

Foundations: International Institutions, Law, and Norms

Review: International Institutions

Institutions: sets of rules, known and shared by the relevant community, that structure political interactions in particular ways.

- ▶ Institutions vary in their goals and rules, but they generally serve to facilitate cooperation.

- ▶ setting standards
- ▶ reducing transaction costs
- ▶ verifying compliance/monitoring
- ▶ adjudicating disputes
- ▶ enforcement (but with difficulty)

International Institutions: Examples

What are some key international institutions?

- ▶ United Nations (UN), like a legislature
- ▶ World Trade Organization (WTO), like a market board
- ▶ International Monetary Fund (IMF), like a central bank
- ▶ World Bank, like a lending bank.

Regional organizations (some examples):

- ▶ North Atlantic Treaty Organization (NATO), like a joint military
- ▶ European Union
- ▶ ASEAN (Assoc. of South East Asian Nations)
Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam
- ▶ African Union
- ▶ Regional development banks: Inter-American Development Bank, Asian Development Bank, etc.

International Law

International Law

International Law: a body of rules that binds states and other agents in their relations to one another, and is considered to have the status of law.

- ▶ **Hard law:** obligatory, precise, high delegation; binding, mandatory, and enforceable
- ▶ **Soft law:** ambiguous, low delegation; better suited to uncertain futures or important sovereignty questions

International law often begins “soft” and becomes increasingly obligatory and precise or “hard” with subsequent negotiations.

International Institutions are codified in international law.⁵

How is International Law made?

Customary International Law develops slowly over time.

- ▶ Additional codification in recent decades

Example of customary law is **diplomatic immunity**.

- ▶ If embassy personnel break a law in the host country, the host country sends violators home rather than punishing them under host country law.

Parking tickets in NYC...(Fisman and Miguel 2007)

Fisman, Raymond, and Edward Miguel. "Corruption, norms, and legal enforcement: Evidence from diplomatic parking tickets." *Journal of Political Economy* 115.6 (2007): 1020-1048.

We study cultural norms and legal enforcement in controlling corruption by analyzing the parking behavior of United Nations officials in Manhattan. Until 2002, diplomatic immunity protected UN diplomats from parking enforcement actions, so diplomats' actions were constrained by cultural norms alone. We find a strong effect of corruption norms: diplomats from high-corruption countries (on the basis of existing survey-based indices) accumulated significantly more unpaid parking violations. In 2002, enforcement authorities acquired the right to confiscate diplomatic license plates of violators. Unpaid violations dropped sharply in response. Cultural norms and (particularly in this context) legal enforcement are both important determinants of corruption.

How is International Law made?

Treaties are negotiated and ratified.

- ▶ Usually a convention to negotiate an agreement.
- ▶ Then opened for signature and ratification.
- ▶ Often not in force until a certain number of states ratify.

The form of International Law

International law varies in:

- ▶ **obligation.** The degree to which parties are bound.
- ▶ **precision.** How fully specified legal obligations are.
- ▶ **delegation.** Degree of legal power to third parties.

Does International Law Matter?

Proponents:

- ▶ Overall compliance rates are high
 - ▶ Most states, most of the time, comply with international legal obligations.

Skeptics:

- ▶ Laws follow practice
 - ▶ States tend to create international law with which they already comply, so law follows practice, not the other way around.
- ▶ Imprecise law
 - ▶ International laws are too imprecise to address most conflicts and do not make much difference.

When is International Law Effective?

How to think about effectiveness: what would have happened if the state had not ratified?

Does international economic law deepen cooperation or codify existing cooperation?

Q: Do states torture less if they ratify the Convention Against Torture?

- ▶ Authoritarian governments torture more and last longer after ratifying

Can a law be effective if states get to select in and out?

When is International Law Effective?

International Law is effective when it:

- ▶ is self-enforcing.
- ▶ facilitates mutually beneficial cooperation.
- ▶ creates compliance constituencies.

Given this, how effective do you expect the following to be:

- ▶ arms control agreements?
- ▶ trade law?
- ▶ human rights agreements?

Why do states join international legal agreements?

Easy case: trade

Hard case: Human Rights

- ▶ Rewards: aid, trade, FDI, praise, muted criticism
- ▶ Identity: This is what states like my state should do
- ▶ Domestic concession: easier “gift” to the opposition than stopping human rights abuses
- ▶ Democratic Lock-in
- ▶ Dictators think the law is ineffective. (misperception?)

International Norms

International Norms

Creating International Norms:

- ▶ Standards of behavior (how nations and rulers behave)
 - ▶ **May** be codified in hard or soft law
 - ▶ *Can exist and influence behavior without codification*
- ▶ Types of norms
 - ▶ Constitutive: for example, what it means to be a state
 - ▶ Procedural: for example, head of World Bank is always American
 - ▶ Regulative: for example, nuclear taboo

International Norms

How do international norms get created?

- ▶ Incentives for cooperation: trade, diplomacy
- ▶ Transnational advocacy networks
- ▶ Signaling and mimicry

The life cycle of norms:

- ▶ Norm entrepreneurs introduce the norm
- ▶ Norm cascade, often instrumental
- ▶ Actors internalize the norm

Transnational Advocacy Networks

- ▶ Networks of activists sharing normative objectives
 - ▶ For example: against foot binding, against land mines, against whaling, against human trafficking, in favor of women's rights, female circumcision
- ▶ Promote norms to alter interests and interactions
- ▶ Substantial growth in recent decades (ease of communication?)

