Learning Objectives

• Define international cooperation and explain why realists argue that achieving it can be difficult.

• Describe how the theoretical perspectives explain instances of cooperation.

• Define international law and describe its various sources.

• Explain the reasons why states comply with international law.
International Cooperation

➢ International Cooperation:
  • Actors mutually adjust their behavior to accommodate the actual or anticipated preferences of others in the pursuit of common goals.
➢ Their preferences are not
  • Identical
  • Irreconcilable
Realists would likely highlight the actions of the United States at the G7 conference in June 2018 as an example of the prevalence of noncooperation, even on non-security issues such as trade. Here President Trump sits defiant against other G7 leaders.
Cooperation Problems

Cooperation can be difficult to achieve due to

• Relative gains: states can be hesitant to cooperate when one side reaps larger benefits of cooperation.

• The problem of cheating (prisoner’s dilemma): cooperative/nice behaviors can be taken advantage of.

• For Realist - knowing that the incentive to cheat exists, each side is driven away from the choice to cooperate.
Neoliberal Institutionalism and Cooperation

Despite systemic anarchy, states often cooperate because cooperation may be in their self-interest.

• States interact continuously and can reciprocate both cooperation and cheating.
• The expectation of reciprocity makes cooperation a rational choice.
• Shadow of the future: states expect that they will have repeated interactions.
If the prisoner’s dilemma is played only once, it is in each prisoner’s self-interest to defect. However, if the prisoner’s dilemma interaction is played repeatedly, the likelihood of reciprocity (referred to as a tit-for-tat strategy) makes it rational for each prisoner to cooperate rather than defect.

NATO and the EU’s Common Foreign and Security Policy provide expectations about future interactions regarding security and defense policy among their member states. NAFTA and the treaties of the EU create expectations about consistent future interactions among their member states regarding trade. The expectation of repeated future interactions created by these institutions increases the potential for cooperation.
Neoliberal Institutionalism and Cooperation 2

➢ International institutions foster cooperation by encouraging reciprocity.
  • Institutions make cooperative and noncooperative behavior easier to identify.
  • Institutions can provide states with information about the behavior of others.

➢ Institutions can monitor state actions and provide states with various types of information.
  • The Kyoto Protocol established a verification system to monitor states’ carbon emissions and share that information with the rest of the world.
  • The WTO has a dispute settlement procedure that collects information and evaluates whether state actions are in violation of international trade laws.
  • The International Atomic Energy Agency investigates state behavior regarding the use of nuclear technology. The information provided by these types of institutions helps states know when other states are cooperating and when they are defecting, allowing them to respond in turn.
Other Liberal Explanations of Cooperation

➢ Human nature and human ability to learn from history encourage cooperation.

➢ Human beings have the ability and willingness to construct more peaceful societies.

➢ Individuals are naturally inclined to cooperate.
Other Liberal Explanations of Cooperation 2

➢ Kant’s triangle of peace:
  • Democracy: (Republican Constitution) - transparency and internal practices mitigate other states’ fear of cheating.
  • Economic interdependence: (commercial spirit of trade) - and its benefits lessen both incentives for and likelihood of conflict.
  • International institutions: (Federation of free states) - foster cooperation as they
    • Facilitate the negotiation of agreements by lowering opportunity and transaction costs
    • Help coordinate their member states’ behavior
    • Make states’ commitments more credible
Constructivism and Cooperation

➢ While realists anticipate a general lack of cooperation between states and liberals anticipate considerable amounts of cooperation, constructivists are largely agnostic as to whether conflict or cooperation is more likely. What determines whether we see cooperation or conflict between states depends on a variety of factors, including states’ identities, the nature of their shared understandings, and the norms that are in place.

➢ “Anarchy is what states make of it.”
  • Cooperation is most likely between states with convergent identities.
  • States can be socialized to norms of cooperation.
  • Shared democratic identities and norms can foster cooperation.
  • A norm of cooperation can develop.
International Law

➢ A body of rules and norms of permissible and impermissible behavior.
➢ Regulates interactions among states, between states and IGOs and among IGOs, states, and individuals.
➢ Provides order.
➢ Mechanism for settling disputes.
Sources of International Law

- **Custom**: customary law is limited because it develops slowly. Not all states participate in customary law, and its uncodified nature leads to ambiguity in interpretation. Much of customary law has been formalized in treaties starting in the twentieth century.

- **Treaties**: treaties are the dominant source of law today, and are legally binding; only major changes in circumstances give states the right not to follow treaties they have ratified.
Treaties are crucial in establishing law across all areas of the international system. In 1963, representatives from the United States, the United Kingdom, and the Soviet Union signed the Outer Space Treaty, which provided a framework for the international laws of space travel and exploration.
Enforcement Mechanisms and State Compliance

➢ States are sovereign actors, and compliance with international law is clearly not absolute.

➢ States enforce international law through self-help.  
   *It is in the state and individuals self-interest to comply.*

➢ Issue diplomatic protests.

➢ Initiate reprisals.

➢ Threaten to enforce boycotts, embargoes, sanctions.

➢ Use military force against offending state.

