# What You See is Not Always What You Get: Treaty Reservations and International Cooperation

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**Abstract**

We tend to think of treaties as unitary documents that affect all ratifying states in similar, cooperation-inducing ways. However, reservations create modifications to the agreement that differ across states – often reducing the level and monitoring of cooperation to varying degrees. Yet despite these cooperation-reducing effects, there are benefits to using reservations. They allow state governments to overcome international and domestic factors that might lessen overall treaty participation, in the first place, and their compliance thereafter. This paper argues that the use of reservations is a strategic choice made by state representatives as they weigh these costs and benefits. The paper identifies agreement- and state-level factors that are likely to influence the costs and benefits to entering a reservation, and thus the likelihood that a state will do so. It then tests the hypothesized effects across different types of agreements – including disarmament, environmental, and human rights treaties. At the agreement level, it finds that reservations are less common in environmental agreements, when more states are involved in the negotiation process, but are more likely when the agreement is more complex. At the state level, it finds that democracies and states with common law or Islamic law as part of their legal system are more likely to include reservations, while emerging democracies are less likely to do so. The conclusion highlights paths for future research into how the strategic choice to include treaty reservations affects international bargaining and its resultant international institutions.

Over the last 70 years, there has been an explosion in the number of international institutions created to foster and sustain international cooperation. The result is a tapestry of global governance across a wide range of issues. Because cooperation is so central to state interactions in the current international system, many works have sought to examine questions regarding when and why cooperation will come about: (1) when and why will states reach a negotiated agreement? (2) when and why will states' domestic veto players ratify that agreement? and (3) when and why will states follow through with the commitments laid out in that agreement? While understanding the answers to these questions is important, they are based on an implicit assumption that there is some "agreement" that states negotiate and accept. However, this is rarely the case. States can *customize* their individual treaty commitments through the use of *reservations*.[1] The bargaining outcome with which each individual state must comply can therefore vary from state to state, resulting in a "patchwork" of cooperation.

Understanding when and why states will enter reservations to a particular agreement is therefore central to the study of international cooperation. However, few works have actually analyzed states' use of treaty reservations. A few scholars have examined the use of reservations in human rights treaties,[2] and some have begun to delve into the question of why states might employ different types of reservations – again, however, examining this question in the human rights context.[3] The question of when and why states will adopt reservations in treaties beyond these few cases remains unanswered.

To understand when and why states will enter reservations on a treaty, we focus on the costs and benefits associated with doing so. Entering a reservation increases the possibility that states will commit to an agreement[4] by allowing them to "legally" defect from some of the treaty's provisions in order to protect their interests.[5] By doing so, however, reservations

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[1]Simmons 2009.

[2]Schabas 1996; Neumayer 2007; Simmons 2009.

[3]Simmons 2009.

[4]Morris 2000.

[5]As Abbott, et al. (2000) argue, reservations serve as a type of "escape clause" to a treaty by allowing for legal defections under certain, predefined conditions.

also reduce the scope of cooperative actions states must adopt by allowing for such defections. State governments and their negotiators must weigh these costs and benefits when deciding whether or not to enter a reservation on a particular treaty.

Analyzing the implications of these costs and benefits, we identify characteristics of states, themselves, as well as of the treaty negotiations in which they participate, that are likely to affect states' choices regarding whether or not to enter a reservation on a given. We test the hypotheses we derive regarding the expected effects of these factors using an original dataset that codes the reservations entered into treaties in three different issue areas – disarmament agreements, human rights agreements, and environmental agreements. Consistent with our argument, the results show that, at the agreement level, reservations are less common in: (1) environmental agreements than other agreement types, (2) when a greater number of states were involved in the negotiation process, and (3) in less complex agreements. Again consistent with our argument, the results show that at the state level, states are more likely to include reservations if they are: (1) states with legal systems based on common law or Islamic law, and if they are (2) more democratic. (3) Emerging democracies, specifically, however, are less likely to use reservations than other states. We conclude by discussing the implications of these findings for the future study of international cooperation.

## Cooperation with "Reservations"

International cooperation is a complex, multiphase process in which any given state is only bound to cooperate with a particular agreement if: (1) the negotiating states are able to reach a mutually-acceptable agreement at the international bargaining table (i.e., engage in bargaining cooperation), and (2) that state ratifies the agreement at the domestic level. *Bargaining cooperation* and *domestic ratification* are therefore key facets of international cooperation – defining whether or not any given state will actually participate in a cooperative agreement.

One factor that influences cooperation in the bargaining and ratification processes is the ability of states to enter reservations to treaties. Reservations are key features of the bargaining process, allowing negotiators to circumvent parts of the treaty that they expect their government and other relevant domestic actors will consider to be objectionable.[6] Doing so can therefore increase the likelihood their government will sign onto the treaty at the international bargaining table, and that other relevant domestic actors will subsequently ratify it.

While reservations can therefore help to secure cooperation in the bargaining and ratification processes, using them comes at a cost. Because they allow reserving states to deviate from part of a treaty,[7] reservations reduce the scope of cooperative action that can be brought about by that agreement. State governments and their negotiators must weigh these costs and benefits when deciding whether or not to enter a reservation to a treaty.

**Costs: Reservations and the Cooperative Action**

The cost of entering a reservation is that it allows a state to (legally) "defect" from the language of an agreement. The state entering the reservation is not required to comply with the provisions its reservation covers, nor are any other parties to the treaty in their bilateral relations with the reserving state. When state $X$ enters a reservation, the cost for other states is thus the loss of state $X$'s cooperation on the provisions covered by its reservation. State $X$ also suffers the loss of cooperation from its opponent states on those provisions. In extreme cases, entering a reservation can cause the entire treaty not to enter into force.

The following example illustrates how using reservations decreases the scope of cooperative action that a treaty can bring about. The "Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction" (1992) has a provision regarding the monitoring/enforcement phase stating that samples

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[6]Simmons 2009.

[7]Abbott, et al. 2000; Simmons 2009.

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gathered from suspected chemical weapons plants can be taken off site for inspection.[8] The United States entered a reservation regarding this requirement, declaring that samples taken in the United States must remain in the United States for analysis.[9]

This reservation can have several effects on the level of cooperation embodied by the agreement. First, the degree to which other states can monitor U.S. compliance with the treaty is reduced by giving the United States greater control over the analysis of samples collected from its own suspected chemical weapons plants. The potential for the United States to defect from the treaty is therefore increased.[10]

Second, the Vienna Convention on the Law of Treaties (1969) – hereafter referred to as the "Vienna Convention" – states that any state entering a reservation must afford that reservation to all other states that are party to the treaty.[11] The United States must, therefore, give other parties to the Convention the same ability to prevent samples from being taken out of their own country. Hypothetically, if the United States was inspecting a suspected chemical weapons plant in Iraq (another party to the Convention that did not object to the U.S. reservation), the samples would have to stay in Iraq for analysis. However, if Canada conducted the same investigation, it would be able to take samples out of Iraq for analysis because neither Canada nor Iraq entered a reservation regarding monitoring.

