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Compliance in International Relations

Carmela Lutmar and Cristiane L. Carneiro

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Summary and Keywords

States' compliance with international law is a multicausal event, with variables operating at various levels of analysis, such as states' incentives, regime type, issue area, strategic considerations, psychological perceptions, and level of enforcement. Recent scholarship on compliance with international law in general, and with international agreements in particular, has made great progress in uncovering some of the links between these factors, and in determining under what conditions we are more likely to see greater compliance, in what issue areas, and in explaining these variations.

Keywords: compliance, enforcement, regime design, reputation, domestic institutions, managerial school, endogeneity, international law, international agreements, incentives, empirical international relations theory

Introduction

The role of formal commitments and regime design by states in international relations presents several questions that remain addressed inconclusively in the literature. In particular, why do states negotiate and sign some agreements and shy away from others? Among agreements that were ratified by states, why are some of these implemented, and why do they reach high levels of compliance, while others are simply ignored? What role do institutions—both international and domestic—play in the regime design and compliance debates? How do leadership changes affect renegeing on formal provisions in peace agreements, and how do those changes affect the likelihood of violating them?

Research on the role of institutions, international and domestic, has explored key aspects of these questions (Bueno de Mesquita, Smith, Morrow, & Siverson, 2003; Mitchell & Hensel, 2007; Slaughter & Burke-White, 2007). Others have looked into institutional design features (Gilligan, 2006; Hafner-Burton, 2009; Hafner-Burton & Tsutsui, 2005; Koremenos, 2005; Koremenos, Lipson, & Snidal, 2001; Rosendorff & Milner, 2001) and

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the role of state reputation (Downs & Jones, 2002; Simmons, 2009; Tomz, 2007). There is also a segment of the literature that analyzes the role of enforcement mechanisms, such as economic sanctions (Marinov, 2005).

Three big questions guide the general discussion on compliance.

1. To what extent do observed levels of compliance result from international agreements, or from the role of state power and interests?
2. If international agreements can, in fact, alter behavior, what negotiation strategies and regime design features elicit the highest levels of compliance?
3. Is there variation in the levels of compliance across issue areas? If so, to what extent does regime design account for this variation in levels of compliance?

These questions are the departure point for this essay article as we attempt to provide a comprehensive review of the scholarly literature on the topic. This article proceeds as follows—the next section surveys the scholarly literature on the various mechanisms and sources of compliance. The following section addresses states' motivations to comply with international law. The subsequent section deals with a relatively new topic in the compliance literature—regime design, or the extent to which institutional architecture choices can influence compliance by states. The article concludes with some thoughts about future possible avenues for research on compliance.

Why Study Compliance?

Political scientists and international law scholars have enhanced our understanding of the conditions under which states' compliance with international commitments is most likely to occur. Given the anarchic nature of the international system, and the lack of centralized enforcement, scholars have questioned the rationale for state compliance with international agreements they entered into. Keohane (1984, p. 99) mentions "the puzzle of compliance is why governments, seeking to promote their own interests, ever comply with rules that are not in their immediate self-interest." This puzzle raises related questions such as: When do states comply? Why do they comply in some cases but not in others? What does compliance with international agreements tell us about the role of international law in bringing about cooperation? Can we learn any lessons about its usefulness in shaping states' interactions in the international system?

As von Stein (2013) notes, in political science, the term *compliance* often refers to written agreements. Mention of compliance refers to the degree to which states adjust their behavior to the provisions contained in the international agreements they have entered into. This minimalist definition excludes norms and international custom, which have not been codified in writing. These sources of international law are important pointers for state behavior at the international level. The last section of this article addresses some interesting questions that emanate from this omission. *Enforcement* means the use of

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measures, such as sanctions, against non-compliant sides. That is, measures that will force the non-compliant sides to do things they would not do otherwise. Here, as well, the definition is relatively minimal and basic.

