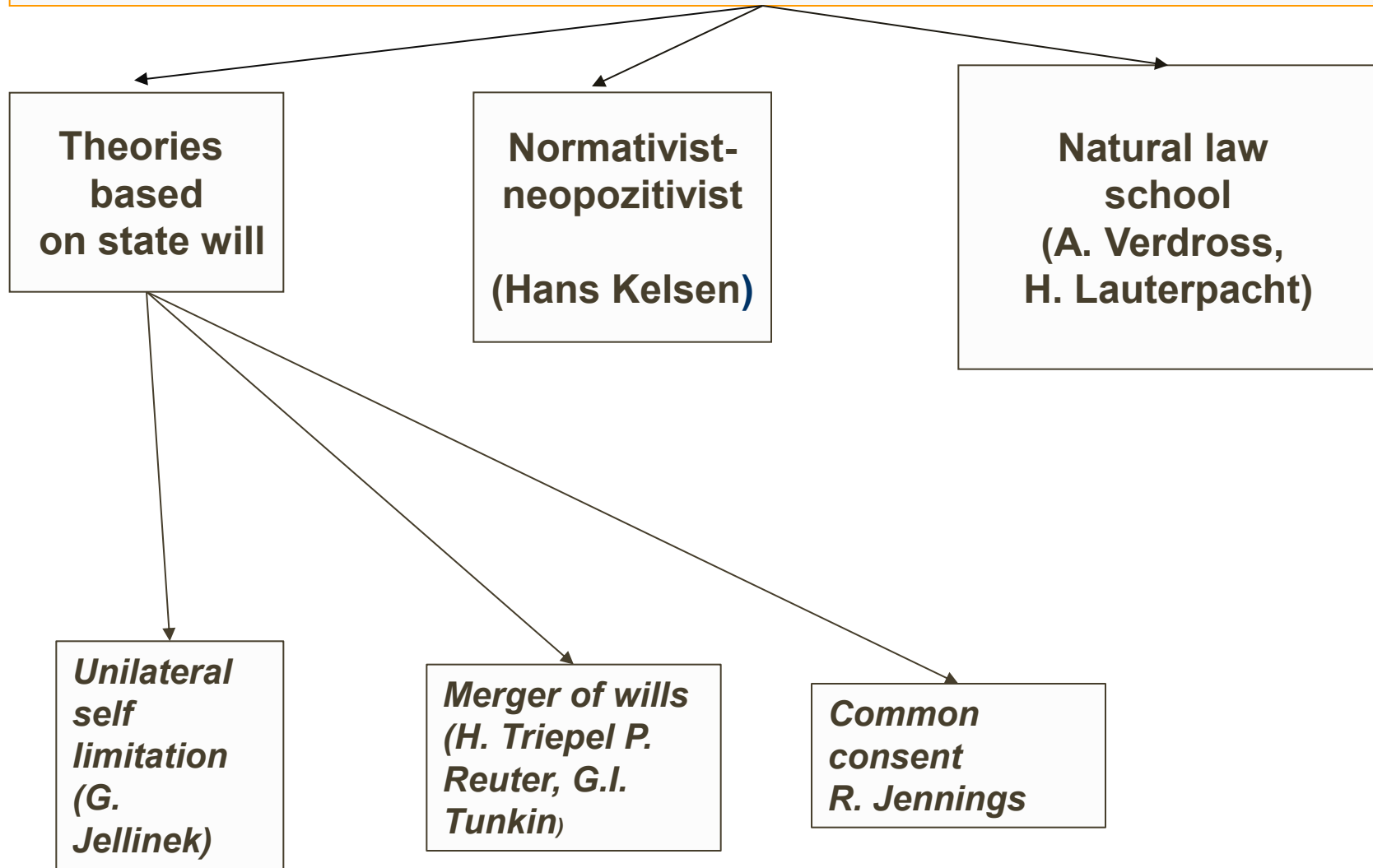


# COMPLIANCE THEORIES

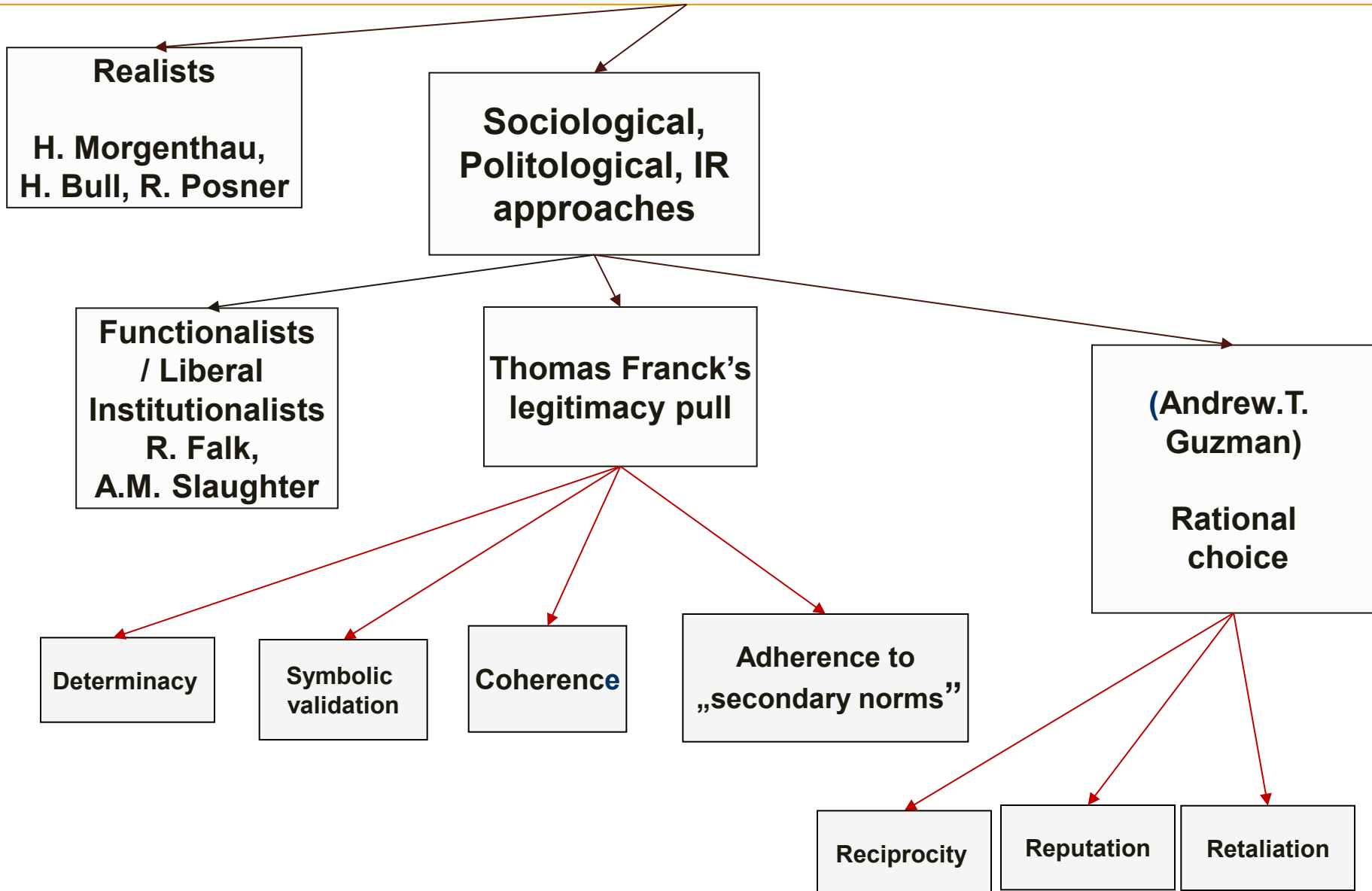
Presented by Boldizsár Nagy at the CEU,  
2023

# EXPLANATIONS WHY TREATIES (AND INTERNATIONAL LAW) ARE BINDING



# COMPLIANCE THEORIES

## EXPLANATIONS WHY TREATIES (AND INTERNATIONAL LAW) ARE OBEYED



# COMPLIANCE THEORIES

## EXPLANATIONS WHY TREATIES (AND INTERNATIONAL LAW) ARE OBEYED

### Managerial Model A. Chayes and A.H. Chayes

Regimes with policy reviews and NGO-s are key actors in enhancing compliance

#### Norms

Negotiated in pursuance of state interest + consent to be bound

#### Transparency

- Clear meaning of rules and procedures
- Transparent action of players

#### Active management of treaties

#### Capacity building

#### Verification and Monitoring

- Bilateral
- Multilateral (IO)

