What Makes International Agreements Effective? Some Pointers for the WHO Framework Convention on Tobacco Control
Framework Convention on Tobacco Control

Technical Briefing Series

What Makes International Agreements Effective?
Some Pointers for the WHO Framework Convention on Tobacco Control

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d’engagent que lesdits auteurs.
"Tobacco control cannot succeed solely through the efforts of individual governments, national NGOs and media advocates. We need an international response to an international problem. I believe that response will be well encapsulated in the development of a Framework Convention."

Dr Gro Harlem Brundtland
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The development of a proposed WHO framework convention on tobacco control and possible related protocols will represent the first time that WHO has used its constitutional mandate to facilitate the creation of an international convention. The framework convention will be an international legal instrument that will circumscribe the global spread of tobacco and tobacco products. With its possible related protocols, it will represent a global complement to national and local action, and will support and accelerate the work of Member States wishing to strengthen their tobacco control programmes.

When Member States come to consider a framework convention, they will need to be sensitive to sectoral issues, and to base their discussions on facts rather than on partisan arguments, never losing sight of the public health goals that are the principal reason for tobacco control. The Framework Convention on Tobacco Control Technical Briefing Series is being widely disseminated by the WHO Tobacco Free Initiative with a view to providing Member States with important background information which, it is hoped, will prove of value in their future deliberations.

Dr Derek Yach
Project Manager
Tobacco Free Initiative
هو جزء

لا يوجد نص يمكن قراءته بشكل طبيعي من الصورة المقدمة.
والتشجيع على الامتثال يمكن لأي اتفاق دولي أن:

- ينص بوضوح على قواعد قانونية محكمة التحديد يمكن بسهولة التحقق من التنفيذ بها.
- يقضي بأن تقدم الدول تقارير وطنية وينشئ آلية استعراض دولية تخضع الدول للرقابة الجماهيرية.
- يقدم المساعدة اللازمة إلى الدول النامية لمعاونتها على الامتثال.
- يشجع على مشاركة مجموعة منوعة كبيرة من الأطراف المؤثرة.

وبالرغم من أن المعاهدات كثيرا ما لا تفرض بالدول إلى تغيير سلوكها بشكل تام فنرا، فإنها يمكن أن تحدث تغييرات كبيرة في السلوكي في الأجل الأطول لأنها تغير طريقة حساب الدول للمتكاليف والفوائد ولأن معظم الدول ترى أنه يتعين عليها الوفاء بوعودها.
执行概要

世界卫生大会 WHA49.17 号决议要求世界卫生组织总干事“开始制订一份关于烟草控制的框架公约”。作为该决议落实工作的一部分，第五十二届世界卫生大会将在 1999 年 5 月考虑是否建立一个政府间协商机构以起草和协商拟议的世界卫生组织烟草控制框架公约。本文件将解答就烟草控制框架公约经常提出的一些问题：

- 烟草控制框架公约是否可能有助于控制烟草使用的问题？
- 是否有证据表明国际协定可导致实际的成果？
- 关于如何使烟草控制框架公约更加有效，可以从其它国际协定吸取哪些经验教训？

文件中评论了关于国际协定有效性的文献，并探讨了加强烟草控制框架公约有效性的可能办法。

经验证据表明，类似烟草控制框架公约的国际协定可在解决国际问题方面起到重大作用。例如：

- 武器控制协定限制了核武器的扩散并导致美国和前苏联武器储备量的大量削减。
- 关税及贸易总协定打破了贸易障碍并促进了国际贸易的发展。
- 蒙特利尔臭氧协议使消耗平流层臭氧层物质的生产和消费在过去十年中大大减少。

国际协定很少能成功地强迫真正恶劣的肇事者改变其行为，此类协议甚至很少企图建立强有力的强制实行机制。但是，它们常常能有效地促进国家之间的合作以达到共同期望的结果，例如烟草控制。其具体措施如下：

- 保证其它国家将对费用昂贵的行动给予回报；
- 促进社会学习的过程；
- 为国家政府内部的支持者提供额外的手段以实施条约的目标；以及
- 建立机制以协助发展中国家发展能力。
为了鼓励予以实施，国际协定可以：

- 规定确切的法律条款，应当很容易确认是否遵守这些条款；
- 要求各国提交国家报告，并建立国际检查机制，使国家接受公众监督；
- 向发展中国家提供援助，以便帮助它们遵守协定；
- 鼓励各方面的利益相关者进行参与。

尽管条约常常不能使一个国家立刻彻底改变其行为，但在较长时间内，它们可以使行为发生显著的变化，因为它们改变了国家对成本和效益的计算方法，也因为多数国家觉得它们应当遵守诺言。
Executive summary

As part of the follow-up to World Health Assembly resolution WHA49.17, which requested the Director-General of WHO "to initiate the development of a framework convention [on tobacco control]", the Fifty-Second World Health Assembly will consider in May 1999 whether to establish an intergovernmental negotiating body to draft and negotiate the proposed WHO framework convention on tobacco control (FCTC). This document addresses several frequently asked questions about the FCTC:

- Is the FCTC likely to help to control the problem of tobacco use?
- Is there evidence that international agreements lead to tangible results?
- What lessons can be learned from other international agreements about how to make the FCTC more effective?

The document reviews the literature concerning the effectiveness of international agreements, and examines possible ways of enhancing the effectiveness of the FCTC.

The empirical evidence suggests that international agreements such as the FCTC can play a significant role in addressing international problems. For example:

- Arms control agreements have limited the proliferation of nuclear weapons and led to a substantial reduction in the arsenals of the United States and the former Soviet Union.
- The General Agreement on Tariffs and Trade has brought down trade barriers and promoted the expansion of international trade.
- Production and consumption of substances that deplete the stratospheric ozone layer have declined dramatically over the last decade, as a result of the Montreal Ozone Protocol.

International agreements are rarely successful in coercing a truly bad offender to change its behaviour, and few even attempt to establish strong enforcement mechanisms. But they are often effective in facilitating cooperation among States to achieve mutually desired ends, such as tobacco control, by:

- providing assurance that costly actions will be reciprocated by other States;
- promoting a process of social learning;
- giving supporters within national governments additional leverage to pursue the treaty’s objectives; and
- establishing mechanisms to help to build the capacity of developing countries.
In order to encourage compliance, an international agreement can:

• articulate precise legal rules, adherence to which is easily verifiable;
• require States to submit national reports, and establish international review mechanisms that hold States up to public scrutiny;
• provide assistance to developing States in order to help them comply;
• encourage participation by a wide variety of stakeholders.

