If you want to understand international politics, you have to understand international institutions. This course exposes students to seminal research and real-world cases on the role of international laws, contracts and regulations in world politics. The first part of the course develops tools to classify and analyze variation in different types of international institutions. We will consider different collective action problems that generate the need for cooperation, the role domestic politics play in the cooperation and contracting process, variation in the design of international contracts as well as the process of (and problems associated with) delegating authority to international institutions. The second part of the course develops tools to evaluate the effectiveness of these efforts. We assess whether and how institutions engender compliance with agreements and explore the different ways in which they can affect behavior. All students will participate in an intensive four-week simulation designed to apply the lessons of the course to a current real-world problem that requires cooperation. The course emphasizes the development of critical thinking, analytical argumentation and formal presentational skills alongside negotiation.
**Course requirements:** Attendance is mandatory. This is a large seminar: all students are required to come to class prepared to discuss the assigned readings and will be called on to share their views. Class participation, a group debate, an in-class presentation, a simulation and a final paper are required. This course is reading and speaking intensive; we will work to build your critical thinking skills and sharpen your analytical and presentational skills, as well as your negotiation skills.

**Reading Assignments:** Approximately 150 pages per week. To help you focus your preparation for the in-class discussion, this syllabus lays out questions for every session. You should come to class prepared to discuss these and related questions.

**Course Materials:** All course materials are on reserve or are available electronically.

**Grading:** Final grades will reflect class participation (35%), an in-class presentation (20%), an in-class debate (20%) and a final paper (in lieu of a final exam) reflecting on the experience of the class simulation as it relates to the key concepts of the course (25%). Your efforts in the simulation will be reflected in the class participation score.

**GPS grading curve:** All IRCO and IRGN courses are graded using the School’s grading guidelines as follows: In classes with an enrollment of 25 or more, the median grade should be no higher than B+, the number of grades strictly above and below a B+ should be equal.

**Presentation:** Each student will participate in a team presentation and lead class discussion for approximately 15 minutes. Assignments for this task will be given out on the second week and are listed [here](#). All students **MUST** meet at least one week prior to giving their presentation with the professor to review their approach and method.

Sharing Slides: When you share your presentation slides, **please share a direct link which can be viewed and do not just share access via ucsd email AND ALSO attach a PPT.** If you share via “people” to an @ucsd email address there seems to be some conflict, requiring permission requests etc. In order to avoid day of delays or problems, please use the attached “get shareable link” method.
Debate: Each student will also participate in a 15-minute formal debate as part of an assigned team. All students MUST meet at least one week prior to the debate with the professor to review their approach and method. Your assignment is here.

Simulation: All students will participate in a 4-week intensive simulation of the negotiation of an international agreement on a current issue that requires international cooperation. Teams and roles will be assigned during the quarter. The simulation will require a substantial amount of time outside the classroom and is not optional. The final exam is a paper based on the simulation process and outcome as they relate to the course material. Your roles are here. Your results are here.

Final paper: The final (10 double-spaced pages) is a paper explaining the process and result of the simulation as they relate to the concepts taught in the course. Papers are due on Tuesday, June 4th at 5:00pm to turnitin.com. There will be no late papers accepted, as the class on Wednesday, June 5th will cover the topics discussed in the final papers. Students are encouraged to meet with GPS writing coach: Erin Carson (ercarson@ucsd.edu)

Course Objectives: At the end of this course, students should be able to explain the causes for and consequences of contracting in international politics. That includes the ability to: classify and analyze variation in different types of international institutions; identify the problems that generate the need for cooperation; design optimal solutions; explain why those optimal solutions are often impossible; have the tools to evaluate the effectiveness of these efforts. Students will have engaged in extensive negotiation and diplomacy efforts during the month-long simulation. Students should also have honed their public presentational skills and ability to articulate complex ideas effectively.

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UN Voting Rules: Consensus

Consensus building involves finding the middle ground when difficult issues are being debated, and then bringing in more members to support that compromise position so that a resolution has a maximum level of support from member states.

During the Cold War, the UN was very divided and it was difficult for resolutions to pass with more than 60-70% support of the members. Following the end of the Cold War, the UN has increasingly tried to work toward consensus, where many resolutions are adopted unanimously by all voting members. Even without the divisions of the Cold War, this is still difficult to achieve. Delegates must engage in extensive dialogue with each other regarding the specific interests of their countries and their preferences regarding the language in the draft resolutions under discussion.

