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The Concept of Rewarding States in International Law

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Abstract
Discussion on some reasons why states cooperate and comply with international law has been a burning issue in international discourse. The compliance as well as cooperation discussion has largely focused on penalizing and punishing states who do not comply and cooperate with international law. This paper seeks to argue that there is the case of 'rewarding States' which has been largely undertheorized and as a result made unpopular. That instead of penalizing states for not complying and cooperating with international law they should be made to the see the benefits of complying in addition to rewarding those who comply to serve as a stimulus and incentive to others. Compliance by states should be full not, partial. This is because compliance goes beyond the signing and ratification of a treaty. The fact is that just signing and ratifying a treaty does not translate to true compliance, since. Penalizing states apart from being very expensive, has a destabilizing effect on both the state being penalized and state issuing the penalty. This paper concludes that it is time the international community focuses more on rewarding states for complying with international law and discourages issuing out penalty for states who do not comply. The point about reward is that it is incentive prone. It only makes one state well off and no state beleaguered. In other words, reward makes the state at fault to ultimately realize itself and do the needful. This is unlike penalties which are not incentive prone. The reason is because they make the state receiving the penalty always defeated. This study becomes necessary because the positive effect of rewards has been ignored in international law discussion.

Keywords: Rewards, International Law, Compliance, cooperation, penalty, incentives.

I.00 Introduction
At the level of a state, compliance and cooperation with legal rules can be secured through the courts and the police prowess.[1] In the international arena, there is no similar centralized enforcement system.[2]Because of the absence of an 'international power' to coercively compel states to comply with international law, the international system resorts to the orthodox concept of self help and counteroffensives.[3]The point is that at the international level there is no 'police power or force' as it is at the national levels. The deficiency of this decentralized system persists in spite of the proliferation of international courts and tribunals as well as the United Nations Security Council's legally binding resolutions. Scholars of international legal and international

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[1] Beth A. Simmons, Compliance with International Agreements, Ann. Rev. Pol. (1998), P. 23

[2] Ibid, 26

[3]James Crawford, *The Current Political Discourse Concerning International Law*, 81 Mod. L. Rev. 1, (2018), PP. 11

relations have researched the many approaches through which international law can have binding force even at the national level including national courts.[4]Ensuring that states keep their legal obligations throws up both conceptual and practical problems which makes the issues of enforcement and compliance key to the study of international law. Compliance as well as cooperation concept provides an understanding of why states fulfil their international obligations, focusing on the mechanism and operation of possible enforcement designs.[5]There has been a lot of conversation which focuses on the negative incentives to comply. The discussion that penalties have become too weak to achieve the desired result and impact. The present shift in approach is certainly on the more effective discussion on the 'rewarding' concept which is seen to induce compliance more easily with international law.[6]

The concept of 'Rewarding' is fundamentally under theorized and accordingly not giving its positive perspectives.[7] The nature of international law makes enforcement of its rules difficult because it does not have the kind of enforcement mechanism that is available to states.[8] This reiterates the need to consider other ways of fostering compliance. Rewards are taken to mean' improvements in a target's value position relative to a baseline of expectations…transfers of positively valued material or immaterial goods, such as opportunities for and benefits of cooperation, money, technology, or social approval or good reputation.'[9] Reward in this sense has to do with benefits that a state gets for complying with international law. One key justification for the support for rewarding is that it can be an incentive for further compliance. In other words, states may be motivated to comply if they know that reward is more beneficial to breaking international law. The point about reward is that it is incentive efficient because it makes one country better off and no country worse off.[10] This is unlike penalties which are not incentive efficient because they make the country being punished always worse off[11]. The fact is that the psychological effects of rewards have been ignored in international law discussion. The system of rewarding as a mechanism focuses on outlining the different means the benefits of compliance can be increased which includes the transfer of valuable goods or naming and praising a state for its cooperation.[12]

2.00 Why States Comply and Cooperate With International Law

This part of the paper discusses three reasons why states comply and cooperate with international law, viz: 'Reciprocity', 'Reputation' and 'Retaliation'.[13]

First is reciprocity.[14] This is seen as a fundamental reason why states comply with international law. This mechanism operates in two forms: reciprocity as a means of exchanging things with