➢ But requires collective action from many states to be successful.
Enforcement of International Law

➢ Since, most of the time, states do comply with international law, several mechanism exists that help to produce state compliance:

• Vertical Enforcement
• Horizontal Enforcement
• Self-Interest
• Norms and Ethics
Vertical Enforcement

➢ A legal process whereby one actor works to constrain the actions of another actor over which it has authority in order to secure its compliance with the law.
  • Example: institutional enforcement by European Court of Justice or International Court of Justice
  • Can also occur from the bottom up when national courts invoke universal jurisdiction.
  • Threat of punishment motivates compliance.
States work to elicit compliance with international law by other states.

- Power: states comply with international law because more powerful states make them.
- Reciprocity/tit for tat: the desire to reap the gains of cooperation will incentivize states to comply with the laws.
Self-Interest

➢ Compliance or lack thereof depends on whether compliance is in the interest the states in question.

➢ States benefit from participating in making the rules through treaties because that enables them to ensure the rules are in their interest.

➢ Compliance or lack thereof can also depend on states’ ability (bureaucratic, managerial, or otherwise) to comply.
Norms and Ethics

Constructivists and some liberals subscribe to normative explanations of compliance with international law.

States comply because
- It is the right thing to do.
- International law reflects universal ethics.
- They desire to be seen as legitimate.
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<tr>
<th>TYPE OF ENFORCEMENT</th>
<th>METHOD</th>
<th>EXAMPLES</th>
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<tr>
<td>Vertical enforcement (top-down)</td>
<td>An international institution with authority over a state secures compliance.</td>
<td>In 2016, the European Court of Justice fined Greece 10 million euros upon request from the European Commission for breaking EU laws regarding the disposal of waste.</td>
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<td>Vertical enforcement (bottom-up)</td>
<td>National and local courts can enforce international law.</td>
<td>In 2015, the Spanish Constitutional Court found that a court had breached the right to a fair trial of an interim public employee by refusing to apply clear and consistent EU law.</td>
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<td>Horizontal enforcement</td>
<td>States secure compliance from other states.</td>
<td>In 2015, coercive economic sanctions on Iran helped get it to agree to halt its nuclear program.</td>
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<td>Self-interest</td>
<td>States benefit from the cooperative behavior resulting from the treaties they sign; they want to continue to foster that beneficial behavior.</td>
<td>The U.S. Department of Transportation passed an order that came into effect in 2008 requiring all standards and recommended practices put forth by the International Civil Aviation Organization to be implemented by the Federal Aviation Administration, recognizing that the United States has an interest in safe, secure, and efficient air navigation services in domestic and international airspace.</td>
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<td>Norms and ethics</td>
<td>States follow international rules because they are seen as legitimate and doing so is the “right thing to do.”</td>
<td>In 2015, recognizing the legitimacy of the International Court of Justice (ICJ) and its rulings, Nicaragua agreed to abide by the ICJ’s decision that Costa Rica had sovereignty over a disputed territory.</td>
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States Have negotiated many treaties related to criminal law, addressing both procedural and substantive issues pertaining to fighting crime.

Procedural Treaties:
- Mutual legal assistance treaties: coordinate cooperation between governments in evidence gathering, sharing information, tracking suspects or witnesses, etc.
- Extradition treaties: process of delivering an individual from the territory of one state to another state for prosecution or to serve a sentence
International Criminal Law 2

➢ Substantive treaties: deal with various transnational climes
  • Human trafficking
  • Financing terrorism
  • Drug trafficking

➢ International cooperation in the realm of fighting crime is often politicized.
  • Example: extradition
The International Court of Justice

The International Court of Justice (ICJ) has been responsible for some significant decisions concerning international law, but it is a weak institution because it hears very few cases; when cases are heard, they rarely deal with the major controversies of the day; and only states may initiate proceedings; individuals and nongovernmental actors like multinational corporations cannot. The International Criminal Court has some power, but its domain is limited to the laws of war.
The International Court of Justice

➢ Fifteen judges; located in The Hague

➢ Noncompulsory jurisdiction

➢ Hears few cases, but the number has been increasing

➢ Only states and IGOs may initiate proceedings
The International Court of Justice

The International Court of Justice occasionally rules on territorial disputes between countries. Here, in 2013, the ICJ ruled that the contested lands surrounding the Temple of Preah Vihear on the border between Cambodia and Thailand fell in Cambodian territory.
Key Term

➢ **International Cooperation** - Actors mutually adjust their behavior to accommodate the actual or anticipated preferences of others in the pursuit of common goals.

➢ **International Law** - A body of rules and norms of permissible and impermissible behavior.

➢ **Prisoner’s Dilemma** - The *prisoner’s dilemma* is a scenario in which two prisoners must choose between confessing (betraying the other prisoner), or staying silent. The incentives of the game (jail time in this case) mean that each prisoner prefers to confess regardless of what the other prisoner decides to do, though the prisoners could jointly be better off by staying silent.

➢ **Treaties** - (sometimes called conventions, covenants, or protocols) are explicitly written agreements among states that lay out rights and obligations.