

# Dimensiones políticas de la adopción de normas no vinculantes: el cambio estratégico de los gobiernos en la incertidumbre geopolítica

## *Political Dimensions of Soft Law Adoption: Governments' Strategic Shift in Geopolitical Uncertainty*

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### RESUMEN

Los avances en las tecnologías de la comunicación han redefinido conceptos como poder y conflicto, priorizando las estrategias de poder blando sobre el poder duro tradicional. Este estudio descriptivo-analítico explora por qué los gobiernos optan por el derecho blando, haciendo hincapié en su papel en la coordinación de las interacciones entre Estados, la mitigación de los daños causados mediante sanciones reputacionales y la gestión de la incertidumbre en entornos políticamente volátiles. Según los resultados obtenidos, se determinó que las principales razones por las que los gobiernos prefieren firmar un acuerdo de derecho blando son: primero, que el derecho blando sirve como sistema de coordinación en las interacciones entre Estados; y segundo, que estas normas previenen los daños causados. En otras palabras, las leyes internacionales son valiosas porque, en caso de violación, conllevan sanciones para la parte infractora. Estas sanciones se basan en la credibilidad, la represalia y la reciprocidad. Tercero, el derecho blando se considera una forma eficaz para que los gobiernos consideren y gestionen la incertidumbre respecto a la conveniencia futura de las normas jurídicas. Este método conduce a la reforma de las normas jurídicas al aumentar su viabilidad. Este es un proceso de reforma que puede ser más eficaz que la renegociación del derecho internacional. El derecho internacional consuetudinario (DIC) son las normas y decisiones establecidas por las organizaciones internacionales y se basa en la premisa de que los Estados con una cooperación superficial impiden a los Estados con una cooperación más profunda.

**Palabras clave:** Dimensiones políticas del derecho blando, derecho internacional consuetudinario, norma coordinadora, nueva estrategia

### ABSTRACT

Advancements in communication technologies have redefined concepts like power and conflict, elevating soft power strategies over traditional hard power. This descriptive-analytical study explores why governments opt for soft law, emphasizing its role in coordinating state interactions, mitigating

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imposed harms through reputational sanctions, and managing uncertainty in politically volatile environments. According to the results obtained, it was determined that the main reasons why governments prefer to sign a soft law agreement include that, firstly, soft law serves as a coordinating system in interactions between states, and secondly, these rules prevent imposed harm. In other words, international laws are valuable because, in case of violation, they entail sanctions for the violating party. These sanctions are based on credibility, retaliation, and reciprocity. Third, soft law is considered an effective way for governments to consider and manage uncertainty for the future desirability of legal rules. This method leads to reform of legal rules by increasing feasibility. This is a process of reform that can be more effective than renegotiating international law. International common law (ICL) is the standards and decisions provided by international organizations and is based on the premise that states with superficial cooperation prevent states with deeper cooperation.

**Keywords:** Political Dimensions of Soft Law, International common law, coordinating rule, new strategy

## INTRODUCCIÓN

States in the international system usually behave based on their power, which has two dimensions: hard and soft. The hard dimension is based on military-defense capabilities, and the soft dimension is based on norms, values, diplomacy, etc (Shaffer & Pollack, 2012). There are different approaches to which dimension takes priority over the other. However, it has been hypothesized that the effectiveness of hard and soft power depends to a large extent on access to power resources. In addition, these two powers are complementary and their proper use allows for the maintenance or enhancement of the national power of countries. Soft war is a distinct concept from soft law. It is quiet, gradual, sub-surface, sustainable, damage-oriented, and multifaceted, and many countries aim to achieve their political-economic security goals using this tool (Blout, 2017). Countries also attempt to protect themselves against possible soft war from others through various legal frameworks, but these frameworks do not have the same binding consequences as formal legal rules, distinguishing them from soft law agreements (Meier, Finch, & Habibi, 2024). Soft law documents have an undeniable impact on the sources of international law, including “increasing the use of informal sources of international legislation”, “expanding standards of conduct”, “reducing the fragmentation of international law”, “increasing adherence to international documents”, “increasing the participation of states in resolving international issues” and “constructive interaction with hard law and playing a role alongside it”, and can be transformed into treaty and binding law by reaching an international consensus, or they can interpret or explain existing legal rules, which in both cases leads to the development of international law.

