

No Silver Bullet: Characteristics of Law-Compliant States

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What type of government – what type of country – keeps the rules in international society? As research has moved over the past twenty years from acknowledging that rules exist to better explaining how rules matter, many scholars of international relations and international law are focusing on these questions in the hope of arriving at some small set of factors that will allow us to predict which states will be law-abiding. From a theoretical perspective, this allows us to bridge theories of comparative politics and international relations, which in turn will permit the development of a more comprehensive theory of politics and norms. From a policy perspective, understanding this can help us encourage states to develop those traits most associated with law-compliance.

This paper presents findings from tests of state compliance with a wide range of rules. The rules were chosen because compliance can be measured systematically and quantitatively. While case studies of compliance with particular regimes, or process-tracing of how a particular government views international law can be very helpful, it is important to take a broad look at how all governments in the world behave with respect to a variety of rules at the same time. Doing so naturally requires losing some depth and detail, but the hope is that a more comprehensive and holistic approach will garner more theoretical insight.

Specifically, in this paper we will consider the following regimes: the regulatory regimes governing shipping, airline safety, and ozone depletion, the anti-piracy and anti-terrorism criminal regimes, and the human rights regimes governing the status of women and human trafficking. As we will see, each of these sets of rules is quite specific and governed by an international body with the capacity to monitor and even enforce compliance levels. The variety of rules also allows us to begin to generalize – although as in almost all empirical studies such conclusions must be tentative. The best we can do is rule out our likely explanations. In the case, the key finding is that there is no small set of factors that explains compliance across issue-areas. In particular, the findings undermine the liberal theory (see below) as well as the notion that what is required for compliance is economic resources. On the other hand, most of the propositions about why states comply find at least some validation in a few cases. But it is clear that theories of law compliance will probably be mid-range or even *sui generis*, fitting only a small scope.

The paper will proceed as follows. First, we will review briefly the rules in question, along with the method for operationalizing compliance. Next we will discuss some of the major theories of international law compliance, focusing only on those

theories that address state characteristics. Finally, we will describe how these theories have allowed us to extract independent variables and operationalize them. This will allow us to carry out the analysis, which is reported in Table One and Two at the end of the article.

Theories of Compliance

I categorize the prevailing theories of international law compliance into three schools: interest-driven theories, society-driven theories, and governance-driven theories. This is a somewhat novel distinction, compared to other categorizations (Hathaway & Koh 2005). I would argue that such a distinction reveals more accurately the theories' core assumptions and claims. Specifically, I separate theories that focus on aggregate patterns and elite interrelations from those that address internal governance more specifically.

Interest-Driven Theories - To begin, I call "interest-driven theories" all those approaches that presume states are unitary actors and are driven by a priori interests to sometimes seek out agreements with other states. Scholars of the realist and rationalist traditions generally agree that states will do what they think is necessary and prudent to achieve their objectives, and questions of legality are weighed against the importance of the objectives. Primary among these national aims is security, although economic gains may at times take precedence – especially where security can be taken for granted (Glennon 2001, Krasner 1999).

As pointed out by Goldsmith and Posner (2005), states will cooperate only when the expected advantages outweigh the costs. "International law emerges from states' pursuit of self-interested policies on the international stage. It is not a check on state self-interest; it is a product of state self-interest." (Goldsmith & Posner 2005, 13) Others argue this is particularly relevant when trying to explain why states forge agreements, including the Montreal Protocol (Grundig 2006, Sprinz & Vaahtoranta 1994).

This is not to say that it is always easy to predict state preferences. On the contrary, the great struggle of foreign policy-making consists of the competition between various state interests: guns vs. butter, engagement vs. isolation, confrontation vs. accommodation (Abbott 1999, Hopf 1998). Even where only two objectives are in play, there is an infinite number of points on the Pareto-optimal curve (Krasner 1991). Much may depend on which priorities are most urgent, with the result that important objectives – such as having the long-term reputation for keeping international promises – may be set aside in a crisis. Conversely, low priorities may be acted upon if the costs of implementation are relatively low. In some cases, where peace and prosperity are assured, states may even pursue the "politics of prestige" by leading the way on symbolic cooperation or altruistic collective goods (Morgenthau 1978, 77-91; Busby 2008).

For most interest-driven theory, compliance with international rules is largely coincidental and opportunistic. So long as the outcomes of compliance are consistent with national interests, compliance will be high. But where this no longer holds, compliance will end (Glennon 2005, Hathaway 2002). This is the case even where

institutions may raise the price of breach (Guzman 2002). One should not be surprised by a degree of cynicism as well. Vreeland finds, for example, that dictators seem to be willing to sign international human rights agreements in order to temporarily dull opposition and make it easier to increase repression later on (Vreeland 2008). Some have gone so far as to say that international law is dominated by – if not cynical and duplicitous – at least “cheap” talk wherein states commit only to carry on activities in which they are already engaged (Downs et al. 1998).

More cynically, some have argued that public commitment to international norms should not be expected to correlate with compliance since there is no inherent causal dynamic between good rules and good conduct (Keohane 1997, 494). Krasner has famously argued that international agreements appear to have been meant to be broken, especially when the stakes are high (1999). And other have found considerable evidence that hypocrisy is rampant in many areas of international life – particularly those involving internal reforms as opposed to reciprocal exchanges (Hathaway 2002).

This is not to say that all states have the freedom to violate existing promises at any time, even when they become disadvantageous, however, since weak states are likely to be more easily sanctioned. Powerful states usually work to ensure international institutions make it easier to “discipline” weak states (Drezner 2007, 5). And where their contribution to the collective good is essential, great powers make even may great sacrifices in the short run (Kindleberger 1986). But generally, strong states will protect their interests by ensuring weak enforcement where vital interests are at stake (Murphy 2004).

We will use a number of indicators to measure aspects of the rationalist approach common to all the regimes. We consider gross domestic product per capita as an indicator of a state’s overall economic strength and capacity. On the other hand, a good indicator of a country’s economic vulnerability and dependency is its official development assistance relative to its overall gross domestic product. At one level, rationalist theory would predict that countries that are more self-sufficient could be expected to be able to pick and choose which rules to obey, whereas those that are more vulnerable would have little choice but to comply with rules – subject as they are to pressure from the more powerful. Finally, we use a measure of political dependence. The Correlates of War Project generated an index to measure how closely a state is tied politically to the United States by combining such elements as military aid, alliance partnerships, and so forth. Again, countries that are closely tied to the United States should be expected to comply with the international rules under consideration in this paper, with the possible exception of the CEDAW regime which the US has not joined. We will see that other indicators have been created to measure issue-specific factors.