Some of the questions raised have been addressed extensively throughout the years by several political theorists.¹ Machiavelli, Hobbes, and, more recently, Morgenthau are among those who talk about compliance from various angles. Machiavelli sees it more in terms of reciprocity—that is, a “prudent Prince neither can nor ought to keep his word when to keep it is hurtful to him and the causes which led him to pledge it are removed” (Machiavelli, 1989 (1532), Ch. XVIII). That is, the Prince’s main goal is survival in power, and if his constituents do not follow through their commitments, it would be self-defeating on his part to do so. As von Stein (2013) notes, for Machiavelli human nature is an obstacle in ensuring that reciprocity would serve as a useful mechanism for compliance. However, some more recent literature in political science finds that reciprocity is a double-sword mechanism and can be a useful engine of enforcement in pushing states to comply.

Hobbes’ famous notions of the state of nature and its depiction holds important implications to our analysis of compliance. His description of life in the state of nature is quite dark: “solitary, poor, nasty, brutish, and short” (Hobbes, 2006 (1651), Ch. XIII), but the way to get protection is to count on the Sovereign (Leviathan) by turning power to her. This is the foundation of one of the most important concepts in political science—sovereignty, and its respect under almost all conditions. This is for Hobbes the basis on which relations between states are based, and that ensures peace. However, with lack of a central authority to enforce rules and norms in the international system, relations between states can become problematic.

Morgenthau (1948), one of the founders of the realist approach in international relations, makes the distinction between the existence of international law and its effectiveness, and concludes, maybe not surprisingly, that states comply out of self-interest. Hence compliance tells us very little, if anything, about the usefulness of the law. Moreover, in lack of a central authority in charge of enforcement, the measures used to punish non-compliance, such as sanctions, are decentralized. For Morgenthau, again in quite a predictable way, enforcement is a matter of distribution of power, and as such is uneven in at least two ways—the stronger ones are less likely to suffer from reprisals as a result of non-compliance, and the magnitude of the violations can attract disproportional levels of response. That is, minor violations might be encountered with harsh measures, whereas grave ones might go on without any response (Morgenthau, 1948).

The discussion on Morgenthau leads to the next section, which surveys the various mechanisms of compliance and the role they play in enforcing international law and in explaining variation in levels of implementation.

Mechanisms and Sources of Compliance

For the purposes of this article, compliance is typically an international phenomenon that involves sovereign states. The mechanisms that help to bring about compliance are primarily international—and for this reason, are the subject of international relations (IR) scholarship. But IR scholars vary widely with respect to their understanding of state-to-state interaction. In particular, they view the role of state power and international institutions in fundamentally distinct ways. Realists and neorealists privilege state power and interests, whereas institutionalists and neo-institutionalists reserve more room for international institutions and international law. This debate is complemented by the contribution of International Law (IL) scholars, whose views range from normative to more empirical approaches. Von Stein groups these cleavages into *instrumentalist* and *normative* (2013, pp. 478–485). The author exhaustively reviews the literature on compliance with international agreements and emphasizes the growing dialogue between IR and IL scholars.

Compliance, as an international phenomenon, is not to be mistaken for effectiveness or impact. Especially in the realm of international politics, compliance with international agreements can be ineffective when it comes to fulfilling the objectives of the agreement. Compliance can also have little impact, because other factors might override the outcome of compliance with an international agreement, in a specific case. Slaughter and Raustiala (2002) present a thorough analysis of the distinction between compliance, on one hand, and effectiveness and impact on the other hand. The overview of compliance mechanisms offered in this chapter does not address the broader question of the wheels behind agreement effectiveness or the sources of agreement impact.

With these caveats in mind, compliance mechanisms can be grouped into two analytical categories: (a) international and domestic, and (b) reciprocal and nonreciprocal. International compliance mechanisms are ubiquitous, because compliance is understood as an international phenomenon. Less obvious is the role of domestic political institutions as promoters of international compliance. The next section chronicles the well-studied international mechanisms of compliance and discusses relatively new research on domestic mechanisms and compliance with international agreements.

Finally, as a preface to the discussion of specific mechanisms of compliance, it is important to emphasize that compliance amounts to behavioral choices within a group of two or more states. As such, it is subject to a myriad of challenges related to collective action and anarchic cooperation (Olson, 1971). Aside from the well-understood role of group size and its impact on collective action, the scholarship has looked into issue specificity (Downs & Jones, 2002) as well as the context within which cooperation takes place (Tomz, 2007). The characteristics of the problem that the international agreement seeks to resolve, together with the design of the institutions that were established to

mitigate the problem, constitute two additional angles of analysis with respect to compliance (Koremenos, 2016; Mitchell, 2006; Ostrom, 2009).