## METHODS

The present study is an analytical-descriptive study designed with a qualitative approach. The statistical population includes official international documents, scientific articles, reports of international organizations, and analytical texts of international law. The selection of samples was carried out using purposive sampling method, so that sources with the greatest relevance to the topic and the greatest analytical capacity to answer the research question were considered. Sources were selected based on their relevance to the research question, depth of legal analysis, and ability to provide comprehensive insights into soft laws and international strategies.

#### Data collection

Data collection was carried out at two levels:

1. Primary sources: included official government documents and statements, documents published by international organizations, and legal texts related to soft laws and international strategies.

2. Secondary sources: included scientific articles published in reputable journals, books, and research reports between 2015 and 2025. The selected time period was determined due to the importance of using up-to-date data and examining recent developments in the field of soft laws and adapting them to the practical experiences of governments.

### **ANALYTICAL FRAMEWORK**

Data were analyzed using thematic analysis. First, key themes related to soft laws and international strategies were identified. Then, the texts were systematically coded according to these themes. Patterns and relationships were extracted, and recurring concepts were synthesized to answer the research questions. This step-by-step description enhances the study's replicability.

#### Core Reasons Enhanced with Political Context

Soft law functions as a coordination mechanism in contexts of political distrust, enabling states to align behaviors without enforceable penalties that might provoke retaliation. In the case of U.S. China technological rivalries, soft law instruments, such as supply chain guidelines and export control statements issued by international forums like the G7, operate in line with coordination and delegation theories, allowing states to harmonize actions without resorting to formal treaties (Bradley, Goldsmith, & Hathaway, 2023; Crawford, 2021). Reputational sanctions further reinforce compliance, as violations can trigger reciprocal measures, exemplified by Russia's post-2022 isolation through non-binding OSCE resolutions and international sanctions, which reflect preventive cost and reputational mechanisms of soft law (Cohen & Meyer, 2021; Giacco, 2022).

These cases underscore the empirical relevance of the theoretical frameworks discussed in this review. They demonstrate how soft law facilitates uncertainty management, enables iterative reforms, and outpaces renegotiated hard law in rapidly evolving political contexts, such as shifts driven by U.S. domestic elections. Moreover, International Common Law (ICL) institutions, including bodies under the UN, can moderate the influence of actors pursuing only superficial cooperation, thereby ensuring that deeper political alliances and normative convergence prevail without coercion. By explicitly linking these empirical examples to coordination, delegation, preventive cost, and reputational theories, the discussion highlights the practical applicability of soft law and ICL mechanisms in shaping international state behavior.

#### The concept of soft law

Today, the rules of international law are to some extent agreed upon by everyone in the world, so states must accept and apply legal rulings. The sources of law are specified in Article 38 of the Statute of the International Court of Justice (ICJ) to minimize disputes between states (Jansen, 2023). However, in recent years, the approach of governments has not been in line with this charter, and they have included normative statements in non-binding political documents such as declarations, resolutions, and action plans (Volpato, 2023).

Although no accepted definition of soft law has been provided so far, any international document that is not in the form of an international treaty and contains principles, norms, standards,

or other statements of expected behavior regarding a specific issue is usually called soft law (Klabbers, 2023; Terpan, 2023).

#### Theories on the Reasons for States to Choose Soft Laws

In contemporary international law, alongside the traditional binding sources recognized under Article 38 of the Statute of the International Court of Justice, a growing array of non-binding normative instruments has emerged, including declarations, resolutions, action programs, and other political documents (Slagter & Van Doorn, 2022). Commonly referred to as soft law, these instruments do not create legally enforceable obligations in the strict sense but instead articulate specific normative expectations regarding state behavior. States consciously accept such instruments not as law but as political commitments, thereby facilitating gradual compliance, managing uncertainty, and avoiding the legal costs associated with immediate enforceability. Nevertheless, empirical evidence demonstrates that soft law can function in ways comparable to hard law, particularly when repeated practice, broad acceptance, and institutional reliance integrate it into states' compliance strategies (Squeff, 2021).

The significance of soft law lies not in its replacement of binding law but in its position along a continuum of normativity, ranging from complete discretion to stringent legal obligation. Soft-law norms may serve as foundations for the evolution of customary international law or as precursors to subsequent treaties, and at the domestic level, they can function as templates for binding legislation (Fukui, 2024). Furthermore, unlike classical treaties, soft law offers greater potential to engage non-state actors and regulate conduct in areas where achieving legal consensus is difficult or costly. From this perspective, soft law operates as an instrument through which states without incurring immediate legal risk pursue normative coordination, experiment with policy approaches, and gradually shape the international legal order (Shelton, 2009).