Cooperation is even further reduced if a state objects to a reservation. When a state objects to another state's reservation, the Vienna Convention states that the *entire provision* to which the reservation relates drops out from the relationship governing the bilateral relations between the reserving state and objecting state.[12] For example, if Iran had (hypothetically)

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[8]Specifically, paragraph 55 of Part II of the Verification Annex to the Convention states that "the inspection team shall, if it deems it necessary, transfer samples for analysis off site at laboratories designated by the Organization."

[9]The specific wording of the U.S. reservation is: "... no sample collected in the United States pursuant to the Convention will be transferred for analysis to any laboratory outside the territory of the United States."

[10]As Simmons (2009) argues, this type of reservation is "enforcement reducing."

[11]In particular, Article 21, paragraph 1 states: "A reservation established with regard to another party ... (a) modifies for the reserving State in its relations with that other party the provisions of the treaty to which the reservation relates to the extent of the reservation; and (b) modifies those provisions to the same extent for that other party in its relations with the reserving State."

[12]Specifically, Article 21, paragraph 3 of the Vienna Convention states: "When a State objecting to a reservation has not opposed the entry into force of the treaty between itself and the reserving State, the

objected to the United States' reservation, the provision of the monitoring/enforcement phase on which the United States entered a reservation would not apply between the United States and Iran. The effect could thus potentially be that the United States would not even be allowed to send investigators to collect samples in the first place.[13] Canada, however, would still be able to fully monitor the agreement.

In the most extreme case, the Vienna Convention specifies that a state objecting to another's reservation can choose, instead, to oppose the *entire treaty's* entry into force between itself and the reserving state.[14] In the example between the United States and Iran, because of Iran's (hypothetical) objection to the U.S. reservation, it could oppose the entry into force of the entire Chemical Weapons treaty in its bilateral relations with the United States. However, the treaty would still enter into force between Canada and Iran – as neither entered a reservation to which the other rejected. Using a reservation can therefore allow states to deviate from a treaty's main text (albeit a deviation that is legally consistent with the treaty, overall).[15]

The level of the costs a state feels if an opponent state uses reservations to defect in this way, however, is not constant across different agreements. Considering these costs

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provisions to which the reservation relates do not apply as between the two States to the extent of the reservation."

[13]This second example is a hypothetical situation, put forth for purposes of an illustrative example. It should be noted that Iran did put in its own reservation arguing that no state could send investigators for monitoring/enforcing the treaty against them (that only an international monitoring organization could do so). In practice, the result is about the same effect on the relationship between Iran and the United States (i.e., that the United states could not send monitors to Iran). However, in reality, this relationship stems from Iran's reservation, not from an explicit objection by Iran to the United States' reservation. If Iran *did* object, however, the relationship would be as described above.

[14]In particular, Specifically, Article 20, paragraph 4(b) of the Vienna Convention states: "an objection by another contracting State to a reservation does not preclude the entry into force of the treaty as between the objecting and reserving States *unless a contrary intention is definitely expressed by the objecting State.*" [emphasis added]. Moreover, Article 21, paragraph 3 states: "When a State objecting to a reservation has not opposed the entry into force of the treaty between itself and the reserving State...", indicating that such an objection is possible. While this type of objection does not actually occur very often in practice, it is still possible that it could occur (Murphy 2006). For example, a serious debate surrounded the negotiation of the Genocide Convention and Convention on the Rights of Women regarding whether or not states that did not approve of reservations by other states would actually have the treaty as a whole enter into effect with that other country. However, rejecting the application of the agreement altogether meant losing all leverage vis-á-vis the reserving states. While the application of this clause of the Vienna Convention was therefore seriously considered, states did not choose to apply it, in practice, with regard to these treaties.

[15]In this way, reservations are similar to escape clauses (Abbott, et al. 2000).

is important because states are only able to enter reservations to a treaty if at least one opponent state does not object to the entry of that reservation.[16]

If the costs that would stem from the defection brought about by the use of a particular reservation are significant and widespread, states are more likely to object to their usage. The ability of a state to enter a reservation is therefore decreased when the costs stemming from the defection allowed for by that reservation are greater.

We argue that the type of cooperative action a treaty is designed to govern influences the costs that stem from defections by reserving states, and thus whether or not they will be able to enter their desired reservations into an agreement. In some issue areas, defection by one state can exert significant negative effects on opponent states, while in others, defection produces few, if any, such negative externalities. The importance of consistent compliance in the enforcement of the agreement therefore varies, based on the negative externalities a state anticipates it will endure if another state defects from the main treaty text.

Consider, for example, the case of cooperation on environmental issues versus cooperation on disarmament agreements versus cooperation on human rights issues. In the case of *environmental treaties*, a state will endure costs from defection by another state *regardless* of whether it cooperates or defects in return. These environmental agreements represent a "tragedy of the commons" type of problem, where defection by any state has negative impact on a public good (i.e., the environment), and thus negatively affects all states. For example, the negative externalities that stem from high levels of greenhouse gas emissions in industrialized states contribute to problems of global warming – the consequences of which are felt by many other states in the system. Many states in Africa are experiencing severe droughts, and the Pacific island states are experiencing significant rises in the sea level –

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[16]In particular, Article 20, paragraph 4(c) states that, "An act expressing a State's consent to be bound by the treaty and containing a reservation is effective as soon as at least one other contracting State has accepted the reservation." Article 20, paragraph 5 continues, "For the purposes of paragraphs 2 and 4 and unless the treaty otherwise provides, a reservation is considered to have been accepted by a State if it shall have raised no objection to the reservation by the end of a period of twelve months after it was notified of the reservation or by the date on which it expressed its consent to be bound by the treaty, whichever is later." In other words, as long as at least one state has not raised an objection, a reservation can be entered.

effects caused, in large part, by climate change.[17] When creating environmental agreements, states are therefore likely to work to reign in these types of actions through treaty obligations, and thus to limit states' use of reservations to ensure that those obligations are clear and straightforward, and thus more difficult to circumvent, once agreed.[18]

Defecting from *disarmament agreements* also produces negative externalities for other states. However, whether or not those negative externalities are actually felt by those other states is *conditional* on several factors. First, the cost associated with the changes in relative power stemming from a defection by an opponent state varies based on the actions of the non-reserving state. These costs are significantly smaller if a state defects in return, rather than if it cooperates. Second, and more importantly, defection on a disarmament agreement only becomes salient if the states enter into a conflict with each other. States that do not anticipate that they will feel the negative effects of another state's reservation are therefore not likely to object to that reservation. This is likely to be particularly relevant, for example, for states that are strategic allies, as well as non-contiguous small state dyads, as these states are not likely to expect to enter into conflict with each other. We are thus more likely to observe reservations being entered on disarmament than on environmental agreements.