#### Reporting and Data Collection

May induce domestic compliance + leads to transparency

#### Dispute settlement

#### Amendment and modification of obligations

# EXPLANATIONS WHY TREATIES (AND INTERNATIONAL LAW) ARE BINDING

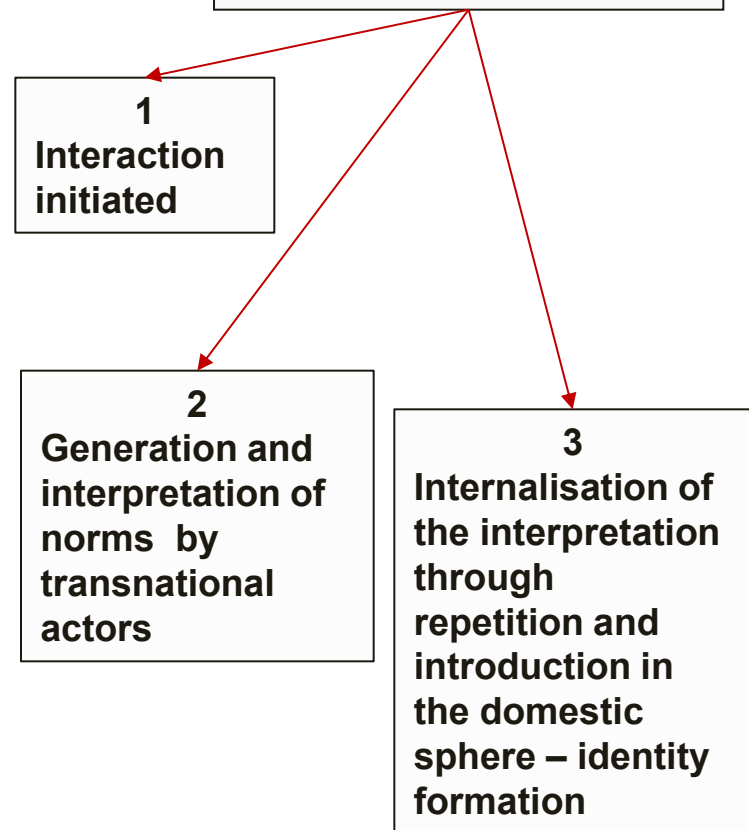
**Oona A.  
.Hathaway**  
  
„Integrated  
theory of  
compliance”

