

## Lecture on International Treaties

### I. Introduction

In principle treaties and treaty-like instruments are contracts between two or more governments. As with ordinary economic contracts or agreements, they are used to advance the interests of all the signatories—which are governments rather than the persons governed. The latter implies that they advance the interests of the persons governed only insofar as governmental (government official's) interests are aligned with those of their residents or at least a majority of their residents. This is not always the case, but is often the case with respect to international treaties.

For example, treaties may attempt to ameliorate externality problems that are international and scope and so beyond the ability of national governments to otherwise regulate. Such contracts are, in a sense, Coasian contracts and arguably tend to advance the interests of their residents. Other treaties may attempt to reduce unproductive forms of international competition. They may, for example, attempt to avoid an “arms” race or policies that interfere with international trade such as tariffs, quotas, and other barriers to trade. Countries may also attempt to pool their resources to provide better services of one kind or another for their citizens, as with treaties of alliance and agreements to share information about criminal activities. In such cases, international treaties at least potentially may generate significant benefits for the signatories, and also improve prospects of their current governments to win the next election.

Other treaties may do the reverse—or serve as cartel agreements that reduce productive forms of competition among governments of the Tiebout variety.

What this lecture attempts to provide is a theory of international treaties. It also will review a few specific treaties that appear to be consistent with the theory. Students should keep in mind that voters do not generally collect much information about the substance of international treaties (if any) and so the effect of a treaty on voter preferences over rival politicians or political parties are likely to be determined by the broad-brush goals of a particular treaty—as with other public policies.

There is a good deal of academic research on how particular treaties operate and on the decision making procedures through which they operate. Indeed, there is an economic journal

devoted to such research that is edited by economists, *Review of International Organizations*. So, this is not a subject that is entirely one studied by political scientists or scholars of international law.

## II. Illustrating Examples:

- (1) Draw a diagram of Coasian Bargaining over an Environmental Externality (as with a downwind externality)
- (2) Draw Diagram, Matrix and/or Develop a Model of a bilateral regulatory externality with unrealized (non-Pareto optimal) at the equilibrium. (NIMBY and Free Riding Examples)

## III. Stages of a Treaty (from Congleton [1995](#), [2001](#), and [2020](#))

- (1) Symbolic Treaties—treaties with not particular goals state or procedures for making decisions established. Most are simply agreements that a “problem” exists and that coordinated efforts to solve or ameliorate the problem appear to be worthwhile.
- (2) Procedural Treaties—treaties that create a standing organization (a treaty organization) with particular decision for making recommendations to the signatory governments. Such treaties may also specify an intent to gather information and express an intent to produce a substantive treaty or protocol.
- (3) Substantive Treaties—are agreements among the member states to adopt particular policies through domestic legislation or to abide by specific commitments for joint actions or policies. Such agreements are usually being products of the treaty organization of step 2—albeit with some final details worked out at “high” level meetings shortly before such treaties are agreed to.

## IV. Limitations of Substantive and Procedural Treaties

Treaties on all manner of topics have been negotiated and essentially none of them delegate actual policy making policy to the treaty organization created in step 2.

Most treaty organizations use variations of unanimous agreement for significant policy recommendations.

And, most treaties have to be “self-enforcing” to operate well because essentially no treaty includes a provision for punishing member states for violating the terms of a treaty signed and ratified.

Signing and ratifying a treaty often involve different policy makers in the governments that participate in treaty negotiations—especially in cases in which a government includes separately elected presidential and legislative branches in their constitutional designs.

## **V. Do Treaties Accomplish Anything? (Sometimes)**

Because of the requirement for unanimous agreement and domestic legislation (in most cases), it is not clear whether treaties “do” anything or not—other than provide employment opportunities for international scholars, embassy personnel, and political appointees of various kinds. One might expect that governments sign on to treaties only if they “mandate” policies that a government already wants to implement.

There have been a few tests of the effects of treaties on domestic policies—the earliest were undertaken in a series of papers by Sandler and Murdock. (See for example, [1984](#), [1997](#), [1997](#)), the last being of most interest for this lecture.)