Society-Driven Theories – In this section, I focus on theories that argue that socialization and the social context of norm dissemination are central to predicting state conduct. Put another way, they stress that interests are not endogenous, but may in fact arise from a process of discourse and argument, which in turn will be affected by the overall place of the state’s elites in the international community. States, it is argued, are

“social actors, who respond to imagined or real social pressures to formally assimilate with other states in their reference group” (Avdeyeva 2007, 878). States therefore fear ostracism and seek ways to communicate to other states their willingness to comply with the prevailing norms.

The international system – made up of states, international organizations, and non-governmental organizations – is an important source of state preference, contrary to the expectations of interest-driven theory (Finnemore 1996). “States are socialized to want certain things by the international society in which they and the people in them live.” Put another way, “states may not always know what they want and are receptive to teaching about what are appropriate and useful actions to take.” (Finnemore 1996, 1, 4)

The key message that the international system communicates to states is not only what objectives are reasonable and will curry favor, but what means are appropriate to achieve those aims. As put by Hasenclever:

Political actors associate specific actions with specific situations by rules of appropriateness. What is appropriate for a particular person in a particular situation is defined by political or social institutions and transmitted through socialization. (Hasenclever et al, 1997, 156)

Although the international system has a variety of ways of signaling its preferences and states have a variety of ways of signaling their commitment to those values, international treaties provide a uniquely unambiguous and public opportunity to do both. For society-driven theory, public commitment to norms has value on several levels. It communicates to foreign and domestic audiences what state officials intend to do, thus providing predictability and where criminal law is concerned putting on notice those who will be expected to alter their conduct. It also serves to provide endorsement to a global norm the state expects other states to likewise support, thereby serving a diplomatic function. Fundamentally, a state stakes its reputation when making public commitments, which relates to and in turn shapes its social relations with other states (Finnemore 1996, Checkel 2001).

Ultimately, states may find themselves “trapped” by their own promises and will be subjected to considerable peer pressure to honor those commitments (Avdeyeva 2007, Hafner-Burton & Tsutsui 2005). At the same time, it invites the international community to hold it accountable for compliance (Moravcsik 2000), which explains why states are often reluctant to enter into binding agreements they do not expect to keep (Raustiala & Victor 1998, 661, Downs et al. 1998). There is intriguing empirical evidence that states that are more open to the international community are in fact more likely to comply with legal commitments, regardless of their material interests or capacities (Gray, Kittilson & Sandholtz 2006).

A general indicator of a state’s vulnerability to international pressure is the number of foreign embassies found there. Embassies represent a commitment to maintain

cordial relations with a state but also openness to that state's commentary and criticisms. In addition, ratification of the relevant conventions will be considered in each issue-area.

Governance-Driven Theories – While the two sets of theories discussed thus far focus on elite relations across states and aggregate national interests, the theories to which I now turn focus on the internal dynamics of the state. Specifically, liberal theory emphasizes the responsiveness of governments to sub-national and transnational actors while governance theory considers the role of administrative capacity, rule of law, and corruption.

Liberal theory emphasizes the centrality of a state's decision-making procedures and argues that constitutional democracies are inherently more willing to respect and engage with international law. The reasons are multiple, but include: 1) respect for the deliberative process, both at home and abroad, 2) encouragement of pluralist participation through the provision of multiple access points for interest groups, 3) tolerance for competing perspectives, 4) respect for the outcomes of pluralist deliberation, and 5) commitment to the rule of law (Slaughter 1993, Ruggie 1982). Commitment to the rule of law is a defining trait of liberal democracies and is reflected not only in the institutions but also in the belief systems of elites and mass publics, making public commitment to international treaties both familiar and serious (Moravcsik 2000, Slaughter 2004). This becomes more apparent when an international agreement requires follow-on legislation and can result in "internalization" of the international norm in question, meaning that it is codified in domestic law and administrative practice, and even personally embraced by government officials and ordinary citizens (Koh 1997). Democracies are also more permeable and receptive to law-based persuasion, including, for example, a tendency for domestic judges to consider opinions of foreign courts in their rulings (Slaughter 2003), the ability of advocates to gain access to centers of power, including, for example, lobbying legislatures. Taken together, liberal states are therefore more likely to be responsive to prevailing international norms, commit to them, and comply with them (Ku & Diehl 2006, 172-5).

To test these optimistic propositions, we can begin with various measures of democracy. Polity IV scores are widely accepted as indicators of the regime type in a country and will be used here

Governance-based theories also disaggregate the state, separating the institutions involved in committing to international norms from those that must implement the commitment. In an argument compatible with the managerial school (Chayes & Chayes 1995), authors point out that a key impediment to implementing international agreements is the inability of state elites to issue effective commands (Chayes, Chayes & Mitchell 2000). This can stem from an inability to communicate these commands in meaningful ways and resistance by regulatory agencies and law enforcement officials, which in turn can be the product of poverty, lack of technology, competing interests, and corruption (Naim 2005, 277-78).

The net effect of dysfunctions in administration can be the “privatization of public policy”, especially where bureaucrats have high levels of authority and discretion with little oversight and accountability (Kaufmann 2006, 83). Bureaucratic inefficiency, whether inadvertent or deliberate, further intensifies pressure to grease the wheels, leading to complicity between the bribe-giver and bribe-taker (Rose-Ackerman 1997, 37). The result of bribery and other forms of corruption is typically a covert redirection of public resources toward other ends – ends that usually do not serve the broader public interest but instead reinforce social cleavages.

These phenomena have been measured in a variety of ways. The World Bank has attempted to measure directly the quality of public governance by aggregating surveys of foreign business elites, NGO staffs, and others with respect to ease of doing business abroad. The result is the Regulatory Quality scale, which we use here. We will also consider whether the state has certain issue-specific resources.

International Legal Regimes

We will test these theories against a wide range of legal regimes. Specifically, we will review state compliance with three regulatory regimes, broken into five specific dependent variables. We will also consider two criminal legal regimes as well as two human rights regimes, although the fact is that there are criminal and regulatory dimensions to each of these sets of laws.

Airliner Safety – The ICAO was established as a result of negotiations during World War II leading to the 1944 Chicago Convention (officially the Convention on International Civil Aviation). Its purpose was to encourage states to improve airline safety by providing technical advice and setting safety standards, as well as urging states to improve oversight, all of which came to be known as Standards and Recommended Practices and Procedures – SARPS. Specifically, as outlined in Article 12:

Each contracting State undertakes to adopt measures to insure that every aircraft flying over or maneuvering within its territory and that every aircraft carrying its nationality mark, wherever such aircraft may be, shall comply with the rules and regulations relating to the flight and maneuver of aircraft there in force. Each contracting State undertakes to keep its own regulations in these respects uniform, to the greatest possible extent, with those established from time to time under the Convention.