Although treaties often do not cause a State to reverse its behaviour immediately, in the longer term they can produce significant shifts in behaviour, both because they change States' calculation of costs and benefits, and because most States feel that they ought to comply with their promises.
Résumé d’orientation

Dans le cadre des mesures prises pour donner suite à la résolution WHA49.17 de l’Assemblée mondiale de la Santé priant le Directeur général "d’entreprendre l’élaboration d’une convention-cadre [relative à la lutte anti-tabac]", la Cinquante-Deuxième Assemblée mondiale de la Santé étudiera en mai 1999 la possibilité d’établir un organe intergouvernemental de négociation chargé de rédiger et de négocier la Convention-cadre proposée par l’OMS pour la lutte anti-tabac. Ce document traite de plusieurs questions souvent posées au sujet de cette convention:

- la convention-cadre aidera-t-elle à combattre le problème du tabagisme?
- est-il prouvé que les accords internationaux donnent des résultats tangibles?
- quels enseignements pourraient être tirés d’autres accords internationaux sur les moyens de rendre la convention plus efficace?

Le présent document passe en revue la littérature concernant l’efficacité des accords internationaux et examine des moyens possibles d’accroître l’efficacité de la convention-cadre relative à la lutte anti-tabac.

Des données empiriques donnent à penser que des accords internationaux tels que la convention-cadre relative à la lutte anti-tabac peuvent jouer un rôle significatif dans la résolution de problèmes internationaux. Par exemple:

- les accords conclus pour contrôler les armements ont permis de limiter la prolifération des armes nucléaires et de réduire sensiblement les arsenaux des États Unis d’Amérique et de l’ex-Union Soviétique.
- l’accord général sur les tarifs douaniers et le commerce a abaissé les barrières douanières et favorisé l’expansion du commerce international.
- à la suite du Protocole de Montréal sur l’ozone, la production et la consommation de substances qui appauvrissent la couche d’ozone stratosphérique ont baissé de façon spectaculaire au cours des dix dernières années.

Il est rare que les accords internationaux parviennent à contraindre ceux qui contreviennent gravement à leurs dispositions à changer de comportement et rares sont ceux qui prévoient des mécanismes énergiques pour les faire appliquer. En revanche, ils sont souvent efficaces quand il s’agit de faciliter la coopération entre États soucieux d’atteindre des objectifs communs, comme la lutte contre le tabagisme. En effet:
What Makes International Agreements Effective?

- ils offrent la garantie que des mesures coûteuses seront également prises par d'autres États;
- ils favorisent un processus d'apprentissage social;
- ils offrent à leurs partisans au sein des gouvernements des moyens de pression accrus pour poursuivre leurs objectifs; et
- ils assurent la mise en place de mécanismes devant aider à renforcer les capacités des pays en développement.

Afin d'avoir davantage de chances d'être respecté, un accord international peut:
- énoncer des règles juridiques précises dont le respect peut être facilement vérifié;
- exiger des États qu'ils soumettent des rapports nationaux, et prévoir des mécanismes internationaux d'examen qui obligent les États à une certaine transparence;
- prévoir des moyens d'aider les pays en développement à respecter leurs dispositions; encourager la participation d'une grande diversité d'entités intéressées.

S'il est rare que les traités poussent un État à changer radicalement d'attitude, à long terme, ils peuvent infléchir sensiblement son comportement, parce qu'ils changent sa façon d'envisager les coûts et avantages et parce que la plupart des États estiment qu'ils doivent tenir leurs engagements.
Резюме

В рамках действий по выполнению резолюции Всемирной ассамблеи здравоохранения WHA49.17, в которой Генеральному директору ВОЗ предлагается "принять участие к разработке рамочной конвенции [по борьбе против табака]", на Пятдесят второй сессии Всемирной ассамблеи здравоохранения в мае 1999 г. будет рассмотрен вопрос о необходимости создания межправительственного органа по переговорам для составления и обсуждения предлагаемой Рамочной конвенции ВОЗ по борьбе против табака (РКБТ). В настоящем документе рассматривается ряд часто задаваемых вопросов относительно РКБТ:

- Может ли РКБТ помочь в борьбе с проблемой употребления табака?
- Имеется ли подтверждение того, что международные соглашения дают ощутимые результаты?
- Какой опыт можно извлечь из других международных соглашений, чтобы сделать РКБТ более эффективной?

В настоящем документе рассматриваются материалы, касающиеся эффективности международных соглашений, а также изучаются возможные способы повышения эффективности РКБТ.

Эмпирический опыт свидетельствует о том, что международные соглашения, такие как РКБТ, могут играть важную роль в решении международных проблем. Например:

- Соглашения о контроле над вооружениями ограничили распространение ядерного оружия и привели к существенному сокращению арсеналов Соединенных Штатов и бывшего Советского Союза.
- Генеральное соглашение по тарифам и торговле устранило препятствия для торговли и содействовало расширению международной торговли.
- Производство и потребление веществ, истощающих стрatosферный озоновый слой резко сократилось за последнее десятилетие в результате Монреальского протокола по озону.

Международные соглашения редко бывают успешными в отношении изменения поведения злостных нарушителей, и мало кто пытается создать строгие принудительные механизмы. Но такие соглашения часто являются эффективными в содействии сотрудничеству между государствами по достижению взаимно желаемых целей, таких как борьба против табака, посредством:
Для содействия соблюдению международное соглашение может:

• формулировать точные правовые нормы, выполнение которых легко поддается проверке;

• потребовать от государства представлять национальные отчеты и создавать международные механизмы рассмотрения, которые будут удерживать государства под контролем общественности;

• оказывать помощь развивающимся государствам для обеспечении соблюдения;

• поощрять участие самых разнообразных заинтересованных сторон.

Хотя договоры чаще всего и не приводят к тому, что государство тотчас же изменит свое поведение, в долгосрочном плане они могут привести к значительным изменениям в поведении, как в связи с тем, что они изменяют расчеты государства в отношении затрат и выгод, так и потому, что у большинства государств возникает чувство необходимости выполнять свои обещания.
Resumen de orientación

Como parte de la aplicación de la resolución WHA49.17 de la Asamblea Mundial de la Salud, en la que se pide al Director General de la OMS «que emprenda la elaboración de un convenio marco [para la lucha antitabáquica]», la 52ª Asamblea Mundial de la Salud examinará en mayo de 1999 la posibilidad de establecer un órgano intergubernamental de negociación encargado de redactar y negociar el propuesto Convenio Marco de la OMS para la Lucha Antitabáquica. En el presente documento se intenta dar respuesta a varias preguntas que se escuchan a menudo en relación con el mencionado Convenio:

- ¿Hay probabilidades de que el Convenio contribuya a solucionar el problema del tabaquismo?
- ¿Hay pruebas de que los convenios internacionales produzcan resultados tangibles?
- ¿Qué lecciones pueden sacarse de otros convenios internacionales para hacer del Convenio Marco un instrumento más eficaz?

