Compliance in Context:
Extralegal Determinants of Extradition in Chile and Japan

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Research Puzzle

• **Extradition**
  – Exchange of a fugitive between states
  – Popularly conceived of as entirely legal

• *But* verdicts change across time and space without changes in law

• Something other than law must explain variance
Research Questions

• What factors influence a state to extradite or not to do so, and why might these decisions change?
• What explains variation in the decisions of the trials against former Peruvian President Alberto Fujimori in Japan (noncompliance) and Chile (compliance)?
Significance

The Practical Need for a Study of Extralegal Influences on Extradition

• Extradition...
  – Costs millions of dollars per request
  – Increases annually
  – Puts lives at risk
  – Is unevenly enforced
    • With repercussions for human rights justice
# Significance (con’t.)

Existing Scholarship, Its Limitations, & My Contribution

<table>
<thead>
<tr>
<th>Literature</th>
<th>Existing Scholarship</th>
<th>My Contribution</th>
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<tbody>
<tr>
<td><strong>Extradition</strong></td>
<td>Single case</td>
<td>Comparative</td>
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<tr>
<td><strong>Compliance</strong></td>
<td>• Rational and/or normative variables</td>
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<td></td>
<td>• Untestable</td>
<td>• Testable</td>
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<tr>
<td></td>
<td>State</td>
<td>Individual/Sub-State</td>
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<td></td>
<td>Actors’ interests: too expansive or too limited</td>
<td>Actors’ interests: categorizable</td>
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<td>Noncompliance is opposite of compliance</td>
<td>Noncompliance is separate phenomenon</td>
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Important Authors

- Checkel: Norms are key for compliance
- Rajkovic: Noncompliance is a distinct phenomenon
- Magnuson and Moravcsik: Individual focus and legal ambiguity
- Lindenberg: Goal-Framing Theory (GFT)
Argument
An Integrated Contextual Model (ICM) for Extradition Decisions

- Takes the individual into consideration
  - Lindenberg/social psychology
- Normative and rationalist scholarship
- Systematizes actors’ goals
- Noncompliance is separate
- Empirically verifiable
Research Design

• Comparative: x-nat’l & longitudinal study in Japan (2000-2005) and Chile (2005-2007)
  – Data rich
  – Same fugitive, same crimes
  – Chile over time

• Textual analysis—mixed methods
  – Content analysis (quant): 1,473 newspaper articles
  – Discourse analysis (qual): Government documents (i.e., Diet transcripts)
Findings

• Japan
  – Fujimori as cultural hero
  – Potential martyr

• Chile
  – Human rights champion
  – Historical problems with Peru
  – Japanese precedent

• Effectiveness of ICM to explain outcomes
Findings (con’t.)

- Self-interest trumps norms
- Context matters
  - Across temporal and spatial lines
    - Chilean border conflict
    - Japanese precedent
  - In combination with other variables
    - Legal ambiguity
    - Domestic crises
Implications for Compliance Theory

• Alteration of state preferences is dubious
  – Calls Checkel (and normative scholarship) into question
• Legal ambiguity ≠ noncompliance
  – Contrary to Magnuson
• No hard and fast rules for how extralegal factors behave
• Still, context is not a mixed bag
  – In 2 out of 3 trials, extralegal factors explain legal outcome
  – GFT explains why variables “bubble up”
Implications for International Legal Practice

• Reputational sanctions → compliance
  – Yet, they are not always sufficient

• Legal ambiguity must be combatted

• Predictive value of ICM
  – Means for requesting states to judge odds of successful extradition
Crime, Context, & Compliance—Then and Now