

# POLS 318: Theories of IR

## Lecture 14 (10.06.2020): International Treaties

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# Overview

- 1 Quick review
- 2 Introduction
- 3 Treaty Elements
- 4 Treaty Areas
- 5 Conflict & International Treaties
- 6 Extra Material

# Review

## WHAT WE COVERED LAST MEETING?

- Economic statecraft: sanctions and foreign aid.
- Sanctions - compel change in behavior.
- The winning coalition and regimes.
- Deprivation or Backlash effects (Israel).
- Foreign aid - in exchange for policy concessions.
- Why fail?
- Dictators and aid.

Questions?? Email me!

# International Treaties

## Introduction

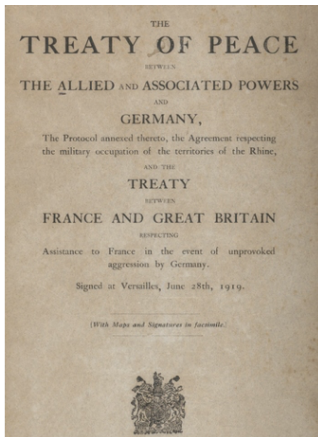
- Basics: definition, types.
- Motivations to sign.
- Motivations to renege.
- Treaties and international institutions.

## DEFINITION

- Formal agreement b-w sovereign states.
- Multi or bilateral agreements.

# International Treaties

## Famous Treaties



# International Treaties

## Main elements

- Create legal obligations.
- Promote custom - behavior derived from practice.
- Not all treaties are binding!

## BINDING TYPES

- 1 *Hard law*: legally binding. Reduce transaction costs of future interactions.
- 2 *Soft law*: suggestive and custom based. More likely when negotiation costs are high.

# International Treaties

## Ratification

- Treaty ratified → binding.
- However...
- Ratification is not a must.
- Rules vary by states.
- The process and procedures of ratification: signal for behavior (compliance or violation).

# International Treaties

## Self-enforcing agreement

- Common type of international treaty.
- Based on rational view.
- No third party to enforce → self-enforced.
- How does it work?
  
- The signing parties → cost-benefit of treaty.
- Gains from agreement  $\gg$  costs of abrogation.
- "Enforced" by parties themselves (control the benefits).



# Mechanisms of Enforcement

## Reciprocity

- Compliance → positive and negative incentives.
- Positive: cooperation over the long-run.
- Negative: fear of retaliation and setting a bad precedent.
- Prisoner's Dilemma [▶ Game](#)
- Examples:
  - ① Stable trade relations.
  - ② No conflict: respond militarily in-kind.

# Mechanisms of Enforcement

## Credible Commitment

- Compliance and risks of renegeing.
- International agreement → reduce renegeing risks over the long-run.
- How? Costs to strengthen treaty credibility:
  - ① Ex ante (sunk) costs: signal of commitment.
  - ② Ex post costs: paid in case of violations.
- Ex post costs mechanisms: arbitration, prosecution, dispute settlement.

# Mechanisms of Enforcement

## Reputation

- Compliance → secure reputation.
- Clear costs in case of violation.
- Law as a top priority, accepted by all members.
- Empirical evidence: public reject violating behavior.
- Support for reputation mechanism of treaty.
- Yet - conditions may alter views (elections, partisanship).
- Other problems: unobserved behavior, future not valued highly, domestic incentives drive system behavior.

# Treaty Enforcement

## Domestic incentives

- Appease public → violate international treaty.
- Treaty → information to citizens.
- Public support for norms of compliance and rule of law.
- Violation → political risk for government.

*Liberal democracies: 'better' with international treaties*

# Treaty Enforcement

## Domestic incentives

- Treaty → group mobilize and demand compliance.
- Ratification → legitimacy, link to identity.
- Attracts media attention, recruitment of allies.
- Treaties of human rights: civil, women, children, etc.
- Yet, regime type matters...
  - Stable autocracies - no mobilization.
  - Stable democracies - no motivation.
  - Partial and transitioning democracies.

*Direction of causality - driven by domestic pressure or international conditions?*

# Treaty Compliance

## A constructivist view

- Compliance → social norms of laws.
- Public discourse on legitimacy shapes behavior.
- Beliefs and values are critical.
- A socialization process...

# Treaty Compliance

## A constructivist view

### SOCIALIZATION PROCESSES:

- 1 Coercion/conditioning: rewards/punishments system for elites.
  - 2 Acculturation: cues of socially accepted behavior that fit international standards.
  - 3 Persuasion: deliberation to alter attitudes, values and identity.  
Push for compliance with treaty.
- Empirical evidence? still a problem.

# International Treaties

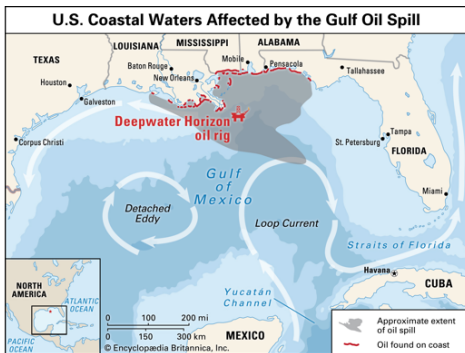
## Environmental Regulations

- Transparency is critical for compliance.
- Treaty design → incentives for polluters.
- What must government do?
  - ① Capacity to implement complex regulations.
  - ② Constrain private actors.
  - ③ Use positive and negative inducement for compliance.