It often involves a degree of compromise. Actors should not only seek to clearly articulate their own preferences, they should also listen carefully to other actors to see where their interests overlap, and where there might be room for compromise.

Country Voting Rules

Democratic Heads of state must vote to represent the majority view of their country’s interest groups; they do not get an independent say.

Autocratic Heads of state may vote to overturn the majority view of their country’s interest groups; however, they do so at some risk of losing power.
Process

PART 1: Informal in-country and cross-national negotiations

The first part of the simulation will happen outside of class, while each country team meets as many times as necessary to develop a country negotiating position (i.e., to determine the national winset). Actors in any specific country should also meet with their counterparts in other countries in an effort to build coalitions. Those meetings must take place between Friday, April 26th and Tuesday, May 7th and result in the start of a mandate for the lead negotiators.

Negotiators are the agents of the interest groups and the agreement will only pass if it gains enough political support at home. Thus, interest groups will have to inform their country’s negotiator of their interests and negotiators will have to work to ensure that the majority of interest groups within their countries will support the agreement they negotiate. If negotiators agree to an agreement that their key interest groups oppose, their government will not adopt the agreement. Each country will be given separate voting rules for how much domestic support is required to pass an agreement.

Domestic interest groups are thus central to the negotiations and must work to build the coalitions they need to support, or undermine, their agent’s position both inside the country and with their international partners.

PART 2: Formal in-country and cross-national negotiations

We will hold two formal in-class caucusing sessions on Wednesday, May 8th and Monday, May 20th. These sessions will be led by the Chairperson (the simulation assistant) and serve as an opportunity for focused discussion and consensus building. During the caucusing, meetings of interest groups will also occur and various groups may form with the aim of designing governance mechanisms that rival or complement the formal government-to-government talks. The aim of caucusing is to achieve a successful agreement by the deadline: Sunday, May 26th, by midnight.

PART 3: Formal adoption of the agreement(s) and other governing systems.

On Wednesday, May 29th, the agreement will go to a formal vote. The Chairperson will present the draft agreement(s). Country by country, every interest group will be given the floor for 1 minute and asked to cast a vote on the final agreement as well as to make a statement on their position concerning this agreement and any additional or alternative deals or agreement crafted in the negotiation process. They will be followed by the country leader who will be given 1 minute to make final remarks and register the country’s decision.
Voting rules will differ by regime type.

The agreement will only be adopted by countries that vote in favor of the agreement.

**Frequently Asked Questions**

*Can I change my role?*  
No.

*What if I don’t know what my role would do?*  
Do outside research, then ask for help.

*Can I negotiate in secret?*  
Yes: only the simulation instructor must know what you are up to.

*Are side deals and side payments allowed?*  
Yes
Debate Guidelines

The purpose of the debate is to explore multiple sides of a controversial issue and to hone your presentational and analytical skills. Some students might be debating positions opposite to their beliefs.

Preparation: Students will be assigned randomly to a debate team. You should meet with your team prior to the debate to discuss the issues with your panel members and learn from one another. You MUST meet with your professor at least one week in advance.

Dos: Develop a strategy to organize and coordinate your arguments. Split up responsibilities (e.g., specific arguments and/or points) among the team, making sure that your roles are linked to, while not being redundant with, one another. Present a consistent argument based on the position you have been assigned (not on what you may personally believe). Use facts to bolster arguments. Anticipate the counter-arguments and prepare for them. You will need to do substantial outside research to prepare. Dress appropriately (to the role).

Don’ts: Do not read from a script. It is much better to talk, in a conversational style, from prepared notes. Do not argue for your own views; argue the role you have been assigned. Do not contradict your team members.

Debate Procedures

Opening statements: Each of the two sides of the debate will present a summary of the arguments supporting its position. The “pro” side will start first, followed by the “con” side response. Each side will be given approximately 1 minute for the summary.

Response: Both sides will then be given a few moments to confer and then one minute for an initial response.

Q&A: Next, the audience will be asked to direct questions to each team. At the discretion of the professor, there may be some back and forth time given during the question period.

Closing statements: Finally, each side will be given 1 minute for closing statements. Pro, then Con.

Everyone on the team must participate; it is for you to decide how.

Each debate will take about 15 minutes, followed by a vote and short debrief.
**Role of Audience:** Each member of the audience should come prepared with at least two questions for each side. At the end of the debate, the audience will vote on the winner of the debate.

**Grades:** The debates constitute 20% of your course grade. You will be graded as a team, not individually: all members of the team will receive the same grade. Thus, it is important to work together to prepare your presentations. Each team will be judged anonymously by your peers as well as formally by the professor.