As airline traffic increased dramatically during the 1980s, a number of accidents and near-misses prompted states to demand increased involvement in monitoring state practices (Sasamura 2003). The result was the Voluntary Safety Oversight Program in the late-1990s whereby states could choose to invite ICAO experts to carry out on-site inspections and interviews with government officials to determine the degree to which ICAO regulations were being complied with. When the initial results revealed widespread deficiencies, the ICAO membership approved Resolution A 32-11 in 1998

placing a much higher legal obligation on states to accept audits and carry out the reforms called for.

The initial inspections were carried out in 1999 and 2000 and have involved all but a handful of countries. The result was the public exposure of a large number of deficiencies, particularly among developing countries (ICAO 2005). Eight critical elements of safety oversight were assessed in the audits: primary aviation legislation, specific operating regulations, civilian aviation authority structures and safety oversight functions, technical guidance materials, qualified technical personnel, licensing and certification obligations, continued surveillance obligations, resolutions of safety issues. Countries were each given scores relative to the degree to which they had implemented ICAO regulations – the higher the score, the more deficiencies.

Follow-up audits were performed in 2003-2004 and provide an important window into the effectiveness of the ICAO's actions. Overall non-compliance levels were 32.62% in the initial audits, but only 17.46% in the follow-up (ICAO 2005). Not only were individual results posted on-line, but details of the audits, government responses, and remediation plans were made available to ICAO member states and staff (ICAO 2009)

In this study, we will use the scores that resulted from both the 1999-2000 audit and the subsequent 2003-2004 audits. In addition, we will consider whether states have more or fewer "air partners": the total number of states that have flights to or from the country in question (Piermartini & Rousova 2008). This indicator will help to test the claims of the rationalist school since it is reasonable to expect that states with more air partners will be more likely to improve air safety. Finally, we will consider the total number of air safety-related conventions the country has ratified, as provided by the ICAO. The sociological school would predict that higher numbers of ratifications would correlate with stronger compliance. But note that it would also predict that countries with more air partners would comply at a higher rate.

Montreal Protocol - Beginning in the mid-1970s, atmospheric scientists began to draw connections between chlorofluorocarbon (CFC) emissions from aerosols, Styrofoam containers, freon in refrigerator condensers and the like, and the destruction of ozone in the upper atmosphere which has the ability to deflect some of the Sun's ultra-violet radiation (Haas 1992). They projected that at current rates of emission that the ozone layer would begin to thin, thereby exposing humans and animals to unhealthy levels of radiation, leading to increased incidents of skin cancer and other ailments (Braithwaite & Drahos 2000, 264). The United States took the lead by passing legislation in 1977 requiring the gradual elimination of CFC production in the US. Dow Chemical moved quickly to develop substitutes and became a key player in the subsequent American effort to create international rules against CFC production (Sprinz & Vaahtoranta 1994). The pressure they exerted, along with the UN Environmental Program (UNEP) and a variety of environmental NGOs, led to the Vienna Convention for the Protection of the Ozone Layer in 1985 and then to a Protocol on CFCs in 1987 (UNEP 1999). During the negotiations, a debate emerged between the United States, Canada and several Nordic states on the one hand and most Continental European states and the United Kingdom on

the other. The former sought stricter targets, a broader range of chemicals to be banned, and more legalistic language and enforcement mechanisms. The U.S. proposed automatic sanctions against violators, as determined by an independent body of experts. Even the Nordics parted ways with the U.S. on this point once it was apparent there could be no consensus on the matter, and so the issue of penalties was set aside for future negotiation (Ehrmann 2002, 392).

In the Meetings of the Parties (MOP) from 1989 to 1992 negotiators elaborated an enforcement scheme that reflected a managerial approach rather than the punitive approach favored by the United States (Boyle 1999, 910). In other words, while the MOP was empowered to identify rule violators, doing so was intended to initiate a series of cooperate and supportive measures, including the provision of technical advice, financial support for CFC-reducing projects, and quiet diplomacy (Victor 1998, 141). The negotiators created an Implementation Committee (IC) made up of ten geographically representative states to be elected by the MOP that would oversee the parties' compliance. The IC could initiate reviews of each party's annual reports and identify deficiencies – including the failure to provide reports itself as well as gaps between progress toward elimination of CFCs and other ozone-depleting substances and the various targets the parties had accepted. In addition, the IC could receive complaints from any party regarding any other party's performance – including self-recriminating statements by parties regarding their own records (UNEP 1998, see especially Articles 2, 4, and 7). The IC meets roughly twice a year to present its conclusions to the MOP and forward its recommendations for action – almost all of which are adopted pro-forma. The criteria are somewhat informal (Victor 1998, 141) and it is sometimes difficult to discern how serious an infraction must be to warrant public reprimand, but because the staff is heavily involved in the determination and the signatories approve it as a matter of course, the decision is at least partially protected from arbitrary political considerations.

Overall, the Montreal Protocol has been remarkably effective with respect to limiting large-scale production and consumption of ozone-depleting substances. Not only have almost all countries ceased production and sale of CFCs, but global production of a wide range of listed chemicals has declined since 1987 and many are on the verge of elimination (Greene 1998, 90). This is not to say that there has been no illicit production of or traffic in CFCs. The US, for example, continues to prosecute firms that have purchased contraband CFC-12, a crime punishable with jail time, as in the case of a senior officer of a refrigeration firm convicted of importing eight million pounds of CFC-12 in the late-1990s (EPA 2007).

Some of this stems from the fact that the Protocol is a remarkably flexible instrument that has been repeatedly amended and expanded as new scientific information trickles in (Boyle 1999). But much of the credit goes to the IC's operation which incorporates in practice both a managerial approach as well as a sanctions approach. The IC, for example, serves as a certifier of compliance to those administering the Protocol's Multilateral Fund as well as the World Bank's Global Environmental Facility's ozone projects, both of which provide considerable financial and technical support to developing countries and economies in transition as they wean themselves from CFCs

(Greene 1998). This places it at the center of a network of international agencies that have real clout. In addition, the IC can recommend that a party's privileges under the Protocol be temporary suspended, although this comes short of the type of sanctioning originally envisioned by the U.S.

In practice, the IC only gradually asserted its prerogatives. It began by identifying the more than fifty states that had failed to submit baseline figures on CFC production and consumption circa 1995 with the result that a flood of new reports were submitted over the next years. Reporting continues to be a problem for many countries – especially less developed parties to the Protocol – and the IC routinely includes a list of states whose reports are derelict in the minutes of its semi-annual meetings. The IC also began in 1997 to recommend and supervise implementation of programs designed to ensure full compliance on the part of states. In particular, Russia and a variety of former Soviet allies and states were placed under fairly strict regimens to improve their woeful records. In most cases the problems stemmed from a lack of administrative capacity which required better staff training and increased budgets for environmental law enforcement. In others the problems stemmed from lack of political will, which was addressed mostly through threats of sanctions and “naming and shaming”, with the support of an array of international bodies (Greene 1998).