Finally, reservations are most likely to be accepted by states in agreements such as *human rights treaties*. Human rights agreements are designed to regulate interactions between a state and its citizens. If a state defects from a human rights agreement, its citizens are the ones that face the costs of those actions. The consequences are, at best, indirect and significantly limited in terms of their substantive impact on other states. Most states are

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[17]This is one of the key issues surrounding climate change negotiations – the fact that actions by some states produce significant costs for others, without those other states being able to control those effects.

[18]This does not mean that it will not be more difficult to negotiate such a treaty in the first place. By increasing the expectations for strict enforcement of these treaties, the length of time it takes to negotiate them is likely increased (Fearon 1998). Once agreed, however, these agreements tend to have detailed descriptions of states' obligations. This latter part of the logic is what we draw on, here, in our discussion of the use of reservations. Moreover, this logic is consistent with many environmental treaties. For example, states have already invested several years into the negotiation of a new climate change treaty. Part of the reason it has taken so long is because of the strict obligations states – including those from African and the Pacific islands – want to have placed on more industrialized countries in order to lessen the negative effects of climate change.

therefore likely to not object to the entry of a reservation on these types of treaties because they do not expect to feel the negative effects that stem from actions consistent with that reservation. We are likely to observe reservations being used more often in human rights agreements than in environmental agreements, all else constant. Together, these arguments lead to the following testable hypothesis.

EXTERNALITIES OF DEFECTION HYPOTHESIS: *A state is more likely to enter reservations on a treaty from which defections produce smaller negative externalities for opponent states than on treaties from which defection produces greater negative externalities, all else constant.*

Reservations clearly exert costs by allowing for defections from a treaty's negotiated text. However, they also provide important benefits. These benefits stem from the an increase in the likelihood of bargaining cooperation and domestic ratification. Without these cooperative effects, an agreement could not even enter into force, and the scope of cooperation embodied by the negotiated text would not even matter. A state government can also use reservations to lock other domestic actors into compliance with a treaty it negotiated. The cooperative effects of reservations are therefore a key part of the story.

## Benefit 1: Reservations and Bargaining/Ratification Cooperation

One benefit that stems from the use of reservations is that they allow negotiators to increase the likelihood an agreement will be reached in the first place, as well as the likelihood domestic actors will ratify it. To identify conditions under which reservations can have these cooperative effects, it is important to consider factors that affect when and why states' domestic interests will be reflected in the original treaty language. When the interests of a state are not reflected in the treaty text, its negotiators will likely have to enter reservations in order to protect those interests, and increase its willingness to sign onto the treaty. However, such reservations will not be needed to secure bargaining cooperation and ratification when

the treaty text, itself, already reflects the state's various domestic interests.

One important factor that affects the degree to which a state's interests will be reflected in a treaty's main text has to do with whether or not that state was actually involved in the negotiation of that agreement. Not all potential parties to the treaty are involved in the negotiations. Some are not able to participate in the process due to institutional barriers, and other states might simply choose not to do so. Some states did not even exist when the treaty was negotiated.[19] All of these states, however, have the ability to ratify most treaties down the road.

The variation in the potential ratifiers' involvement in the bargaining process is likely to affect the degree to which their interests are reflected in the treaty text, itself, and thus their subsequent need to enter a reservation. A state that was involved in the bargaining process had, at the very least, the potential to push the main text of the agreement towards its ideal point. States that did not not participate in the bargaining process did not have that chance. States that were actually involved in the bargaining process should therefore be less likely to enter reservations than non-participants because the agreement is more likely to already reflect their interests in the first place, all else constant. The benefit of protecting domestic interests they would receive from entering a reservation is therefore significantly reduced. This argument leads to the following hypothesis.

BARGAINING INVOLVEMENT HYPOTHESIS: *States that were involved in the negotiation of an agreement should be less likely to enter a reservation to the resulting treaty's text than are states that were not involved in that bargaining process, all else constant.*

It is also possible, however, for a state's interests to be reflected in a treaty even if it was *not* involved in the bargaining process. This is likely to occur when a greater number of potential parties to the treaty were involved in the bargaining process. The greater is the

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[19]We take this into account in the set-up of our statistical models when we consider states at risk. States enter the risk set when they enter the system.

number of states that were involved in the negotiation of the treaty language, the greater is the range of interests that were likely reflected in that process. The agreement would have to broaden to account for these divergent views.[20] This likely results in a treaty that is close to the "lowest common denominator." The overall level of cooperation embodied by the treaty is therefore reduced, but the likelihood that the agreement goes against any state's interest is decreased. There will therefore be less need for states to enter reservations to such a treaty in order to protect their interests, given that the language of the treaty is already likely to do so. This logic leads to the following testable hypothesis.

NUMBER OF NEGOTIATORS HYPOTHESIS: *The greater is the number of states that were involved in the negotiation of an agreement, the less likely any given state is to enter a reservation to the resulting treaty.*

One additional factor that is likely to affect the degree to which a state's interests are represented in a treaty relates to the agreement's complexity. A more complex agreement, with more substantive content, has more issues with which any given state's multiple veto players might object. For example, a hypothetical environmental negotiation requiring the reduction of fluorinated gases (a greenhouse gas emitted by refrigeration and other cooling devices), is less likely to face domestic opposition than would an environmental agreement requiring the reduction of both fluorinated gases and $CO_2$ emissions (which would affect the coolant industry, as well as the car industry, and many others). Because a state is likely to face a greater degree of domestic opposition on more complex treaties, a state is more likely to have to enter a reservation on that treaty to protect its interests. This argument leads to the following hypothesis.

AGREEMENT COMPLEXITY HYPOTHESIS: *The more complex is the agreement being negoti-*

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[20]Gilligan 2004; Stone, et al. 2008.

*ated, the more likely it is that any given state will enter a reservation to the resulting treaty, all else constant.*

In addition to characteristics of an agreement and its negotiation, characteristics of states, themselves, might also affect whether or not they choose to enter a reaservation on a treaty. In particular, democracies are likely to have a more diverse array of interests that the government must address in the treaty than do autocratic regimes. Democracies have a larger selectorate to which the government must answer,[21] as well as a greater number of veto players from that selectorate that could potentially reject an agreement in the ratification process.[22] Democracies are therefore more likely to have domestic actors that object to at least some parts of a treaty. Some members of the democratic selectorate, and some veto players might support the language of a treaty while others might object to specific articles or clauses. Reservations provide a way to alleviate the concerns of reluctant veto players, as states can opt out of the problematic clause(s) and ratify the rest of the agreement. To accommodate these different domestic interests, more democratic states are thus more likely to employ reservations than are less democratic states.[23] This argument leads to the following hypothesis.

DEMOCRACY HYPOTHESIS: *Democratic states are more likely to enter a reservation on any given treaty than are autocratic states, all else constant.*

One particular *type* of democracy, however, should be less likely to use reservations, across the board. We argue that emergent democracies should be less likely to employ reservations than both established democracies and autocracies,[24] as they face incentives that often differ

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[21] Bueno de Mesquita, et al. 2003.