**Grading Criteria for Debates**

1. Grasp of the issue and important related points. (20%)
2. Coherent and consistent message supporting your panel’s position. (20%)
3. Ability to anticipate and/or counter opposing viewpoints. (20%)
4. Ability to see and challenge flaws in the opposition’s arguments and research. (20%)
5. Team coordination. (20%)
The final paper, based on the simulation (and described in detail below) is due on **Tuesday, June 4th at 5:00pm** to turnitin.com. There will be **no late papers accepted**, as the class on Wednesday, June 6th will cover some of the same topics discussed in the final papers.

The final paper is a reflection on the preparation and outcome of the simulation. The paper has four parts, (1) a two to three paragraph executive summary, (2) a section summarizing your formal role in the simulation, including your position going into the exercise, your characterization of your country’s domestic winset as well as the international winset and (3) your analysis of the negotiation process and outcome.

**Part 1: Executive Summary**

Your executive summary should encapsulate your formal position in the simulation and the main arguments you are making in the paper about why the outcome of the simulation took the form it did. It should be concise and clearly written (no jargon). This is a roadmap to the arguments you will elucidate in Parts 2 and 3 of the paper. This section should be no longer than one double-spaced page.

**Part 2: Summary of Formal Role and Position**

Briefly describe your position in the simulation and explain your positions on the issues going into the simulation. What were your aims? And what were the outcomes you were trying to avoid? Explain why. What was your country’s domestic winset? This section should be approximately 1 to 2 double-spaced pages.

**Part 3. Analysis**

Given your aims in Part 2 explain why the actual outcomes were consistent with or different from your goals. (a) Begin by stating, briefly, the outcome of the simulation. (b) Next, explain in detail the legalization design of the agreement(s) if one (or more) was negotiated (even if it was not passed). The discussion of design should cover topics discussed in class, including enforcement and flexibility and explain why these choices were made. (c) Next, address your choice of two (or more) topics from the following list – nature of the cooperation problem, principal agent relationships, democratic deficit, domestic politics, non-state actors, and the mechanisms for promoting compliance – and explain how those topics affected the negotiation process and outcome of the simulation. This section should be approximately 8 double-spaced pages.

**Part 4. Conclusion**
The paper must include citations to all sources, including course materials and also secondary research materials that you read outside of class. Papers must not exceed 10 double-spaced pages.

The paper is worth 25% of your course grade. Grading criteria include:

- Clarity of argument.
- Analytical rigor. Do not state your opinions. Rather, argue on the facts of the simulation.
- Support for your argument, by way of evidence and examples.
- Proper attribution to your sources.
- Clarity of prose. Clean writing style (i.e., no spelling errors or sloppy mistakes).
- Clean organization of logic.
Presentation Guidelines

The purpose of these presentations is to apply theoretical concepts to specific cases and to hone your presentational and analytical skills. Students will be assigned to a presentation team. You will have approximately 15 minutes.

This is NOT YOUR STANDARD PRESENTATION. The goal of the presentation is to use the case to engage the class in a discussion of the main themes from the theory or model of the day as applied to the case. This is not a lecture: you must engage the class in dialogue.

Dos: Spend the bulk of the time engaging the class in meaningful discussion, posing a few central questions for discussion and debate. Only provide information about the case that is relevant to the discussion questions. Have approximately 3 take-home points relevant to the theme of the day to conclude.

Don’ts: The presentation should not be a summary of the assigned material and should NOT review the theoretical approach, which will already have been discussed by the professor. Do NOT provide unnecessary information about the case, such as long backgrounds or history: only provide relevant information to generate discussion.

Preparation: All presenters MUST see the professor at least one week in advance to discuss their assignment and approach. At the end of every presentation there will be a public debrief on style and content.

Tools: Presenters may use any type of visual aid appropriate to the material. If you use slides please format them in GOOGLE SLIDES and send to Steve Carlson <s2carlson@ucsd.edu> AT LEAST 24 HOURS IN ADVANCE.

Grades: The grades are by team (not individuals). The presentation grade will comprise 20% of the final grade.

Standards for Evaluation:

1. The presentation uses the case to engage the main points from the class reading (20%)
2. The presentation poses simple, clear questions to generate class discussion (20%)
3. The presenters effectively engage the students in a dialogue and generate discussion (20%)
4. The presentation makes clear ‘take home’ points relating the case to the class reading (20%)
5. The presentation uses visual aids (if at all) effectively (20%)
The Professor’s Advice:

Come together as a team and meet as soon as possible. You must meet with the professor at least one week prior to your presentation (ideally more), and you will want to come into that meeting prepared.