En el documento se hace una reseña de la documentación relativa a la eficacia de los acuerdos internacionales y se examinan los posibles medios para aumentar la eficacia del Convenio.

La experiencia indica que los acuerdos internacionales de este tipo pueden desempeñar un papel muy importante en la solución de problemas internacionales. Por ejemplo:

- Los acuerdos sobre el control de armamentos han limitado la proliferación de armas nucleares y han generado una considerable reducción de los arsenales de los Estados Unidos y de la antigua Unión Soviética.
- El Acuerdo General sobre Aranceles Aduaneros y Comercio ha derribado barreras comerciales y ha fomentado la expansión del comercio internacional.
- Gracias al Protocolo de Montreal relativo a la capa de ozono, la producción y el consumo de sustancias que destruyen la capa de ozono estratosférico ha disminuido enormemente en el último decenio.

Los acuerdos internacionales rara vez logran modificar con métodos coercitivos el comportamiento de los infractores empedernidos, e incluso son pocos los que intentan establecer mecanismos de aplicación rigurosos. Pero a menudo son eficaces en lo que se refiere a facilitar la cooperación entre los Estados para conseguir algún fin mutuamente deseado, como la lucha antitabáquica, gracias a:
la seguridad de que las acciones costosas serán correspondidas por otros Estados;

el fomento de un proceso de aprendizaje social;

el aumento de la influencia de los partidarios del tratado dentro de los gobiernos nacionales, para promover los objetivos en cuestión; y

el establecimiento de mecanismos que contribuyan a fortalecer la capacidad de los países en desarrollo.

Para alentar el cumplimiento, un convenio internacional puede:

articular normas jurídicas precisas, cuyo cumplimiento sea fácilmente verificable;

exigir a los Estados que presenten informes nacionales y establecer mecanismos internacionales de examen público de los Estados;

prestar asistencia a los Estados en desarrollo para ayudarlos a cumplir con lo dispuesto en el convenio;

alentar la participación de una gran variedad de interesados.

Sí bien los tratados a menudo no consiguen que los Estados cambien su comportamiento de inmediato, a plazo más largo pueden producir importantes modificaciones, tanto porque cambian el cálculo de los costos y beneficios que hacen los Estados como porque la mayoría de éstos se consideran obligados a cumplir sus promesas.
Introduction

In May 1996, the World Health Assembly adopted resolution WHA49.17, requesting the Director-General of WHO "to initiate the development of a framework convention on tobacco control" in accordance with Article 19 of the WHO Constitution. In December 1998, WHO held a technical consultation of public health experts in Vancouver, British Columbia (Canada), to consider public health issues that might be addressed by the proposed framework convention. In January 1999, the WHO Executive Board adopted resolution EB103.R11 recommending that the Fifty-second World Health Assembly establish an intergovernmental negotiating body open to all Member States to draft and negotiate the proposed WHO framework convention on tobacco control. The Executive Board resolution also recommended that the Health Assembly request the Director-General to promote support for development of the framework convention and to complete the Organization's technical work required to facilitate the negotiations.

This paper addresses a set of commonly asked questions about the proposed WHO framework convention on tobacco control (FCTC):

- Is the FCTC likely to help control the problem of tobacco use?
- Is there evidence that international agreements lead to tangible results?
- What lessons can be learned from other international agreements about how to make the FCTC more effective?

These are important questions to consider before embarking on time-consuming and potentially costly negotiations.

Whether international agreements are effective, and if so, under what conditions, has long been a source of controversy among students of international relations. On the one hand, international lawyers tend to assume — often unreflectingly — that international agreements matter. For them, "the assumption that legal texts drive changes in behavior is second nature".1 On the other hand, political scientists often believe that the lack of international enforcement mechanisms renders treaties ineffective. As Thomas Hobbes noted more than 300 years ago, "covenants without the sword are but words".

The famous English international lawyer James Brierly once observed, "Too many people assume... that international law is and always has been a sham. Others seem to think that it is a force with inherent strength of its own. [B]oth of them make the same mistake. They both assume that international law is a subject on which anyone can form his opinions intuitively, without taking the trouble, as one has to do with other subjects, to inquire into the relevant facts"."
Recently, scholars have begun to remedy this situation, by undertaking systematic empirical studies of the effectiveness of international agreements. This paper reviews the growing body of literature on the effectiveness of treaties, in order to assess whether developing a new international agreement on tobacco control is likely to be cost-effective. It concludes that international agreements are often helpful in changing how States and individuals behave, even in the absence of traditional means of enforcement such as sanctions.

**Acronyms**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>CFC</td>
<td>Chlorofluorocarbon</td>
</tr>
<tr>
<td>CITIES</td>
<td>1973 Convention of International Trade in Endangered Species of Wild Fauna and Flora</td>
</tr>
<tr>
<td>GATT</td>
<td>1947 General Agreement on Tariffs and Trade</td>
</tr>
<tr>
<td>INF</td>
<td>1987 Treaty between the USA and the USSR on the Elimination of Their Intermediate-range and Shorter-range Missiles (the INF Treaty)</td>
</tr>
<tr>
<td>LRTAP</td>
<td>1979 Convention on Long-range Transboundary Air Pollution</td>
</tr>
<tr>
<td>SALT I</td>
<td>1972 Strategic Arms Limitation Treaty, USA-USSR</td>
</tr>
<tr>
<td>START I</td>
<td>1991 Treaty on the Reduction and Limitation of Strategic Offensive Arms, USA-USSR</td>
</tr>
<tr>
<td>UNFCC</td>
<td>1991 United Nations Framework Convention on Climate Change</td>
</tr>
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<td>WTO</td>
<td>World Trade Organization</td>
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Basic concepts

What do we mean by effectiveness?

When people speak of a treaty’s effectiveness, they can mean at least three different things, which should be distinguished at the outset.4

Legal effectiveness ("compliance"). One approach to effectiveness focuses on the legal concept of compliance. "Compliance" can be defined as behaviour that conforms to the rules contained in a treaty.5 A tobacco control convention would be legally effective if the behaviour of States were consistent with its requirements.