#### Soft Law in International Law

In contemporary international law, soft law comprises non-binding normative instruments such as declarations, resolutions, and programs of action that delineate specific expectations of state conduct without imposing strict legal obligations. States frequently adopt soft law as deliberate political commitments, enabling gradual compliance, managing uncertainty, and avoiding the immediate legal costs associated with binding obligations (Pertegás, 2024). The structure of these instruments varies considerably: some incorporate detailed regulatory provisions or dispute-resolution mechanisms, whereas others remain intentionally vague and general. This variability reflects the substantial discretion states possess in determining both the form and content of international agreements (Greco, 2021).

The adoption of soft law is shaped by practical, strategic, and normative considerations. It allows states to coordinate behavior, pilot policy initiatives, and engage non-state actors without assuming the full risks inherent in legally binding commitments. Serving as an intermediate instrument, soft law facilitates cooperation in areas where hard law is difficult, costly, or politically sensitive. While binding treaties retain stronger enforcement mechanisms, soft law often effectively influences state practice through repetition, widespread acceptance, and institutional reliance (Meier, Finch, & Habibi, 2025).

Soft law also plays a critical role in the evolution of international law. Non-binding instruments may codify existing customary law, promote emerging norms, inform subsequent treaties, and guide domestic legislation. By stimulating state practice and signaling normative

expectations, soft law contributes to the gradual formation of customary international law and the broader development of the international legal order. Accordingly, soft law constitutes not merely a supplementary instrument but a fundamental component of normative development, bridging the gap between formal legal obligation and political coordination within global governance (Eliantonio, Korkea-aho, & Mörth, 2023; Seatzu & Vargiu, 2025).

Soft law, encompassing non-binding instruments such as declarations, guidelines, and resolutions, plays a critical role in the development and consolidation of international legal norms. Although these instruments seldom introduce entirely novel rules, they codify existing obligations and consolidate dispersed state practices, providing a structured framework that guides state conduct (Boyle, 2014). Soft law can reinforce emerging customary norms, legitimize specific legal positions, and facilitate broader participation in norm-setting processes. A notable example is the development of outer space law, where non-binding principles enabled a wider range of states to contribute to norm formation, thereby democratizing the legislative process (Crawford, 2021). By offering flexibility and gradual compliance mechanisms, soft law allows states to coordinate behavior, experiment with policy approaches, and shape normative expectations without incurring immediate legal obligations (Parsa, Roper, Maurer, & Mueller-Camen, 2025). The relationship between soft law and binding treaties is particularly significant. Non-binding instruments often function as preparatory frameworks that foster consensus on subsequent legally binding commitments, as exemplified by the Universal Declaration of Human Rights in human rights law and the Stockholm and Rio Declarations in environmental law. Soft law can complement treaties by clarifying ambiguous provisions, filling normative gaps, and guiding the interpretation of binding obligations, thereby enhancing coherence and facilitating compliance. Consequently, although lacking formal enforceability, soft law exerts substantial influence on the evolution of customary international law and the broader international legal order, bridging the gap between formal legal obligations and practical state behavior (Bantekas & Akestoridi, 2022; Eliantonio, Stefan, & Korkea-aho, 2021).

#### Theories on States' Choice of Soft Law

Soft law encompasses international instruments that resemble formal treaties but do not impose legally binding obligations. Prominent examples include the Universal Declaration of Human Rights, the Basel Accord on banking supervision, and the Nuclear Suppliers Group (NSG) Export Guidelines on nuclear materials. These instruments enable states to commit to shared norms without assuming the full legal responsibilities associated with binding treaties. The preference for soft law reflects a strategic compromise between formal agreements and non-cooperation, allowing states to coordinate policies while retaining flexibility in the face of uncertainty and evolving circumstances (Crawford, 2021; Joseph & Kyriakakis, 2023; Terpan, 2023).

From the perspective of coordination theory, soft law functions as a mechanism for harmonizing state behavior when incentives are broadly aligned but rigid enforcement is unnecessary. Multilateral arrangements such as the Paris Memorandum of Understanding on port state control illustrate this approach, as states synchronize inspection procedures without formal treaty obligations. Similarly, the selection of Olympic host cities by the International Olympic Committee exemplifies coordination achieved through focal points rather than legally binding agreements. In such contexts, soft law promotes high levels of compliance while minimizing bureaucratic and transactional costs (Guzman & Meyer, 2016; Guzman & Meyer, 2010).