TABLE 1

Summary of Incentives for State Commitment and Compliance

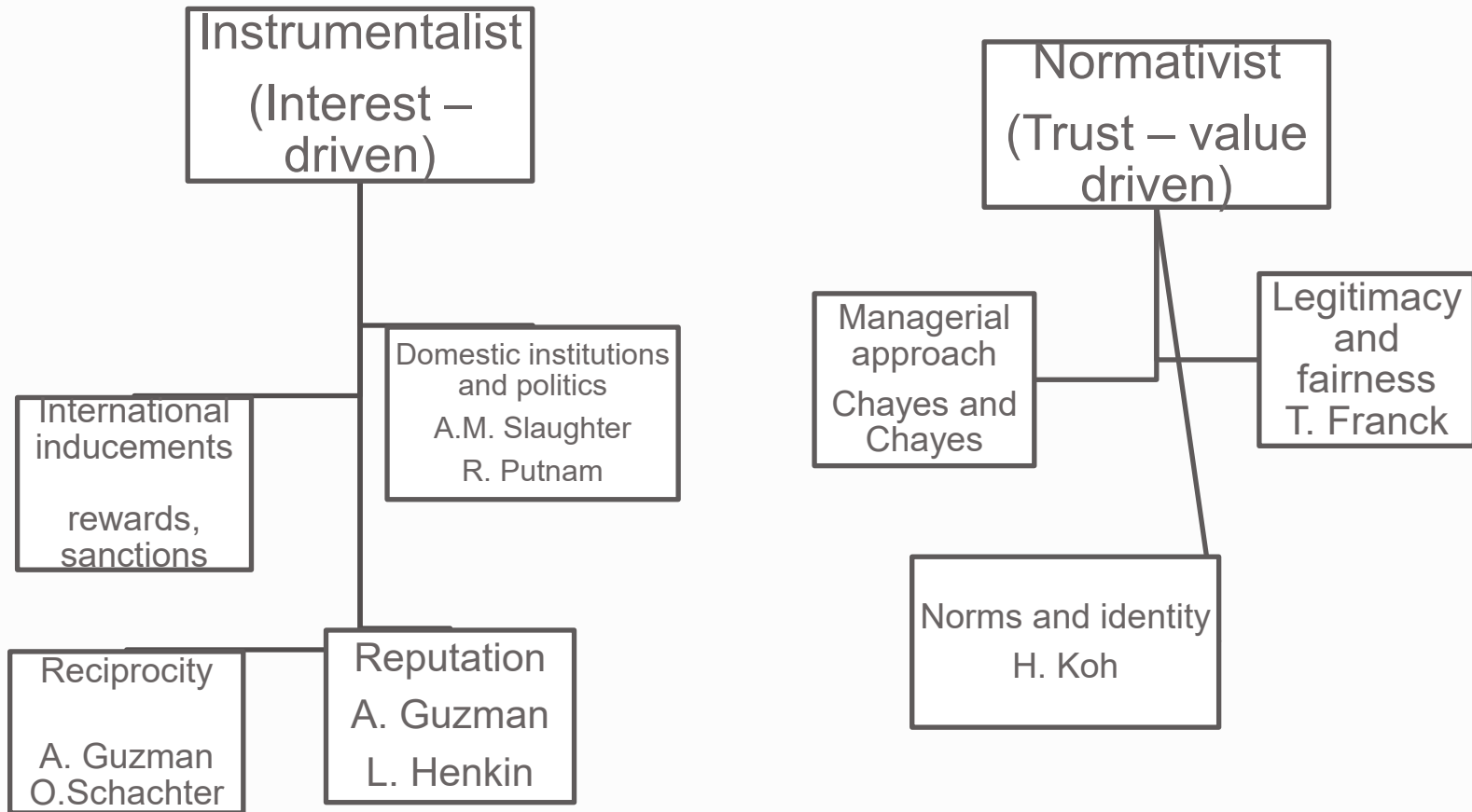
	<b>Legal Enforcement</b>	<b>Collateral Consequences</b>
<b>Domestic</b>	Incentives for commitment and compliance arise from expected enforcement of the treaty, where the source of the enforcement is actors inside the state.	Incentives for commitment and compliance are created by anticipated reactions of domestic actors to a government's decision to commit to an international treaty.
<b>Transnational</b>	Incentives for commitment and compliance arise from expected enforcement of the treaty, where the source of the enforcement is actors outside the state.	Incentives for commitment and compliance are created by anticipated reactions of transnational actors to a government's decision to commit to an international treaty.

**Harold H.  
Koh**  
„Transnational  
Legal process”



# Jana von Stein' system

Why do – and don't state comply with international rules?



# Literary hints on compliance

Burgstaller, Markus (2005): *Theories of Compliance with International Law*, Martinus Nijhoff, Leiden/Boston

Chayes, Abram & Chayes, Antonia Handler (1995): *The New Sovereignty: Compliance With International Regulatory Agreements* Harvard Univ press

Delcourt, Barbara: *Compliance Theory*, MPEPIL, online, visited: October 2014

Franck, Thomas M. (1990): *The Power of Legitimacy among Nations*, OUP, New York, Oxford

Guzman, Andrew T. : A Compliance-Based Theory of International Law, 90 *Cal. L. Rev.* 1823 (2002). Available at:

<http://scholarship.law.berkeley.edu/californialawreview/vol90/iss6/2>

Guzman, Andrew.T. (2008), *How International Law Works*, New York: Oxford University Press

Guzman Andrew T. (2009): How international law works: introduction *International Theory* (2009), 1:2, 285–293

Hathaway, Oona A.: "Between Power and Principle: An Integrated Theory of International Law,, 72 *U. Chi. L. Rev.* 469 2005

[http://digitalcommons.law.yale.edu/fss\\_papers/836](http://digitalcommons.law.yale.edu/fss_papers/836)

Koh, H.H. (1997), 'Why do nations obey international law?', *Yale Law Journal* 106: 2599–2659. [http://digitalcommons.law.yale.edu/fss\\_papers/2101](http://digitalcommons.law.yale.edu/fss_papers/2101)

J. Von Stein: The Engines of Compliance. in: *Interdisciplinary Perspectives on International Law and International Relations The State of the Art* J. L. Dunoff, M.A. Pollack (eds), Cambridge University Press, 2013, pp 476 – 501

# Thanks!

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