[22] Tsebelis 2002.

[23] This prediction is consistent with the argument and findings of Simmons (2009).

[24] See Epstein, et al. 2006 for an empirical definition of an "emerging democracy" versus an established democracy and an autocracy.

from those of other states. This is particularly true with regard to joining international treaties, because emerging democracies are not only signaling a willingness to engage in international cooperation by doing so, but are also pursing a more general integration into the international community by demonstrating their willingness to take on international obligations.[25] A disadvantage to using reservations is that they signal non-cooperative intent from the outset.[26] Emerging democracies are therefore less likely to enter reservations in order to send a cooperative (rather than non-cooperative) signal to other states, demonstrating their willingness to take on the obligations laid out in the treaty.

EMERGENT DEMOCRACY HYPOTHESIS: *Emergent democracies are less likely to enter a reservation than are other states, all else constant.*

**Benefit 2: Reservations and Domestic Enforcement**

Reservations can not only be used to insulate a government's interests from parts of a treaty, but they can also help to *protect* the interests of the negotiating government. They do so by helping a government that has an interest in following a treaty to attain compliance by other domestic actors.

Governments that participate in the negotiation of a treaty, and that choose to sign on to it, often do so because the cooperation secured by the treaty reflects the government's interests in some way. However, these governments realize they will not always be in power, and that other domestic actors will eventually be responsible for enforcing the agreement. They can use these reservations to help exert control this future enforcement process. Reservations perform this function by allowing governments to define what particular provisions mean in the context of application to their own state.[27] By doing so, they bind other domestic actors

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[25]Moravcsik 2000; Mansfield and Pevehouse 2008.

[26]Helfer 2006.

[27]As Marcoux argues, reservations can provide "interpretative flexibility" to states – allowing them to specify how they will interpret the more general treaty language in their own implementation of the agree-

into the government's own interpretation of the treaty.

Several factors influence a government's potential need to bind domestic actors in the enforcement of a treaty. First, the negotiating government sometimes faces a domestic opposition that does not support the treaty it is negotiating. While this opposition might not be in a current position to veto the agreement, it might come to power in the future, and would not have an interest in complying with the agreement. Governments involved in the negotiation of an agreement should want to bind opposition parties to their own desired interpretation of the resulting treaty. This is likely to be particularly problematic for governments that experience regular turnovers in power. Governments of such states should therefore be more more likely to use reservations to solidify their own interpretation of the treaty by future governments. Given that more democratic states are more likely to experience such regular turnover, this argument provides additional support for the democracy hypothesis presented above.

A state's domestic legal system is also likely to affect when and why its government's negotiators might employ reservations in the negotiation process. In legal systems based on common law, the principle of *stare decisis* applies – the principle that similar cases should be decided in a similar manner. As such, in a court setting, judges can rule based on past cases, rather than solely on legal texts alone. Moreover, those ruling then set additional precedent for future cases. In other words, courts create law through their rulings, and can draw on these cases to extend their rulings beyond the legal texts, themselves.

The possibility for courts to apply treaties in ways not intended by the negotiating government is thus quite prevalent in these common law systems.[28] Treaties can be broadly applied, and through the application of "precedent" set by any given domestic court, can play a more significant role in constraining and condemning state behavior. State governments with these common law systems are therefore argued to be more likely to be wary of

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[28]Goodliffe and Hawkins 2006.

the potentially wide domestic legal application of the treaty,[29] and thus slower, and more reluctant, to ratify agreements.[30]

Following this logic, we argue that states with common law systems should also be more likely to enter reservations to treaties in order to exert control over their domestic legal interpretation.[31] These reservations allow governments in common law systems a way to provide a narrow definition regarding both the *type of cases* to which a treaty will apply, as well as narrow definitions of key concepts and clauses it contains in order to limit the *interpretation* of the treaty in the hands of the court. This argument leads to the following hypothesis.

COMMON LAW HYPOTHESIS: *States whose domestic legal system are based on common law are more likely than states with other domestic legal systems to enter a reservation to a given treaty, all else constant.*

Finally, states with a domestic legal system based on Islamic law are also more likely to enter reservations to a treaty in order to define how the treaty will be enforced by their state – not to bind other domestic actors, but to define to other states how they intend to interpret the treaty in its enforcement phase. Other states will therefore be able to easily identify compliance versus non-compliance in the context of that state's actions. In particular, many predominantly Muslim states include reservations that the treaty will be interpreted with respect to Islamic law. Such reservations are particularly prominent in human rights treaties, as Islamic conceptions of human rights are distinct from Western traditions (Tibi 1994). Including reservations allows Islamic states to account for these differences. This logic leads to the following testable hypothesis.

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[29]Goodliffe and Hawkins 2006; Simmons 2009.

[30]Goodliffe and Hawkins 2006; McLaughlin, Mitchell and Powell 2009; Simmons 2009.

[31]This prediction is consistent with other analyses of reservations, which have demonstrated that states with common law systems are more likely to enter reservations on human rights treaties, as well as being more reluctant to allow international courts to review cases (Simmons 2009).

ISLAMIC LAW HYPOTHESIS: *States whose domestic legal system are based on Islamic law are more likely than states with other domestic legal systems to enter a reservation to a given treaty, all else constant.*

# Empirical Analysis

In the previous sections, we presented several hypotheses regarding agreement- and state-level factors that influence the costs and benefits of entering reservations to a treaty, and thus a state's likelihood of doing so. In the remainder of the paper, we test these hypotheses using an original dataset that codes the reservations each state enters across a variety of different international agreements. Specifically, we analyze all treaties registered with the United Nations between 1945-2011 in three issue areas: human rights, disarmament, and the environment. The result is a dataset covering reservations entered in 23 human rights agreements, 10 disarmament agreements, and 44 environmental agreements. Analyzing these multiple types of agreements helps to strengthen the generalizablity of the empirical results, as well as to go further in the analysis than the current literature, which tends to examine reservations in human rights agreements alone.[32]

The unit of analysis is country-treaty-year and the dependent variable is a dichotomous variable indicating whether or not a state entered a reservation in a particular year for each of the 77 treaties. Once ratification occurs, the state exits the dataset for that particular treaty. The dependent variable is therefore coded 1 if a state entered a reservation on a given treaty in a particular year, and 0 if it did not.[33]

We employ a probit-type model to capture the dichotomous nature of the dependent variable. However, the decision regarding whether or not to enter a reservation on a particular treaty is conditioned on the decision regarding whether or not to ratify that agreement in the first place. A two-stage model provides insight into this overall process, and accounts for

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[32]e.g., Schabas 1996; Neumayer 2007; Simmons 2009.
[33]A state exits the dataset once it has ratified a treaty.

bias that occurs due to a cross-over effect between the decision to ratify and the decision to enter a reservation. We employ a Heckman probit[34] to account for these potential selection effects.[35] This model includes two equations: (1) an equation to explain whether or not a state chooses to ratify the treaty, and (2) for the states that do ratify, a second equation to explain whether or not a state chooses to enter a reservation to that treaty. Although we only derived hypotheses regarding the reservation equation, it is important to take into account the ratification equation as well. Relevant independent variables are therefore included to explain whether or not a state chooses to ratify a particular treaty, as well as whether or not a state chooses to enter reservations to the treaty when doing so.