By the early 2000s, most developing countries were no longer grandfathered under the Protocol's Article 5 provisions which had given them a ten-year grace period for the implementation of chemical bans, and so the IC began to turn its attention to demanding stricter compliance from them as well. In addition to identifying general problems of lack of compliance, the IC singles out particular countries in its semi-annual reports, both to recommend new programs and to praise or chastise performance with respect to existing programs. The reports have the tone of a caring guardian but are remarkably frank. In order to avoid loss of face, some countries have taken rather drastic and sudden steps immediately following a negative IC report in order to dissuade the MOP from endorsing it, such as was the case of Mauritania, which was threatened in 1994 with withdrawal of Article 5 protection for failure to provide baseline data and suddenly supplied all that was called for before the next MOP session (Victor 1998, 151).

Taken together, although the IC mechanism has been described as “soft law”, it has gradually acquired many of the characteristics of an international judicial body (Boyle 1999). Its public reports provide an invaluable set of raw materials for those who seek to understand why certain states comply with international commitments while others do not. We will use the “failure to report” measure as well as the overall non-compliance score as indicators of law compliance.

Specific indicators will include CFC per capita production to test the rationalist school (states with higher production levels can be expected to resist the rule since they have more to lose). We also measure the number of ozone-protection-related treaties and codes ratified and endorsed by a state as a measure of sociological theory. And the managerial school will be tested by whether a government has created a cabinet-level ministry with a specific mandate over protecting the environment (two points so such an

agency, one point for an agency that combines environmental protection with one or two other topics, and no points for a sub-cabinet-level agency).

Maritime Safety Law – The safety of ships at sea depends on three key elements: minimizing attacks by outlaws, minimizing accidents from unsafe ships and unsafe command, and maximizing port security. I will focus on the first two elements, beginning with piracy. This falls under rubric of criminal law.

Piracy, defined as an attack for personal gain by one ship on another on the high seas, has been a surprisingly persistent feature of maritime shipping, to the point that from Antiquity to the Napoleonic era pirates could only be defeated by states with large fleets and more often than were accommodated with payments and contracts to serve as privateers – navies for hire (Gottschalk & Flanagan 2000, 17). Pirates, no matter where or against whom the attacks occurred, were understood to be subject to arrest by any navy. In practice, however, this rule was enforced only by the British Navy during the nineteenth century (Pérotin-Dumon 2001, 9; Randall 1988, 791).

International law on piracy was formally codified at a time when it was perhaps least necessary, in 1958 (Garmon 2002, 262) and repeated in the 1982 Convention on the Law of the Seas (LOS III). The definition excludes politically motivated acts, violence on board ship, and acts within territorial waters where states are expected to enforce domestic law. States have at different times – most recently in 1998 - rejected expanding the definition of piracy (Keyuan 2005, 119). After the PLO attack on the *Achille Lauro* in 1985, states agreed to outlaw terrorism at sea (the 1988 Convention on the Suppression of Unlawful Acts – SUA), although they kept the definition of piracy limited to non-political acts (Balkin 2006, 7). The International Maritime Organization (IMO), as the custodian and advocate of international maritime law, has urged states to adopt a more flexible approach and routinely reports all attacks on ships, regardless of motive or location.

Piracy has experienced a resurgence since the end of the Cold War, peaking in this decade at a rate of one reported attack per day, which may only represent one-tenth of the total due to under-reporting according to some (Mukundan 2005, 40). A typical attack involves a handful of lightly armed locals scrambling on board a container ship making off with rope and paint barrels. But numerous attacks involve murder, hijacking, and even destruction of ships (Luft & Korin 2005, 231-3). While most attacks have been in Southeast Asia, they have occurred off the coasts of 69 different countries since 2000, according to the International Maritime Bureau which receives and compiles reports.

The IMO stresses states' duties to police their own waters and to collaborate with neighboring states to ensure that maritime jurisdictional issues are addressed (IMO 1999, IMO 2000, Goodman 1999, 158). The IMO has also enjoined state to more vigorously pursue pirates who attack ships in port and within territorial waters (IMO 1983). States, however, have resisted efforts to make these measures legally obligatory. The provision in the LOS III regarding enforcement of anti-piracy law on the high seas has ambiguous wording by design. On the one hand it enjoins states to pursue and apprehend pirates and

grants them universal jurisdiction to try them; on the other hand a false arrest generates liability (articles 100, 105, 106).

States are therefore reluctant to pursue pirates from other countries, particularly where the attacks are against a foreign-flagged ship that does not immediately injure them. States have limited the IMO's enforcement powers (Goodman 1999, 156; Wiswall 2007), have resisted creating an internal piracy court or placing piracy under the jurisdiction of the International Criminal Court, and continue to object to states pursuing pirates into another state's territorial waters. As yet the IMO does not even require regular reports from member-states to declare the status of their efforts to implement the treaties (Marisec 2004, 5, 17). At the same time, states generally accept a duty to prosecute pirates that fall into their hands, and all accept the principle of universal jurisdiction over pirate attacks that occur on the high seas.

For the purpose of this study, I have measured state compliance with this rule by logging states' responses to over 1440 pirate attacks between 2001 and 2007. I use the data on state response to generate a "responsiveness" score. A state scores a point each time it provides a specific reply to a distress call, even if this consists merely of manning the emergency telephone and expressing sympathy to the victims of the attack (which is by far the most common response). States that have not manned the emergency station when the call arrived have a point deducted. If a state dispatches police or coast guard forces to investigate the crime by interviewing the captain or crew, it receives another point. If these forces also make an arrest, the state receives still another point. Thus the score each state receives for each incident ranges from plus-three to negative-one. The scores for every incident in a given year are averaged for the "average responsiveness rate."

I chose to annualize the dataset, averaging most figures for each state for each year in order to allow for comparisons across states, which are my unit of analysis. This means that Indonesia's response rate is treated with equal weight to that of the Netherlands, even though the former experienced nearly 500 attacks during the period and the latter experienced none. The result is naturally that some information is lost.

The IMB has provided detailed accounts of the attacks, including their locations, the country of registry of the ships attacked, the number and weaponry of the pirates, the ships used by the pirates, their take, and whether the coastal country responded to distress calls or dispatched police forces to investigate incidents or apprehend the pirates. I use these data to generate "sophistication" and "intensity" scores.