Political/behavioural effectiveness. Second, a treaty can be effective in causing States and/or individuals to modify their behaviour in the "right" direction – that is, towards achieving the treaty’s objectives.6 A tobacco control convention would be behaviourally effective, for example, if it led States to ban cigarette advertising, or to prohibit sales of cigarettes to minors.

If a treaty contains very weak rules, then even 100% compliance by States may not mean that the treaty is effective in the behavioural sense, since States might have done exactly the same thing even if the treaty had not existed. Some writers have claimed, for example, that the SALT I arms control agreement between the United States and the USSR did not require a significant change in behaviour by either side since the required arms reductions mirrored the weapons programmes that the USA and the USSR had planned to pursue without the treaty.7 Similar arguments have been put forward about the high levels of compliance with some environmental agreements, including the quotas established in the 1960s pursuant to the International Convention for the Regulation of Whaling (1946) and the emissions limitations set forth in the 1985 Sulphur Protocol to the 1979 Convention on Long-range Transboundary Air Pollution (LRTAP): compliance with these obligations was high because the treaties did not require States to do anything that they did not already plan to do.8 For this reason, political scientists have emphasized the need to distinguish "treaty-induced compliance" from mere compliance.9 On this view, for a treaty to be legally effective, it must contribute to compliance by States. When States conform their behaviour to the treaty rules, this compliance must be due (at least in part) to the treaty itself.

Problem-solving effectiveness. Finally, in saying that a treaty is effective, one might mean that the treaty has accomplished its objectives; that is, it has solved the problem that prompted its creation, for example by limiting the harmful effects of tobacco use.10

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Box 1. Three meanings of “effectiveness”

- **Legal effectiveness**: Parties to a treaty comply with the legal rules set forth in the treaty.
- **Behavioural effectiveness**: The treaty causes States to change their behaviour in a positive direction.
- **Problem-solving effectiveness**: The treaty accomplishes its objectives.

The differences between these three meanings of effectiveness can be illustrated by a simple example. The 1987 Montreal Protocol on Substances that Deplete the Ozone Layer limits the consumption and production of ozone-depleting substances. The Protocol is legally effective to the extent that States comply with its specific control measures. It is behaviourally effective to the extent that, as a result of the Protocol, States actually reduce their consumption and production of ozone-depleting substances. And it is effective in the problem-solving sense to the extent that it stops and reverses depletion of the stratospheric ozone layer.

Although all three types of effectiveness are important in assessing a treaty’s performance, behavioural effectiveness is central, since it measures how much the treaty has improved the *status quo ante*.

By contrast, legal compliance is a poor indicator of a treaty’s success. On the one hand, a high degree (or even perfect) compliance might mean only that a treaty is extremely unambitious, and does not require States to do anything they had not already planned to do. On the other hand, a low compliance rate might result from ambitious treaty goals, not from the treaty’s lack of positive effect on States’ behaviour. Legal compliance is significant only to the extent that a treaty is well-formulated — that is, to the extent that compliance with its provisions necessitates meaningful changes in States’ behaviour.

Problem-solving effectiveness is also an imperfect indicator of a treaty’s utility. One treaty might be very effective in solving an insignificant problem, while another only partially successful in solving a very difficult problem. But although the former has a higher degree of problem-solving effectiveness than the latter, the latter might be a more useful and important agreement.

Finally, a closely related concept to effectiveness and compliance is *implementation*. Implementation has been succinctly defined as the process by which “intent gets translated into action”. It encompasses both national and international actions — including national legislation, administrative rule-making, and adjudication — and has as its principal purpose compliance with a treaty obligation.
How do we assess effectiveness?

In assessing a treaty’s effectiveness, it is important to remember that treaties serve different functions, and need to be measured against different yardsticks of effectiveness.

Regulatory agreements. Many international agreements seek to regulate the behaviour of States (or in some cases businesses or individuals). For example, arms control agreements require States to limit their weapons arsenals; trade agreements require States to lower tariffs and eliminate other barriers to trade; and environmental agreements seek to control polluting activities of enterprises and individuals. With regard to these agreements, effectiveness depends on actual changes in the behaviour of the “regulatory target” – in the case of the Montreal Ozone Protocol, for example, actual reductions in the aggregate consumption and production of ozone-depleting substances within each State party.

Box 2. One standard of effectiveness does not fit all treaties

Treaties have different functions and cannot all be assessed using the same standard. A treaty’s effectiveness should be assessed in the light of its function:

- Regulatory treaties seek to change the behaviour of their regulatory target (for examples, States, business, or individuals).

- Framework conventions seek to establish a general framework of governance for an issue area, and to facilitate the development of regulatory protocols.

- Aspirational conventions seek to change basic attitudes about what is right and wrong, and what is acceptable and unacceptable.

Framework agreements. A framework convention’s primary purpose, in contrast, is not to regulate how States or individuals behave. Instead, its function is to establish a general system of governance for an issue area, in order to facilitate the development of consensus about the relevant facts and the appropriate international response. To the extent that a framework convention affects the behaviour of States or individuals, it does so indirectly, by facilitating the development of regulatory protocols through changes in attitudes, values and beliefs. Assessing the effectiveness of these agreements is more difficult and requires taking a long-term perspective. The LRTAP Convention has led to the adoption of several regulatory protocols that require significant reductions of pollution, and has thus been quite successful. In contrast, the effectiveness of the 1992 United Nations Framework Convention on Climate Change (UNFCCC) is not yet clear. It has been effective in spurring industrialized countries to submit detailed reports on their emissions of greenhouse gases and their policies and measures to address climate change. But it has been less successful, thus far, in bringing about concrete reductions in emissions of greenhouse gas emissions. Although negotiations were successfully completed on the 1997 Kyoto Protocol, which requires industrialized countries to reduce their emissions substantially, the Protocol is not yet in force and its influence on State behaviour is not yet known. Thus, the degree to which the UNFCCC will result in significant change in the factors that contribute to global warming remains in doubt.
Aspirational agreements. In addition to regulating conduct and establishing a framework of governance, an important function of some treaties is to change the attitudes of States and individuals — for example, by declaring that people have certain fundamental rights or that particular types of behaviour are unacceptable. Thus the International Covenants on Civil and Political Rights\textsuperscript{19} and on Economic, Social and Cultural Rights\textsuperscript{20} articulate basic rights that governments ought to respect. They serve as agreed standards that can be used to assess how States are behaving, and provide legitimacy to international efforts to promote and protect human rights. In doing so, they serve an important function, even if they have had only a limited effect thus far on States’ behaviour.