[4] Oona A, Harthaway, *Between Power and Principle: An Integrated Theory of International Law*, 72, U. Che. L. Rev. (2005), P.490
[5] Ibid, P. 501
[6] Oona Hathway& Scott J. Shapiro, Outcasting Enforcement in Domestic and International Law, 121, Yale L. J. (2011), P.266
[7] Alexander Thompson, Applying Rational Choice Theory to International Law: The Promise and Pitfalls, 31, J. Leg. Stud., 9@002), P. 324
[8] Robert O. Keohane, Reciprocity in International Relations, Int' L. Org(1986), P.12
[9] Harold HongjuKoh, Why Nations Obey International Law? 106, Yale L. J. (1007), P. 2677
[10] *Ibid*, P.2684
[11] *Ibid*, P.2688
[12] *Ibid*, P.2744
[13] Barbara Koremends, *The Continent of International Law*, Eur. J. Int'L. Rel. 29, (2009), P. 49

others for the purposes of a bilateral and symbiotic benefit on the one hand and reciprocity accruing to states as the benefit from the act of compliance.[15]Reciprocity and international law are considered crucial building blocks of human societies.[16]This operates in two ways, viz: positively or negatively.[17] Positive reciprocity determines the benefit from the practice of exchanging things (e.g. rights, gains, and privilege), while negative reciprocity is defined by the withdrawal of beneficial exchanges.[18] Reciprocal benefits are usually seen or perceived to be benefits from the treaty obtained through the compliance of the other party (or parties).

Second, is the importance of reputation.[19] States comply for the purposes of enabling them to make credible commitments in the future.[20]When a state complies with its promises, it enhances its reputation, and this gives such a state the credibility that it honors its commitments. It enables such a state the ability to reap cooperative benefits in the future. This allows a state to find more potential partners in the future. This kind of reputational benefits can be obtained because of its consistent commitments and for being a partner that is reliable.[21]

Another reason why states comply is because of the issue of retaliation.[22] Retaliation is a situation where an action or attack by a state against another state triggers a reprisal attack in the form of punishing such a state for violating its commitment or not keeping its promises. Retaliatory actions include such actions as economic, diplomatic, or military sanctions. Retaliation rational is usually meant to persuade the violator to comply in order to avoid further sanctions. It needs to be noted that retaliation is costly for both the non-complying state and the retaliating state.[23]

3.00 Concept and Types of Rewarding

This paper seeks to argue that rewarding is indispensably linked to compliance theory but is generally under theorized.[24] Reward and penalty (or carrot and stick) even though are often seen as the opposite sides of the same coin, but rewards have not received special attention as should be expected. The focus of our conversation can be applied to all sources of international law including soft law agreements as regards compliance mechanism.[25]

Reward can be attained and achieved if states are allowed to have consequential gains when they accede a treaty or retain the cooperative benefits of the treaty when they comply. Another form of Reward can be by way of reciprocity which is the practice of exchanging things with others because of a benefit that will accrue to them as a result of their symbiotic relationship. In other words, reciprocity is the practice of rewarding cooperation through the exchange of rights, gains, privileges, and assistance within a treaty.[26]Furthermore, rewards can be on reputational basis and

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[14]*Ibid*, P.29
[15]Koremends, supra, P.32
[16] Article 60(1-3) of the Vienna Convention on the Law of Treaties (VCLT).
[17]Koh, supra. P.2691
[18]*Ibid*.
[19] Erik Vocten, *Making Sense of the Design of International Institutions*, Ann. Rev. Pol. Sci., 22, (2019), P.162
[20]*Ibid*, P.165
[21]*Ibid*, P. 166
[22]*Ibid*, P. 169
[23] Case Sustein, *On the Expressive Function of Law*, 144, Penn. Law Rev (1990), P.2022
[24]Hauffman Paul, *International Law and Human Rights*, Whitter Law Review, Vol. 13, Issue 1, (1992), P. 165
[25]*Ibid*, P.188
[26] Ibid, P.184

create direct benefits by way of side payments. That is, gains through linked treaties or like visits by states because they comply with a treaty. Naming and praising a state because of its commitment is an effective reward.[27]

4.00 Internal and External Rewards

Rewards are internal or external.