Read the main model of the day first. Then discuss how you think your case might illustrate some key aspects of the model.

Focus ONLY on the case as it relates to some concepts in the model. Do NOT review or ask general questions about the model: that will already have been done.

Work backwards: start by figuring out what you think the main ‘take aways’ are from your presentation/case. Once you have those (generally 2 to 3), then begin to develop a list of questions that will generate discussion on those themes. For each theme, you may need to have several questions in your mind. You might want to email these to the professor prior to meeting in person.

Do NOT ask factual questions: they do not generate discussion. If the students need to know certain facts to be able to engage in your presentation questions, present them with the facts. Then, ask questions that will generate discussion, debate, disagreement, etc. If you are not generating discussion, that means you are not asking the right questions.

Do NOT ask complicated questions that require detailed technical or historical information that the students might not have.

Do NOT lecture at the class. You have 15 minutes. Provide ONLY the background information that you will need to get the class engaged in a discussion. Do not provide irrelevant background information. Your goal is to generate discussion.

Coordinate your team. Everyone must play a role and do their part. However, I do not care who presents or how you divide up the work. It can be awkward to have too many people trying to present. What matters for the grade is the outcome.

Time yourself: Your team needs to get through a lot of material in 15 minutes. Decide how much time in advance you will spend on each discussion topic and stick to it! Often, when multiple people present, the first person goes over their time, and the last person gets cut short. This weakens the entire presentation, which will be graded as a team.

Be prepared for silence: Sometimes, the question you have prepared to spark a conversation falls flat. Be prepared for that. Do not stand in front of the room in deafening silence for too long waiting for hands. Be prepared to ask a related question, or state your question in another way, that will spark discussion. Often, to elicit a good discussion on a single concept, you may need to have several back up questions on notecards to guide the discussion.
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Monday, April 1st: Introduction


Wednesday, April 3rd: Collective Action Under Anarchy


**Discussion Questions:**

1. What does it mean that international relations is “anarchic”? How does anarchy shape the possibility for international cooperation?

2. What is an international “regime” and why are there so many different regimes rather than a single overarching one?

3. Finish the following statement: there is no need for an international regime when…. 

4. What is the difference between a dilemma of common interest and a dilemma of common aversion? What are some examples of each type of dilemma? Why is this difference important and what does it tell us about international cooperation?

5. Is the prisoner’s dilemma a useful metaphor for understanding international cooperation? Why or why not? Give examples. What are its main lessons about cooperation? Its main limitations?

6. When actors confront mutual aversions but diverge in their assessments of what they prefer, coordination can still be accomplished in at least two different ways. How?

7. Stein argues that regimes arise because actors forgo independent decision making in order to deal with different dilemmas only when it is in their own self-interest. Is he correct that self-interest is a necessary condition for cooperation to emerge? What are the implications if he is correct? Can you think of any cases when he may be wrong?

8. Instead of assuming that actors are caught in a collective action trap from which they cannot escape, Ostrom argues that the capacity of actors to extricate themselves from various types of dilemmas varies from situation to situation. What determines whether they break out of the trap?

9. What explains changes in institutions (“regimes”)?
Monday, April 8th: Two-Level Games


*Case: Cyber Security: The UN Group of Governmental Experts (GGE)*


Discussion Questions:

1. What is a two-level game and how is it a metaphor for domestic-international interactions? In the real world, does this metaphor help to explain cooperation? How?

2. What is the importance of the ‘win set’ for international bargaining and cooperation? What determines the win set?

3. Do Levels I and II ever happen simultaneously? Would that change the outcome?

4. How does a two-level game help to explain the phenomenon of an involuntary defection? Can you think of an example? How does that differ from voluntary defection?

5. What roles do uncertainly and issue-linkage play in two-level games? Examples?

6. Can actors in two-level games try to change their bargaining situations? How? What constraints do they likely face?

7. What is the role of the chief negotiator in a two-level game?

8. What has been the role of domestic politics in facilitating or constraining a government's decision on how to participate in the GGE?

9. How is the effort to regulate cyber security a two level game? What is the solution?
Monday, April 8th: Two-Level Games


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Wednesday, April 10th: Legalization


**Case 1: North American Free Trade Agreement (NAFTA) v the United States-Mexico-Canada Agreement (USMCA)**


Kirby, Jen. The US, Canada, and Mexico have a new NAFTA deal. It’s called USMCA. VOX 1 October 2018.