The rules governing the next area of maritime safety – safe ships and safe command of vessels – have a comparable pedigree, emerging during the late-1800s. The International Convention for the Safety of Life at Sea, originally drafted in 1913 following the *Titanic* disaster, has seen multiple iterations (the most recent in 1974), and numerous amendments and two Protocols, all designed to expand, clarify, and strengthen regulations governing ships. As put by Zacher, "Damage control is the one general shipping issue where it is easiest to make the case that the regulatory regime is regarding

as serving the interests of virtually all states.” (Zacher 1996, 50) While all states favored accident prevention and other basic safety standards, poorer states – particularly those with “flags of convenience” that allow ships from other countries to register - resisted mandatory regulations that raised construction and operation costs and thereby reduced their competitiveness, so most standards were made voluntary and flexible (DeSombre 2006, chapter 4).

Following the *USS Cole* attack and the events of September 11th, developed states demanded stricter compliance with safety standards for both ships flagged in developing countries and developing country ports. In 1998 IMO members adopted the International Safety Management Code that required states to supervise the refitting of ocean-going vessels to ensure they would conform to a long list of safety standards. Some of the standards include proper navigational equipment (including a program for GPS satellite communication), thorough training of officers and crews, carefully designed security plans to deal with emergencies, state-of-the-art communications systems, and provisions for proper documentation of ship and cargo. Compliant ships would receive a certificate that could be displayed in foreign ports. The International Ship and Port Facility Security (ISPS) code was adopted in 2002, and made mandatory on all 148 SOLAS signatories, requiring all ships to obtain the ISM certificates and authorizing port authorities to bar, detain or expel non-compliant vessels (ISPS 2003).

To ensure standardized monitoring of compliance with these rules, states have drawn up memoranda of understanding (MOU) and established expert bodies to draft guidelines, train port officials, and collect inspection data for general consumption. The most sophisticated of these MOUs involve states in Europe and the North Atlantic (the Paris MOU) and East Asia and the North Pacific (the Tokyo MOU). Port officials inspect vessels and evaluate conditions, disseminate their findings to other MOU members, and decide whether to permit the ship to continue (Paris MOU 2008).

As explained by DeSombre:

As result of the inspection process, a ship can be found to be “clean”, or it can have some number of recorded deficiencies. If there are enough deficiencies or they are serious enough, the ship can be detained in port until the most egregious ones are corrected... If a ship is detained, the port state must notify the flag state... (2006, 93)

The MOUs also rate the overall performance not only of ships but also of their flag states. It is this rating of flag states that interests us here. Although governments cannot always control the quality of ships that carry their flag, they are still ultimately responsible for them and are routinely held accountable by port states, insurers, and creditors (DeSombre 2006, 93). Flag states that wish to improve their reputations have several options: put pressure on companies that register ships for them to improve their standards or carry out this work in-house through a government agency, urge ship captains and ship owners to raise their standards through incentives, or remove or bar

sub-standard ships from the flag. Note that these are not mutually exclusive, but all are costly in terms of additional revenues for inspections or lost revenues from exclusions.

At this point in time, only the Paris and Tokyo MOUs have uploaded complete inspection records, and so I use the reports on nearly 200,000 ship inspections conducted between 2003 and 2007 as my source material. In 2006, the most common problems that prompted a citation included inadequate fire safety measures, problems with the compass and steering mechanisms, and engine and propulsion problems (Paris MOU 2006). The most common types of infractions that have prompted a detention, as reported by the Paris MOU in April 2008 include: inadequate maintenance (rust, breakage), broken or missing fire extinguishers and dampers, inadequate lifeboats and lifeboat access, missing paperwork, faulty engines, and other deficiencies in emergency equipment and training (Paris MOU 2007). In almost every case, ships were cited for several deficiencies and so it is difficult to determine which infraction was decisive. In at least one case a ship was detained simply for excess filth and vermin (the Egypt-registered *Ikhnaton* on April 3rd in Trieste). In the overwhelming majority of cases, it was the ship's own crew that was protected by the inspections since the most common infraction was related to on-board safety. It is also worth noting that in almost every case the problems were rectified very quickly and the ship was allowed to proceed.

Anti-Terror Law – Within hours of the attacks on the World Trade Center and the Pentagon, both the Security Council and General Assembly passed almost identical resolutions condemning the attacks as cowardly, barbaric and unjustified and expressed its sympathy to the United States and its citizens (UNGA Resolution 56/1 and SC Resolution 1368 of September 12, 2001). Some UN diplomats, personally affected by the tragedy, urged their governments to adopt the strongest language possible (Interviews 2001).

At this point, the US engaged in active capital-to-capital diplomacy to build an anti-terrorism coalition, beginning with the four other permanent members and Japan, Germany, Saudi Arabia and Pakistan. Once the evidence pointed to Al Qaeda and Osama Bin Laden, the US began orchestrating a military response, but not without approaching the Security Council for approval.

John Negroponte, US Permanent Representative, presented a draft resolution on September 27th designed to dramatically improve international efforts to combat terrorism. Specifically, the draft resolution stated:

The Security Council...

1. *Decides* that all States shall:

- (a) Prevent and suppress the financing of terrorist acts;
- (b) Criminalize the willful provision or collection ... of funds by their nationals or in their territories with the intention that the funds should be used ... to carry out terrorist acts; ...
- (d) Prohibit their nationals or any persons and entities within their territories

from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts; ...

2. *Decides also* that all States shall: ...

(e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that ... such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts; ...

(g) Prevent the movement of terrorists or terrorist groups by effective border controls

It also called upon all states to sign and ratify all twelve existing anti-terror conventions. The proposed rules would be mandatory, based on Chapter VII and Article 25 of the Charter, and compliance was to be monitored by an ad-hoc committee that would collect reports from every UN member-state attesting to their efforts to strengthen domestic legislation and practices. The United Kingdom co-sponsored the resolution and it was adopted almost immediately by unanimous vote (SC Res. 1373) and with almost no alterations to the very strong wording of the original draft (Interviews 2002).

In spite of its unprecedented character, as the first effort by the Security Council to invoke Chapter VII to strike at a non-state actor, much of the language was familiar. The language regarding financing was lifted almost verbatim from the recently approved Convention on Financing of Terrorism. The reliance on familiar phrases and principles was a deliberate attempt to increase the legitimacy and acceptability of the actions (Laurenti 2002, 24). At the same time, it was a very rare instance of the Security Council requiring compliance on the part of all member-states to a new rule without them having the opportunity to assist in its drafting directly. In doing so, the Council placed itself at odds with the General Assembly to some extent. In part to address this concern, the General Assembly called a special session on terrorism in early October. Well over one hundred member-states spoke out against terror, in sympathy for the US, and in support of 1373. Only Tanzania expressed concern that the Security Council may have overstepped its bounds with 1373 (Laurenti 2002, 27).

