

Compliance or Defiance: Analyzing State Behavior in International Organizations and International Agreements

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Abstract

In this essay, I provide a synthesis of the existing literature on state compliance within international organizations (IOs) and international agreements (IAs), with a specific focus on the Nuclear Non-Proliferation Treaty (NPT). While empirical methods are not utilized, I explore multiple theories presented in the literature, including realist, constructivist, and managerial perspectives on compliance. I also investigate various factors that influence state behavior, such as treaty ambiguity, domestic pressures, and the presence of enforcement mechanisms. The relative success of the NPT in achieving non-proliferation objectives is underscored, alongside the challenges it encounters in terms of disarmament. Additionally, I emphasize the need for further research in underexplored areas, including leaders' biases, global alliances, and responses to security threats. Ultimately, this abstract highlights the significance of understanding compliance in IOs/IAs and proposes avenues for future scholarly inquiry.

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Following the United States's (U.S.) deployment of nuclear weapons on two major Japanese cities (Nagasaki and Hiroshima) in 1945, a security dilemma¹ began between the major world superpowers. As nuclear warhead stockpiles increased significantly due to the Nuclear Arms Race, the Nuclear Non-Proliferation Treaty (NPT) was created, aiming to limit signatories from developing and using nuclear weapons. Although, as realist literature contends, it would be expected for states not to comply with such an arms-limiting treaty, as it could threaten national survival (e.g., Mearsheimer, 1994). Despite this, there is nearly uniform support for the NPT today, with 190 nations committing to the agreement, leaving only a handful abstaining². Aiming to solve puzzles created by international organizations (IOs) and agreements (IAs), similar to the NPT, a copious amount of literature has been dedicated to analyzing state compliance³ in IOs/IAs. This essay proceeds as follows. I will begin by synthesizing the existing literature that examines why states either comply or defy IOs/IAs. I will then discuss the relevance, implications, and shortcomings of the compliance scholarship concerning the NPT.

While several theoretical perspectives explain state compliance in IOs and IAs, the most fruitful come from the realist (e.g., Mearsheimer, 1994) and constructivist (see Abbott & Snidal, 1988; Debs & Monteiro, 2017) theoretical approaches. Realists tend to be highly skeptical that IOs or IAs tend to influence state behavior, especially when the IO/IA is structurally deep (e.g., Raustiala, 2005; Simmons, 1998; Abbott & Snidal, 1988), as seen in arms control, human rights, or environmental agreements. After all, realists essentially assume that states use IOs/IAs to pursue self-interests and are unlikely to follow the 'weak' restraint mechanisms outlined in IAs (e.g., Simmons, 1998; Raustiala, 2005; Raustiala & Slaughter, 2012). On the other hand,

¹ This security dilemma will be referred to as the Nuclear Arms Race. Following the U.S. deployment of nuclear weapons on Japan, the Soviet Union successfully tested its first nuclear weapon four years later, with the United Kingdom (1952), France (1960), and China (1964) following suit.

² Non-signatories of the NPT include India, Pakistan, Israel, North Korea (NK), and South Sudan (likely due to being a newly established state). These states, except South Sudan, are believed to have access to nuclear weapons.

³ I use "compliance" in this essay to examine if a state follows the conditions outlined in the agreement.

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constructivists theorize that states comply with IOs/IAs due to the promotion of norms and information (e.g., Keohane, 1988; Abbott & Snidal, 1988). In other words, IOs/IAs provide a sense of order in a decentralized international system, which many states benefit from, leading to compliance within these organizations/ agreements, which in turn, may give more influence to them (e.g., Simmons, 1998; Abbott & Snidal, 1988).

Expanding on these arguments, scholars further explain state behavior regarding IO/IA compliance. To begin, I discuss the managerial thesis (e.g., Downs et al., 1996; Chayes & Chayes, 1993; Raustiala & Slaughter, 2012). Managerialism theorizes that IO/IA enforcement has had an insignificant impact on compliance. Instead, they theorize that treaty defiance can be attributed to treaty ambiguity, state capacity, or significant social or economic adjustments (e.g., Downs et al., 1996). The theories outlined in the managerial thesis relate to those outlined in domestic audience scholarship. Most notably, the domestic audience scholarship identifies that since leaders and other policymakers want to maintain their positions of power, governments are very responsive to domestic audiences (Dai, 2005; Leeds, 1999). These findings provide valuable insight for existing or future IOs/IAs insofar as the creators of international organizations or agreements should write compliance provisions that make monitoring or inspection results available to domestic audiences, especially if these audiences can hold a policymaker accountable (i.e., democracies) (e.g., Dai, 2005).

Of course, by expanding or adding compliance provisions, such as monitoring elements, as seen in the NPT⁴, or adding legal or binding mechanisms, the depth of the treaty will be increased (e.g., Raustiala, 2005; Simmons, 1998; Abbott & Snidal, 1988; Dupont, 2013; Onderco, 2017; Von Stein, 2005). A significant amount of scholarship has paid close attention to examining compliance concerning IO/IA substance, depth, and form. For example, scholars such

⁴ The International Atomic Energy Agency (IAEA) assists the NPT in monitoring states' nuclear activity.

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as Von Stein (2005) identify that state behavior leading to the signing of an IA will impact a state's compliance. In other words, states who may not experience a significant shift in policies or behavior (therefore, decreased depth) following signing an IA may be more willing to sign the IA. Similarly, scholars such as Raustiala (2005) examine that if IAs require profound policy changes (increased depth), states may be less willing to comply (or even adopt such agreements). As a result, there is consensus among scholars that escape clauses and increased flexibility in an IA/IO may lead more states to adopt and comply with such agreements (e.g., Raustiala, 2005; Simmons, 1998; Lawrence & Wong, 2017). What is more, scholars have taken a step further in studying whether IAs with enforcement mechanisms are more likely to lead to compliance.