**Case 2: International Monetary Fund (IMF)**


Discussion Questions:

1. What are the three dimensions of ‘legalization’? What does it mean that some legalization is ‘hard’ with other legalization is ‘soft’? Does that distinction correlate with the distinction between law and politics? Why or why not?

2. Why don’t we define legalization in terms of effects?

3. What is meant by obligation? How do we know legal obligation when we see it? What are some examples of high and low obligation? What kinds of techniques do actors utilize to vary their legal obligations?

4. What is precision? How does it differ from obligation? How do we know legal precision when we see it? Does most international law tend to be precise or imprecise? Why?

5. What is meant by delegation? How do we know delegation when we see it? What is an example? Is delegation necessary for international law to be effective? Why or why not?
6. What are the nine forms of international legalization that Abbott, Keohane, Moravcsik, Slaughter and Snidal identify? Are they all equally likely in the real world? Which are most likely? Why?

7. What explains the preference for using hard law in international economic agreements like NAFTA? Why is only a moderate level of authority delegated to NAFTA’s dispute settlement mechanism? How is the USMCA, to replace NAFTA, any different?

8. Why did governments commit themselves to use a single unified exchange-rate system, and to keep their current account free from restrictions?
Monday, April 15th: Hard and Soft Contracts


Case 1: Human Rights—the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights

Case 2: Climate Change—the Rio Declaration and the Kyoto Protocol

Discussion Questions

1. Note that the Abbot and Snidal piece is part of the “legalization” framework for analysis (see April 4th ). What are the differences—in obligation, precision, and delegation—between hard and soft law? Why is it useful to look at all three attributes of an agreement rather than just delegation to enforcement bodies?

2. Why would countries choose to use hard law? What is the difference between “contract” and “covenant?”

3. What is the problem of incomplete contracting; how does it affect legal design?

4. What are the main advantages of soft legalization? What are “sovereignty costs” and why do they command so much attention in the article?

5. How does the choice of soft law as a “compromise” affect how legal institutions evolve over time? Would you expect to see more fluid evolution with hard or soft law agreements?

6. When it comes to human rights, which kind of laws – hard or soft – are most effective? Why? Are soft laws, such as the Universal Declaration on Human Rights (UDHR), ever effective for protecting human rights? Why? Are they more or less effective than hard laws, such as the UN treaty prohibiting torture?

7. When it comes to the environment, which kind of laws – hard or soft – are most effective? Why? Are soft laws, such as the Rio Declaration, ever effective? Why? Are they more or less effective than hard laws, such as the Kyoto Protocol?
Wednesday, April 17th: Flexibility and Geometry


**Case 1: Derogation from the UN Covenant on Civil and Political Rights**


**Case 2: G-20**


**Discussion Questions**

1. States respond to different problem types and risks by selecting from a range of design and flexibility options to calibrate an overall level of international commitment. Think back to our early class discussions about problem type: why might countries that want to cooperate alter the flexibility of a treaty? When might they prefer to limit flexibility?

2. What are some different options for attaining flexibility when making commitments?

3. What is an “escape clause”? What are some of the benefits of using an escape clause? Drawbacks?

4. How might the flexibility of an agreement effect membership in that agreement? How might the flexibility of an agreement effect compliance with that agreement?

5. Does flexibility enhance or undermine the legitimacy of international law?

6. What is the argument about multilateralism that Kahler thinks is overblown or misleading? Why does he think that argument is too pessimistic?

7. Why would a hegemon be interested in building multilateral agreements rather than a series of bilateral or minilateral agreements that it could control more readily? Examples?

8. Where do you think Kahler’s evidence is strong and weak?
9. How can voting rules, delegation, and small group “brokers” within these multilateral institutions affect cooperation?
Monday, April 22th: Cooperation without Legalization


Case 1: Association of South East Asian Nations (ASEAN)

Visit: The ASEAN Way and the Rule of Law. ASEAN.org. 3 September 2001


Case 2: Guiding Principles on Business and Human Rights


Discussion Questions:

