

**Barbara Koremenos. 2016. *The continent of international law. Explaining agreement design.* (Cambridge: Cambridge University Press)**

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Barbara Koremenos presents an important book that opens up new frontiers in the study of international cooperation and the design of international institutions. It is characterized by theoretical and empirical richness as well as analytical rigor. All students of international cooperation will have to engage with its insights and implications. Building on the theoretical framework of the seminal legalization and rational design projects (Goldstein et al. 2000; Koremenos et al. 2001), the central idea of *The Continent of International Law* is that the formal design details of international agreements matter for international cooperation and that states meticulously craft the specificities of international agreements to bring them in line with the problems they seek to govern. States' strategic design choices are driven by the cooperation problems that they face when attempting to cooperate at the international level as well as by the characteristics of the states interested in cooperating. This idea expands and revises the rational design framework and provides the basis for a broad range of empirical tests of hypotheses that have so far remained largely untested.

Contemporary global governance is characterized by an increasing level of institutionalized cooperation (Lake 2010; Abbott et al. 2016). Whether it takes the form of formal intergovernmental organizations (Pevehouse et al. 2004), international agreements (Baccini et al. 2015), informal intergovernmental organizations (Vabulas and Snidal 2013), or transnational public-private governance initiatives (Westerwinter 2017), studies agree that over the past decades, and particularly since the end of the Cold War, cooperation among nations has been on the rise in virtually all issue areas. Research on international cooperation has made substantial progress by taking seriously the formal details of international institutions, such as international organizations and treaties (Goldstein et al. 2000; Koremenos et al. 2001; Hawkins et al. 2006; Tallberg et al. 2014; Hooghe and Marks 2015). Drawing on rational institutionalism and game

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theoretic thinking as a broader theoretical framework, these works generated theoretical explanations of the presence and absence of important institutional design elements, such as obligation, flexibility, and precision (Goldstein et al. 2000). However, often-times the empirical tests of these arguments were limited to single or small-n case studies, which make the systematic empirical evaluation of hypotheses challenging and limit the generalizability of results.

Building on these works, Koremenos presents one of the most systematic and comprehensive analyses of the determinants of the formal design provisions of international agreements and opens up a broad range of avenues for future research. She starts out by developing the building blocks of her theoretical framework and introducing the innovative dataset that provides the basis of her empirical analysis in chapters 2 and 3 of part I of the book. When states decide to cooperate with other states, they seek to tailor the formal design of their international agreements toward the particularities of the problems they wish to solve. In other words, states create international agreements as effective and efficient solutions for the problems they care about. The two main sets of factors that shape the formal design of international agreements, Koremenos argues, are the cooperation problems states face and the characteristics of states, although cooperation problems as independent variables form the theoretical and empirical core of the book. The cooperation problems she emphasizes are enforcement problems, commitment problems, distribution problems, coordination problems, norm exportation problems, uncertainty about behavior, uncertainty about preferences, and uncertainty about the state of the world. The state characteristics are the number of states involved in an international agreement, power and domestic regime type asymmetries, and preference heterogeneity. These two sets of independent variables, both in isolation and combination, are used to explain variation in the formal design provisions of international agreements in the form of flexibility, centralization, scope, and control. Koremenos develops twelve broad conjectures that link variation in cooperation problems and state characteristics to variation in formal institutional design. While some of these conjectures originate from the rational design project (Koremenos et al. 2001), others refine rational design conjectures, and still others are entirely new.

The general theoretical argument and the twelve broad conjectures derived from it are further specified and empirically tested in seven empirical chapters that focus on various design features of international agreements. The empirical chapters employ an innovative dataset that contains detailed information on a random sample of 234 international agreements in the issue areas of security, economics, environment, and human rights. Chapters 4 to 6 in part II are dedicated to explaining different forms of flexibility provisions, including duration provisions, escape and withdrawal clauses, and imprecision and reservations. Koremenos shows that duration provisions are chosen as a response to uncertainty problems regarding the state of the world and that the intended duration of cooperative arrangements decreases with the presence of uncertainty about the state of the world. Escape clauses are also driven by the presence of uncertainty about the state of the world, but only in combination with an enforcement problem. In other words, only states that are uncertain about the future of the problem that they seek to govern and are afraid of their cooperation partners defecting from cooperation, build escape provisions into their international agreements. Reservation clauses, by contrast, are primarily used to address combinations of distribution and coordination problems. The main finding that emerges from these chapters is that there is considerable variation in the flexibility provisions of

international agreements and that these provisions are not substitutes for each other. Individual flexibility provisions and combinations of them are not chosen randomly, but selected to address specific cooperation problems. Thereby, rather than softening international agreements, flexibility provisions can help to make international cooperation more likely and, if it occurs, more robust.