The proposed Framework Convention on Tobacco control could potentially serve all three of these functions. At a minimum, a tobacco control convention would have significant “moral” weight, expressing the concern of the international community about the production, sale, trade and use of tobacco. In addition, the convention could establish a framework for further action, by establishing basic institutions and decision-making mechanisms. Finally, it might seek to change the behaviour of States or individuals — for example, by requiring warning labels or banning advertising.
Some success stories

As the following cases illustrate, the adoption of a treaty is often associated with significant changes in States’ behaviour. Although it is impossible to know with certainty the degree to which these behavioural changes are attributable to the treaty, in many cases the evidence suggests a causal relationship.

Arms control agreements

Arms control is one clear area where treaties have had a substantial influence on State behaviour. For example, both the 1987 Intermediate-range Missiles (INF) Treaty and the 1991 Strategic Offensive Arms Reduction Treaty (START I) have led to significant reductions in the arsenals of the United States and the USSR (and now its successor States) (see Fig. 1).

Fig. 1. US and USSR/Russian Total Strategic Launchers (Force Loadings), 1945-1996

Source: Natural Resources Defense Counsel Nuclear Program, 1997
http://www.nrdc.org/nrdcpro/nudb/defig2.html
The INF Treaty entered into force on 1 June 1988, and required the United States and the USSR to completely eliminate their intermediate- and shorter-range missiles and launchers (that is, missiles with ranges between 500 and 5500 kilometers) within three years. This total phase-out of intermediate- and shorter-range missiles was completed on 28 May 1991.

The START I Treaty was signed on 31 July 1991, shortly before the breakup of the Soviet Union. It entered into force on 5 December 1994, following ratification by the United States and the four successor States to the USSR that possess strategic offensive arms (Belarus, Kazakhstan, Russia and Ukraine). The principal obligation in the START I Treaty requires each side to reduce its strategic offense arms by about 30%, to not more than 2100 deployed launchers, 9150 deployed warheads and 8050 deployed ballistic missile warheads. Both sides made these reductions in advance of the 5 December 1997 deadline. The four successor States to the USSR, for example, reduced their aggregate forces to 1598 deployed launchers, 7641 deployed warheads and 6719 deployed ballistic missile warheads.

Trade agreements

The tariff reductions resulting from the 1947 General Agreement on Tariffs and Trade (GATT) are another illustration of the effectiveness of international agreements (see Table 1). Eight rounds of trade negotiations have been completed thus far, most recently the Uruguay Round, which resulted in the establishment of the World Trade Organization (WTO). The 1962-1967 Kennedy Round reduced tariffs on US$ 40 billion worth of goods by an average of 35%; the Tokyo Round covered US$ 155 billion and reduced tariffs on average by 34%; and the Uruguay Round produced average tariff reductions of 40% on industrial products, from 6.3% to 3.8%. One observer has commented that, as a result of the GATT tariff negotiations, “many tariffs on non-primary goods imported into the industrialized contracting parties have been so reduced that many economists and businessmen feel that they are no longer a meaningful barrier to imports.”. The progressive reductions in tariffs have helped to spur very high growth rates of international trade – 6% per year on average since 1947 when GATT was adopted.

Table 1. Tariff reductions achieved in GATT trade negotiations, 1947-1994

<table>
<thead>
<tr>
<th>Round of negotiations</th>
<th>Dates</th>
<th>Number of countries involved</th>
<th>Value of trade covered (US$)</th>
<th>Average tariff reduction (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geneva</td>
<td>1947</td>
<td>23</td>
<td>10 billion</td>
<td>35</td>
</tr>
<tr>
<td>Annecy</td>
<td>1949</td>
<td>13</td>
<td>Unavailable</td>
<td></td>
</tr>
<tr>
<td>Torquay</td>
<td>1950</td>
<td>38</td>
<td>Unavailable</td>
<td>25</td>
</tr>
<tr>
<td>Geneva</td>
<td>1956</td>
<td>26</td>
<td>2.5 billion</td>
<td></td>
</tr>
<tr>
<td>Dillon</td>
<td>1960-1961</td>
<td>26</td>
<td>4.9 billion</td>
<td></td>
</tr>
<tr>
<td>Kennedy</td>
<td>1962-1967</td>
<td>62</td>
<td>40 billion</td>
<td>35</td>
</tr>
<tr>
<td>Tokyo</td>
<td>1973-1979</td>
<td>102</td>
<td>&gt; 300 billion</td>
<td>34</td>
</tr>
<tr>
<td>Uruguay</td>
<td>1986-1994</td>
<td>123</td>
<td>Unavailable</td>
<td>40</td>
</tr>
</tbody>
</table>
Environmental agreements

A recent comparative study of compliance with international environmental agreements found a “trend toward strengthened implementation and compliance... In no case was compliance perfect ... but the overall trend was positive. Parties took an increasing number of actions to implement the treaties, and in most cases procedural and substantive compliance improved”. 26

Montreal Protocol on Substances that Deplete the Ozone Layer

In the environmental realm, perhaps the greatest success story has been the Montreal Ozone Protocol, which requires parties to reduce their consumption and production of ozone-depleting substances by specified amounts within specified time-frames. Between 1986 (a year before the Protocol was adopted) and 1996, global consumption of chlorofluorocarbons (CFCs), the principal contributor to the ozone depletion problem, declined by more than 70%, from 1.1 million tons worldwide to 160,000 tons (see Fig. 2). 27 As a result of these reductions, atmospheric concentrations of ozone-depleting substances are leveling off or beginning to decline (see Fig. 3). 28

Fig 2. Global consumption of CFCs

Source: UNEP IE OzonAction Program, Sept. 1998
**Fig. 3. Larger Ozone Losses Avoided**
(Ozone-Damaging Stratospheric Chlorine/Bromine)

![Graph showing ozone losses avoided](source: UNEP IE OzonAction Program, Sept. 1998
http://www.unepie.org/ozat/pub/general/backgr.pdf)

**Convention on International Trade in Endangered Species**

In 1989, the parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) adopted a decision to prohibit the commercial trade in elephant ivory, by listing the African elephant in Appendix I of the Convention. Within three years of this decision, the price of ivory had declined from US$ 100 a pound to a few dollars, and reportedly poaching had declined and elephant populations were beginning to recover.

