

Downs, Rocke & Barsoom: “Is the Good News About Compliance Good News About Cooperation?”

Recent research in international regulatory regimes has argued that:

- compliance in international treaty regimes is quite high
- That this compliance is achieved with little attention to enforcement
- That existing compliance problems are managerial rather than enforcement issues
- That management rather than enforcement holds the key to the future

DR&B argue that these findings have been affected by the selection process. Most treaties require little change in the status quo (eg, what would have been in the absence of agreement). States are more likely to sign treaties that are easy to comply with. Thus, they have required little enforcement and noncompliance has not been a major problem.

To control for this fault in selection, we need to measure “depth of cooperation”: the extent to which the treaty captures collective benefits available through perfect cooperation. For instance, the pollution reduction required by a treaty versus the pollution reduction that would have occurred without a treaty.

Controlling for depth of cooperation indicated that enforcement may be a significantly larger issue than the Managerial types believe. We should not conclude that enforcement is not an issue or that its importance has been exaggerated just by looking at the managerial types’ results. States have refrained from deep cooperation; thus it is not clear the extent to which enforcement is needed. It is likely that deep cooperation requires more enforcement than shallow cooperation.