

Embracing Ambiguity: Classification, Rule Violations, and International Politics

Allison Carnegie and Austin Carson

August 29, 2018

Motivation & Question

Ambiguity is pervasive in IR

- Was India's 1974 nuclear test peaceful or for military purposes?
- Were Russia's 2016 transit restrictions for national security purposes?
- Did the actions by Rwanda's government constitute a genocide?

Motivation & Question

Ambiguity is pervasive in IR

- Was India's 1974 nuclear test peaceful or for military purposes?
- Were Russia's 2016 transit restrictions for national security purposes?
- Did the actions by Rwanda's government constitute a genocide?

Interpretation is a political decision

Motivation & Question

Ambiguity is pervasive in IR

- Was India's 1974 nuclear test peaceful or for military purposes?
- Were Russia's 2016 transit restrictions for national security purposes?
- Did the actions by Rwanda's government constitute a genocide?

Interpretation is a political decision

When are ambiguous events classified as violations by powerful states?

Our Answer

Classification trade-off: Integrity v. Scope

- 1) “Yes that’s a violation” (with punishment): conventional wisdom; upholds regime
- 2) “Yes that’s a violation” (but no punishment): risks to regime integrity, does not open loopholes
- 3) “No that’s not a violation”: maintains regime integrity, opens loopholes

Our Answer

Classification trade-off: Integrity v. Scope

- 1) “Yes that’s a violation” (with punishment): conventional wisdom; upholds regime
- 2) “Yes that’s a violation” (but no punishment): risks to regime integrity, does not open loopholes
- 3) “No that’s not a violation”: maintains regime integrity, opens loopholes

Classification depends on regime strength, likelihood of copycats, and enforcer’s incentives

So What?

- Common challenge in IR. Is it a “genocide”? Is it “civil war”? Are they “belligerents”? Are they “refugees”?
- Facts are often well-known, interpreting them is the hard part
- States are the front-line interpreters, symbolically important, and the gatekeepers for IOs to weigh in

So What?

- Common challenge in IR. Is it a “genocide”? Is it “civil war”? Are they “belligerents”? Are they “refugees”?
- Facts are often well-known, interpreting them is the hard part
- States are the front-line interpreters, symbolically important, and the gatekeepers for IOs to weigh in

Ambiguity can be helpful

- We provide a logic for strategic generation of ambiguity
- It's clear why violator benefits. Not obvious why *other states* benefit
- Sheds light on ambiguous events in many domains: nuclear, trade, war crimes...

Existing Work

Conventional Wisdom: Punishment/rolling back violations upholds regime

- Naming-and-shaming campaigns (Finnemore & Sikkink 1998; Hafner-Burton 2008; etc.)
- Sanctions (Pape 1997; Miller 2013; etc.)

Existing Work

Conventional Wisdom: Punishment/rolling back violations upholds regime

- Naming-and-shaming campaigns (Finnemore & Sikkink 1998; Hafner-Burton 2008; etc.)
- Sanctions (Pape 1997; Miller 2013; etc.)

Provision of information manipulated

- Coerce/bargain to avoid visible violation (Rabinowitz 2014)
- Hide knowledge of violation (Carnegie & Carson 2018)
- We distinguish between informational vs. interpretive ambiguity

Existing Work

Conventional Wisdom: Punishment/rolling back violations upholds regime

- Naming-and-shaming campaigns (Finnemore & Sikkink 1998; Hafner-Burton 2008; etc.)
- Sanctions (Pape 1997; Miller 2013; etc.)

Provision of information manipulated

- Coerce/bargain to avoid visible violation (Rabinowitz 2014)
- Hide knowledge of violation (Carnegie & Carson 2018)
- We distinguish between informational vs. interpretive ambiguity

Our claim: if the action is known but ambiguous, states choose how to publicly characterize it. Trade off integrity and scope

Formal Model: Timing

Suppose a given domain in \mathbb{R} , with 2 dimensions: one with ambiguous rules and one with clear ones

- A decides whether to violate ambiguous dimension $v^A \in \{0; 1\}$. If it doesn't, the game ends with $u^i = 0, \forall i$. If it does, move to $t = 2$
- E decides whether to declare a non-violation occurred $x^E = NV$ and whether to punish $x^E = VP$ or not $x^E = V$
- B decides whether to violate in the ambiguous dimension $v^B \in \{0; 1\}$
- A and B decide whether to leave the regime $l^i \in \{0, 1\}$. If one leaves, the regime falls $l = \max\{l^A; l^B\}$

Utilities

- A and B receive penalty k if regime collapses and θ from being punished
- $u_A = v^A + \gamma v^A v^B - kl - \theta I_{\{x^E=VP\}} v^A (1 - l)$
- $u_B = v^B + \gamma v^A v^B - kl - \theta I_{\{x^E=VP\}} v^B (1 - l)$
- For E , punishing costs β
- $u_E = -v^A - v^B - \beta(v^A + v^B) I_{\{x^E=VP\}} - \kappa l$

Key Parameters

- Classification depends on regime strength and ease of B copying A .
- Regime weak if low cost of exit (k): new regimes, or no penalties for leaving
- Regime weak if low complementarities from violations (γ)

Hypotheses

	Weak Norm/Law	Strong Norm/Law
Low Risk of Copycat	Regime <u>is vulnerable</u> to clear, unpunished violations. Loopholes <u>are not</u> a big problem <i>Outcome: classify as non-violation</i>	
High Risk of Copycat		