**Antarctic Treaty System**

The 1959 Antarctic Treaty was intended to prevent Antarctica from becoming a source of international conflict, and to preserve it for peaceful purposes, in particular scientific research. The Treaty has been spectacularly successful in achieving these objectives. At the time the Treaty was adopted, concern was mounting at the possibility of clashes in Antarctica between States wishing to preserve their territorial claims or to make new claims. By agreeing to “freeze” the territorial situation (through agreement that activities in Antarctica would neither support nor undermine territorial claims), the Antarctic Treaty has made possible almost four decades of peaceful scientific research in the Antarctic.

**Vessel-source pollution standards**

Since the adoption of the 1973 International Convention for the Prevention of Pollution from Ships and its 1978 Protocol (MARPOL 73/78), oil pollution resulting from tanker operations has declined substantially (see Table 2). Although this documented decline in oil
pollution is attributable to several causes, the equipment and construction standards set forth in MARPOL 73/78 are a significant factor, in particular, the requirements that oil tankers have segregated ballast tanks and crude oil washing equipment. According to one commentator, "all available evidence suggests that [MARPOL's] equipment and construction standards have achieved essentially perfect compliance." "All oil tankers required to install equipment to prevent intentional discharges did so on the schedule required despite significant costs and the absence of economic benefits, even though many were registered in States that had opposed the requirements."

Table 2. Oil pollution resulting from tanker operations

<table>
<thead>
<tr>
<th>Year</th>
<th>Volume tonnes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971</td>
<td>1080 000</td>
</tr>
<tr>
<td>1980</td>
<td>700 000</td>
</tr>
<tr>
<td>1989</td>
<td>159 000</td>
</tr>
</tbody>
</table>
What explains the effectiveness of international agreements?

The empirical evidence suggests that international agreements can have a significant positive effect on the behaviour of States. For writers who assume that the threat of sanctions is what makes law effective, the influence of treaties is a puzzle, since sanctions remain exceptional in international law. But if sanctions are not primarily responsible for the effectiveness of international law, then what is? Recently, several writers have put forward an alternative, “managerial” model of compliance, which assumes that States ordinarily wish to comply with their treaty commitments, and that violations result from ignorance, miscalculation or incapacity, not bad faith (see Box 3). According to this model, treaty regimes should attempt to overcome obstacles to compliance, rather than to punish violations. This latter approach, which emphasizes cooperative management in preference to confrontation and coercion, seems to be the appropriate model for the proposed FCTC.

Box 3. Two models of treaty effectiveness

<table>
<thead>
<tr>
<th>Basic assumptions about States’ behaviour</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Enforcement model</strong></td>
</tr>
<tr>
<td>• States are rational entities that maximize utility</td>
</tr>
<tr>
<td>• States will violate treaties if the benefits of violation outweigh costs.</td>
</tr>
<tr>
<td><strong>Managerial model</strong></td>
</tr>
<tr>
<td>• States are engaged in a cooperative venture.</td>
</tr>
<tr>
<td>• States likely to comply with treaties unless there are strong countervailing circumstances.</td>
</tr>
<tr>
<td>• Non-compliance usually results from lack of capacity or clarity, not wilful disobedience.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Theory of compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Enforcement model</strong></td>
</tr>
<tr>
<td>• Coerced compliance: to deter violations, treaty must raise the costs of violation by imposing sanctions not an offence to be punished.</td>
</tr>
<tr>
<td><strong>Managerial model</strong></td>
</tr>
<tr>
<td>• Treaty regimes play an active role in modifying State preferences.</td>
</tr>
<tr>
<td>• Non-compliance is a problem to be solved through mutual consultation and analysis.</td>
</tr>
<tr>
<td>• Treaties help to encourage compliance by promoting transparency and building national capacity (for example, through the provision of technical and economic assistance).</td>
</tr>
</tbody>
</table>
What Makes International Agreements Effective?

This section examines some of the ways in which international agreements can affect the behaviour of States, even in the absence of sanctions, in order to see what lessons might be learned about how to enhance the FCTC’s effectiveness. The factors that contribute to an agreement’s effectiveness can be classified into four general categories (see Box 4):

- Instrumental reasons, which focus on how a treaty changes a State’s perceived self-interest, for example by rewarding compliance or penalizing violations;
- Normative reasons, which focus on the authority of a treaty - its perceived legitimacy in the eyes of participating States;
- Cognitive reasons, which focus on how a treaty can promote social learning;
- Domestic reasons, which focus on the process of domestic implementation, including judicial action.

Box 4. How do treaties influence the behaviour of States?

<table>
<thead>
<tr>
<th>Type of factor</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Instrumental</strong></td>
<td><strong>Reciprocity</strong>: State complies in order to preserve a mutually beneficial bargain.</td>
</tr>
<tr>
<td></td>
<td><strong>Transparency</strong>: State fears that violations will be detected and does not want to gain a reputation as a lawbreaker.</td>
</tr>
<tr>
<td><strong>Normative</strong></td>
<td><strong>Legitimacy</strong>: State feels it ought to comply in good faith with its treaty obligations.</td>
</tr>
<tr>
<td><strong>Cognitive</strong></td>
<td><strong>Social Learning</strong>: Treaty changes how a State perceives its own self-interest.</td>
</tr>
<tr>
<td><strong>Domestic</strong></td>
<td><strong>Mobilization</strong>: Treaty provides supporters within a State with additional leverage to pursue the treaty’s goals.</td>
</tr>
<tr>
<td></td>
<td><strong>Internalization</strong>: Treaty incorporated into domestic law, enforceable by domestic courts.</td>
</tr>
</tbody>
</table>

Reciprocity

In many cases, treaties are based on reciprocity. They represent a mutual exchange of promises that each party believes is in its self-interest. Examples include arms control agreements such as the INF and START I treaties. Each side has an interest in fulfilling its obligations to limit nuclear weapons, since this is the price needed to induce the other side to limit its weapons as well.

When a treaty is based on reciprocity, strong enforcement mechanism are not essential, because the treaty has a built-in enforcement mechanism: if one side does not keep its part
of the bargain, the others can end the agreement, depriving the violator of the anticipated benefits of the treaty. In such cases, sanctions are less important than verification mechanisms, which provide States with an assurance that violations will be detected: if another party violates the treaty, it will not be able to do so undetected. The strongest verification regimes have been developed in the arms control arena, but verification mechanisms have also been developed in some environmental regimes.