The preventive cost or risk mitigation theory emphasizes soft law's role in managing potential losses from future non-compliance. Unlike domestic contracts, which rely on courts for enforcement, international agreements often depend on reputational consequences and reciprocal adherence to encourage cooperation. The long-standing U.S.-Canada Boundary Waters Treaty illustrates how mutual expectations and interdependence can sustain cooperation without extensive punitive mechanisms. Soft law leverages these reputational and relational incentives, reducing the need for costly enforcement measures while fostering predictable state behavior (Cohen & Meyer, 2021).

According to delegation theory, soft law provides flexibility for unilateral or market-led innovations and reduces transaction costs associated with renegotiating binding international rules. This dynamic is evident in the U.S.-India Civil Nuclear Agreement, wherein the United States negotiated non-binding arrangements within existing frameworks prior to NSG approval. By permitting adaptive, incremental modifications and unilateral adjustments, soft law enables states to experiment with regulatory solutions that may later be codified into binding instruments, thus promoting policy innovation within the international system (Hanif & Muzaffar, 2024; Waqar, 2014).

The credibility and reputational perspective further elucidates why states often prefer soft law over formal treaties. Even non-binding commitments carry substantial reputational implications, influencing subsequent negotiations and the establishment of international trust. States that consistently honor soft law agreements enhance their credibility, which can outweigh the short-term benefits of opportunistic non-compliance. Consequently, soft law functions as a strategic tool to build trust and strengthen normative expectations while preserving flexibility in policy implementation (Bradley, Goldsmith, & Hathaway, 2023; Crawford, 2021).

Finally, the framework of international common law (ICL) underscores the influence of non-state actors and international adjudicatory bodies in shaping normative behavior. Decisions by the ICJ and other tribunals, although not universally binding, guide state conduct and clarify legal norms (Ahuja, 2022). The ICJ's ruling in the Nicaragua case on collective self-defense illustrates how non-binding judicial interpretations can influence expectations regarding lawful state behavior. ICL demonstrates that soft law extends beyond state-to-state agreements, incorporating judicial and organizational norms that shape compliance even in the absence of formal enforcement mechanisms (Baig, Saeed, Ahmad, & Saeed, 2025; Giacco, 2022).

In conclusion, soft law provides states with a versatile instrument for coordination, risk mitigation, adaptive governance, and credibility-building. Each theoretical perspective coordination, preventive cost, delegation, reputational, and international common law offers complementary insights into why states frequently opt for non-binding instruments over formal treaties. By balancing flexibility, compliance incentives, and strategic considerations, soft law continues to play a central role in shaping international norms and facilitating effective multilateral cooperation (Ibrahimli, 2025).

## Soft Law in the Structural Foundations of International Law

### Section One: The International Court of Justice

The ICJ represents the foremost judicial authority in international law, although it cannot be considered the most active or the most effective international tribunal. The ICJ primarily operates through customary international law (CIL) (Slagter & Van Doorn, 2022). One reason for this is that when the Court interprets binding international treaties, its judgments often exhibit characteristics akin to soft law. Specifically, these judgments are binding only on the parties to the particular case

and do not impose obligations on other states. States may accept the ICJ's compulsory jurisdiction or confer jurisdiction through treaty provisions permitting the Court to adjudicate disputes arising under the treaty, such as the Optional Protocol to the Vienna Convention on Consular Relations (VCCR)(Szafarz, 2023). Although the Court's rulings are formally limited to the parties involved, acceptance of ICJ jurisdiction enables it to develop case law reflective of soft law principles, thereby indirectly influencing the behavior and obligations of other states (Travan, 2024).

The ICJ is also empowered to issue advisory opinions at the request of the General Assembly, the Security Council, or other authorized United Nations organs. Notable topics include the legality of the use of nuclear weapons, Israel's construction of the separation barrier, and Kosovo's declaration of independence from Serbia. While advisory opinions are not legally binding, states frequently consider them in order to maintain international legitimacy and comply with general international legal norms. For instance, following the ICJ advisory opinion on the separation barrier, the General Assembly adopted a resolution urging Israel to adhere to its international obligations, and the European Union adopted a similar stance. Such examples illustrate that, although non-binding, advisory opinions can shape state expectations and inform the interpretation of binding law(Szafarz, 2023).

