments as "indefensible" without ratification of the ECHR suggested that it acknowledged a rhetorical commitment alone would not appease the international community. When statements from nations during the General Assembly meeting indirectly questioned the credibility of the United States' commitment to human rights, Mrs. King's statement that the Covenant had been signed but would take a few years to ratify attempted to stall criticism. While both were subject to international criticism, the United Kingdom acceded to the pressures and ratified the ECHR, while the United States carried out an additional non-binding commitment to economic, social and cultural rights through its signing of the Covenant. This suggests that the United States government, while concerned about international criticism, does not feel as compelled to comply with international demands as the United Kingdom. These results indicate that international pressures affect nation states' behavior, as both cases warranted a change in their approach to human rights policy.

#### International Factor: The Cold War

The United Kingdom did not have as direct a role in the Cold War as the United States, so while its government might have been affected by the Soviet tension, it was affected to a considerably lesser degree than the United States. In the documents I studied, the United Kingdom was not vocal about how the Cold War related to its ratification decision. References to the Cold War were represented within the United States as credibility concerns, providing evidence for the importance of international pressures in affecting nation state behaviors.

While not directly acknowledging the alignment of the USSR with economic, social and cultural rights as a factor influencing ratification, the United States still felt international pressures resonating from the Cold War. References to the Cold War were instead presented as

concerns that the Soviets would have more relative control than the United States in implementation if the United States did not ratify the covenant, and that other nations perceived their human rights policy to be “merely a cold war exercise” (International Human Rights Treaties, 1979). The United States acknowledged that their rhetorical commitments without ratification would call their credibility into question. Within the U.S. Senate hearing, Senator Yost expressed concern that if the United States didn’t ratify the ICESCR then when the second Helinski Accord Conference would be held, the United States would not have the authority to require that the Soviet Union fully comply with its provisions (International Human Rights Treaties, 1979). This sentiment expressed Yost’s concern that the United States’ credibility within the realm of international relations would be not only questioned but also weakened within the international community if it failed to ratify the ICESCR (International Human Rights Treaties, 1979).

This counters the hypothesis that the United States refused to ratify the ICESCR because of the USSR’s bias toward economic, social and cultural rights. The evidence indicates that advocates for the ICESCR within the United States used the Cold War rather to make an appeal to power dynamics to encourage ratification. This illuminates the role that relative power holds in the decision-making process of the United States, reaffirming realist theory. The United Kingdom’s lack of focus on the Cold War indicates that it also does not appear to be a motivating factor for ratification. As the references to the Cold War were used to encourage ratification rather than express fears about aligning with the same rights that the USSR promoted, Cold War ideology does not present a sufficient explanation for why the United States refused to ratify the Covenant.

### *Legal Conflicts*

Legal conflicts that occurred within the data were identified by the United States rather than the United Kingdom, which could be due again to its early ratification, although the legal conflicts the United States cited turned out to be more of an excuse than actual obstacle to ratification. Although the legal conflicts within the United States were discussed at length, the very nature of treaty ratification allows for reservations to be made from specific excerpts that do not comply with domestic law. These legal conflicts therefore were able to be overcome, but examining what conflicts existed sheds light on the aspects of the Covenant that the United States felt the most uncomfortable with.

The United States discussed how ratifying the ICESCR was problematic due to its exclusion of a provision regarding property. Article 17 of the Universal Declaration of Human Rights states that “Everyone has the right to own property as well as in association with others. No one shall be arbitrarily deprived of his property.” (International Human Rights Treaties, 1979). Senator Jesse Helms discussed that when the Universal Declaration was being drafted the Soviet Union objected to this provision being included, but that President Truman demanded that the Declaration contain the 17<sup>th</sup> article (International Human Rights Treaties, 1979). This set an unofficial precedent among United States Presidents that indicated that the United States would not ratify any treaties which didn’t acknowledge individuals’ right to property as a basic human right (International Human Rights Treaties, 1979). Senator Helms expressed his frustration with Carter for signing the ICESCR without this article, in stating that if the Senate were to ratify the covenant, it would “legitimize the unlawful expropriation without compensation or arbitrary seizure of Americans’ property overseas...Furthermore...would have for the first time have the

United States formally acquiesce to Socialist and Marxist governments' denial of basic individual economic rights" (International Human Rights Treaties, 1979).