**Transparency**

States may also comply with a treaty in order to avoid being branded a lawbreaker. Even in the absence of sanctions, States are reluctant to violate the law openly. Violations harm a State’s reputation and make future treaty negotiations more difficult. They subject a state to adverse public opinion both at home and abroad. And they may “infect other aspects of the relationship between the parties”, and even undermine a State’s status as a member in good standing of the international community. For this reason, measures that promote transparency, and make violations more obvious, increase the likelihood that States will comply with their treaty obligations. As one writer notes:

> The prospect of being found out is often just as important, and sometimes more important, to the potential violator than the prospect of becoming the target of more or less severe sanctions of a conventional or material sort. There are many situations in which those contemplating violations will refrain from breaking the rules if they expect that their non-compliant behavior will be exposed, even if they know the probability that their violations will be met with sanctions is low.

For this reason, transparency is “an almost universal element of compliance management strategy”.

**Legitimacy**

Even when a State wishes to engage in actions prohibited by a treaty, it might none the less comply because of a belief that it ought to keep its promises – that treaties freely entered into are a legitimate source of obligation and ought to be fulfilled in good faith. Although it is difficult to determine exactly how much compliance can be traced to feelings of legitimacy and obligation, the evidence suggests that at least some compliance by States with international law is attributable to this factor, and that, when a State violates a treaty, usually this does not result from a deliberate decision by the State to disregard its obligations; rather, it reflects an inability to comply (for example, because of a lack of financial resources), or is the product of incomplete planning or miscalculation.

**Social learning**

Treaties can also be effective by promoting a process of social learning, for example by helping States to understand their own interests better. Often, States may be unwilling to take strong actions to combat a problem such as tobacco use because they are unconvinced that a problem exists or believe that responding to it will be too expensive. One of the
principal functions of the framework convention approach is to promote social learning, through cooperative scientific research, exchanges of information, and an ongoing dialogue among States about the problem area. The results are sometimes impressive. In 1979, when the LRTAP Convention was adopted, few of the participating States were convinced that transboundary air pollution was a significant problem. Accordingly, the Convention imposes only very minimal obligations. But over the next decade the Convention helped to raise concern among States about the acid rain problem, making possible the adoption of protocols in 1991 and 1994 requiring significant reductions in air pollution. The FCTC could play a valuable role in promoting a process of social learning, by focusing public attention on the tobacco problem, and by helping to disseminate information about the harmful effects of tobacco use, the economics of tobacco production, and the global factors that contribute to the tobacco pandemic.

**Mobilization**

Treaties can help to mobilize individuals and groups in support of the treaty's goals. Regular meetings of the parties, for example, help to focus public attention on an issue, and give supporters of the treaty an opportunity to occupy the spotlight. As proponents of the managerial model note, "At the simplest level, participating in the regime, attending meetings, responding to requests and meeting deadlines may lead to a realignment of domestic priorities and agendas, setting policies in motion that will operate to improve performance over time." 47

**Internalization**

Finally, over time, treaty rules can become internalized into the parties' national legal systems and bureaucracies. 48 They can create has been called a "culture of compliance". In some cases, a treaty may be directly enforceable by courts. And even if not, if the treaty is enacted into domestic law, this implementing legislation may be enforceable.

A treaty also provides additional leverage to those parts of a government that support the treaty's objectives. Assume, for example, that a State is considering whether to impose restrictions on tobacco advertising. If the FCTC or its protocols included an obligation to restrict tobacco advertising, then the existence of this obligation would serve as an important argument for government officials who support advertising restrictions. Nongovernmental organizations (NGOs) can also use treaties as a means of mobilizing public support and bringing pressure on governments to comply.
How to make the FCTC more effective - lessons from experience

Although the effectiveness of treaties depends on a wide variety of factors, to some degree the design of an international agreement can influence its effectiveness. The following design features represent some of the ways of making treaties more effective, which may serve as pointers for the FCTC negotiations:

Include clear, precise rules. Clear and precise rules are likely to have a greater influence on the behavior of States than ambiguous or vague ones. To the extent that States wish to comply with their international commitments, clear, precise rules tell them what they are expected to do. The international agreements that have had the greatest effect on States' behaviour – for example, the INF and START I agreements, GATT, and the Montreal Ozone Protocol – have tended to be those with very precise obligations. In contrast, ambiguous or vague rules are unlikely to influence behaviour. Even a well-intentioned State is unlikely to change its behaviour significantly if a rule is ambiguous or vague, and is therefore subject to differing interpretations. Understandably, it will adopt the interpretation that requires the least change in its behaviour. Failure to comply with a clear, precise rule, in contrast, is more difficult to rationalize. To the extent that the FCTC or its protocols seek to regulate State behaviour (for example, concerning tobacco advertising, cigarette taxes or sales to children), specific, precise rules are likely to have a greater influence on that behaviour than general ones. However, more general norms may be appropriate in the initial phases of the tobacco control regime, when the primary goals are to establish a general framework of governance and to promote consensus on basic principles, not to prescribe State behaviour. More precise, regulatory rules might then be elaborated in protocols to the FCTC.

Include rules that are easy to verify. Rules that are clear and easy to verify are also likely to have a greater influence on States that wish to violate a treaty and are not dissuaded from doing so merely by a sense of legal obligation. The construction and equipment standards for oil tankers set forth in MARPOL and the 1978 Protocol, for example, are very specific and can be easily verified (and enforced) by inspecting ships when they are in port. Studies have shown that these standards have had greater success in limiting oil pollution than emissions standards, which are more difficult to monitor. Clear, easily verifiable rules make it more difficult for States to hide violations or to interpret the treaty so as to justify their conduct. Such rules make it obvious whether a State has met its obligations and thus contribute to the transparency of a treaty regime. Easily verifiable rules relating to tobacco control, which could be contained in the FCTC, might include rules specifying the minimum tax rates on
cigarettes, packaging and labelling requirements, and restrictions on tobacco advertising.\textsuperscript{52}

**Provide assistance to developing States to help them to comply.** Often, States wish to comply with a treaty but lack the capacity to do so. In such cases, financial and technical assistance can be crucial to a treaty’s effectiveness. The Montreal Ozone Protocol, for example, provides for financial assistance to developing States to help them to phase out their use of ozone-depleting substances. Thus far, over US$ 750 million has been disbursed to more than 100 developing countries to phase out approximately 100,000 tons of ozone-depleting substances, more than half of their total level of consumption (see Fig. 4). The 1972 World Heritage Convention and the 1971 Ramsar Convention on Wetlands also establish funds to assist countries in protecting world heritage sites and wetlands. As recommended by the 1998 Vancouver Meeting of Public Health Experts, the FCTC might establish a multilateral trust fund to assist developing countries in implementing the convention.\textsuperscript{53}