Moreover, the ICJ functions as a principal arbiter of customary international law. States seeking clarity on customary norms may pursue codification or confer jurisdiction on the Court to issue rulings regarding the content of CIL, thereby stabilizing customary rules. For example, in the Nicaragua case, the ICJ clarified that intervention in the internal affairs of other states to alter their political, economic, or cultural systems is prohibited under customary international law. Although such rulings are not directly binding on non-parties, they influence states' understanding of the law governing the use of force and exemplify the role of soft law in elucidating customary international norms (Bamigbose, 2023; Degan, 2024; Quince, 2026).

#### Section Two: Human Rights

Human rights represent a critical domain of international law in which customary law plays a pivotal role. Following World War II, human rights treaties emerged as instruments for regulating and constraining state conduct toward their citizens. Nevertheless, the field faces significant challenges: achieving consensus on concrete standards is difficult, and tensions between national legal traditions and international norms are pronounced (Smith, 2022). To address these challenges, human rights treaties have established institutions such as the United Nations Human Rights Committee (UNHRC), which performs three primary functions: reviewing state reports, assessing inter-state disputes, and issuing non-binding opinions on individual complaints. Although these opinions are not legally binding, they play a substantial role in shaping human rights practices and influencing state expectations (Moeckli, Shah, Sivakumaran, & Harris, 2022).

Regional human rights courts and committees operate in a manner analogous to the ICJ: their judgments are not binding on non-parties but provide authoritative guidance on the interpretation of legal obligations. A prominent example is *Toonen v. Australia*, in which Tasmania's anti-sodomy laws were found to violate privacy and anti-discrimination provisions. This case illustrates that non-binding norms, even when not directly enforceable, can shape state behavior and play a critical role in the development of international law (Zalnieriute, 2019).

#### Section Three: Commercial Organizations

In the realm of international trade, soft law similarly plays a significant role. The World Trade Organization (WTO) dispute settlement system functions under the Dispute Settlement Understanding (DSU), which comprises panels of legal and technical experts, an Appellate Body, and the Dispute Settlement Body (DSB)(Palmer, Mavroidis, & Meagher, 2022; Wagner, 2020). The well-known Turtle Shrimp case exemplifies the non-binding interpretation of treaty provisions that, despite their non-mandatory nature, influenced states' understanding of Article XX of the General Agreement on Tariffs and Trade (GATT). While the DSU is formally binding on WTO members, many Appellate Body decisions effectively function as soft law, contributing to the evolution of international trade practices (Masand, 2024; Sacerdoti, 2006).

Section Four: Other Sources of International Law

Soft law within international law does not originate solely from international courts. Numerous international organizations including the UN General Assembly, the Organization for Economic Co-operation and Development (OECD), the International Monetary Fund (IMF), the World Bank, and human rights bodies issue non-binding resolutions and declarations that, by shaping state expectations, exert indirect legal influence(Solidoro, 2025; Woodward, 2009). A notable example is the principle of non-refoulement under the 1951 Refugee Convention, which has been interpreted and developed through non-binding resolutions and practices of the General Assembly. This demonstrates that non-binding instruments, despite lacking formal legal enforceability, can play a critical role in shaping state behavior and expectations, thereby underscoring the significance of soft law in the architecture of international law (Canton, 2021; Citaristi, 2022; Mukindia, 2023).

To clearly illustrate the empirical relevance of the proposed soft law framework, Table 1 summarizes key case studies analyzed in this study. For each case, the relevant analytical perspective is applied to show how non-binding instruments or soft law principles influenced state behavior. This approach strengthens the link between theoretical constructs and empirical observations, addressing the replicability and evidential clarity of the study.