a) Internal rewards

Internal rewards are acquired by states for being members of a treaty. States derive some benefits as they get involve in economic, political, and legal ties with one another which can generate the necessary incentives as they enter and comply with their mutually agreed commitments. Sometimes, these benefits may be provisional and can only be acquired by states when they comply by either making their individual financial contributions or executing other considerable component of the treaty.[28]

b) External Rewards

External rewards are usually benefits derived from outside the base treaty[29]. This kind of reward may be needed to induce compliance if the cooperative gain of the treaty is not sufficient or suffers from social dilemma problems. External rewards can be used to overcome missing contributions to public goods. This is especially critical if reciprocity is undesired in the compliance stage to avoid reverting to the status quo ante.[30] Reciprocal non performance is not only irrelevant, unlawful, or undesirable in the context of arms control commitments, but also in humanitarian or human rights treaties, treaties establishing rights in favour of third states, or setting up *jus cogens* obligations. For arms control treaties, Koskenniemi puts it this way:

> *For example, State A gives some form of aid which is meant to compensate State B for surrendering its weaponry that State B would have acquired and this is done despite the fact it is against arms control agreement. if for any reason State B decides to repudiate the offer by State A the only transaction cost the both will suffer will be the fact they both negotiated and entered the proposal together. On the other hand if the deal succeeds they would improved the status quo ante.*[31] *(paraphrased)*

Just in case State B fails to comply because of the absence of sufficient incentives, then State B will only comply if there is a promise of an external reward. There are many forms of external rewards which include the enhancing of the reputation of State B.

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[27] Rosalyn Higgins, *Time and the Law: International Perspectives on an Old Problem*, 46, Int'L Comp. L. Q. (1997), p.505

[28] . For instance, member states of the World Health Organization (WHO) benefit from a vast array of international public health programs which is the internal reward at entry stage

[29] On top of the treaty

[30] Wright Quincy, *Rights and Duties Under International Law*, American Journal of International Law, Vol. 34, Issue 2, (1940), P,236

[31]Martti Koskenniemi, *Breach of Treaty or Non-compliance? Reflections on the Enforcement of the Montreal Protocol*, 3 Y. B. INT'L. L. 123 (1992), P.234

One typical example of external rewards is linage of treaties.[32] This can be at the entry stage or the compliance stage. A case in point is how the international Criminal Tribunal for the former Yugoslavia used accession as an entry reward for the European Union For example, the European Union.

According to Nikola:[33] Membership into NATO and EU was used as a reward for the cooperation and extradition requests by the ICTY to be implemented and achieved. A typical example to buttress the ongoing conversation was that of the Republic of Croatia it was revealed that Croatia applied formally to become a member of the EU the 21st of February, 2003. One condition that was given to Croatia by the European Council was for it to fully cooperate with the ICTY before the European Council can open accession negotiation with Croatia on the 17th of March, 2005. Moreover, through a form of reputation channel, external rewards can be made possible and achievable.[34] When a state has good reputation it will allow such a state easily get more states who are ready to work and do dealings with it even in the future. This is especially essential if internal rewards do not work. Rewarding can stimulate feeling of pride and positive self-image.

One critical point is that literature on naming and praising in international law is rather scarce.[35] It needs to be noted here that positive reputation may work well because it is an effective way to foster compliance with international law. Many UN treaty bodies could go further in using naming and praising as rewards. This is aptly captured by Neuenkirch and Neumeier :[36]

> *The way forward is for United Nations whose bodies champion human rights to reward states for complying with UN human rights treaties by displaying and highlighting states with good human right records in its annual reports. The UN should equally display names of states who do not. The UN should follow the guidance copiously stipulated in article 24 of the Convention against Torture on how such annual reports are written. States parties whose establishment of their national preventive mechanism was substantially overdue have been identified and encouraged to do the needful. The UN can also name states that have submitted their reports and those who have not. This is primarily meant to discourage non submission and let states know that it not only their responsibility to produce those reports but it must be done timorously. The special fund established under article 26(1) of the Optional protocol to the convention against torture should be adhered to strictly and other UN human rights bodies should be encouraged to insert similar provisions in their treaties. (paraphrased)*

Another example of external rewards is Side payments.[37] They are effective mechanisms to foster compliance of states with mutually agreed treaties. Side payments can be seen as a reservation price paid to a target state to make it willing to comply with a treaty. Such payments

[32] This is also known as reward via linkage

[33]Nikola Brzica, *Croatia's Path to the EU Via the ICTY*, available at https://academic.edu/11787114/croatia_Path_To_EU_Via_The_icty.