**Fig. 4. Multilateral Ozone Fund Cumulative Funds Approved and CFC Tonnes Phased Out**


**Require States to report on what they are doing (and what they plan to do) to implement the convention.** Requiring States to submit national reports on their current and future activities can promote effectiveness in a number of ways. The most obvious is to facilitate evaluation of a State’s performance, and thereby promote transparency. Even if States are less than forthright, national reports can facilitate evaluation by providing a focal point for others (NGOs, intergovernmental bodies, and other observers) to assess the information provided and to comment on it. Moreover, the formal presentation of a national report to an international body presents NGOs and other observers with a convenient occasion and target. Even incomplete or inadequately analysed information may be better than none at all — for example, supplying raw data that NGOs can use in their own analyses of policy options and compliance. Reporting also encourages a process of self-examination within a State, and can help to bring about a change in the policies and ultimately the behaviour of States. The process of preparing a report mobilizes and empowers groups within and outside the government, and may have a catalytic effect in promoting a process of internal policy
reform. As Paul Szasz observes, the office that prepares the national report must gather the data, and in doing so remind the various competent substantive offices of the treaty obligation and of the possible need to generate data specifically to facilitate full compliance. ... At the very least, such offices raise the domestic bureaucratic conscience about the treaty, and necessarily they will exercise a perhaps small but still persistent insistence on compliance.54

Similarly, Edith Brown Weiss and Harold Jacobson conclude, from an extensive empirical study of compliance with international environmental agreements, that reports serve as “an important tool for educating countries about their commitments and potentially serve to build local capacity to comply with the agreement”.55 Accordingly, as recommended by the 1998 Vancouver Meeting, the FCTC might provide for national reporting on tobacco use and tobacco control measures. Assistance from the proposed multilateral trust fund might be provided to developing countries that would otherwise have difficulty in preparing national reports.56

**Draw upon outside sources of information about a State’s performance.** In addition to national reports, NGOs can provide useful information about a State’s performance and thereby contribute to a treaty regime’s transparency. In the environmental arena, for example, Greenpeace has been an invaluable source of information about whaling activities and the dumping of hazardous substances into the oceans, and TRAFFIC about illegal trade in wildlife under the Convention on International Trade in Endangered Species. Similarly, nongovernmental groups could be a valuable source of information about whether States are fulfilling their commitments under the FCTC – for example, relating to tobacco advertising, public education, or the prevention of smuggling.

**Provide for international monitoring of national performance.** International monitoring is another means of promoting transparency. The UNFCCC, for example, has relied primarily on expert teams rather than NGOs to review national reports for completeness and accuracy. International monitoring is useful not only as a means to detect violations, but also to reveal why a State is having difficulty in complying with a treaty and what kinds of assistance would be most helpful.57 The FCTC might therefore consider establishing an implementation body, to review the performance of parties and to identify possible assistance measures.

**Provide for regular meetings of the parties.** Regular meetings of the parties help to keep public attention focused on an issue, and on what States are doing to address it. Moreover, they provide a forum for ongoing negotiations among States. In contrast, when a treaty does not provide for regular meetings, it can quickly disappear from view. For this reason, the 1998 Vancouver Meeting recommended that the FCTC should provide for convening regular meetings of the parties.

**Encourage participation by a wide variety of stakeholders.** Although the evidence regarding participation is mixed,58 encouraging participation by a large number of States and nongovernmental groups may contribute to a treaty’s legitimacy, and hence its effectiveness. Participants tend to feel a greater stake in the process and therefore a greater interest in its success. They also form a cadre of people who are likely to help to implement the treaty at the domestic level. In recognition of the need for multisectoral representation, the World Health Assembly may wish to urge States to facilitate and support the participation of nongovernmental organizations in tobacco control efforts, as recommended by the Executive Board in resolution EB103.R11.59
Conclusion

Both the empirical evidence and the theoretical literature on effectiveness suggest that treaties can be an effective tool to promote policy objectives such as tobacco control. A treaty such as the FCTC could help States better to understand their own interests, and thereby contribute to a process of social learning. It could empower groups within each country that support the treaty’s objectives. It could provide a mechanism for the provision of technical and economic assistance to developing States. It could become internalized within the domestic systems of its parties. It could create a sense of obligation in States that are acting in good faith and wish to comply with their treaty commitments. And it could deter violations, since States do not wish to gain a reputation as a lawbreakers and therefore will be reluctant to commit violations if detection is likely. In short, even without strong enforcement mechanisms, a treaty such as the FCTC could bring about positive changes in how States, and ultimately individuals, behave.
REFERENCES


10. Marc A. Levy & Oran R. Young, *The effectiveness of international regimes*, paper presented at the International Studies Association annual meeting, 29 March-1 April 1994, p. 11 (defining problem-solving effectiveness as the "degree to which a regime eliminates or alleviates the problem that prompted its creation").


What Makes International Agreements Effective?


28. Id., p.178.


34. Other factors include a reduction in seaborne oil trade and increased oil prices.


36. Id.


38. Chayes & Chayes, note 3 above.


41. Chayes & Chayes, note 3 above, p. 152.

42. Id., p. 135 ("increased transparency sets up a powerful dynamic for compliance with treaties").

43. Young, note 4 above, pp. 176-177.


46. Chayes & Chayes, note 3 above; Victor, Raustiala & Skolnikoff, note 3 above, pp. 661, 682.

47. Chayes & Chayes, note 3 above, p. 22.


49. The effectiveness of a treaty may depend on characteristics of the activity being addressed (how important is it economically? How many actors are involved? How strong is its bureaucracy?). See generally Weiss & Jacobson, note 3 above, pp. 6-12. For example, the success of the Montreal Protocol was due, in part, to the development of affordable, effective and profitable substitutes for ozone-depleting substances.

50. Chayes & Chayes, note 3 above, pp. 10-11; Weiss & Jacobson, note 3 above, p. 524 (but noting that "starting obligations precisely cannot override other factors that work against compliance").


52. Id.


56. Vancouver Meeting Report, note 53 above.

57. Szasz, note 54 above, pp. 15-16.


The Tobacco Free Initiative is a new WHO cabinet project created with the express aim of focusing international attention and resources on the global tobacco epidemic - the cause of a vast and entirely avoidable burden of disease.