**Reservation Equation**

We first set out to compare the use of resrevations across different types of agreements, which are characterized by different levels of negative externalities stemming from defection from the main treaty text. To capture agreements with a low degree of negative externalities that stem from defection by an opponent state, we include agreements related to human rights in the analysis. To capture agreements with some degree of negative externalities associated with defection from the agreement by an opponent state, we include disarmament agreements in the analysis. Finally, to capture agreements with a high degree of direct, negative externalities stemming from defection by an opponent state, we include agreements related to environmental issues. To test the "negative externalities" hypothesis, we include two dichotomous variables in the model: one for human rights agreements (labeled *Human Rights agreement*) and one for disarmament agreements (labeled *Disarmament agreement*). The baseline category is therefore environmental agreements. Given that we expect the greatest negative externalities to stem from environmental agreements, thus decreasing the level of reservations that states would accept by their opponent states, we expect states to be

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[34]The origins of this model are described by Heckman (1979).

[35]For another work that employs this model and describes why it is useful in political science applications, see Von Stein 2005.

more likely to enter reservations to human rights agreements and to disarmament agreements, in contrast to this environmental baseline category. We therefore expect a positive effect to be associated with these two variables.

To test the hypotheses related to the likelihood that a state's interests are reflected in an agreement, we include two variables. The first, labeled *Negotiating State* is a dichotomous variable indicating whether or not a particular state was involved in the negotiation of a treaty. The second, labeled *Number of Negotiating States*, is a count variable that codes the total number of states involved in the negotiating process for each treaty. We predicted that states involved in the negotiations are more likely to have their interests reflected in the treaty text than those that are not, and that treaties negotiated by larger and more diverse groups of states are likely to result in a broader treaty text that reflects the interests of potential future joiners to the treaty. We therefore expect both variables to exert a negative effect on the likelihood a state enters a reservation to a treaty.

We operationalize the complexity of an agreement by measuring the length of the treaty text (not counting the reservations themselves).[36] Longer treaties will likely have a greater number of issues and articles that might go against state actors' interests. Based on the predictions of the "agreement complexity" hypothesis, we expect this variable, labeled *Agreement Length*, to increase the likelihood that a state will enter a reservation to that treaty.

To test the "democracy" hypothesis, we draw on the Polity IV measure of the democratic nature of a state. This measure varies from capturing states that are fully autocratic (coded $-10$) to states that are fully democratic (coded $+10$). We label this variable *Democratic Nature of State*. Following the "democracy" hypothesis, we expect this variable to exert a positive effect on the likelihood a state enters a reservation to a treaty.

To test the "emerging democracy" hypothesis, we draw on the coding rule presented by Epstein, et al.[37] A state is considered an established democracy if it receives a score of 8

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[36]Specifically, the measure is a count of the number of words in a treaty's text, logged to account for skewness in the measure.

[37]Epstein, et al. 2006.

or more on the Polity IV scale, indicating that state is "fully democratic" in at least one of the categories that are argued to make a state a democracy. It is coded as an emerging democracy if it receives a score of 0-7 on the Polity IV scale, indicating that it is not 100% a full, established democracy, but is more democratic than it is autocratic. Autocracies are considered to fall in the $-10$ to $0$ scores on the Polity IV scale. We include in the model a dichotomous variable that is coded 1 for emerging democracies, with the expectation that these states should be less likely to enter reservations than other states. We therefore expect this variable to exert a negative effect on the likelihood a state enter a reservation to a treaty.

To test the "common law" and "Islamic law" hypotheses, we include two dichotomous variables. The first is coded 1 for states that have a legal system based on common law, and 0 otherwise. The other is coded 1 for states with legal systems based on Islamic law.[38] We expect both variables to exert a positive effect on the likelihood a state enters a reservation to a treaty, all else constant.

Finally, we include a variable to capture an increase in time from the adoption of a treaty to account for over-time trends in the joint process of ratification and reservation. Doing so allows us to account for duration dependency – the fact that there is likely to be some role of time in the ratification and reservation process[39] that might make states more or less likely to enter reservations as time passes.

**Ratification Equation**

We draw on the current literature to define the variables to include in the ratification equation. Specifically, we include variables to capture whether or not a state participated in the negotiation of the treaty, the number of states that have ratified the treaty, to date,[40] whether or not a state is an emerging democracy,[41] whether its legal system is based on

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[38]The data for coding a state's domestic legal system comes from the CIA World Factbook.

[39]Goodliffe and Hawkins 2006; Simmons 2000, 2009; von Stein 2008.

[40]Goodliffe and Hawkins 2006; Simmons 2000, 2009; von Stein 2008.

[41]Moravcsik 2000; Mansfield and Pevehouse 2008.

common law,[42] whether or not the government and legislature are from the same political party,[43] the wealth of the state (measured by its GDP per capita),[44], a time count to control for the fact that as more states ratify a treaty[45] and a variable indicating whether a treaty is the modification of an existing agreement or whether it is an original text.

Because the effects of these variables on ratification are not a part of our central theoretical argument, we do not go into detail here regarding their underlying logic or expected effects. However, for those that are interested, we include in the Appendix a discussion of these factors along with the corresponding statistical results.

**Statistical Analysis**

Six different models are run to test the hypotheses posed above. First, three sets of models are run on the various agreement types. Models 1A and 1B test the hypotheses across the full set of agreement types included in the dataset. All independent variables described above are included in these two models. Testing the hypotheses across all the various types of treaties included in the dataset allows us to test the effects of agreement type. It also allows us to control for potential similarities in reservation trends within the same agreement type. Models 2A and 2B then test the argument in the context of the environmental agreements included in the dataset, and Models 3A and 3B test it in the context of human rights agreements.[46]

The "A" and "B" models in each of these three sets of models differ in the domestic legal system variable that they employ – testing the common law and Islamic law hypotheses separately. The two variables are included separately because the two hypotheses regarding

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[42]McLaughlin, Mitchell and Powell 2009; Simmons 2009.

[43]This variable is included to be consistent with the argument that reservations are more likely when there is a wider range of preferences between the government that negotiates the agreement at the international level and the body responsible for ratification. Reservations can be used to resolve these differences.

[44]Simmons 2009.

[45]Goodliffe and Hawkins 2006; Simmons 2000, 2009; von Stein 2008.