[34] Which is another example of external reward

[35] Which is part of the rationale for the topic of this article

[36]Marrhias Neuenkirch & Florian Neumeier, The Impact of UN and US Economic Sanctions on GDP Growth, 40 Eur. J. Pol. Econ. 110, (2015), P. 23

[37] Daniel Drezner, Power and International Relations: A Temporal View, Eur. J. Int'L. Rel. 29, (2021), P.15

are usually used to intensify cooperation at the international leve[38]. One instance is the United States granting of substantial economic and military aid to Egypt and Israel to sign a peace treaty. [39]Some treaties which deal with public goods can provide rewards, such as assistance, within and outside the reasons of the treaty even though it is regulated within the treaty.[40] This motivates states to comply.[41]

5.00 Rewards and Penalties

This paper seeks to deal with the propriety or otherwise of using 'rewards or penalties' in making states to comply with international law. The point needs to be made from the outset that a target country does not comply if it believes that noncompliance is more beneficial than compliance.[42] In other words, the enforcing state entices the target state to comply by penalizing the target state or it may decide to reward the target state because of its compliance. The enforcing state penalizes or rewards if the benefit expected from the target country's compliance is higher than the cost of penalizing or rewarding.[43] To induce compliance the penalty or reward has to offset the target's gains from not complying.

The question then is, when is the appropriate time for an enforcer to use a reward and penalty in making states comply with international law? This question can partly be answered when states use a less costly measure, and they are equally encouraged to use a mechanism that produces a better result of compliance. The claim by some scholars that penalties are always superior to rewards when they are credible is not only highfalutin but misleading. The point is that penalties most times only produce negative consequences. The state being penalized and the state carrying out the penalties are pruned to be life enemies. In other words, penalties are not friendly and palatable measures.[44] This is in contradistinction with the consequences of the reward system which generally is a 'win' 'win' situation.[45]

One critical point is that rewards and penalties differ in the costs they produce. It should be noted that costs are discussed here as they relate to retaliation which is like sanctions. Economic sanctions go beyond just verbal denunciation but it does not include the use of armed force and

[38] Ibid, P.29
[39] Ibid, P.32
[40] This points out that the relative costs of using rewards to produce a public good depend on the fraction of cooperators out of potential cooperators required to produce that good.
[41] One other example is article 4 of the International Atomic Energy Agency (IAEA) which aims to "accelerate and enlarge the contribution of atomic energy to peace, health and prosperity." This it does by offering its member states some form of assistance in the planning and generation of electricity and facilitates the transfer of technology and knowledge. The IAEA also promotes the development goals of states that participate and help them deal with issues such as poverty, hunger, health, clean water and energy, and climate change by providing assistance in nuclear science and technology
[42] Concepcion, Roberto, International Law and Human Rights, Philippine International Law Journal, Vol. 2, Issue 4, (1963), P.569
[43] Ibid, 591
[44] This is because it is a win and lose situation
[45] Some people think rewards and penalties are conceptually symmetric and accordingly postulate that less effort has been undertaken to analyze their differences, mistakenly assume that all or most generalizations about penalties are applicable to rewards in international law.

brutality. No doubt, economic sanctions are deadly because they cause excruciating pains and horror to the target state. Karen corroborates this view when he said:[46]

> *Many scholars opine that economic sanctions give rise to poverty and income disparity in the target state may adversely affect its ability to provide food and clean water which may in turn negatively affect life expectancy especially amongst women and children. Some other scholars are of the opinion that economic sanctions slow down the targeted government's respect for human rights and this may adversely affect the practice of democracy. This kind of situation can further lead to the increase of criminality, corruption, resources diversion, and humanitarian impacts. (paraphrased)*

Experiences show that penalties are equally costly to the imposing country.[47]This is why economic sanctions radically reduce the volume of bilateral trade between the imposing and the target state. The point is that when economic sanctions are imposed, they generally may interrupt trade and financial contracts of domestic firms. That is why, there is a general consensus among scholars that sanctions produce substantial costs and is believed to fail in many circumstances. The same holds true for targeted sanctions.[48]