# Environmental Regulations - private industries

## Deepwater Horizon Explosion - 2010



# Environmental Regulations - private industries

## Deepwater Horizon Explosion - 2010



# Environmental Regulations Treaties

## Support mechanisms

- Union labors and local ports → fight against violations.
- Prominent role for NGOs.
- Civil society can support compliance.
- Empirical evidence: NGOs and corporate interest mediation.
- Non-business actors → increase compliance of multilateral international agreements.

# Human Rights Treaties

## Why different issue?

- Importance.
- No reciprocity → a design problem.
- Hard to sustain as self-enforcing.
- Mostly nonmaterial issues: theoretical and normative emphasis.

**THE UNIVERSAL DECLARATION OF Human Rights**

**WHEREAS** recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

**WHEREAS** disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

**WHEREAS** it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression that human rights should be protected by the rule of law,

**WHEREAS** it is essential to promote the development of friendly relations among the nations,

**WHEREAS** the peoples of the United Nations have in the Charter reaffirmed their faith in the fundamental human rights, to the dignity and worth of the human person and in the equal rights of men and women and

**have determined to promote social progress and better standards of life in larger freedom,**

**WHEREAS** Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

**WHEREAS** a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

**NOW THEREFORE** THE GENERAL ASSEMBLY PROCLAIMS this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

**ARTICLE 1 – Right to equality.**  
**ARTICLE 2 – Freedom from discrimination.**  
**ARTICLE 3 – Right to life, liberty, personal security.**  
**ARTICLE 4 – Freedom from slavery.**  
**ARTICLE 5 – Freedom from torture and degrading treatment.**  
**ARTICLE 6 – Right to recognition as a person before the law.**  
**ARTICLE 7 – Equality before the law.**  
**ARTICLE 8 – Right to remedy by competent tribunal.**  
**ARTICLE 9 – Freedom from arbitrary arrest and exile.**  
**ARTICLE 10 – Right to fair public hearing.**  
**ARTICLE 11 – Right to be considered innocent until proven guilty.**  
**ARTICLE 12 – Freedom from interference with privacy, family, home and correspondence.**  
**ARTICLE 13 – Right to free movement in and out of the country.**  
**ARTICLE 14 – Right to asylum in other countries from persecution.**  
**ARTICLE 15 – Right to a nationality and the freedom to change it.**

**ARTICLE 16 – Right to marriage and family.**  
**ARTICLE 17 – Right to own property.**  
**ARTICLE 18 – Freedom of belief and religion.**  
**ARTICLE 19 – Freedom of opinion and information.**  
**ARTICLE 20 – Right of peaceful assembly and association.**  
**ARTICLE 21 – Right to participate in government and in free election and to free and fair elections.**  
**ARTICLE 22 – Right to social security.**  
**ARTICLE 23 – Right to desirable work and to join trade unions.**  
**ARTICLE 24 – Right to rest and leisure.**  
**ARTICLE 25 – Right to adequate living standard.**  
**ARTICLE 26 – Right to education.**  
**ARTICLE 27 – Right to participate in the cultural life of community.**  
**ARTICLE 28 – Right to a social order that articulates this document.**  
**ARTICLE 29 – Community duties essential to free and full development.**  
**ARTICLE 30 – Freedom from state or personal interference in the above rights.**

**UNITED NATIONS**

Adopted by the United Nations General Assembly at its 183rd meeting held in Paris on 10 December, 1948.

# Human Rights Treaties

- Persuasion and promotion of appropriated behavior.
- Internalized legally and as norms.
- Requires ratification for legitimacy and effect.
- Example: repressive regimes and the *CAT* treaty.
- Motivation: co-opt competition so ratify agreement.
- Yet, no international enforcement mechanism.
- Ratification → expressive only.

# International Treaties

## Types

- Important rule in interactions (war, peace).
- Alliances and defense pacts.
- Peace agreements, territorial boundaries.
- Laws of war (self-enforcing).

# Security and Treaties

## Compliance

- Rational view → credible commitment issues.
- Treaty signal for intent to comply.
- Alliances → signal of military assistance.
- Data: most alliances are kept (reputation costs).

## Why violations?

- 1 Change in relative power among actors.
- 2 Change in domestic institutions.
- 3 Forming a new, external alliance.

# Security and Treaties

## The Laws of war (Valentino et al. 2006)

- Do states that ratify treaties comply with laws of wars in conflict?
- Do armies target civilians?
- Ratifying "Laws of war" treaties.
- War strategy correlate with targeting civilians.
- Ratified treaty → no effect.
- Strategic incentives ≫ legal and normative considerations.
- Potential indirect effect on chosen strategy (avoid certain costs).



## Recommended readings

More studies on international treaties:

- ① Carnegie, Allison, and Austin Carson. (2018). "The Spotlight's Harsh Glare: Rethinking Publicity and International Order." *International Organization* 72, 3, 627-657.
- ② Jensen, Nathan M., and Edmund J. Malesky. (2018). "Nonstate actors and compliance with international agreements: An empirical analysis of the OECD anti-bribery convention." *International Organization* 72, 1, 33-69.
- ③ Marchiori, Carmen, Simon Dietz, and Alessandro Tavoni. (2017). "Domestic politics and the formation of international environmental agreements." *Journal of Environmental Economics and Management* 81, 115-131.

# Cooperate or Defect?

## 'The Prisoner's Dilemma'

	B stays silent (Cooperates)	B Betrays A (Defects)
A stays silent (Cooperates)	Both serve 1 year	A serves 3 years, B goes free
A Betrays B (Defects)	A goes free, B serves 3 years	Both serves 2 years

PsycholoGenie.com

**game can be used as a model  
for many real world situations.**