Next, this article contrasts domestic and international mechanisms to emphasize specific features of each. If the sheer number of member states may influence the prospects for compliance at the international level, when it comes to domestic mechanisms, regime type and quality of government indicators are expected to play an important role. Thus, higher levels of compliance often result from coordinated behavior among a small number of member states at the international level, or from coordination by a large membership when exclusion of benefits is possible (Downs & Jones, 2002). Scholars have also looked into the role of temporary agreement derogation within a large membership base (Gilligan, 2004; Rosendorff & Milner, 2001). What distinguishes these initiatives is the focus on mechanisms at the international level. Conversely, when domestic mechanisms of compliance are at stake, whether countries are democratic or not, the sheer quality of governmental institutions are expected to play a major role (Hillebrecht, 2014).

Domestic and International Mechanisms: The Role of Domestic Institutions

Compliance mechanisms are strategies that states mobilize to influence the extent to which member states conform their behavior to the content of international agreements. These strategies can focus on international actors, primarily other member states, the so-called international mechanisms, or they can privilege domestic actors. The latter are labeled domestic mechanisms here. These are newcomers to the scholarship on compliance, and so far IR scholars have focused on compliance with international human rights (Hillebrecht, 2014; Simmons, 2009C). International Law scholars, on the other hand, have long seized the challenges of compliance and enforcement through the lenses of domestic politics. Their work has concentrated on the role of domestic courts and tribunals as well as the broader network of domestic law operators (Slaughter 2004; Slaughter & Burke-White, 2007).

IR and IL scholars meet halfway to acknowledge the importance of “norm internalization,” or what Harold Koh has labeled “the inculcation of internal obedience” (Koh, 1998, p. 1401). The *transnational legal process* is the main engine behind norm diffusion and internationalization. Domestic actors and domestic channels of diffusion constitute a key feature of this process and, to that effect, they have become the subject of attention by IR scholars as well (Sikkink, 2007; Sikkink & Dancy, 2012; Sikkink, Risse, & Ropp, 2013).

Central to these approaches is the role of domestic institutions, as channels of norm diffusion and enablers of policy change. On this point, the international relations literature on compliance with international agreements interacts with an immense repository of knowledge that has studied domestic political institutions. Democracy versus authoritarian regimes, federal versus central states, presidential versus

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parliamentary systems, common law versus civil law regimes—all these cleavages may influence the process of diffusion and incorporation of international agreements with consequences for the pace and extent of compliance. Recent work by Wayne Sandholtz explores the influence of treaty incorporation mechanisms and states' readiness to enter into international human rights agreements—with an emphasis on the 1984 Convention Against Torture (Sandholtz, 2017). This article follows on the footsteps of a comprehensive analysis of the impact of several domestic institutional characteristics that may impact compliance with international human rights treaties (Simmons, 2009C).

In her book *Mobilizing for Human Rights*, Beth Simmons reviews several theoretical approaches to the question of compliance with international human rights agreements and proposes a domestic-politics framework to account for variation with respect to treaty commitment and compliance. Her *domestic politics theory of treaty compliance* focuses on the role of three pillars: the Executive, domestic courts, and social mobilization (Simmons, 2009C, p. 125). The Executive's role derives from its agency at the international level and from its agenda setting prerogative. Domestic courts are often responsible for giving effect to the content of international human rights treaties within those legal systems where international law instantly penetrates the domestic legal order upon ratification (monist systems). In turn, groups are able to seize and mobilize international human rights agreements to frame their demands in a more legally robust way (Simmons, 2009C, p.135).

Shifting now to international mechanisms of compliance, these can be grouped into reciprocal and non-reciprocal mechanisms. Reciprocal mechanisms prevail when there are no substantial power asymmetries among member states; these mechanisms operate better when the international agreement is self-enforcing—when there are mutual gains from cooperation. Most international trade agreements fall under this category, whether they are bilateral or multilateral (Hofmann, 2009; Palmeter & Alexandrov, 2002). Underlying the logic of reciprocal cooperation through compliance with international agreements is the notion of *tit-for-tat*. States comply at present because they expect other member states to comply in the future. This logic is sustainable as long as this interaction lasts for an indefinite period of time; moreover, the smaller the group, the greater the chances of coordination and cooperation leading up to compliance. One particular reciprocal mechanism has received significant attention by the IR scholarship: state reputation. The role of state reputation in promoting compliance with international agreements is elaborated on next.