[46]A model analyzing the disarmament agreements is not included because there is not enough data on these agreements to effectively do so. Only 10 disarmament agreements have been registered with the United Nations, and thus included in this dataset.

the role of domestic law contrast each type of law to all others. The baseline category must therefore be "all non-common law" states to test the common law hypothesis, and "all non-Islamic law" states to test the Islamic law hypothesis. The inclusion of both variables at the same time changes the baseline category to "non-common law *and* non-Islamic law" states – a different baseline for comparison than that defined by the hypotheses. The "A" Models therefore include the common law variable, and the "B" models include the Islamic law variable.

Table 1

The statistical analyses of these models, which are reported in Table 1, present several interesting results worthy of in-depth discussion.

**Agreement Type.** First, across both Models 1A and 1B, the predictions of the "negative externalities hypothesis" are supported. Consistent with this hypothesis, a positive, statistically significant effect is associated with both the human rights and disarmament variables – indicating that states are significantly more likely to enter reservations on these types of treaties than on environmental treaties.

The effect of these two variables not only exert statistical effects that confirm the agreement-type hypothesis, but the substantive nature of these effects are consistent with the more detailed logic used to derive this hypothesis. States are not only more likely to enter reservations on disarmament agreements and human rights agreements versus environmental ones, but they are significantly more likely to do so on human rights agreements. States are almost 2.5 times as likely to enter reservations on human rights treaties versus environmental ones, while they are only about 30 percent more likely to enter reservations on disarmament agreements versus environmental ones.[47] While the latter effect is still substantively meaningful, it is significantly smaller than the effect associated with human rights treaties. This substantive variation in the likelihood of entering reservations is consistent with the argument

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[47]Models 1A and 1B yield the same substantive results.

that human rights agreements exert fewer costs on states when opponent states defect than do disarmament agreements and, as a result, states are more likely to allow for reservations to be entered on these treaties. The results provided by this model therefore support both the empirical predictions and underlying logic of the argument related to agreement type.

**Negotiating State and Number of Negotiators.** The results associated with the hypotheses based on the likelihood a state's interests will be reflected in the treaty language are particularly interesting, and point to questions that future work should seek to address. First, the "number of negotiators" hypothesis, which predicts that when a greater number of states are involved in the negotiation process any given state is less likely to enter a reservation to that treaty, characterizes treaty negotiations of all types. The effects of this variable are negative and statistically significant across all models. Moreover, these negative effects are substantively quite significant A one standard deviation increase in the number of states involved in the negotiation of a treaty decreases each individual state's likelihood of entering a reservation to that treaty by around 22 percent, overall, and approximately 15 percent in environmental and human rights treaties, in particular. These results point to the fact that a state's interests are more likely to be reflected in an agreement (lessening the need for reservations) if a greater, and likely more diverse, group of states are involved in the negotiation over the treaty language.

In contrast to the effects associated with the number of negotiators, the "negotiating state" hypothesis, (which predicts that states involved in the negotiation of a particular treaty will be less likely to need to enter a reservation to that treaty), receives little empirical support. One potential explanation of these results could be related to the bargaining power of states involved the negotiation. It might be that simply participating in the bargaining process is not enough for an individual state to succeed in pushing its own interests into a treaty. The bargaining power of each individual state could therefore matter when analyzing the original negotiator hypothesis. In contrast, the greater is the number of negotiators

involved, the more likely states with different interests are to be able to form a coalition (with increasing numbers of members), all else constant. This coalition formation might be one type of bargaining power that is captured by measuring the number of negotiators involved in the negotiation process, thus leading to the consistency of the "number of negotiator" results.

One additional characteristic of the statistical results related to the "negotiating state" hypothesis is that the prediction of this hypothesis do hold with respect to the negotiation of human rights treaties, but in the case of environmental treaties, the results actually push in the opposite direction. Both effects are statistically significant. This differential effect might not only be due to the bargaining power of negotiating states, but also the interests that they bring to the negotiating table. The interests of negotiating states sometimes do not align with the overall goal of the treaty being negotiated, while sometimes they do. For example, the goal of environmental treaties and human rights treaties is to protect the environment and human rights, respectively. Moreover, the environmental negotiations tend to include states for which implementing environmental measures would be fairly costly – making them more likely to enter reservations to protect their interests, which conflict with the goal of the treaty, despite the fact that they were negotiating states. In contrast, states involved in human rights negotiations tend to be those that already have a high degree of human rights protections. When a treaty protecting human rights results, they therefore have little need to enter a reservation to protect their interests.

Future work should therefore look more fully into the way that negotiators interact in these different issue areas. It should not only analyze states' individual bargaining power and coalition formation, but also the interests they bring to the table in the negotiations.

**Agreement Complexity.** The predictions of the "agreement complexity" hypothesis receive fairly strong empirical support. The longer an agreement is (and thus the more complex it is likely to be), the more likely it is that any given state will enter a reservation to that

treaty. This effect is statistically significant across all six models. Moreover, the affect of agreement complexity on a state's likelihood of entering a reservation on a treaty is substantively significant. Across all treaty types, a one standard deviation increase in the length of a treaty makes any given state about 15 percent more likely to enter a reservation to that treaty.[48] Moreover, in the most technical types of agreements included in the dataset – those related to environmental (and often scientific) issues – a one standard deviation increase in the length of an environmental treaty is associated makes a state almost 80 percent more likely enter a reservation to that treaty (as opposed to a shorter one). The length of an agreement therefore exerts important effects on the likelihood any given state will enter a reservation to a treaty.

**Democracies.** As again demonstrated by all six models, more democratic states are more likely to enter a reservation on any given treaty, all else constant. This effect is statistically significant across all six models reported in Table 1, and is also relatively significant in substantive terms. A one standard deviation increase in a state's Polity IV score leading to almost a 15 percent increase in the likelihood it will enter a reservation on *any given treaty*. Teasing out the effects of democracy across the different treaty types provides further support for the argument underpinning the democracy hypothesis. First, the fact that democracies are more likely to enter reservations to treaties is consistent with the argument that democracies have more veto players, and thus a greater number of interests to satisfy in the negotiating process. In addition, while more democratic states are statistically more likely to enter a reservation on *human rights treaties*, in particular, the substantive nature of this effect is quite small. More democratic states are only about 5 percent more likely to enter reservations on human rights treaties than are less democratic states. This effect may exist because different parties in government, which may have divergent interests regarding security and environmental issues, are not as likely to have significantly divergent interests regarding the protection of human rights. For these human rights treaties, a government

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[48]The exact value is 13 percent.

supporting the treaty likely does not have significant competing domestic interests regarding the goals of such a treaty. Overall, despite this slight substantive difference, the results are consistent with the theory presented above.

In addition to the effects associated with the level of democracy, in general, the emergent democracy hypothesis also holds. Emerging democracies are significantly less likely to enter a reservation to a treaty than are autocracies or more established democracies. This effect is consistent with other work in the literature, which argues that emerging democracies are signing these treaties not only to participate in the cooperative agreement, but are also pursing a more general integration into the international community.[49] They are therefore less likely to "question" those treaties by entering in a reservation.