Harry Inman, a member on the advisory board for the International Human Rights Law Group, submitted a statement for the record to clarify that the ICESCR's lack of a provision regarding property was not legally problematic. Inman stated that the ICESCR "could not be used to justify expropriation without fair compensation" (International Human Rights Treaties, 1979). Inman recognized that Helms' concern was of a symbolic nature, since one of the rights the U.S. government was founded upon included the right to property, and he suggested that ratification of the ICESCR with a declaration that restated Article 17 of the Universal Declaration could "underscore the United States' understanding of this commitment," although it was "not necessary to preserving the right" (International Human Rights Treaties, 1979). Additionally, Law Professor Louis Henkin of Columbia University who was asked to submit a statement regarding the legal "conflicts" associated with the ICESCR stated that "the constitutional issues can be disposed of clearly and quickly" through reservations (International Human Rights Treaties, 1979).

The discussion of legal conflicts between the ICESCR's provisions and the domestic government was a focus of the United States rather than the United Kingdom. However, since these legal conflicts could be fixed through a reservation or declaration that accompanies the ratification, it appears that the legal conflicts themselves did not impede ratification, but rather actors within the United States found underlying problems with the ICESCR beyond its legal demands. The failure to address the right to property, which the United States views as a fundamental right, suggests that the United States' sense of identity was challenged by the

ICESCR, which emphasizes the importance of ideational-constructivist theory and nation state identity in explaining the United States' refusal to ratify the Covenant.

### *Implementation Concerns*

Both the United Kingdom and the United States stressed implementation concerns especially with regard to the non-self executing nature of the treaty. The United Kingdom's government structure made legal implementation of the Covenant more difficult, especially due to its non-self executing nature. The United States has a binding constitution whereas the United Kingdom operates under a common law system, which during the era under study did not have a constitutional court. Moravcsik discusses how international covenants impose "...inconvenient constraints on individual national governments. Particularly for nations without a constitutional court – again, Britain is a striking example" (2000: 227). This would suggest that the actual implementation due to the legal structure would be more difficult for the United Kingdom than the United States. However, the United Kingdom's decision to ratify despite incurred difficulties with its government structure indicates that other factors must have been influential in encouraging its ratification.

However, while the United States stressed that the rights embodied within the ICESCR were unable to be implemented, the United Kingdom sought ways to measure their success on their own terms. In the United Nations General Assembly discussion Lady Gaitskell, representing the United Kingdom stated that "economic and social right are for the most part widely attainable in the long term as economic and social progress is made," and though she

acknowledged that these rights would take more time to come into effect as opposed to civil and political rights, she did not see this as a deterrent to their actualization.<sup>9</sup>

Within the United States, controversy arose surrounding the appropriateness of human rights treaties as a measure for the increased protection of human rights domestically. Advocates of treaty ratification expressed that “adherence [to the Covenant] would neither detract from nor enhance the human rights already enjoyed by American citizens, while United States adherence would lend weight to efforts for the achievement of human rights throughout the world” (Library of Congress 1968). This illustrates that the United States, in weighing its potential benefit from ratifying the Covenant, didn’t believe its domestic protection of human rights would be extensively improved through ratification, but acknowledged that it would help the world community. Those opposed to the Covenant argued that treaties weren’t the proper measure with which to improve human rights conditions, as human rights was “a matter of domestic concern,” and they were concerned that the “broad terminology with which many provision of the conventions are written” would lead to an encroachment upon national sovereignty and states and individual rights (Library of Congress, 1968).

Vita Bite, an Analyst in International Relations, Foreign Affairs and National Defense Division, prepared a Primer of U.N. Human Rights treaties in June of 1977 in which she discussed the different treaties and conventions at hand and what government action had been taking regarding these documents. U. S. Representative Harris claimed that the rights embodied in the ICESCR were really just “objectives,” and therefore unable to be implemented by the government (U.S. Congressional Research Service, 1977). Within this report, U.S.