Hypotheses

	Weak Norm/Law	Strong Norm/Law
Low Risk of Copycat	Regime <u>is vulnerable</u> to clear, unpunished violations. Loopholes <u>are not</u> a big problem <i>Outcome: classify as non-violation</i>	Regime <u>is not vulnerable</u> to clear, unpunished violations. Loopholes <u>are not</u> a big problem <i>Outcome: classify as non-violation</i>
High Risk of Copycat		

Hypotheses

	Weak Norm/Law	Strong Norm/Law
Low Risk of Copycat	Regime <u>is vulnerable</u> to clear, unpunished violations. Loopholes <u>are not</u> a big problem <i>Outcome: classify as non-violation</i>	Regime <u>is not vulnerable</u> to clear, unpunished violations. Loopholes <u>are not</u> a big problem <i>Outcome: classify as non-violation</i>
High Risk of Copycat	Regime <u>is vulnerable</u> to clear, unpunished violations. Loopholes <u>are</u> a big problem <i>Outcome: classify as non-violation</i>	

Hypotheses

	Weak Norm/Law	Strong Norm/Law
Low Risk of Copycat	Regime <u>is vulnerable</u> to clear, unpunished violations. Loopholes <u>are not</u> a big problem <i>Outcome: classify as non-violation</i>	Regime <u>is not vulnerable</u> to clear, unpunished violations. Loopholes <u>are not</u> a big problem <i>Outcome: classify as non-violation</i>
High Risk of Copycat	Regime <u>is vulnerable</u> to clear, unpunished violations. Loopholes <u>are</u> a big problem <i>Outcome: classify as non-violation</i>	Regime <u>is not vulnerable</u> to clear, unpunished violations. Loopholes <u>are</u> a big problem <i>Outcome: classify as violation</i>

Extension: *E* WANTS to copy *A*- classify as non-violation

Ambiguous Nuclear Event

India's nuclear explosive test, May 1974

- U.S. decision: Call it a PNE or a violation?
- US internal view: an “**ambiguous, ambivalent** strategy” because it was “**not possible to distinguish** between explosions for peaceful and military purposes”
- Isolating classification considerations: public event; US could not reverse program

Violation vs. PNE

Violation Would Harm Regime Integrity

- Regime vulnerable: NPT renewal in 1975
- “India has made it difficult for us to argue the value of the NPT.”
- Would “strengthen the hands of NPT opponents”
- A “**perceived**...military program can **exacerbate proliferation**”

Violation vs. PNE

Violation Would Harm Regime Integrity

- Regime vulnerable: NPT renewal in 1975
- “India has made it difficult for us to argue the value of the NPT.”
- Would “strengthen the hands of NPT opponents”
- A “**perceived**...military program can **exacerbate proliferation**”

PNE Would Create loophole

- Makes “the indigenous PNE route look more attractive”
- Would **encourage other nations to follow** the Indian example”
- “Easier for others.. to **claim their 'right'** to detonate [PNE]”
- However: Copycat risk deemed controllable: export controls, not many states have the capability

Outcome: PNE Classification

US intel assessment 1985

- Copycat prevention: “the actions...taken to **prevent other governments from duplicating** India’s course have been firmer, more comprehensive, and more successful than...expected”
- “Members can pretend nothing has happened and avoid the extremely difficult and possibly divisive exercise of attempting to repair the norm and establish new rules”

Ambiguous Trade Event

- Russia imposes transit restrictions on Ukraine in January 2016
- Russia claims they are legal, invoking “national security exception”
- The U.S. can weigh in

Violation vs. NSE

Violation Would Harm Regime Integrity

- Russia would likely disregard which would “encourage others to disregard [the WTO’s] decisions”
- Could lead to “Widespread notion that everyone else is cheating”

Violation vs. NSE

Violation Would Harm Regime Integrity

- Russia would likely disregard which would “encourage others to disregard [the WTO’s] decisions”
- Could lead to “Widespread notion that everyone else is cheating”

NSE Would Enable Copycats

- Could “open a Pandora’s box of protectionist measures”
- Could “open the door for countries to use the NSE every time they want to unilaterally raise duties”

BUT: The U.S. wants to copy and use NSE for its tariffs on steel and aluminum

Outcome: No Violation Classification

Third party US submission to case

- “A dispute involving essential security is political in nature....beyond the proper authority of the WTO to assess”
- “Panel should invoke Article 21(b)(iii) and make no other findings”
- “Provision is self-judging”

Genocide vs. Not

Genocide without Punishment Would Harm Norm Integrity

- UN Genocide Convention, R2P- must protect if genocide, crimes against humanity, or war crimes
- Sending signal that genocide will go unpunished, R2P not followed

Genocide vs. Not

Genocide without Punishment Would Harm Norm Integrity

- UN Genocide Convention, R2P- must protect if genocide, crimes against humanity, or war crimes
- Sending signal that genocide will go unpunished, R2P not followed

Not-Genocide Would Create Loophole

- Governments may be inclined to follow this model to escape intervention
- Shows R2P doesn't apply in many cases

Conclusion

Beyond information and punishment

- Frequent policy challenge
- Facts are often well-known, interpreting them is the political battle

Conclusion

Beyond information and punishment

- Frequent policy challenge
- Facts are often well-known, interpreting them is the political battle

Ambiguity can be good

- A logic for third parties to support ambiguity to maintain norm integrity
- Versus “uncertainty/ambiguity erodes cooperation, causes wars”

Conclusion

Beyond information and punishment

- Frequent policy challenge
- Facts are often well-known, interpreting them is the political battle

Ambiguity can be good

- A logic for third parties to support ambiguity to maintain norm integrity
- Versus “uncertainty/ambiguity erodes cooperation, causes wars”

Many testable implications: Consider trade

- For when countries bring cases to WTO
- For third party participation
- For settlement of cases
- Variation of cases over time