In order to make it clear that 1373 was not a fleeting, emotional response to a crisis, the Security Council immediately set about creating the enforcement structures it provided for. The Counter-Terrorism Committee (CTC), under British leadership, was tasked with collecting anti-terror plans from each UN member-state. It members generated guidelines for states, established a strict time-table for submission and review, and hired experts to assist in evaluating the plans. Five Security Council members were assigned to each of three committees, along with a few experts, and began to allocate review of the copious volume of national plans. By the end of 2001, 112 states had submitted reports. Thirty more had done so by mid-March 2002 (UNSC 2002). To the surprise of Security Council members, the greatest obstacle to submitting reports on the

part of those who had not complied was finding the professional staff in the capitals to draft a summary of the country's statutes regarding terror-related crimes. The committee therefore re-oriented its focus in the direction of technical assistance and capacity-building (Interviews 2002).

As implied by the name, the compliance scale designed by the authors seeks to measure the degree of compliance on the part of states with UN Security Council Resolution 1373 and the Counter Terrorism Committee (CTC). The seven-point scale is constructed in dichotomous fashion; each of the criteria that comprise the scale is worth either one point or zero points. The cumulative point total for all seven criteria produces a score between zero and seven. A score of seven reflects virtually perfect compliance while a zero score reflects little compliance. The criteria are inspired by the Counter Terrorism Committee's stated and implied expectations for UN member states, as evidenced in the committee's briefings, comments on individual country reports, notes verbales, and interviews with CTC members. This said, it should be emphasized that the scoring is ours.

- A. 1 point- First report turned in on time (although the official deadline was December 27, 2001, the point is earned if the date of document circulation was on or before December 31, 2001).
- B. 1 point- Following CTC's recommended structure for the reports (first report).
- C. 1 point- Some sort of new domestic law has been created or an existing law has been improved to criminalize terrorist activity in general.
- D. 1 point- Some sort of new domestic law has been created or an existing law has been improved to criminalize collection of funds for terrorism purposes.
- E. 1 point- Has the CTC specifically asked about extradition or border control efforts in the most recent report? If no, the point is earned.
- F. 1 point- A country earns this point if it has signed and ratified a threshold number of conventions against terrorism. There are 12 conventions in all. As the average country has ratified 7.36 conventions, we'll set the threshold at 7.
- G. 1 point- Country has signed and ratified the Convention on the Suppression of the Financing of Terrorism.

Criterion "A" asks whether or not the first report was turned in to the CTC by the committee's target date. The deadline for the first report was December 27, 2001. However, in order to compensate for circulation and paperwork delays, we have extended the criterion deadline to December 31, 2001. In other words, if a state turned in its first report on or before the end of 2001, it earns the point in this category. The logic of this criterion is simple: states that are eager (or at least willing) to comply with the resolution deliver their reports by the expected date. Failing to turn in the report on time indicates a careless attitude towards compliance that could perhaps be interpreted as reluctance or even an unwillingness to follow the committee's instructions.

Criterion "B" establishes whether or not states followed the Committee's recommended report structure in the first report. Because the format proposed by the CTC is actually series of questions regarding implementation, failure to follow the format has substantive implications. According to a briefing for member states (dated 4 April

2002), following the structure of the resolution allows the committee “to immediately put the comments of the report in the context of one of the 18 sub-paragraphs which constitute operative paragraphs 1 to 3 of the resolution” (CTC 2002). The CTC directly criticized those reports that fail to conform to the CTC’s report structure, arguing that such reports “lack substance” (CTC 2002). The CTC clearly wants the requested information in the suggested format, and criterion “B” awards one point to those states that follow the committee’s recommended report structure.

Criterion “C” gauges whether or not states have enacted domestic legislation to criminalize terrorist activity in general. States earn this point if they have criminalized any terrorist activity (besides the collection of funds for terrorism) or enhanced an existing terrorism law since the adoption of Resolution 1373. This standard is based on the Resolution’s stated expectations. According to Resolution 1373, states are to “criminalize active and passive assistance for terrorism in domestic laws and bring violators of these laws to justice” (CTC 2002). The priority of this criterion is reflected in the states’ reports; the committee persistently asks each member state about the status of domestic terrorism legislation. Those states that have fulfilled this requirement, as outlined in their reports, receive one point.

Criterion “D” is comparable to the preceding requirement. Resolution 1373 insists that states “deny all forms of financial support for terrorist groups” (CTC 2004). In harmony with that request, this criterion measures whether or not states have passed legislation that makes it illegal to provide financial backing to terrorist groups. States earn this point if they have enacted or improved legislation to criminalize the collection of funds for terrorist purposes. Moreover, in order to accommodate different types of action, the point is also awarded if states have frozen terrorist funds by executive order (although, admittedly, the CTC is most interested in seeing domestic legislation).

Criterion “E” seeks to gauge states’ efforts at inhibiting terrorists’ movements. As with the previous criteria, this standard is rooted in Resolution 1373 and the Committee’s expectations. According to the resolution, states are to “suppress the provision of safe haven... for terrorists” as well as “co-operate with other governments in the investigation, detection, arrest and prosecution of those involved in [terrorist] acts” (CTC 2004). In order to measure these requirements, we have appealed to each state’s most recent report. If the committee has asked about extradition or border control efforts in the most recent report, the point goes unearned. Conversely, if the CTC has not asked about efforts in either of these categories (in the most recent report), the state earns the point. Our logic stems from this premise: the committee questions states primarily in “trouble areas.” Therefore, if the committee is reasonably pleased with a particular state’s efforts in this area, it will not ask the state to account for its actions.

Criterion “F” quantifies how many global treaties on international terrorism have been ratified by each UN member state. The CTC expects member states to support these treaties. As stated by the Committee, states should “become party as soon as possible to the relevant international conventions and protocols relating to terrorism” (CTC 2004). According to a UN General Assembly report dated 2 July 2003, 193 states had ratified a

cumulative number of 1422 global conventions on international terrorism (the average country, then, has ratified 7.36 treaties). Based on the average, we have awarded one point to states that have ratified a minimum of seven conventions.

The final criterion reflects the committee's emphasis on one particular international terrorism convention. Criterion "G" gauges whether or not states have ratified the International Convention for the Suppression of the Financing of Terrorism (1999). Although this convention is amongst the twelve global conventions on international terrorism (and therefore partially counted in the previous criterion), the CTC places a special emphasis on this specific treaty. The proof is found in the committee's questions. Concerning those countries that have not ratified this convention, the CTC persistently enquires about the status of the ratification process. Although the committee also asks about the status of other international conventions on terrorism, the committee consistently requests information on this treaty. Therefore, if the state acceded to the International Convention for the Suppression of the Financing of Terrorism by June 2003, the state earns the point.

The terror score is our dependent variable, and two independent variables were developed to test various theories of compliance. Specifically, we count the number of UN-sponsored anti-terror conventions ratified by the country, on the assumption that if the sociological approach is correct, more ratifications will correlate with higher compliance. Also, we use a score developed by Blomberg, Hess and Orphanides (2003) to measure the number and severity of terror attacks on a country to measure the seriousness of the problem. Rationalists would argue that countries that are subjected to more attacks are likely to make a more serious commitment to international anti-terror law.