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<sup>9</sup> Secretary of State for Foreign Affairs, ‘Report on the proceedings of the twenty-first session of the General Assembly of the United Nations held at New York’ (Cmnd 3369, 1967) [157]

Representative Patricia Harris cited article 2 paragraph 1 of the ICESCR as problematic because it states that each nation state party to the Covenant will take steps:

individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures. (U.S. Congressional Research Service, 1977)

This original claim that the rights embodied within the ICESCR were merely “objectives” was no longer the official stance of the United States once its credibility was called into question during a General Assembly meeting. This illustrates a discrepancy in rhetorical commitment to economic, social and cultural rights between the domestic and international levels of the United States government. The United States Ambassador to the United Nations, Mrs. King, defended the nations’ delayed action in signing the ICESCR as being due to its focus on overcoming and combating racism and segregation on the domestic front, elaborating that through this experience the United States learned that:

In the modern world, with all its injustices, it had come to recognize the absolute necessity of working for economic, social and cultural rights for all peoples and nations...[and that it was] impossible to separate civil and political rights from economic, social and cultural rights. (A/C.3/32/SR.33)

This transition from describing economic, social and cultural rights as “merely objectives” to inseparable from civil and political rights represented a rhetorical change influenced by international pressures. International pressures continued to emerge as the most important factor in affecting behavioral change of the United States.

In contrast with the United States, the United Kingdom acknowledged that economic, social and cultural rights were of a different nature than civil and political rights but encouraged development of effective standards of measurement to ensure that these rights are being protected. In the Report from the Select Committee on Overseas Development, the United Kingdom stressed that the:

debate now taking place as to the adequacy of gross product as a measure of economic and social progress relates to the realisation that development planning should be planning for...the enhancement of the quality of life of the whole community and the welfare of individuals."<sup>10</sup>

While the proper measurement for gauging progress with economic, social and cultural rights was still undecided, the United Kingdom repeatedly stressed that they were confident that these rights were attainable. Lady Gaitskell's statement to the third committee of the United Nations during November of 1966, when the Covenant was still being drafted, read that "economic and social rights are for the most part widely attainable in the long term as economic and social progress is made."<sup>11</sup> The United Kingdom saw economic and social progress as becoming attainable once:

...governments of all countries, already requested to ratify and implement the International Covenants on Human Rights, be invited to place in the forefront of their aid, trade and development policies and projects, as the explicit objective of

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<sup>10</sup> United Kingdom, Parliament, Sessional Papers, 1973, Paper no. 294-II, pp. 216

<sup>11</sup> Secretary of State for Foreign Affairs, 'Report on the proceedings of the twenty-first session of the General Assembly of the United Nations held at New York' (Cmnd 3369, 1967) [158]



their bilateral negotiations, the furtherance of the economic, social and cultural rights of all the people.”<sup>12</sup>

In discussing implementation concerns, the United States’ transition in rhetoric from the domestic to international level when discussing economic, social and cultural rights suggests that international pressures compelled the United States to change its rhetoric. The framing of the United States’ implementation concerns in terms of how the provisions conflicted with its national identity suggests that the difficulties associated with implementation itself was not the cause for its refusal to ratify the ICESCR. The United Kingdom’s rhetorical commitment to the progress of economic, social and cultural rights even before its signing of the Covenant, followed by its ratification of the ICESCR despite implementation challenges that existed due to the nature of its constitution suggest that implementation concerns did not hinder its decision to ratify the ICESCR.

### *Exceptionalism*

Expressions of exceptionalism from either country were difficult to find within the data, which could be due to the nature of the government documents under examination. The United States’ history of unwillingness to be held to international standards and its insistence that it had been taking care of economic, social and cultural rights on its own accord without ratifying the treaty could indicate exceptionalistic behavior, although no record of exceptionalistic statements were found in the documents I analyzed.

The United Kingdom was not seen as exceptionalistic, and on the contrary, the government proposed enforcement mechanisms that inherently promoted anti-exceptionalistic

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<sup>12</sup> United Kingdom, Parliament, Sessional Papers, 1973, Paper no. 294-II, pp. 216

behavior. In Lady Gaitskell's statement to the third committee of the United Nations during November of 1966, she stressed her belief that a complaint mechanism<sup>13</sup> that allows one nation state to complain about the human rights practice of another nation state would be an effective enforcement measure in implementing these rights.<sup>14</sup> Supporting the proposal of such a measure that would hold all nation states accountable to one another was not received well by the Soviet Union, who believed that this would create heightened tension among the international community.<sup>15</sup> However, Lady Gaitskell maintained that "Covenants without the sword are but empty words," which not only emphasizes the need of enforcement mechanisms to support the ICESCR but also the need of governments to commit to the realization of economic, social and cultural rights beyond the mere use of rhetoric.<sup>16</sup> The lack of evidence for exceptionalism within this study suggests that it was not a particularly influential factor affecting behavior of the nation states in their decisions regarding ratification of the ICESCR.