Reciprocal Mechanisms: The Role of Reputation

The scholarly interest for the notion of reputation stems from the central role that state reputation plays in international cooperation. States interact when setting the international agenda, when they negotiate international agreements, and when they comply with agreements that are in force. They also interact when it becomes necessary to interpret, monitor, and resolve disputes arising from international agreements. At

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every instance, states have an opportunity to convey information about their preferences and reliability—as contractual partners. Reliability over time is at the center of what scholars have labeled *reputation* (Downs & Jones, 2002). The presumption is that states will prefer to cooperate with reliable contractual partners, and they will treat unreliable partners differently. It follows that reliability is expected to generate deeper levels of cooperation over time.

The role of reputation over time has been the subject of Michael Tomz's book, *Reputation and International Cooperation: Sovereign Debt across Three Centuries* (Tomz, 2007). The book proposes a theoretical framework to account for the variation in states' reputation over time and the consequences of this variation for state cooperation. It offers a strategic model of cooperation, wherein states acquire information about each other's level of reliability to make decisions about the level and the cost of cooperation that they are prepared to engage in. In this model, information on state reputation is mobilized to propose optimal terms of cooperation as follows: states that enjoy a good reputation receive better terms of cooperation, whereas states with no reputation, or states that are labeled as unreliable are offered sub-optimal cooperation deals (Tomz, 2007). The book advances the scholarship on compliance with international agreements by highlighting the dynamic aspect of state reputation. In other words, a given state's reputation is subject to change, depending on behavior in context, as follows: cooperation from an unreliable state is rewarded with an upgrade of reputation; similarly, cooperation by a state in very adverse circumstances is also subject to a reputation upgrade (Tomz, 2007). This model not only accounts for the impact of variation in state reputation along time, but it also suggests that there are incentives to secure a good reputation beyond the international agreement under analysis.

The analysis of state reputation beyond a given international agreement brings us to the topic of reputation across different issue areas, which is the subject of George Downs and Michael Jones' (2002) article. The authors depart from the commonly held assumption that state reputation would be singular and static; put simply, once a state acquired a reputation, this reputation would remain unchanged across issue areas and time. The article challenges this assumption with anecdotal evidence and proposes that a state's reputation is not single and static, but rather segmented and dynamic. State reputation is segmented with respect to issue area, because the reputation held by states with respect to one group of international agreements does not necessarily hold for another set of agreements in a different issue area. Thus, according to the authors, states may have one reputation as reliable international trade partners and a different reputation in the realm of international human rights (Downs & Jones, 2002).

The article analyzes characteristics of the four major areas in international politics to gauge the consequences of issue specificity for the role of state reputation in promoting cooperation. The authors identify a greater role for state reputation when the international agreements involved are closer to a private goods framework, wherein the exclusion of agreement-specific benefits is easier. Conversely, international agreements

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that are closer to a public goods framework—such as agreements dealing with human rights and environmental protection—entail a more limited role for state reputation, when it comes to compliance (Downs & Jones, 2002).

Another category among international mechanisms of compliance encompasses non-reciprocal mechanisms. These are characterized by power asymmetries between the state(s) that has a vested interest in the objectives of the international agreement and the state(s) that bears the heavier burden, when it comes to fulfilling the objectives of the agreement. The typical case of non-reciprocal mechanism of compliance is coercion.

Non-Reciprocal Mechanisms: Coercion

By coercion, we mean international or external coercion as opposed to domestic coercion (by interest groups, for example). Coercion can be used by a party to ensure enforcement by the other party. For realist scholars like Morgenthau (1948), the only way to ensure enforcement is through coercion. But this raises one major problem—when international organizations are involved in the enforcement, the multiplicity of actors with divergent interests might lead to disagreement between them about the need to respond to violations. An additional problem is the classic free-rider problem—that is, even when all members agree to impose sanctions, and the usefulness of such a step, some might have incentives to free ride. Hence, like in sanctions in general, multilateral attempts to punish non-compliance might prove to be inefficient.