**Common Law and Islamic Law.** Finally, the "common law" and "Islamic law" hypotheses also receive empirical support. Across treaties covering a range of different types of agreements, states with a common law system are about 10 percent more likely to enter a reservation than are other states. Moreover, they are over 25 percent more likely to do so in human rights treaties.[50] There is no statistical difference, however, between states with common law systems versus other systems in their use of reservations in environmental treaties. This may be due to the fact that environmental agreements are very explicit, leaving less room for ambiguity that domestic courts can exploit in their interpretation of the treaty. Court interpretations across legal types should thus be fairly consistent in these environmental treaties, removing the motivation for different behavior across those legal systems.

Finally, states with a legal system based on Islamic law are significantly more likely to enter a reservation on any given treaty than are states with legal systems based on common or civil law.[51] Specifically, we show that states with Islamic law are almost 25 percent more

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[49]Moravcsik 2000; Mansfield and Pevehouse 2008.

[50]This latter effect is consistent with the current literature examining reservations to human rights treaties (e.g., Simmons 2009).

[51]This effect again consistent with other findings in the literature – particularly the literature examining reservations to human rights treaties (e.g., Simmons 2009).

likely to do so across all of the different types of treaties included in the dataset.

Overall, the results of all the models reported in Table 1 provide strong support for the hypotheses derived above.

## Conclusion

Reservations are important because they affect the bargaining outcome as it relates to each state and its future enforcement of a treaty. Understanding when and why states will enter reservations is therefore an important question in the study of international cooperation, and is the question we take steps to address in this paper. We argued that state negotiators make a strategic choice regarding whether or not to enter a reservation to a treaty – weighing the costs and benefits of doing so. The problem with entering a reservation is that it lessens the level of cooperation embodied by a treaty. Indeed, states can enter reservations in order to create exceptions for their own state from requirements laid out in the treaty. The result can often be very different treaty requirements placed on states – even if they are party to the same treaty.

Despite these costs, we argued that reservations are not simply cooperation-reducing. They often help states to overcome domestic political problems that might lead that state either to not sign on to the treaty in the first place, or to not comply with the treaty, as a whole, down the road. Entering a reservation to a small part of the treaty allows the implementation of the rest of its cooperative effect. This paper identified several factors likely to affect the strategic choice regarding whether or not to enter a reservation, and demonstrated that these factors do, indeed, help to explain when and why a state negotiator might enter a reservation to a treaty. Moreover, we demonstrated these effects across a variety of treaty types – covering disarmament, environmental, and human rights agreements.

While this paper took an important first step in understanding the strategic use of reservations, there is significantly more work to be done in this vein. First, reservations are not

raised without resistance by other states. This raises the question of which states choose to object to the use of reservations, and when they are likely to do so. While these objections do not always have a significant substantive effect, they provide us insight into which states are trying to preserve the integrity of the agreement, and the conditions under which they are likely to do so.

Second, as we argued throughout the paper, reservations are part of the larger process of treaty creation which includes the enforcement of agreements. While we know that reservations, themselves, allow states to deviate from certain treaty requirements, the use of reservations has been argued to signal non-cooperative intent, more generally.[52] Future work should evaluate this claim – looking to see if states that choose to enter reservations are more likely to derogate from their treaty commitments, more broadly, than are other states.

Finally, while our analysis expanded the scope of issue areas in which the use of reservations are evaluated beyond simply the human rights context, there are many other important types of agreements. Future work should analyze these other types of agreements in order to continue to evaluate the generalizability of the results reported here. While this paper took important steps in this direction, there is clearly much more work to be done in the analysis of states use of treaty reservations and the effect reservations have on the larger international cooperation process.

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[52]Helfer 2006.

# Appendix

To control for a state's strategic choice regarding whether or not to *ratify* a treaty, we include several independent variables in a separate ratification equation in the Heckman probit selection model. This appendix reports the logic underlying the variables included in the ratification equation, as well as reports the statistical results and their relation to these predictions.

First, we include a variable that captures the number of states that have already ratified a particular treaty in any given year. This variable, labeled *Number of Ratifiers*, indicates the number of states, to date, that have already ratified a treaty. We expect these trends to be present in treaty ratification, with what other states have done before likely affecting what the remaining non-ratifiers are likely to do. This supposition is backed by one of the strongest findings in the ratification literature – that as more states in the international system ratify a treaty, the risk that subsequent states will ratify that treaty increases.[53] This prediction is clearly supported by the model in our analysis, as all six models report a statistically significant, positive effect associated with this variable.

Second, we include a variable that measures the GDP per capita of each state (logged to account for skewness). Richer states more likely have the resources to ensure that they comply with treaties. Indeed, Chayes and Chayes (1993) argue that a one of the main reasons for lack of compliance stems from a lack of resources. States that anticipate an inability to comply with a treaty are thus less likely to be willing to ratify it in the first place. In addition, Simmons[54] shows that it takes resources to go through the text of a treaty to determine whether or not one agrees with all of the requirements. Wealthy states are more likely to be able to carry out this task, and thus more likely to ratify. We therefore expect this variable will exert a positive effect on states' strategic choice regarding whether or not to ratify a treaty. This proposition is clearly supported by the models presented in

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[53]Simmons 2000, 2009; Goodliffe and Hawkins 2006; von Stein 2008.
[54]Simmons 2009.

Table 1. All models report a positive effect associated with the *GDP per capita* variable across all six models – and is statistically significant at the 95% confidence level in five of the six, and statistically significant at the 90% confidence level in the other.

Third, we include a variable controlling for whether or not a state is an emerging democracy in the ratification equation. The literature shows that states with weak domestic institutions – as emerging democracies are likely to have[55] – look for mechanisms to be able to show that they are credibly committed to following through on promises. Because states face increased monitoring and sanctions for violations of international treaties, and at the same time increase domestic audience costs for noncompliance, ratifying treaties provide a key signal these type of states can make.[56] Emerging democracies are not only signaling a willingness to engage in international cooperation by joining treaties, but are also pursing integration into the international community, more generally.[57] Emerging democracies should therefore be more likely to ratify an international agreement than other states – particularly with regards to those for which they want to espouse their normative intentions.[58] This proposition is supported by the fact that emerging democracies are found to be more likely to ratify human rights agreements.

Fourth, we include the *Common Law* variable to control for the possibility that state governments anticipate the potential for their domestic courts to interpret the treaty widely, setting jurisprudence for future decisions in the process. Governments are likely to anticipate the potential for their courts to draw on other sources of law to interpret broadly-worded treaties. As the ratification literature argues, states with common law systems are therefore slower, and more reluctant to ratify treaties.[59] We would therefore expect a negative effect to be associated with this variable. This proposition is clearly supported by the models presented in Table 1. All models report a negative and statistically significant effect associated

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[55]This claim is backed by arguments in the literature. For example, Mansfield and Snyder (1995) argue that all transitioning regimes are prone to war because they have weak institutions.