## DISCUSSION

The combination of realist and constructivist approaches, as complemented by republican liberalism and the world society approach sheds light on what influenced the United States and the United Kingdom to make their decisions about ratifying the ICESCR. Each government sought to act in their own self-interest, which due to international pressures existed on both domestic and international levels. Nation states are often left in a bind, as their governments are forced to act in a certain way that will meet the expectations of their populace, while

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<sup>13</sup> This "mechanism" took the form of the Human Rights Committee

<sup>14</sup> Secretary of State for Foreign Affairs, 'Report on the proceedings of the twenty-first session of the General Assembly of the United Nations held at New York' (Cmnd 3369, 1967) [158]

<sup>15</sup> Secretary of State for Foreign Affairs, 'Report on the proceedings of the twenty-first session of the General Assembly of the United Nations held at New York' (Cmnd 3369, 1967) [159]

<sup>16</sup> Ibid, 159.

simultaneously feeling compelled to act in a manner that benefits the international community. In the case of the United States however, tensions existing in this two-level game are not a sufficient explanation for its inaction, as public opinion was not opposed to ICESCR ratification. Ideational-constructivist theory and world society approach explain how international pressures and identity influence nation states' decisions, while an incorporation of realist theory and republican liberalism provides insight into how these factors affect how nations take into account their relative power within the international community in determining what action is in their self-interest. Within the cases of the United States and the United Kingdom, international pressures have caused credibility concerns regarding the nations' commitment to human rights by appealing to their conceptions of identity, which resulted in rhetorical and behavioral changes in both nations. The type of change evoked depends on the nations' calculation of self-interest which analyzes all these factors, while taking the relative power of the nation into consideration.

While I originally hypothesized that Cold War ideology and attitudes of exceptionalism would be the factors that most influenced the nation states' decision to ratify the ICESCR, the evidence did not fulfill these expectations. My findings showed that discussions on behalf of the United States regarding the Cold War or the Soviets were framed in terms of credibility and power concerns. The United States' concern that it would not be able to oversee human rights implementation if it didn't ratify the ICESCR, in addition to its concern that non-ratification would exempt the Soviets from having to follow the United States' orders at the second Helsinki Accord Conference, demonstrates the salience of the relationship between international pressures and a nation state's relative power within the international community.

Within the examples studied, compliance with international pressures to support human rights treaties protecting economic, social and cultural rights has been seen to increase the

relative power of the nation state. This is evident through the United States' fear that non-compliance with international pressures to ratify the ICESCR would decrease its ability to oversee implementation of human rights provisions. Contrastingly, the United Kingdom's relative power within the international community was enhanced through its ratification of the ECHR. Once having ratified the ECHR and the ICESCR, the United Kingdom was able to harness its influential power to pressure governments to support human rights initiatives, through promoting increased funding of the Human Rights Committee and by encouraging nations to continue economic progress through treaty ratification. While the United States expressed similar sentiments of support for economic, social and cultural rights, the nation's lack of binding support left it open to criticism from the international community, which challenged its relative power within the international community regarding human rights.

The United Kingdom's disagreement with the Soviets in terms of human rights enforcement measures being implemented illustrated that its focus with regard to the Cold War was not framed in terms of power, but rather in international cooperation. International cooperation emerged as a broader theme for the United Kingdom, however this does not mean that self-interest and power were absent from the government's decision-making processes. The United Kingdom rather determined that it would be in their self-interest to act favorably toward the international community by ratifying international human rights treaties. The United Kingdom's emphasis on nation states holding one another accountable was viewed as anti-exceptionalistic, as it committed itself to being held to the same standards as other nation states, thereby sacrificing some of its sovereignty for the empowerment human rights among the world community as a whole.

Both nations felt that their credibility was being called into question by international pressures that encouraged their ratification of human rights treaties protecting economic, social and cultural rights through appealing to the government's sense of identity. As both nations perceive themselves to be promoters of human rights, they determined that it was in their self-interest to take action that would reaffirm their credibility and sense of identity. The United States' solution to these credibility concerns took the form of a rhetorical change in attitude, rather than behavioral change of a binding commitment to the ICESCR. Republican liberalism sheds light on this decision, as the United States was a secure democracy and did not need to ratify the Covenant as rapidly as an unstable democracy would, because of the lesser likelihood that the United States government will be overrun. This sense of stability is also applicable within the international community, as the United States maintains a superpower status in relation to other nations. The belief that the United States only needed to create rhetorical changes (and the behavioral act of performing a nonbinding commitment through the act of signing the Covenant) to address these credibility issues illustrates that the nation felt secure enough about its relative power within the international community to determine that the questioning of its credibility was not deemed detrimental enough to its self-interest to compel it to ratify the ICESCR.