Whereas coercion is a tool used mainly by powerful states (Goldsmith & Posner, 2005), it can be positive or negative. As von Stein notes (2013), it can go both ways—it can include punishments such as reduction in foreign aid, sanctions, or even use of force in the form of military intervention (full or just to remove the leader); however, it can include positive inducements or *carrots*, such as an increase in foreign aid as a reward for signing on an agreement (as happened with the Camp David accords between Israel and Egypt in 1979).

Examples for such links can be found in studies on human rights. Hafner-Burton (2005) shows that states used the reward of being part of preferential trade agreements if those states would practice better human rights. Vreeland and Dreher showed, in a series of studies (2011, 2014) how powerful countries such as the United States, Japan, and Germany offer financial rewards to the elected non-permanent members of the Security Council through direct foreign aid and through international organizations, such as the International Monetary Fund (IMF) and the World Bank (Vreeland, Dreher, Gold, & Rablen, 2014) The developing countries are required in return to support resolutions on the Security Council that align with these countries' interests, once they become members. Noncompliance with these demands leads to harsh consequences for those countries. Further studies on compliance with IMF conditionality and programs offer mixed findings (Dreher, 2006, 2009; Vreeland, 2006).

Why Comply?

Until relatively recently, scholarship on compliance had been largely done by legal scholars. In the last two decades or so, theorizing on the conditions under which states are more likely to comply with international agreements, and on the variation of these conditions across different issue-areas, has become increasingly prevalent in the IR literature. Moreover, there have been numerous attempts to test theoretical implications from various compliance theories.

International relations scholars have studied states' compliance with international agreements from a variety of theoretical approaches including *rationalist* (Downs & Jones, 2002; Downs, Rocke, & Barsoom, 1996; Simmons, 2000A, 2002, 2009A; Tomz, 2007), *constructivist or managerial* (Chayes & Chayes, 1998; Haas, 1989), *institutionalist* (Abbott & Snidal, 1998; Gilligan, 2006; Hafner-Burton, 2009; Koremenos, 2005; Koremenos et al., 2001; Mitchell & Hensel, 2007; Rosendorff & Milner, 2001), *legal* (Abbott & Snidal, 2000; Abbott et al., 2000; Alston, Goodman, & Steiner 2007; Chinkin, 1989; Guzman, 2002, 2008; Hathaway, 2003, 2007; Falkner, Treib, Hartlapp, & Leiber, 2005; Goldsmith & Posner, 2005), and *liberal* (Bueno de Mesquita et al., 2003; Slaughter & Burke-White, 2007) perspectives. Some of the scholarly literature addressed directly puzzles that Luck and Doyle (2004) identify in the compliance literature, including: (a) the role of domestic institutions, (b) the consequences of strategic shifts in the international landscape, (c) the effect of power and equity gaps, (d) temporal dynamics in states' compliance patterns, and (e) variation in compliance rates across issue areas.

The emphasis so far has been on the link between compliance and enforcement, and on whether the latter increases the former. However, the approaches mentioned above differ on one major point—the constructivist (or managerial) approach contends that states do not have firm expectations with respect to enforcement, therefore they comply with international agreement for other reasons, such as legitimacy, ideas, and norms. The managerial approach raises the possibility that enforcement might deter states from entering into international agreements they anticipate they would not comply with. As von Stein notes (2010), whereas the two perspectives differ quite substantively, their common denominator is the acknowledgement that enforcement can be problematic, under certain conditions, for compliance with international law. Ultimately, enforcement may not bring about higher levels of compliance.

Managerial School

The *Managerial School* of compliance is based on writings of international legal scholars such as Abraham Chayes and Antonia Chayes (Chayes & Chayes, 1998). Their approach assumes that states comply because they truly intend to, and the reasons for noncompliance are usually attributed to external factors, such as “treaty ambiguity, the administrative and/or financial incapacity of states to implement the agreements they sign, and the time lag between a law’s entry into force and its impact” (Downs & Trento, 2004, p. 30). The Chayeses believe that levels of compliance can be improved by creating “better funded and more politically responsive international bureaucracies” (Downs & Trento, 2004, p. 30). In this context it would be interesting to test state capacity and whether various levels of it predict different levels of compliance. One of the very few papers to do that is Hovi and Aakre (2009).