[56]Elkins, Guzman, and Simmons 2006; Simmons and Danner 2010.

[57]Moravcsik 2000; Mansfield and Pevehouse 2008.

[58]Simmons and Danner 2010.

[59]Mitchell and Powell 2009; Simmons 2009.

with the *Common Law* across all six models.

Fifth, we include a variable labeled *Comprehensive Party Control* which codes whether or not the party controlling the government also controls the other branches of government. Given that state legislatures are often tasked with choosing whether or not to ratify a treaty negotiated by their government, states with legislatures that have the same party as the government should be more likely to ratify the treaty negotiated by their party's government than would legislatures controlled by an opposing party. This effect holds with relation to human rights agreements (although the positive effect is not statistically significant), but does not hold in relation to the full range of agreements nor in the case of environmental treaties. This is a very interesting result, and worthy of further examination in future work on ratification and reservations.

Sixth, we include a variable to capture an increase in time from the adoption of a treaty to account for over-time trends in the ratification process. While the *Number of Ratifiers* variable likely picks up the trend of increasing ratification, there might be other unobservable trends over time that are at work. In particular, states are argued to ratify treaties when ratification has become a "norm." States that otherwise would not have chosen to ratify an agreement because it does not reflect their own state interests might decide to ratify one this norm has been established in order to emulate other states and thus derive some non-treaty benefit.[60] Over time, as treaty ratification is more likely to become a norm, states should likely become more likely to ratify a treaty, all else constant. This proposition is not supported by the model, but this might be due to the fact that this time trend is being picked up by other variables included in the equation. The unobservable time trends leftover are therefore associated with something else.

Seventh, we include the *Negotiating State* variable in the ratification equation. Given that negotiating states are more likely to have their interests reflected in the bargaining process, as described in the description of this variable above, those states that were able

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[60]Finnemore and Sikkink 1998; Keck and Sikkink 1998; Simmons 2009.

to participate in the process should be more likely to ratify the treaty they negotiated. We would therefore expect this variable to exert a positive effect on the likelihood of ratification. This proposition is strongly supported by the models, with this effect holding at the 95% confidence level across all six models reported in Table 1.

Finally, we include a variable that captures whether or not the negotiation involves the modification of an already-existing agreement, or is a new agreement. While not discussed in the current literature, this variable is likely important in relation to whether or not a state chooses to ratify an agreement. It might be that a state might not be willing to "go even further" than what has already been done, causing it to not sign onto a new agreement. Alternatively, it might also be that adding on to an existing agreement is fairly simple, and thus a state might be more likely to ratify a modified agreement. This variable is included to control for these potential effects. Interestingly, the former argument is consistent with the results associated with the environmental treaties, while the latter is associated with human rights treaties. The results therefore point to different underlying arguments associated with each that future work might examine in more detail.

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**Table 1.** Heckman Probit Models Testing States' Strategic Use of Reservations

| | 1A (All Treaties) | 1B (All Treaties) | 2A (Environmental) | 2B (Environmental) | 3A (Human Rights) | 3B (Human Rights) |
|---|---|---|---|---|---|---|
| **Reservation Equation:** | | | | | | |
| Human Rights Agreement (expect β > 0) | .905* (.069) | .917* (.068) | — | — | — | — |
| Disarmament Agreement (expect β > 0) | .256* (.073) | .263* (.074) | — | — | — | — |
| Negotiating State | .023 (.054) | .027 (.054) | .398* (.108) | .445* (.113) | -.197* (.056) | -.219* (.060) |
| Number of Negotiating States (expect β < 0) | -.006* (.0007) | -.006* (.0007) | -.005* (.001) | -.005* (.001) | -.003* (.0008) | -.004* (.0009) |
| Agreement Length (expect β > 0) | .154* (.035) | .157* (.035) | .709* (.098) | .711* (.097) | .099* (.031) | .103* (.035) |
| Democratic Nature of State (expect β > 0) | .024* (.004) | .028* (.004) | .020* (.009) | .025* (.009) | .007* (.003) | .013 * (.004) |
| Emerging Democracy (expect β < 0) | -.251* (.067) | -.262* (.067) | -.511* (.172) | -.502* (.172) | -.080 (.061) | -.096 (.068) |
| Common Law (expect β > 0) | .096† (.058) | — | -.115 (.121) | — | .241* (.054) | — |
| Islamic Law (expect β > 0) | — | .210* (.082) | — | .292† (.170) | — | .134† (.071) |
| Time | .078* (.033) | .078 (.033) | -.043 (.072) | -.052 (.072) | .099* (.029) | .113* (.032) |
| Constant | -1.599* (.383) | -1.674* (.381) | -7.518* (.884) | -7.584* (.879) | .801* (.262) | .708* (.306) |
| **Ratification Equation:** | | | | | | |
| Modification of Existing Agreement | .027 (.022) | .027 (.022) | -.125* (.033) | -.125* (.033) | .251* (.034) | .248* (.036) |
| Negotiating State | .176* (.023) | .176* (.023) | .648* (.043) | .648* (.043) | .202* (.040) | .212* (.040) |
| Emerging Democracy | -.013* (.023) | -.013 (.023) | -.108* (.035) | -.108* (.035) | .022* (.041) | .020 (.041) |
| Common Law | -.195* (.024) | -.192* (.024) | -.114* (.037) | -.114* (.037) | -.230* (.038) | -.176* (.040) |
| Comprehensive Party Control | -.102* (.020) | -.102* (.020) | -.082* (.029) | -.082* (.029) | .017 (.030) | .012 (.031) |
| Number of Ratifiers | .395* (.013) | .395* (.012) | .638* (.024) | .637* (.024) | .227* (.025) | .243* (.024) |
| GDP per capita | .086* (.007) | .086* (.007) | .088* (.012) | .088* (.012) | .024* (.010) | .021† (.011) |
| Time | -.099* (.010) | -.099* (.010) | -.0009 (.017) | -.0009 (.017) | -.053* (.018) | -.057* (.133) |
| Constant | -3.455* (.088) | -3.456* (.088) | -4.462* (.156) | -4.462* (.155) | -2.761* (.131) | -2.808* (.133) |
| N | 76,231 | 76,231 | 43,997 | 43,997 | 23,393 | 23,393 |
| log pseudolikelihood | -15005.24 | -15003.59 | -6724.48 | -6723.79 | -5130.62 | -5139.01 |
| Wald χ²; (p > χ²) | 310.10 (.000) | 310.60 (.000) | 97.25 (.000) | 103.21 (.000) | 79.69 (.000) | 54.84 (.000) |
| ρ | -.478 (.076) | -.464 (.075) | .073 (.102) | .055 (.100) | -.919 (.028) | -.872 (.046) |

* indicates $p < .05$; † indicates $p < .10$. Standard errors (clustered by treaty-year) are reported in parentheses.