In contrast, when the United Kingdom felt international pressure to join the ECHR, credibility concerns affected the nation state to the point where government actors deemed their rhetorical commitments "indefensible" and decided to take action to support the Convention. The United Kingdom viewed itself as being able to gain more power within the international community by ratifying the ECHR than if it were to exempt itself from the international standards that it was encouraging other nations to comply with. The United Kingdom's original

disagreement with the ECHR was framed in terms of its self-interest, as it didn't believe that becoming a party to the Convention would be beneficial, and it chose to support the ECHR when international pressures became overwhelming. As the United Kingdom is by no means a vulnerable nation state, this gives additional support to the argument that international pressures are the most prevalent influence in predicting nation state behavior, as seen with their ability to pervade a nation's conception of its identity, self-interest and power.

This study suggests that an important factor impacting the decision-making processes of nation states' is the influence international pressures have over nations' perceptions of identity and relative power within the international community in their calculation of self-interest. Ideational-constructivist theory discusses how as nations internalize norms they become part of their national identity. International pressures may challenge a nation's sense of identity by calling into question the credibility of their rhetorical commitment to these norms without complementary binding agreements. As supported by world society approach, these pressures have the power to evoke a behavioral change to reaffirm the nation's desired sense of identity because nations feel compelled to legitimate themselves according to the human rights norms within the international community.

### *Research Limitations*

The scope of this study was limited in its ability to explore the effects of social movements and other factors that influenced nation state behaviors. While the incorporation of public opinion polls begins to shed light on the popular attitudes toward the Covenant, a more comprehensive analysis of social movements specifically pertaining to the promotion of economic, social and cultural rights presents a potentially insightful avenue for further study. As

international pressures were the most salient factor with regard to influencing nation state decision-making, it would be worth investigating how social movements added to the international pressures, and if they were more or less influential toward policy change than other national governments.

The limited focus on publicly available government documents also narrowed the scope of the study. While a nation's attitudes about its relative power within the international community and what it believes to be in its self-interest can be inferred through an analysis of government documents, more candid and perhaps telling statements are not generally found in these documents. The government actors composing the documents I analyzed knew that they would be made publicly available and therefore were more careful about the sentiments they expressed and their use of rhetoric. An exploration of confidential governments may have provided an opportunity for more explicit underlying causes to be investigated, including the notion of exceptionalism. Future research could more comprehensively explore the relationship between a nation's level of exceptionalism and how it interacts with international pressures.

### *Implications*

This study's unique comparison between the United States and the United Kingdom allows for an analysis of the inner-workings of government decision-making from two nations that publicly advocate for human rights. The discrepancy in their action is paralleled by their discrepancy in relative power, although both are acknowledged as powerful nations among the Security Council within the United Nations, putting them on equal footing with the international community, despite the United States' superpower status. The comparison of these two cases is unique because both nations hold an equal responsibility to the international community, but this

responsibility is actualized in different ways, and the international pressures affecting the nations are likewise internalized differently. This study's blend of realist and constructivist theory sheds light on the manner in which different factors interact to shape nation states' policy decisions. The most influential factor, which conveniently is the factor that is also most easily controlled, is the international pressures that a nation state faces. As nation states consider their relative power and self-interest in their evaluation of how international pressures will affect them, it becomes clear that if there is hope for progressive policy change, then added emphasis on international pressure is needed. This study suggests that international pressure holds the potential to skew the calculation of relative power and nations' sense of identity toward viewing the ratification of human rights instruments to be in the nations' self-interest.