One question that needs an answer is how many countries can be rewarded at a time or in course of a transaction tied to a treaty? This paper posits that it may depend on the type of reward. Internal rewards can be used for many countries and may even produce "economic of scale." This is slightly dissimilar when it is about external rewards which is because of paucity of funds at the international level. Providing for a public good generally may be costly especially when many states are meant to be motivated. This may still be the case even if the number of states that require rewards appears limited. This is because the number may not be static and could multiply.[49]

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[46] Karen J. Alter, Do International Courts Enhance Compliance with International Law?, 60, Vand. L. Rev. 77, (2007), P. 23

[47] Spiro, Peter J, *Treaties, International Law and Constitutional Rights*, Stanford Law Review, Vol. 55, Issue 4 (2003), P. 2011

[48] *Ibid*, P. 2014. The costs of penalties take many dimensions. First is looking at question the number of potential violators there are. Second is the question of the cost of enforcement. Third is the question of the cost derivable from maintaining the *threat* of the sanctioning mechanism. It is possible to argue that the threat of negative reciprocity is not efficient so long as it is not successful; if it instigates compliance then it is said to be efficient because it then ensures a compliance parity. In any case it is possible for the sanctioner to incur costs even at the threatening stage. One good example is a situation where threats of sanctions may trigger uncertainties concerning trade and investment policies. This aspect of the costs of penalties is often neglected and not talked about. On the other hand, rewards may not have such negative consequences on the target country's humanitarian situation and since rewards must be paid, it certainly requires the necessary capacity of the sending state. In other words, the credibility of a prospective reward depends on whether the rewarding entity has sufficient resources to provide them.

[49] If a state can reap not only the intrinsic rewards of participating in a treaty, but also extract a side payment for full compliance, presumably more states will insist on the side payment as a necessary part of the bargain. Not only may they feel fully justified in doing so, as with treaties that assist lower income states, but the rewards may after some period of time also been seen as an entitlement. Intangible rewards such as praising, in contrast, provide another type of reward that can be multiplied to more compliant states at lower costs.

This paper also discusses the 'reputation' of the imposing and receiving states. Reputation touches both states[50]. The first has to do with the receiving state and how its previous character of complying with an international law. The second level has to do with the enforcement level, which is the reputation of the enforcing state.[51]

Rewards which is the focus of this paper can generate a reputation for appreciating those who honor their obligations by complying with international law. The push for reliance on rewards to appreciate states' compliance may galvanize a reputation of goodwill. In other words, this kind of reputation of goodwill will in turn facilitates future cooperation with the target and other states. Furthermore, rewards may be used to keep a reputation of friendly relations which has good intention. The reason is that the more dependent the relationship becomes, it increases the chances of getting the approval of the other state which also hightens the incentive to grant more rewards. It the position of this paper that even though it may be costly today, states are encouraged to adopt rewards mechanism to build up a reputation of good intentions that in turn eases (future) cooperation.[52]

6.00 When Will the Concept of Rewards Work Best?

This section merely outlines the conditions under which rewards can be more successful. According to Oeter,[53]rewards work best in the following situations:

(1) When the reward matches and is seen by the receiver as what a reward should look like
(2) When the receiver places premium on the reward
(3) When the receiver relies and expects the rewarder to provide the reward
(4) When the reward does not have intimidating tendencies
(5) When the reward is clearly set out and agreed upon
(6) When the reward will be timeously delivered
(7) When the reward is trustworthy and dependable
(8) When the rewarder has the capability and resources to implement the reward
(9) When the rewarder has a track record of holding and keeping promises
(10) When the reward if intentionally breached attract some form of penalties; and
(11) When the receiver appreciates the cooperation with the rewarder and depends on its benevolence.

[50] negatively and positively

[51] The sanctioning quandary has been at the forefront of discussion on compliance, leading to the forecasting that costly retaliation will seldom take place. However, states may decide to still refer to external penalties in order to build up a character for penalizing violators, so that this will discourage other states from breaching their obligations. The idea in this sense is to encourage states to keep and respect their promises and duties made to other states. Most times imposing external penalties may hurt already formed ties with the receiving country and is prone to generate feelings of animosities.

[52] There is a general argument that a reputation for not penalizing may climax a permissive attitude and signal more violations to take place, that rewarding in a relationship that is considered as adversarial may not be accepted by the sender's citizens, this is because penalties are used to demonstrate determination.

