

**Lecture #11**  
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- I. Introduction
- II. Compliance overview
  - A. Implementation - passing domestic legislation for legal conformity with rules
  - B. Compliance - behavior on the ground that conforms to rules
  - C. Monitoring, verification, & transparency - determining whether actors are complying. Information from whom? Information about what? Different uses of information: Check compliance, environmental status, treaty feedback
  - D. Enforcement - process by which those with incentives to not comply are nonetheless induced to do so.
  - E. Effectiveness - two major ways to think about it:
    - 1. Goal achievement: was goal of treaty achieved ("how far from full is the glass?")
    - 2. Counterfactual: is problem less than it would have been without the treaty? ("how far from empty is the glass?")
- III. Review of compliance issues with respect to Kyoto and fisheries
  - A. Walk through the slides at: <http://www.nytimes.com/interactive/2009/12/05/world/climate-graphic-background.html?ref=energy-environment#tab=1>
  - B. On fisheries, see: <http://www.vimeo.com/5846172/> (4 minutes 20 seconds)
- IV. Relationship of compliance and effectiveness
  - A. Measuring effectiveness
    - 1. Indicator of influence -- outputs, outcomes, impacts -- I prefer behavior/outcomes because it is closer to the IEA cause than impacts but stronger evidence of the impacts we care about than outputs/policies and because behavioral change is a necessary condition for environmental impacts which is what we ultimately care about.
    - 2. Comparator of influence
      - a) Compliance: legal standard. Reject because not meaningful
      - b) Goal achievement: goals established. Reject because unlikely to occur
      - c) Counterfactual: what would have happened otherwise. Accept because this gets at causation very explicitly.

	Effectiveness: Behavior influenced by IEA	Non-effectiveness: Behavior NOT influenced by IEA
Compliance: Behavior meets agreement standards	Treaty-induced compliance	Coincidental compliance
Non-compliance: Behavior does NOT meet agreement standards	Good faith non-compliance	Intentional non-compliance

- B. But also consider other "effects," i.e., the unintended but nonetheless real effects of treaties
  - 1. Equity
  - 2. Impacts on indigenous groups or disenfranchised groups
  - 3. Etc.
- V. Why do nations comply?
  - A. Cannot assume compliance is same as treaty-induced compliance.
    - 1. Realist conceptions of compliance: coincidence, e.g., Soviet compliance with LRTAP - decline in economy; Nordic countries compliance with LRTAP - domestic factors causing compliance. Note that could even have planned change in these countries and still coincidental compliance.
    - 2. Institutionalist conceptions of compliance: coincidence and also impact of institutions; Need to assume treaty is not the cause; Map out causal pathway; Look at alternative approaches; Hard but important to find cases that allow this.
  - B. Independent self-interest (narrow)
    - 1. Treaties are negotiated precisely to reflect state interests. So, not a surprise that states do what is in their interests. The strong agree to do what they would anyway, and the weak agree to do what the strong are going to make them do anyway, to paraphrase Thucydides.

2. No change required in behavior: codifies existing behavior - leader states already complying; Attempt to prevent future behavior
  3. Require already planned future behaviors
  4. Vague and ambiguous rules
  5. Hegemonic power has incentives to comply - rules reflect their interests
- C. Independent self-interest (broad)
1. Uncertainty and unknown side-effects
  2. Fear of public opinion
  3. Efficiency of decision-making: rational to keep cost of decision-making down; satisficing and SOPs
- D. Interdependent self-interest
1. Coordination games - easy
  2. Collaboration games - harder but still possible
    - a) Hegemonic enforcement
    - b) Reputation effects
- VI. Why do nations violate?
- A. Preference:
1. Don't agree there is a problem: avoid assuming everybody agrees on the problem and its priority for action
  2. Agree there is a problem but don't want to pay that much
  3. Agree there is a problem but want to avoid paying: free-riding
- B. Incapacity
1. Technical, administrative, financial
  2. How differentiate from different priorities
- C. Inadvertence
1. Lack of attention to problem
  2. Even when trying to comply, may fail
- D. No CENTRALIZED enforcement power at international level - doesn't mean no enforcement at all. Also doesn't mean that there is not compliance (note the theoretical leap there that may not be empirically based).
- VII. Sources of compliance in face of incentives for non-compliance
- A. Specificity
- B. Transparency
- C. Reciprocity, iteration, and the problems with targeting - bilateral v. multilateral
- D. Compliance subsystems:
1. Primary rule subsystem
  2. Compliance information subsystem
    - a) Self-reporting
    - b) Verification - OSI, etc.
    - c) Use of information
  3. Non-compliance response subsystem
    - a) Positive - financial mechanisms. Promises are costly when they succeed.
    - b) Negative - sanctions. Threats are costly when they fail.
    - c) Increasing capacity
- VIII. Six types of international social control
- A. Altering consequences
1. Deterrence: increase expected costs of violation
  2. Remuneration: increase expected benefits of compliance
- B. Altering opportunities
1. Generative: create new capacities and opportunities to comply
  2. Preclusive: remove opportunities to violate
- C. Altering perceptions
1. Cognitive: provide new information that changes perception of best choice
  2. Normative: re-educate regarding values
- D. All strategies seek to regulate a socially undesirable behavior
1. What are assumptions of each model regarding the causes of noncompliance?
  2. Under what conditions should we expect them to work?

3. How important is information regarding targeted behavior to success of strategy?
  4. Advantages of each
  5. Disadvantages of each
- E. Strategies adopted in different situations – Mitchell/Keilbach article
- IX. Conclusions
- A. How do we make a treaty more effective?
1. What are options?
  2. Will governments adopt? Is it costly? Will governments implement perfectly?
  3. If implemented perfectly, how well would it work?
  4. Goal of in-class exercise is to break down compliance strategizing into different parts.