1. What is the main disagreement Finnemore and Toope have with the “legalization” approach?
2. What is the “richer view” that the authors advocate?
3. Finnemore and Toope argue that the legalization perspective has been too narrow and misses three major aspects of a richer view of law. What are they?
4. How would a broader view of how law works lead to a better understanding of how domestic groups are mobilized in support of law?
5. Why do you think the framers of the “legalization” approach adopted such a narrow perspective and focused on obligation, precision and delegation?
6. Why is the Asia Pacific much less legalized than Europe and North America?
7. What is the “ASEAN Way”? Is it more or less effective than its more highly legalized counterparts in Europe and North America?
8. How and why does ASEAN differ from APEC with regards to legalization?
9. Does the Asia Pacific region have a legalized future in store? Why or why not?
10. Why are the Guiding Principles not legally binding? Will they be effective?
Wednesday, April 24th: Principal Agent Analysis


Case 1: World Trade Organization


Case 2: World Health Organization


Discussion Questions:

1. What is delegation? What is the principal-agent (PA) approach? How is it a challenge to so-called ‘Realist’ approaches?

2. Why do states delegate certain tasks and responsibilities to international organizations? What are some of the alternatives to delegation?

3. What are some of the benefits associated with delegation? What are some of the risks?

4. According to the Nielson and Tierney article, principals possess at least four tools to help them design self-enforcing contracts and mitigate ‘agency slippage’. What are they and how do they work?

5. What does it mean that there is a trade off between the gains from delegation and the agency losses that arise from the opportunistic behavior of the agent?

6. How do states control international organizations once they have delegated authority to them? Specifically, what mechanisms do states use to ensure their interests are served?

7. Are international organizations actors in their own right? Are states always, usually, sometimes or rarely successful in this effort to ensure their interests are served through delegation?
8. The World Trade Organization (WTO) has come under increased scrutiny from various groups with different political orientations. What are the principal agent problems involved? Are they solvable?

9. Is the World Health Organization (WHO) a dutiful agent, rogue actor, or both?
Monday, April 29th: Democratic Deficit


Debate 1: The UN Security Council would be more legitimate—and therefore more effective—if made more representative in permanent membership (i.e., greater participation).


Debate 2: The WTO would be more legitimate—and therefore more effective—if NGOs were granted more formal access to the policy process (i.e., policy-making, policy-implementation, compliance-monitoring, and dispute settlement).

Paterson, Bill. 2010. “Democratic Deficits and Manufacturing Legitimacy at the WTO.”

Discussion Questions:

1. Antiglobalization protesters contend that international institutions are illegitimate because they are undemocratic. Are they correct?

2. Can international organizations be democratic? Why does Robert A. Dahl argue that they cannot? How is NAFTA an illustration of Dahl’s argument? Is he correct about NAFTA?

3. Is democracy necessarily a desirable quality for international organizations? Can international organizations be legitimate without democracy? Should we be wary of ceding the legitimacy of democracy to non-democratic systems?

4. What are some proposed solutions to the problem (including both substantive and procedural solutions)? Are they achievable according to Dahl? What is Dahl’s evidence? Are they achievable according to Nye? What is Nye’s evidence?

5. Are there some alternative ways to solve problems (such as accountability) raised by the democratic deficit?
6. The UN Security Council, the WTO and the World Bank are all targets of the democratic deficit criticism. Are they equally in deficit? What would happen if these organizations were to become more democratic? Would they be more or less effective?

7. What is Deliberative Democracy? Is it a solution to the Democratic Deficit in international organizations?

SIMULATION BEGINS

Review the rules for the simulation here.

Research and learn your role: know your preferences and interests.

Begin to understand the politics inside your country on the core issues for negotiation.

Begin to identify your potential allies: other actors that want what you want inside and outside your country.

Your entire domestic team MUST meet with Ben prior to the first in-class formal round of negotiations on Wednesday, May 8th.
Wednesday May 1st: A Managerial Model of Compliance


Case 1: Greece and the Eurozone Crisis


Case 2: Paris Agreement on Climate Change
Visit: UNCC. The Paris Agreement


Discussion Questions

1. Do Chayes and Chayes expect the level of compliance with international agreements to be high or low?

2. How do “efficiency,” “interests,” and “norms” explain levels of compliance?

3. What are the major reasons for noncompliance? For each, what could the designers of international legal agreements do to reduce that cause of noncompliance?

4. Do Chayes and Chayes offer evidence for their claims about compliance and the sources of noncompliance? What kind of evidence do they use and how compelling is it?

5. Why does the concept of “acceptable levels of compliance” matter?

6. What role, if any, do fairness and legitimacy play in the managerial model of compliance? What does this model leave out?

7. What are the implications of this model for enforcement?

8. Does the Chayes and Chayes model explain the case of Greece and the Eurozone crisis? Should Greece have been admitted? Are the causes of non-compliance ‘managerial’?