## CONCLUSION

While ratification of the International Covenant on Economic, Social and Cultural Rights remains at a standstill in the United States Senate, thus hindering international progress, we can learn from this analysis of the United States and the United Kingdom that international pressures must be taken into serious consideration to evoke behavioral changes from nation states. The results suggest that international pressures target the nation states' sense of identity and relative power within the international community, which affects its calculation of self-interest. As this study has shown the importance of international pressures in affecting nation states' decisions to ratify human rights treaties, I suggest that these external international pressures continue to be complemented by a simultaneous internal pressure on nation state governments that stems from the domestic arena. This dual-layered approach holds the nation state more accountable to its rhetorical commitments, on both domestic and international levels. As pressures emanate



simultaneously from both international and domestic levels, over time governments will need to address challenges to the nation's construction of identity and relative power that are a result of these pressures. Continued advocacy for ratification of human rights treaties working in complement with grassroots efforts holds the potential to move human rights commitments beyond the rhetorical arena. As we continue to enhance our understanding of how these pressures influence the actions of nation state governments, we will be better equipped to more effectively harness their power to create progress toward a worldwide attainment of "a life of dignity."

Appendix A: Chart of Nation States having Signed and/or Ratified the  
ICESCR

Participant	Signature	Ratification, Accession (a), Succession <sup>17</sup> (d)
Afghanistan		January 24, 1983 a
Albania		October 4, 1991 a
Algeria	December 10, 1968	September 12, 1989
Angola		January 10, 1992 a
Argentina	February 19, 1968	August 8, 1986
Armenia		September 13, 1993 a
Australia	December 18, 1972	December 10, 1975
Austria	December 10, 1973	September 10, 1978
Azerbaijan		August 13, 1992 a
Bahamas	December 4, 2008	December 23, 2008
Bahrain		September 27, 2007 a
Bangladesh		October 5, 1998 a
Barbados		January 5, 1973 a
Belarus	March 19, 1968	November 12, 1973
Belgium	December 10, 1968	April 21, 1983
Belize	September 6, 2000	
Benin		March 12, 1992 a
Bolivia		August 12, 1982 a
Bosnia and Herzegovina		September 1, 1993 d
Brazil		January 24, 1992 a
Bulgaria	October 8, 1968	September 21, 1970

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<sup>17</sup> Succession to the treaty refers to one nation state replacing another in its commitment to the treaty

Burkina Faso		January 4, 1999 a
Burundi		May 9, 1990 a
Cambodia	October 17, 1980	May 26, 1992 a
Cameroon		June 27, 1984 a
Canada		May 19, 1976 a
Cape Verde		August 6, 1993 a
Central African Republic		May 8, 1981 a
Chad		June 9, 1995 a
Chile	September 16, 1969	February 10, 1972
China	October 27, 1997	March 27, 2001
Colombia	December 21, 1966	October 29, 1969
Comoros	September 25, 2008	
Congo		October 5, 1983 a
Costa Rica	December 19, 1966	November 29, 1968
Côte d'Ivoire		March 26, 1992 a
Croatia		October 12, 1992 d
Cuba	February 28, 2008	
Cyprus	January 9, 1967	April 2, 1969
Czech Republic		February 22, 1993 d
Democratic People's Republic of Korea		September 14, 1981 a
Democratic Republic of the Congo		November 1, 1976 a
Denmark	March 20, 1968	January 6, 1972
Djibouti		November 5, 2002 a
Dominica		June 17, 1993 a
Dominican Republic		January 4, 1978 a
Ecuador	September 29, 1967	March 6, 1969

Egypt	August 4, 1967	January 14, 1982
El Salvador	September 21, 1967	November 30, 1979
Equatorial Guinea		September 26, 1987 a
Eritrea		April 17, 2001 a
Estonia		October 21, 1991 a
Ethiopia		June 11, 1993 a
Finland	October 11, 1967	August 19, 1975
France		November 4, 1980 a
Gabon		January 21, 1983 a
Gambia		December 29, 1978 a
Georgia		May 3, 1994 a
Germany	October 9, 1968	December 17, 1973
Ghana	September 7, 2000	September 7, 2000
Greece		May 16, 1985 a
Grenada		September 6, 1991 a
Guatemala		May 19, 1988 a
Guinea	February 28, 1967	January 24, 1978
Guinea-Bissau		July 2, 1992 a
Guyana	August 22, 1968	February 15, 1977
Honduras	December 19, 1966	February 17, 1981
Hungary	March 25, 1969	January 17, 1974
Iceland	December 30, 1968	August 22, 1979
India		April 10, 1979 a
Indonesia		February 23, 2006 a
Iran (Islamic Republic of)	April 4, 1968	June 24, 1975
Iraq	February 18, 1969	January 25, 1971
Iceland	October 1, 1973	December 8, 1989
Israel	December 19, 1966	October 3, 1991
Italy	January 18, 1967	September 15, 1978