Summarizing scholarship that examines if enforcement mechanisms influence state compliance, some scholars (e.g., Raustiala, 2005) identify that deep contracts (while stronger at enforcing cooperation), lack of flexibility (such as escape clauses or interpretation, which can serve beneficial when adjudicating an IA) can lead to treaty defiance, as seen in the Kyoto Protocol. At the same time, pledges (Raustaila, 2005) offer flexibility and interpretation but frequently have significant ambiguity and lack enforcement mechanisms, which may also lead to defiance, which can be seen in human rights treaties. Attempting to bridge the benefits of pledges and deep contracts, significant focus has been attributed to a new form of agreement language, 'soft law.' Briefly, while hard law identifies precise enforcement mechanisms or binding legal language, soft law lacks enforcement capability but outlines clear expectations of norms and standards (e.g., Lawrence & Wong, 2017; Raustiala & Slaughter, 2012; Raustaila, 2005). While soft law can prove helpful in areas where legal consensus is difficult, such as climate change or human rights, it has faced stark criticism due to its non-binding nature, making it difficult to ascertain from mere pledges (e.g., Raustiala & Slaughter, 2012; Raustaila, 2005).

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Using the copious amount of literature discussing IO/IA compliance, I turn back to the original puzzle posed at the beginning of this essay: Why would states comply with treaties if they are a threat to national sovereignty? To discuss this further, I examine NPT, which has been considerably successful, despite its depth and constraining initiatives (e.g., Abbott & Snidal, 1988; Dupont, 2013; Fuhrman & Lupu, 2016). At its core, the NPT strives to accomplish three objectives: non-proliferation⁵, disarmament⁶, and peaceful uses of nuclear energy⁷ (NTI, 2022). Additionally, while the NPT does contain verification measures for the non-proliferation objective, relying on the IAEA to ensure states are compliant with the IA, there is no verification for the disarmament objective. This discrepancy makes the NPT a worthwhile treaty to investigate regarding the effectiveness of verification measures on compliance in IOs/IAs.

There has been a significant amount of literature that discusses the first objective outlined in the NPT, non-proliferation. There is consensus within the literature that, despite common misconceptions, states are generally compliant with the NPT in this regard. For example, Fuhrman and Lupu (2016) identify empirical support that suggests compliance exists with the NPT concerning non-proliferation, even when accounting for the issues outlined in Von Stein's (2005) article (states only joining because they have already decided to remain non-nuclear). While there have been some defectors (Iraq, Romania, NK⁸, Libya, Iran, and Syria), they are scant when compared to states that have complied, most notably South Korea, Taiwan, Japan, Ukraine, and South Africa⁹ (e.g., Debs & Monteiro, 2017). I identify several reasons likely contributing to state compliance in the NPT. First, As outlined in the third objective of the NPT, peaceful uses of nuclear energy, states can seek assistance in developing nuclear energy if they

⁵ The ban on constructing new nuclear weapons.

⁶ Nuclear states (those with nuclear weapons) should dismantle their current nuclear weapon stockpiles.

⁷ States can use nuclear energy for various peaceful efforts (i.e., space exploration or nuclear energy).

⁸ Withdrew using an escape clause found within the treaty (provided a 90-day notice to the NPT).

⁹ South Africa and Ukraine are the only nations to denuclearize after already having nuclear weapons.

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are members. Second, an NPT membership comes with verification measures, which incentivizes compliance by ensuring accountability and providing information to all members (e.g., Raustaila, 2005). Lastly, since the NPT is so universally adopted, withdrawing from the treaty may negatively impact a state's reputation on a national level and decrease the popularity of the government domestically, so compliance is recommended (e.g., Dai, 2005; Leeds, 1999; Abbott & Snidal, 1988). That said, the NPT is not a *total* success. While compliance is apparent for non-proliferation (e.g., Fuhrman & Lupu, 2016), defiance is far more common for disarmament¹⁰.

With this in mind, while there is a bastion of literature that analyzes IO/IA compliance, the literature fails to examine several other factors which may impact IO/IA compliance. For the compliance scholarship as a whole, topics such as a leader's psychological biases, a state's global alliances, or resilience to non-compliance punishment need to be studied further. In addition, NPT-focused scholarship must further examine a state's response to regional (or global) security threats and the disarmament objective¹¹. For example, a state may be more likely to defy a treaty if its leaders are nationalists or autocrats (with little regard to IAs), have few allies to count on for protection (in the case of the NPT), if they are authoritarian states (are not heavily impacted by sanctions), or if they are a military superpower. To provide a greater understanding of what leads to state compliance, I urge future scholarship to explore these neglected areas.

Overall, in this essay, I have synthesized a significant amount of literature discussion on IO/IA compliance. Additionally, I have examined the several strengths the extensive existing literature takes in explaining why states comply with or defy IOs and IAs. What is more, I have also identified several areas that future literature should expand on concerning the scholarship on general compliance and the NPT, greatly benefiting the understanding of IO/IA compliance.

¹⁰ Several countries in the NPT, most notably Russia, have increased their nuclear arsenal in recent years.

¹¹ There is a lack of scholarship that discusses why 'nuclear states' defy the disarmament clause within the NPT. Some possible areas of study include collapse in relations with other nuclear states or super-power status.

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