9. All major industrialized countries are failing to meet the pledges they made to cut greenhouse-gas emissions. Is this crisis an example of a managerial problem or something else?
Monday, May 6th: Two Models of Influence


Debate 1: The International Monetary Fund is effective (i.e., it can pull states into compliance by generating costs for non-compliance).


Debate 2: The International Criminal Court is effective (i.e., it can deter would be abusers and help to prevent atrocity).

Visit: International Criminal Court

Hatcher-Moore, Jessica Is the world’s highest court fit for purpose? The Guardian. 5 April 2017.

Discussion Questions

1. What is Koh’s argument? Why is process so important? Who is he arguing against?

2. Does Koh offer evidence for his claims about how norm internalization occurs? What kind of evidence do they use and how compelling is it?

3. What are the arguments that Goldsmith and Posner are arguing against?

4. Like Chayes and Chayes, Goldsmith and Posner assume that states know their interests and make rational choices. Yet unlike Chayes and Chayes, Goldsmith and Posner are more skeptical that states will have a “preference for complying with international law.” Why?

5. Posner and Goldsmith look at four models that, they say, explain the observed behaviors of international cooperation. What are they? In which of these four kinds of behavior is the role for formal international legal institutions the greatest? The least?
6. Why are the debates about compliance with international law—with distinct viewpoints represented by Chayes & Chayes, Koh, and Goldsmith & Posner—important to resolve? Who is right and how would you know?
Wednesday, May 8th: Simulation Day #1—First Round of In Class Formal Negotiations

In class negotiations: first of two rounds of formal negotiating sessions to produce an eventual draft ICT agreement to address cyber security. The negotiations will include meetings of all heads of state as well as all interest groups working across countries—for example, meetings of business or advocacy interest groups.

Your marching orders are to try and **revive the failed GGE to create a new ICT agreement**. However, actors and States may also negotiate outside of the GGE framework to address the key areas of contention: Applicability of international law; Use of force; Sovereignty; Rights and Obligations.

There may also be regional or club-agreements or side deals that do not include every country. There could also be other competing global agreements (such as Paris) with different institutional purposes and designs.

*Simulation memo due Tuesday, May 7th by 5pm to turnitin.com.*
Monday, May 13th: Complexity


**Case 1: Intellectual Property Regime (TRIPs)**


**Case 2: The North Atlantic Treaty Organization (NATO)**


**Discussion Questions**

1. What is regime complexity? What are the major reasons why institutions are overlapping in one issue-area (e.g., trade) but not in another area (e.g., testing of nuclear weapons)?

2. The symposium that Alter/Meunier introduce is focused on how regime complexity affects international cooperation. What are some of the major possible impacts of complex and overlapping institutions on how international rules get implemented?

3. What is “chessboard politics?” What is forum shopping? Will these be more likely with regime complexity? Do you think these lead to more effective or less effective international institutions? Can you give some examples?

4. What are the implications of regime complexity for the design of international institutions? For example, one topic of keen interest to scholars who study the design of international agreements is the choice of “numbers”—how many countries (and which ones) are part of an institution? Does regime complexity favor large groups or small groups, and why?

5. Does competition between international organizations, NGOs and other actors lead to more or less complexity? More or less effective international cooperation?

6. If regime complexes are inevitable, what can be done to make that institutional outcome as effective as possible in promoting international cooperation?
7. Do you think that regime complexity will empower many weaker and decentralized actors or simply make it easier for the big, powerful states to have even firmer control over international cooperation?

8. Why are standards for intellectual property (IP) set through decentralized mechanisms rather than a single, centralized international organization?

9. What are the chessboard politics that have played out between the North Atlantic Treaty Organization (NATO) and the European Union's (EU) European Security and Defense Policy (ESDP)? Has that made NATO more or less effective?
Wednesday, May 15th: Non-State Actors


**Case 1: Landmines Treaty Activism**


**Case 2: Multinational Corporations**


Discussion Questions:

1. What is a “transnational advocacy network (TAN)”? Why and how do TANs emerge?

2. What is the “boomerang pattern?”

3. How do advocacy networks work? Of the different types of politics that Keck and Sikkink discuss, which are most important?

4. Under what conditions can TANs be effective—that is, when are they most likely to achieve their goals? What are the different stages of network influence?

5. Do you think transnational relations are likely to be harder to analyze than inter-state relations? Why?

6. In the 1970s scholars studied transnational relations by looking at multinational corporations (MNCs) that could operate globally and thus circumvent governments. Keck and Sikkink argue that other transnational actors such as NGOs and TANs now play an important role. What do you think changed from the 1970s to the 1990s that made NGOs and TANs more important and why did earlier scholars largely ignore them?