Jamaica	December 19, 1966	October 3, 1975
Japan	May 30, 1978	June 21, 1979
Jordan	June 30, 1972	May 28, 1975
Kazakhstan	December 2, 2003	January 24, 2006
Kenya		May 1, 1972 a
Kuwait		May 21, 1996 a
Kyrgyzstan		October 7, 1994 a
Lao People's Democratic Republic	December 7, 2000	February 13, 2007
Latvia		April 14, 1992 a
Lebanon		November 3, 1972 a
Lesotho		September 9, 1992 a
Liberia	April 18, 1967	September 22, 2004
Libyan Arab Jamahiriya		May 15, 1970 a
Liechtenstein		December 10, 1998 a
Luxembourg	November 26, 1974	August 18, 1983
Madagascar	April 14, 1970	September 22, 1971
Malawi		December 22, 1993 a
Maldives		September 19, 2006 a
Mali		July 16, 1974 a
Malta	October 22, 1968	September 13, 1990
Mauritania		November 17, 2004 a
Mauritius		December 12, 1973 a
Mexico		March 23, 1981 a
Monaco	June 26, 1997	August 28, 1997
Mongolia	June 5, 1968	November 18, 1974
Montenegro		October 23, 2006 d
Morocco	January 19, 1977	May 3, 1979
Namibia		November 28, 1994 a
Nepal		May 14, 1991 a

Netherlands	June 25, 1969	December 11, 1978
New Zealand	November 12, 1968	December 28, 1978
Nicaragua		March 12, 1980 a
Niger		March 7, 1986 a
Nigeria		July 29, 1993 a
Norway	March 20, 1968	September 13, 1972
Pakistan	November 3, 2004	April 17, 2008
Panama	July 27, 1976	March 8, 1977
Papua New Guinea		July 21, 2008 a
Paraguay		June 10, 1992 a
Peru	August 11, 1977	April 28, 1978
Philippines	December 19, 1966	June 7, 1974
Poland	March 2, 1967	March 18, 1977
Portugal	October 7, 1976	July 31, 1978
Republic of Korea		April 10, 1990 a
Republic of Moldova		January 26, 1993 a
Romania	June 27, 1968	December 9, 1974
Russian Federation	March 18, 1968	October 16, 1973
Rwanda		April 16, 1975 a
San Marino		October 18, 1985 a
Sao Tome and Principe	October 31, 1995	
Senegal	July 6, 1970	February 13, 1978
Serbia		March 12, 2001 d
Seychelles		May 5, 1992 a
Sierra Leone		August 23, 1996 a
Slovakia		May 28, 1993 d
Slovenia		July 6, 1992 d
Solomon Islands		March 17, 1982 d

Somalia		January 24, 1990 a
South Africa	October 3, 1994	
Spain	September 28, 1976	April 27, 1977
Sri Lanka		June 11, 1980 a
St. Vincent and the Grenadines		November 9, 1981 a
Sudan		March 18, 1986 a
Suriname		December 28, 1976 a
Swaziland		March 26, 2004 a
Sweden	September 29, 1967	December 6, 1971
Switzerland		June 18, 1992 a
Syrian Arab Republic		April 21, 1969 a
Tajikistan		January 4, 1999 a
Thailand		September 5 1999 a
The former Yugoslav Republic of Macedonia		January 18, 1994 d
Timor-Leste		April 16, 2003 a
Togo		May 24, 1984 a
Trinidad and Tobago		December 8, 1978 a
Tunisia	April 30, 1968	March 18, 1969
Turkey	August 15, 2000	September 23, 2003
Turkmenistan		May 1, 1997 a
Uganda		January 21, 1987 a
Ukraine	March 20, 1968	November 12, 1973
<b>United Kingdom of Great Britain and Northern Ireland</b>	September 16, 1968	May 20, 1976

United Republic of Tanzania		June 11, 1976 a
<b>United States of America</b>	October 5, 1977	
Uruguay	February 21, 1967	April 1, 1970
Uzbekistan		September 28, 1995 a
Venezuela (Bolivarian Republic of)	June 24, 1969	May 10, 1978
Viet Nam		September 24, 1982 a
Yemen		February 8, 1987 a
Zambia		April 10, 1984 a
Zimbabwe		May 13, 1991 a

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