Part III extends the empirical analysis to dispute resolution (chapter 7), punishment (chapter 8), monitoring (chapter 9), and voting procedures in international agreements (chapter 10). Koremenos shows again how the inclusion of formal design provisions in international agreements varies systematically with the presence of different cooperation problems. She finds, for example, that enforcement and commitment problems increase the likelihood that states create international agreements with dispute resolution and punishment provisions and that uncertainty about behavior in combination with incentives to defect affect the presence and type of formal monitoring. The chapters in part III also discuss the distinction between formal and informal design provisions and introduce an innovative research design that permits researchers to study the interaction of formal and informal institutional design elements. Based on statistical and case study evidence, Koremenos finds that unspecified or informal design provisions are as much part of the strategic institutional design decisions of states as formal provisions, and that formal and informal institutional design elements complement rather than conflict with each other.

*The Continent of International Law* is one of the most important books published on international cooperation in the recent years. Theoretically and empirically, it is the most comprehensive treatment of the topic of rational institutional design to date. The book also skillfully bridges the gap between students of international relations and international law and thereby contributes to a more systematic exchange between the two scholarly fields. However, despite its value and contributions, the book also has some limitations. In the following, I discuss a few points with respect to which I see room for further improvement building upon Koremenos's impressive work.

First, Koremenos treats international agreements as isolated entities that are disconnected from one another and the larger institutional context in which they are embedded. States choose whether or not to create an international agreement and how to design its formal and informal governance structure without considering other options for the institutionalization of their cooperation. This creates a truncated picture of the strategic options that states have at their disposal when deciding to cooperate (Lake 2010). In addition to formal international agreements, states can choose to use or create a broad range of other institutional forms including intergovernmental organizations (Pevehouse et al. 2004), informal international agreements (Lipson 1991), or public-private governance arrangements that involve in addition to states also non-state actors (Avant and Westerwinter 2016). States weigh the costs and benefits of international agreements not only against other international agreements, but also against alternative forms of cooperation. Broadening the study of institutional design toward a more comprehensive understanding of international cooperation and global governance would be a useful extension of Koremenos's work.

Second, while Koremenos's analysis of informal in addition to formal design provisions of international agreements is an important contribution of her book that adds to a growing literature on informal governance in world politics (Stone 2011, 2013; Kleine 2013; Kilby 2013), it is, as many of the contributions to this literature are, limited to

informal governance that occurs within formal international institutions. But the phenomenon is broader than this. Informal governance outside formal international institutions is an alternative to governance within a formal, treaty-based structure, and the two theoretically should influence each other (Abbott and Snidal 2009; Kahler and Lake 2009). In particular, informal governance outside formal international agreements can be a deliberate strategy of strong as well as weak players that seek to bypass unfavorable formal structures and to enhance their bargaining position (Vabulas and Snidal 2013; Avant and Westerwinter 2016). In short, scholarship on informal governance within formal international institutions tends to overlook informal governance outside formal arrangements. This stream of research, to which Koremenos's work contributes, could benefit from incorporating the increasing importance of informal forms of international cooperation in their models. Moreover, neglecting the co-existence of formal and informal types of international cooperation makes it impossible to examine the interactions and trade-offs between different types of governance that occur when states select which institutional form to use to facilitate cooperation and govern global problems.

Finally, Koremenos underemphasizes the importance of domestic politics as a critical driving force of international institutional design. Functionalist accounts of international cooperation, such as the theoretical framework developed by Koremenos, often have difficulties incorporating domestic politics into their explanations of the creation and design of international institutions. While Koremenos makes a few references acknowledging the importance of domestic politics, more could be done. The political regime type of the participating countries and their levels of democracy and autocracy are likely to shape states' choices of formal institutional design provisions. Furthermore, the presence of interest groups and veto players at the domestic level are factors that are likely to influence what design provisions states choose when creating international agreements. Extant work shows that the presence of domestic veto players is an important determinant of whether or not states cooperate at the international level (Milner 1997; Mansfield et al. 2007; Mansfield and Milner 2012). Extending these works into the study of international agreements more generally and how they are designed is another avenue for future research.

These limitations notwithstanding, *The Continent of International Law* provides valuable insights into the complexities of the design of international agreements and draws attention to aspects of international agreement design that have remained underemphasized in existing research in the fields of international relations and international law. It is a book that all students of international cooperation and global governance should read and engage with.

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