

Downs, Rocke, and Barsoom

“Is the good news about compliance good news about cooperation?”

This essay attempts to critique the assertions of the “managerial school”—that state compliance with international agreements is generally quite good and that enforcement has played little or no role in achieving and maintaining that record—by presenting evidence that states are often presented with negligible benefits for treaty defections and arguing that “conceptions of enforcement” should not be thrown out of the debate on international cooperation.

The Managerial School has argued:

- 1) that compliance is generally quite good
- 2) that this high level of compliance has been achieved with little attention to enforcement
- 3) that those compliance problems that do exist are best addressed as management rather than enforcement problems
- 4) that the management rather than the enforcement approach holds the key to the evolution of future regulatory cooperation in the international system

**The critique of these tenets lies precisely with what the authors describe as an analysis of weak international agreements (selection bias), where compliance and marginality of enforcement result directly from the fact that most treaties require states to make only modest departures from what they would have done in the absence of an agreement.

**The Managerialists make a logical error by assuming that the connection between the depth of cooperation represented by a given treaty and the amount of enforcement that is needed in mixed-motive games can be properly evaluated by examining how high compliance is when enforcement is low or absent. (This represents what the authors deem an inherently flawed assumption.)

**The authors also critique the Managerial assumption that self-interest (and therefore mixed-motive and prisoners’ dilemma games) rarely plays a conspicuous role in treaty violations; and that violations are instead the consequences of ambiguous treaties, capacity limitations of states, and uncontrollable social and economic changes.

Evidence: The authors highlight the histories of several specific policy areas as a way to test the relationship between the depth of cooperation and necessary enforcement statutes.

**The areas of trade and European integration have shown a dual growth in cooperation AND enforcement.

--the Uruguay Round has “substantially reduced many of the most egregious trade barriers around the world.”

--the cooperation embodied in the Maastricht Treaty has developed as “the member states chose to strengthen [the Court of Justice’s] power to monitor and punish defections”

--they conclude that it is difficult to believe that increased enforcement represents solely an attempt to pacify naïve realists who might demand such game-theoretic rules.

**All of the policy examples the authors consider are meant, not to stress the universality of non-compliance, but rather to stress how counterexamples to Managerialist claims require one to remain concerned about issues of enforcement. They are meant to challenge any assumptions as to the insignificance of mixed-motive game-based cooperation in regulatory cooperation regimes.

**The question becomes: Is it better to cope with a state's reluctance to cooperate by declaring that enforcement is unimportant and exaggerated or by trying to remedy enforcement matters? The authors, obviously, opt for the second course of action.

--a possible strategy to be considered: restriction of regime membership to states that will not have to defect very often, built around the assumption that whatever benefit is lost by excluding such states from the regime will be more than made up by permitting those that are included to set and also enforce a deeper level of cooperation and obtain a higher standard of free trade.

**Should membership be limited so that collective action can occur more frequently?