One of the major criticisms against this approach was raised by Downs et al. (1996), in which they express skepticism about the findings of the managerial school and claim that states sign on and comply with international agreements that guide a behavior they would have followed even in the absence of an agreement. In other words, states sign agreements they know they would comply with. This describes a selection and endogeneity problem to which we turn now.

Selection and Endogeneity

Downs et al. (1996) argue that states’ compliance with international law combined with low levels of enforcement are not a result of states’ de-commitment to international law but rather a selection problem—states choose to sign on and ratify agreements they know ex-ante they would comply with. Moreover, states would be extremely hesitant to sign on to agreements that require *deep cooperation*—defined as the changes a government would have to make in its behavior compared to their actions in the absence of an agreement—because the deeper the cooperation, the higher levels of required enforcement. However, states are reluctant to give in to a centralized enforcement authority; and while this is hardly surprising, the problem is that in lack of such an authority, the incentives for cheating are much higher. As von Stein notes (2010), states anticipate this, and will be more likely to sign on and ratify agreements that require superficial cooperation; however, this will also result in few changes, if at all, in states’ behavior. Von Stein (2016) examines the cases when domestic institutions are highly likely to ensure compliance, and finds that states will join agreements only if they are already compliant, which in turn is bad news, because it means that the states that we would mostly want them to be part of will not join.

The “selection and endogeneity” argument raises at least two strong counterarguments. The first is general, namely that international law is in fact a reflection of behaviors (by states) that were going to happen even without the existence of the agreements. But then

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we need to explain why states still sign agreements. The second critique, by Keohane (1997), raises the possibility that states face a challenge in predicting the future costs of compliance, and so may end up signing on to an agreement to which compliance might be difficult. However, backing off or not complying might be too costly for the state, and so it ends up complying even though it is harder to do than anticipated. A related argument is that states join agreements for various reasons, for which the benefits of complying with can outweigh the costs of doing so. Both arguments emphasize the rational calculation of costs and benefits embedded in states' decisions to comply with existing agreements.

Several recent attempts have been made to address "selection and endogeneity" in a quantitative manner. See Mitchell and Hensel (2007), Morrow (2007, 2014), Simmons (2009C), and von Stein (2016). These articles illustrate best practices in international relations scholarship that have become the standard for research in the field.

Regime Design: Exit and Flexibility

A promising niche for future research lies at the intersection of the scholarship on compliance and the literature on international regime design. So far this literature has advanced our knowledge of international agreements through a systematic analysis of a series of regime design features that are both common to international agreements and subject to observation and measurement. The *Continent of International Law* (COIL) dataset offers a repository of a representative sample of multilateral international agreements registered with the United Nations Treaty database, which have been coded for several of the design features identified in the literature (Koremenos, 2016). This project advances the research agenda launched in 2001, with the special issue of the journal *International Organization*, to enable a more systematic empirical evaluation of the conjectures proposed therein (Koremenos et al., 2001).

The state of the art in the scholarship on regime design has matched agreement characteristics, such as the nature of the cooperation problem and the number of relevant actors, to existing regime features (Koremenos, 2005; Koremenos & Nau, 2010; Koremenos et al., 2001; Mitchell, 2006). International law scholars have also analyzed a ubiquitous trait of international agreements: exit provisions (Helfer, 2005, 2010). Exit as well as duration provisions constitute an integral part of agreement architecture and are key features in the trade-off between gains from the agreement, on one hand, and encroachments on state sovereignty associated with the agreement, on the other hand. The literature on regime design understands exit and duration provisions as flexibility tools. States often seize these institutional design features to devise a balance between state interests and the demands of international agreements. For this reason, flexibility is key to agreement survival and compliance, precisely because it enables states to cope with uncertainty (Koremenos, 2005).

A more systematic exploration of the relationship between international regime design and compliance is overdue. This effort demands leveraging the contribution of the literature on compliance, from a standpoint of both IR and IL, to establish a productive dialogue with the scholarship on international characteristics and regime design.