[53] Stefan Oeter, Inspection in International Law: Monitoring and the Problem of Implementation in International Law, 28, Neth. Y. B. Int'l L (1997), P.23

This paper expatiates on just few of the above because of time and space. The first point is that for a reward to be efficacious it must be something the receiver also considers as rewarding and accordingly places value on it. This is because sometimes the giver may subjectively define the action as rewarding but the receiver may not.[54] When this happens rewards are then takenas something being forced and this can make it look like penalties. Sometimes rewards may be considered imposing and seen as undermining the integrity of the state. This is especially the case if such rewards are conditioned. This means that the value of a reward will depend on the receiver's need and on the objectives being pursued by the state.

Furthermore, when a reward is clearer and more specific it is more conducive to comply with. In other words, states are more likely to respond when compliance is clearly specified. This only goes to buttress the point that when a reward is well communicated its success can be better guaranteed.

One critical point is the timing of delivery of the reward. Usually, rewards are expected to be more successful if the promised reward is timely delivered after compliance by the receiver.[55]

Moreover, reward must be credible for it be effective. The target state should make sure that the promise is within the enforcer's control. Promises by states should be what they are capable of doing. That is why in making rewards, states should carefully consider their individual budgetary provisions and make sure it within their limits. What remains to be said here is that the trust states will place on promises and rewards will generally be dependent on the integrity and reliability of the states themselves. Which includes looking at the records of past promises kept by such states and whether or not such states have the reputation of exploiting others.

Rewards may also be more effective towards states that already suffer from substantial penalties. This is because the marginal impact of an added penalty diminishes with increasing penalties and states' sensitivity towards penalties decreases. The last point to be made here is that the efficacy of rewards is effected and boosted by the worth the receiver attaches to subsequent transactions and dealings with the rewarder.[56]

[54]A may perceive himself as employing carrots, while B may perceive A as using sticks. Promises are simply ineffective in securing concessions if the rewards promised are perceived as inappropriate or even insulting

[55] The fact is that promises that are to be fulfilled far in the future will have a lesser effect on compliance than promises of rewards closer in time. This holds even more for short-sighted leaders who value the present more than the future. One good example that underline the importance of timely delivery of rewards is the revelation of North Korea's secret uranium enrichment program seven years after the so-called Agreed Framework was signed between the United States and North Korea on October 21, 1994. North Korea complained that the United States fell short in fulfilling its promises by failing to lift economic sanctions and failing to provide it with promised light-water resources. Invitations to bid for construction of reactors were not issued before 1998, and the construction of the first reactor began only in 2002. North Korea's revelation was allegedly based on a failure by the United States to deliver on its promises.

[56] Considerable economic or political interdependencies increase the value the receiver puts on future cooperation and thus the more likely a positive response will be. This also applies to relations perceived as generally friendly. By complying, the receiver will be viewed more favorably, while rejecting an offer of a reward would make the receiving state be perceived less favorably. Whether a leader will comply in response to a reward thus depends on the advantage of maintaining the goodwill of the rewarding state.

7.00 Conclusion

No doubt, the rewarding concept is an important strategy to galvanize states to comply with international law. Many people still think that a major way to deal with states that do not comply with international law is to apply penalties.[57] That has led to a situation where rewarding has been under theorized and applied. Rewards can bring about exchange of fraternity which is galvanized by trust and solidarity between states. The issue of tracking and searching is a more recent approach that is gaining ground in international law, which could be more successful when reward is preferred more than penalty. The fact is that penalties generally create substantial costs to the country that is even doing the penalizing.[58] A focus on rewards and its huge benefits can lionize the compliance conversation towards positive inducements that have often been overlooked and under theorized.

Moreover, proposing a conversation to suggest as though rewards and penalties are seen as two sides of the same coin, may overlook the important differences between penalty and reward. There is no doubt that reward and penalty differ significantly in their effect on states compliance with international law. This leads to additional arguments why theorizing reward fills a gap in the literature and in practice. The overwhelming advantages of rewards will continue to remain at the forefront of academic discussions and policy. This paper submits that the concept of rewards needs to be publicized and states are encouraged to apply and make it functional in order to realize its potential in international law.

[57] Van Der VyverJohan .D., *Sovereignty and Human Rights in Constitutional Law*, Emory International Law Review, Vol 5, Issue 2 (1991), P. 23

[58] Robert Keohane, *Rational Choice Theory and International Law: Insights and Limitations*, 31, J. Leg. Stud. (2002), P. 43