Table 1. Empirical Application of the Soft Law Framework

<b>Study / Case</b>	<b>Applied Analytical Framework</b>	<b>Key Findings / Observations</b>
ICJ rulings (e.g., Nicaragua case, advisory opinions)	Soft law framework; International Common Law (ICL) perspective	Non-binding judgments influence state compliance and shape customary norms; states consider ICJ opinions to maintain legitimacy
WTO disputes (Turtle Shrimp case)	Soft law framework; Preventive Cost / Risk Mitigation theory	Non-binding interpretations of treaties guided state behavior, influenced trade practices without formal enforcement
U.S.-China tech rivalry & export controls	Coordination & Delegation theories	Soft law guidelines allowed gradual alignment of policies, reduced political risks, and facilitated compliance signaling
Human Rights cases (Toonen v. Australia, UNHRC opinions)	Reputational & Preventive Cost perspectives	Soft law instruments shaped state behavior, enhanced compliance with human rights norms, and guided domestic implementation
Principle of non-refoulement under 1951 Refugee Convention	Coordination & Soft law codification perspective	Non-binding resolutions clarified state obligations, influenced domestic and international practices, and reinforced customary law

## CRITICAL DISCUSSION

According to the presented discussions, it can be seen that soft law is a flexible tool and mediator in international interactions, whose success is variable based on conditions and limitations. Therefore, the choice of governments should not be limited to efficiency or speed in decision-making (between soft law and hard law), but should take into account the level of mutual trust, stability of interests, and domestic and international political pressures (Bloor, 2022).

Studies over the last 5 years between 2020 and 2025 have shown that the use of soft law in the fields of international environment and finance has had a high speed of adoption and low negotiation costs. However, chaos and opportunistic exploitation of laws have been observed (Alter, 2021; Riani et al., 2023). In ICL theory, courts and non-binding international institutions can shape international norms. However, states require a combination of soft law, hard law, and arbitration mechanisms to enforce compliance with state obligations. A proposed theoretical innovation is a multidimensional decision-making framework for governments, where the choice between soft and hard laws is made based on three main criteria. If the probability of governments violating their obligations is low and the level of assurance of compliance with obligations is considered high; if the agreements are multilateral and complex, and if speed and cost are important, and if flexibility for amending laws is considered, then the use of soft law will be more appropriate. Therefore, the decision to use soft law should be made by considering the rules, possible costs, and potential benefits. Combining soft law with international arbitration institutions and ICL can increase the effectiveness and legitimacy of international law, provided that the balance between flexibility and bindingness is properly established (Adinolfi, 2021; Alvarez, 2018; Korzun, 2023).

As shown in Table 1, the empirical application of the soft law framework confirms the theoretical mechanisms discussed earlier and demonstrates their practical influence across multiple contexts.

While soft law and International Common Law (ICL) mechanisms offer frameworks for coordination, normative compliance, and gradual convergence among states, they remain susceptible to strategic manipulation. States pursuing only superficial or symbolic cooperation may exploit ambiguities in non-binding instruments, selectively adhering to provisions that serve their immediate interests while disregarding deeper obligations (Squeff, 2021; Ibrahimli, 2025). Such selective compliance can undermine the efforts of states seeking genuine, multilateral, and long-term cooperation, thereby limiting the effectiveness of soft law as a tool for fostering normative convergence. Empirical evidence illustrates this dynamic; for example, advisory opinions of the ICJ, although grounded in customary norms, have at times been interpreted in ways that permit states to maintain formal compliance without substantive alignment with broader legal expectations (Travan, 2024; Bamigbose, 2023).

This phenomenon underscores a fundamental tension in the operation of soft law and ICL: while these instruments facilitate coordination and offer flexibility, their efficacy can be constrained by actors prioritizing short-term or superficial gains (Bradley, Goldsmith, & Hathaway, 2023; Giacco, 2022). Recognizing this tension is crucial for policymakers and scholars seeking to design more robust mechanisms that promote deeper cooperation. Integrating soft law instruments with reputational incentives, iterative practice, and supportive arbitration mechanisms may mitigate the risks associated with superficial compliance and enhance the overall effectiveness of normative frameworks (Crawford, 2021; Cohen & Meyer, 2021). By explicitly addressing these limitations, the

discussion provides a more rigorous foundation for the conclusion that, although versatile, ICL and soft law possess inherent constraints that must be carefully considered in the context of international governance.

## CONCLUSIONES

According to the results obtained, it can be stated that soft law equips governments to navigate political turbulence coordinating amid rivalry, deterring harms via reputation, and reforming norms experimentally, and soft law is also an effective way for states to control their uncertainty about the future desirability of legal rules (which are adopted today), a corrective process that can be more efficient than renegotiating international law. It is worth noting that the presence of international common law (ICL) in soft law refers to the fact that states that prefer a deeper level of cooperation can be hindered by states that prefer only superficial cooperation.

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