Transnational Advocacy Networks

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Issue Focus of Transnational Advocacy Networks, 2000

Jeffrey Frieden, David Lake and Kenneth Schultz. *World Politics: Interests, Interactions, and Institutions*. 5th ed. Norton, 2021. © Norton. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.

FIGURE 11.2 *Issue Focus of Transnational Advocacy Networks, 2000**

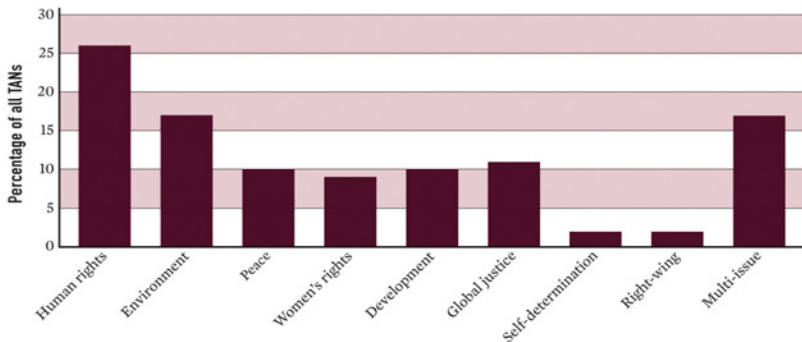


Figure source: Jackie Smith, "Exploring Connections between Global Integration and Political Mobilization," *Journal of World System Research* 10, no. 1 (2004): 266, Table 2.

*The most recent data available are from 2000 but are still useful in providing a sense of the issue areas that contemporary TANs focus on.

Transnational Advocacy Networks

How do TANs work?

- ▶ information
- ▶ symbols
- ▶ leveraging of powerful partners
- ▶ shaming

Transnational Advocacy Networks

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FIGURE 11.3 *The Boomerang Model*

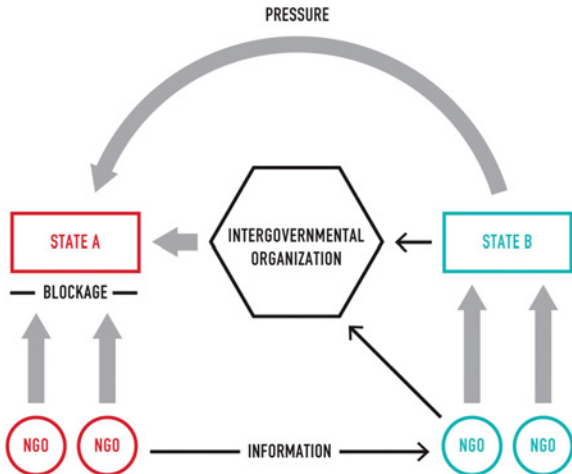


Figure source: Margaret E. Keck and Kathryn Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998), 13.

Signaling and mimicry

Signaling and mimicry

Some norms have neither cooperation benefits or TANs

► Election observers

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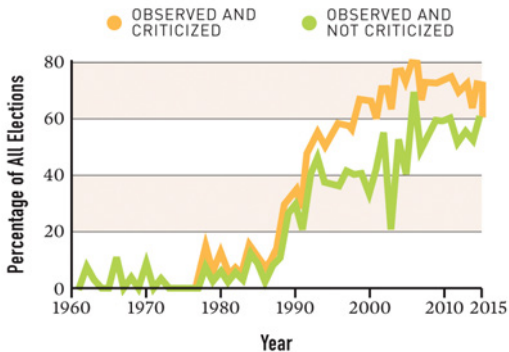


"Former US President Jimmy Carter, right, watches election workers in Jakarta, Indonesia during a visit to a polling station on July 5, 2004." [News story about US election observers]

International Norms

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FIGURE A *International Election Monitoring, 1960–2015*



Source: Susan D. Hyde, *The Pseudo-Democrat's Dilemma: Why Election Observation Became an International Norm* (Ithaca, NY: Cornell University Press, 2011).

Signaling and mimicry

BOCA RATON, Fla. — “If Obama is re-elected, we will move more and more toward one world,” said Bonnie Re, an election worker in this southeastern Florida town.

The prospect did not excite the co-chair of the Boca Raton chapter of the Romney Express, an organization dedicated to helping the former Massachusetts governor become president of the United States.

America is special, she emphasized, and did not need to interact with other countries on the basis of equality. One act of Barack Obama’s really stuck in her craw.

“He called in UN election monitors. Can you imagine?”

MacKenzie, Jean. “International election observers rile Americans.” *The World*. November 1, 2012. © The World from PRX. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.

[News story about US election observers]

Signaling and mimicry

Signaling norms – when leaders react to changes in the international environment.

- ▶ Something starts to favor states that are of a certain “type”
- ▶ States of the right type signal their type
- ▶ States of the wrong type attempt to mimic the signal to get benefits

Are there other norms that fit this story?

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