Conclusions

Major progress has been achieved in the study of compliance. Political scientists have made major strides in explaining variation in levels of compliance, as well as how these change in various issue areas. A recent collection of articles (Lutmar et al., 2016; Carneiro & Apolinario Jr, 2016; Hug & Wegmann, 2016; Hillebrecht, 2016; Anderson et al., 2016) examines variables such as time, regime characteristics, and treaty design to fully account for the variation in observed compliance rates. A major conclusion is that finer grained measures of compliance are needed, and greater attention must be paid to micro foundations, to capture the evolving and complex nature of the concept.

Many research questions remain open and provide a fertile soil for further scholarly investigation. Many studies address compliance as a dichotomous variable, namely whether there was compliance or not. However, most cases of compliance fall in-between these extremes, and an interesting investigation would be to examine various levels of compliance, and under what conditions each is more likely to occur. Moreover, are diverse issue areas likely to display distinct levels of compliance? One might predict that, in areas where the costs of complying are higher, like security for example, there would be greater variance associated with regime type, whereas in areas such as trade and environment, the variance would be lower. One might predict that democratic leaders who are more sensitive to audience costs will be less compliant with agreements in issue areas in which the costs of complying are higher. However, leaders in nondemocracies are far less concerned with public opinion, so in a paradoxical way, more compliance might be observed in those regimes when high costs are involved. Democratic leaders are more likely to pay higher costs domestically for backing off from international agreements than nondemocratic leaders.

This point stems from the previous one. Compliance might be conceptualized as a continuum; therefore, by setting very high standards, one knows that the actual level of compliance achieved would be much lower. In such cases, partial compliance, in its various degrees, is part of the process. There are no empirical tests, to the best of our knowledge that address partial compliance, so a useful path for future research might lie in testing various degrees of compliance and the conditions under which those are more likely to occur.

The distinction between *hard law* and *soft law* has been addressed in the past in the literature (Abbott, Keohane, Moravcsik, Slaughter, & Snidal, 2000; Abbot & Snidal, 2000; Chinkin, 1989; Falkner et al., 2005; Slaughter, 1993; and Trubek & Trubek, 2005, to

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mention just a few). Cases that fall within the *hard law* group are the majority of cases, are easier to address, and as a consequence, easier to test whether compliance has been achieved. However, human rights laws are combinations of both categories, and as the category of soft law is addressed, those cases are harder to identify, hence to test. It might be useful to gain a better understanding of this category and the tools we have (or that need to be developed) to gauge compliance in more effective ways.

The study of human rights is one of the areas in which the study of compliance has made substantial progress, as it is clearly demonstrated in the recent collection of articles in *International Interaction* (Lutmar, Carneiro, & Mitchell, 2016). However, we must distinguish between positive rights and negative rights, a division that the current scholarship does not make. We might observe various levels of compliance based on this distinction.

The time dimension is crucial, and yet, it is hardly addressed (or incorporated) in empirical studies of compliance. In other words, how does compliance change over time? Does it increase on the dyadic level and, if so, does it vary by issue area? Moreover, is regime type an important variable in predicting various or changing levels of compliance over time? How does compliance in the first stages change the incentives and preferences of the players?

One of the major bones of contention between states is the issue of monitoring of compliance. This gets even more problematic when states disagree on the actual course of events. How can monitoring be measured and implemented? Then again, how do those vary across regime types? One would predict that democracies would be more prone to agree on the actual course of events given their peaceful nature (as described by the Democratic Peace proposition), and their propensity to resolve conflicts that arise between them by peaceful means.

One of the most important variables in empirical studies of conflict is the status of the states involved—major power or not. To the best of our knowledge, there are no conclusive empirical studies on compliance that incorporate this variable to examine whether major powers are more inclined to comply; and if so, what are the causal mechanisms that account for it. One could easily hypothesize that state capabilities and their status in the international system would affect strategic calculations and the propensity to comply in various issue areas. In a similar vein, one can think of law (or compliance with it) as a tool of the weak (or weaker), who use it as a power multiplier in the international system.

These are just a few thoughts on how to proceed. The studies of compliance, and the various puzzles associated with it, will continue to be at the forefront of the scholarly agenda in international relations and international law for many years to come.

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Notes:

(1.) For an extensive and excellent literature review on the topic, see von Stein (2013).

Carmela Lutmar

School of Political Sciences, University of Haifa

Cristiane L. Carneiro

Institute of International Relations, University of São Paulo