Anti-Trafficking and Slavery Law – For thousands of years there was tension between those who considered slavery a natural state of affairs and those who felt slaves had inalienable rights. Beginning in the late-eighteenth century the anti-slavery forces began to get the upper hand, and by 1885 the slave trade was banned and in 1926 slavery itself was outlawed worldwide. But today, conservative estimates indicate that there are still upwards of twenty-five million individuals living in slave-like conditions where they are compelled to work for little or no compensation (Bales 2004, 5; Reinhardt 2001, 52).

The international bans on slavery and the slave trade are widely considered two of the world's few *ius cogens* rules which allow no exception (Redman 1994, 764; Van der Anker 2004, 15). The British Navy claimed jurisdiction over slavers anywhere in the world beginning in 1845 and urged other states to join it (Adams 1925, 629).

How then is it that more than twenty-five million are enslaved today and thousands of others are slave traffickers? As with piracy, some of it stems from definitions. The original definition of slavery as found in the 1926 Slavery Convention is somewhat vague: "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised" (article 1). The language is further muddied by a demand in the Convention for an end to all "slave-like" practices as well,

which has been subsequently interpreted by scholars and Western diplomats to mean that debt peonage, indentured servitude, and serfdom are unlawful. Some also included a more controversial prohibition against forced labor by states in the list (Meirs 2003, 130). Many states have resisted these broad interpretations, however (Rassam 1999, 331; Grant 2005, 161). Nonetheless, almost all states have adopted statutes that ban slavery and slave trading, as well as debt peonage, indentured servitude, serfdom, and private forced labor. Most states have further reinforced this broader view in a variety of more recent instruments including a major 1956 Supplemental Convention and by expressing support for the definitions proffered by the United Nations Working Group on Contemporary Forms of Slavery (UNHCHR 2004).

At the beginning of the twentieth century, in response to what were probably exaggerated reports of European women being trafficked for prostitution, states approved a ban on the so-called “white slave trade” in 1919 and merged them with bans on the slave trade in 1949 and as part of the Supplemental Convention (Coote 1909, Weissbrodt 2002, 18). An upsurge in cases of involuntary trans-boundary movement prompted states in 2000 to negotiate a new instrument, a protocol to the UN Convention against Transnational Organized Crime, to prevent, suppress and punish trafficking in persons. Trafficking is defined as any international movement of persons “for the purpose of exploitation” by means involving “the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability” (article 3). This dovetails closely with previous international agreements outlawing exploitation without trafficking and is part of the current anti-slavery and slave trade regime which includes the Convention on the Rights of the Child, the Convention on the Elimination of Discrimination against Women and a variety of agreements sponsored by the International Labour Organization (UNHCHR 2004, Weissbrodt 2002, 18-26).

This is not to say the law is entirely settled. Some states have objected to expanding the definition of slavery as far as the Working Group would like and have objected to including the sale of organs and child pornography under the same rubric, although they have supported separate protocols on these topics. On the issue of trafficking, even anti-trafficking advocates disagree on whether all women who end up as sex workers in foreign countries were necessarily trafficked. Moral conservatives argued that no woman could voluntarily subject herself to sexual exploitation and should therefore be treated as victims while moral liberals argued that women retain a certain degree of freedom of choice – including the freedom to choose sex work as a career path – and should therefore be treated as professionals (Leuchtag 2003, 13, Gallagher 2001, 983, Abramson 2003, 483). The language in the Trafficking Protocol offered a compromise in that governments agreed to remove the phrase “irrespective of the consent of the person” from the draft version of Article 3 mentioned above (Gallagher 2001, 985).

Beginning in the mid-1990s, the United States government adopted legislation aimed at reducing global trafficking levels. Included in the statute was a requirement that the State Department assess the performance of as many countries as possible with respect to adopting anti-trafficking laws and regulations. The assessments are published in an annual report that ranks countries on a three-point scale (the Third Tier represents a

refusal on the part of the government to seriously address the problem, while First Tier indicates that the government is taking an active role in suppressing trafficking). [citation] We use this measure, along with estimates of the total number of slaves in the country, relative to the population, provided by Kevin Bales [citation], to measure compliance with anti-trafficking and anti-slavery law.

To test theories of compliance against these issue-areas, we ask whether a country has ratified the UN Trafficking Protocol of 2000 as well as the number of anti-slavery laws the country has ratified generally. Sociological theory predicts these will correlate with compliance. We also ask whether a country has a strong military relative to the length of its border on the assumption that the managerial school will correctly predict that states with greater capacity will exhibit higher levels of compliance (in this case, domestic enforcement of international norms).

CEDAW and the Status of Women – In 1979, nations signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) with the aim of enhancing the status of women around the world. In particular, the agreement called upon states to eliminate legal discrimination, eliminate gaps in education levels between men and women, establish equality in marriage and family life, and encourage women’s participation in public life at the local and national level. The agreement also created an international body (the Committee on the Elimination of Discrimination against Women - Committee) to monitor compliance, mostly by producing reports of a general nature rather than ranking or scoring specific performance (Article 17).

CEDAW has since become a key element in the policies of a number of governments and international organizations. It has been incorporated in the constitutions of several countries as well as the fundamental policies of the World Bank and UNIFEM as well as UNICEF to a lesser extent. While the reporting and monitoring activities of the Committee are limited, they help keep governments on notice that gross violations of women’s rights will be detected (Interviews 2007). The implication is that there is no quantitative measure of country performance for compliance with CEDAW per se, although in this study we will use two indicators, taken from the study of the impact of CEDAW on conditions for women written by Gray, Kittilson and Sandholtz (2006). In particular, we will consider the proportion of women serving in national legislatures in 2000, as found in the dataset used by the authors. The range is from none to 42% (in Sweden), with the average percentage at 11%. We will also consider the level of female literacy, as measured by the World Bank and reported in the dataset.

Both of these indicators should measure the range of CEDAW compliance. Countries that fail on both counts (as is the case for many Middle Eastern monarchies) are clearly impeding the progress of women in their countries, while those that score highly on both measures (as in northern Europe) are not only demonstrating considerable support for women’s empowerment but are creating conditions that will allow this to continue into the future. Large numbers of literate women, represented by large numbers of senior female decision-makers, are in a position to ensure that women’s issues and

women's demands will be at the forefront of national debate. Finally, mixed performance on these issues is meaningful as an indicator of partial commitment to implementing the treaty. High female literacy but low representation in parliament (as found in some south-east European countries such as Albania and Cyprus) indicates that women still defer to men to make decisions for them, even though they are in a position to do so themselves. Low literacy and high representation (as in Namibia and Rwanda) may indicate a certain degree of posturing rather than authentic empowerment.

In their study, Gray, Kittilson and Sandholtz distinguish between countries that sign and ratify CEDAW, awarding only one point for the former and two for the latter, thus creating a scale of commitment to the Convention. We use that same scale in this study, consistent with sociological theory. We anticipate that, consistent with their findings, that commitment will be proportional to compliance, all things being equal.

Conclusions and Implications

As we survey the findings presented in Tables 1 and 2, we can see immediately that no single factor predicts compliance on the entire range of norms and rules. That said, several factors stand out as somewhat more useful than others, with important theoretical implications. Conversely, some factors stand out for their lack of utility, with equally significant implications.

To begin, the two independent variables that seem to play the biggest role, all things being equal, are official development assistance relative to GDP and regulatory quality. The degree of dependence on foreign aid correlates with a failure to comply with a number of rules, including air safety, providing reports on ozone regulation, and increasing female literacy as called for in CEDAW. Note that this is true, even controlling for GNP per capita. This finding is inconsistent with the realist school that argues states that are dependent – especially developing states that are dependent on developed states – will be subjected to pressure to comply and respond accordingly. On the other hand, this is generally consistent with the managerial school which argues that compliance, especially with regulatory regimes, is a low priority for states that are simply trying to survive.

Also consistent with the managerial school is the finding that states with strong regulatory institutions comply better with international law. This is particularly clear with respect to ship detentions, but is also true with respect to reporting ozone regulation, controlling human trafficking, and increasing female literacy. What is somewhat surprising, perhaps, is that this link seems to cut across the different types of rules and is not particularly unique to regulatory regimes alone.

A few other variables explain some of the outcomes in other areas in predicted ways. The number of women serving in parliament is closely correlated with the country's GDP per capita, all things being equal (the only outcome explained by this variable). The number of embassies – a measure of socialization – correlates with improved air safety. Likewise, the weighted s-score, which measures a country's ties to

Table 1: Regressions on Regulatory Norms

Independent Variables	Dependent Variables				
	Ship detention rates	Airline safety 2000 audit	Airline safety 2004 audits	Montreal Protocol reporting	Montreal Protocol compliance
GNP/capita	.174	-.109	-.167	.248	-.103
Polity IV	.120	-.063	.033	.069	.020
ODA/GDP	-.039	.370	.284	.294	-.223
Foreign embassies hosted	-.151	-.392	-.199	-.018	-.116
S-score	.053	.252	.003	-.063	.054
Regulatory Quality	-.714	-.037	-.135	-.328	-.001
Maritime safety treaties ratified	-.009				
Shipping cargo tonnage	-.064				
Naval fleet/coastline	-.071				
Air partners		.095	.247		
ICAO ratifications		.093	-.039		
Ozone ratifications				.088	-.098
CFC emissions per capita (2002)				-.006	.098
Environmental ministry				.254	-.097
R2	.321	.332	.200	.165	.070
ANOVA F-score	3.301	5.025	2.720	2.255	.864
N	1024	187	187	187	187

Standardized coefficients

Sig. <.05

Sig. <.005

Table 2: Regressions on Criminal and Human Rights Norms

Independent Variables	Dependent Variables					
	Pirate pursuit rates	UN Terror score	Trafficking score	Enslavement rate	Female literacy	Women in parliament
GNP/capita	.227	-.158	-.253	-.196	.020	.433
Polity IV	-.386	.141	.108	.001	.141	.060
ODA/GDP	-.460	-.158	-.029	-.024	-.328	.114
Foreign embassies hosted	-.140	.054	-.107	.298	-.021	.030
S-score	.080	-.046	-.139	-.198	-.028	.026
Regulatory Quality	.001	.166	-.316	.302	.345	.151
Maritime safety treaties ratified	-.440					
Shipping cargo tonnage	.213					
Naval fleet/coastline	-.359					
Anti-terror treaty ratifications		.432				
Terror attack rate		.085				
Trafficking Protocol ratification			-.026			
Total slavery-related treaties ratified				-.042		
Military spending/frontier length			-.099	.037		
CEDAW commitment					-.011	.054
R2	.476	.368	.348	.159	.412	.330
ANOVA F-score	1.716	6.416	7.177	2.108	9.620	7.953
N	1024	190	148	148	148	148

Standardized coefficients

Sig. <.05

Sig. <.005

the United States, correlates with improved air safety – at least in the initial 2000 audit. And the number of anti-terror conventions ratified correlates with stronger anti-terror measures generally, all things being equal. But that is as far as it goes.

What is perhaps more surprising is that several variables correlate in ways we did not expect. The more embassies a country hosts, the greater the number of slaves relative to the overall population. The more maritime safety conventions a country signs, the less likely it is to pursue pirates after they attack. And the existence of a cabinet ministry devoted primarily to environmental regulation, the less likely that country will submit its reports on ozone regulation.

Finally, and perhaps most important, some key variables that one might have expected to explain much of the variance perform very poorly. The nation's wealth and the degree of democracy in the country did little to explain compliance with international law, contrary to the rationalist, managerial, and liberal schools. The decisions to ratify relevant treaties or to invite a larger number of countries to establish diplomatic relations and staff embassies seem to have had little effect, contrary to the constructivist socialization school. It appears that states make decisions independent of social pressure. This is particularly surprising with respect to the power of endorsing CEDAW, which was found to be significant in a time-series panel analysis (Gray, Kittilson & Sandholtz 2006), but not significant in our single time cross-national approach. And finally, whether states have special interests, resources, or needs in the issue-area does little to increase their propensity to comply with the rules, contrary to both the rationalist and managerial schools.

Taken together, these findings lead to the following conclusions. To begin, there is limited support in our findings for the managerial school. It appears that, all things being equal, possessing strong regulatory agencies helps states comply with a variety of international rules. That said, it appears that possessing specific resources that might be applied to enforcing the rule is not so significant. Perhaps this should tell us that administration may occur for reasons other than national interest or political will. Bureaucracies may take on a life of their own with respect to compliance.

Other than this, the findings are mostly negative. Democratic institutions, all things being equal, do not suffice to produce compliance, contrary to the liberal school. Faring almost as poorly are the rationalist, realist, and constructivist schools. Looking at things from another point of view, it is interesting to note that the theories do not play favorites. They are equally unable to explain compliance with regulatory regimes, criminal laws, or human rights norms.

All of this tells us that we have yet to find a theoretical “silver bullet” that will explain compliance completely and consistently. While it is certainly premature to conclude that such an approach will never be found, it certainly raises questions about claims that such an approach exists today. On the contrary, this paper leads to the

conclusion that theoretical eclecticism – most likely at the middle range – is likely to be most productive (Stiles 2010).

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