7. In which kinds of countries are transnational actors most able to control policy outcomes?
8. One of the innovations in the Price article is his attention to HOW states are socialized to norms. What does that mean, and why is it so important to have a theory of how socialization occurs?

9. Who is “civil society” and why did civil society get focused on AP land mines? On Violence against women? What were the roles of networks and grafting in that process?

10. Price argues that governments changed their position NOT because of domestic political pressure, such as threat of losing elections. Why is that argument so important to his larger argument about HOW transnational relations work?

11. McAteer and Pulver argue that TANs that target corporations are different from those that target states in terms of their strategies and the determinants of their success. What makes a TAN in this context most effective?
Monday, May 20th: Simulation #2—Second Round of In Class Formal Negotiations

In class negotiations: second and final round of in class negotiating sessions to produce a draft ICT agreement to address cyber security.

The negotiations will include meetings of all heads of state as well as all interest groups working across countries—for example, meetings of business or advocacy interest groups.

Your marching orders are to try and revive the failed GGE to create a new ICT agreement. However, actors and States may also negotiate outside of the GGE framework to address the key areas of contention: Applicability of international law; Use of force; Sovereignty; Rights and Obligations.

There may also be regional or club-agreements or side deals that do not include every country. There could also be other competing global agreements (such as Paris) with different institutional purposes and designs.

Simulation Memo #2 due Sunday, May 19th, 5pm to turnitin.com
Wednesday, May 22nd: Private Authority


**Two-Faced Capitalism.** *The Economist* 22 January 2014.

*Debate 1: Corporate social responsibility (CSR) helps Chinese companies operate responsibly and in an environmentally sustainable way*


*Debate 2: Corporate social responsibility (CSR) helps companies in Mexico improve labor standards for workers.*


**Discussion Questions**

1. What is “civil regulation?” Why would firms be interested in going “beyond compliance” and setting tougher standards for themselves?

2. Why would firms try to set these standards into “soft laws” rather than “hard laws?” What are the main mechanisms for accountability in these soft laws?

3. Vogel reviews a variety of different kinds of “codes”? What are the most important differences between these codes? Why do you think multi-stakeholder codes have attracted the most attention? Why do you think environmental codes have been highly effective in some areas (notably forestry) but not others (ozone-depleting substances)?

4. The apparel industry is an example of civil regulation related to labor standards. According to Locke et al, does private voluntary regulation prove to be an effective strategy for improving labor standards?

5. What steps has Nike take to enforce its Code of Conduct?

6. What are some problems with private voluntary regulation?

7. What is wrong with using the ILO to create enforcement mechanisms?

8. Can labor conditions improve and output increase at the same time?
Sunday, May 26th: Final Simulation Documentation Deadline, 12am.

The negotiation period for drafting formal documents officially ends at midnight. Only those documents that have been submitted to Steve Carlson <s2carlson@ucsd.edu> via the TED turnitin link by that time will be considered for a vote in class on Wednesday, May 29th.

Your marching orders are to try and revive the failed GGE to create a new ICT agreement. However, actors and States may also negotiate outside of the GGE framework to address the key areas of contention: Applicability of international law; Use of force; Sovereignty; Rights and Obligations.

There may also be regional or club-agreements or side deals that do not include every country. There could also be other competing global agreements (such as Paris) with different institutional purposes and designs.

A country may negotiate more than one agreement.

While no further drafting or editing of the international agreements may occur after the May 26th deadline, bargaining over votes is allowable up until the final vote on Wednesday, May 29th.
Wednesday May 29th: Simulation—Public Vetting and Ratification

Presentation of the draft agreement(s) by the Chairperson

Formal statements from the domestic interest groups of each country (1 minute each). Public statement cast for or against the agreement(s).

Formal statements from heads of state (1 minute each) and declaration of support (or not) for the agreement(s). Heads of state must cast their vote based solely on their domestic winset (i.e., the majority will of their country’s interest groups): they DO NOT GET AN INDEPENDENT SAY.

The agreement will only be adopted by countries that formally sign—or if applicable, ratify—the agreement.
Monday, June 3rd: Rising Powers


**Case 1: Democracy Promotion**


**Case 2: Trade**


**Case 3: Development Assistance/Foreign Aid**


**Discussion Questions**

1. What impact are the rising powers—Brazil, China, India, Turkey, South Africa—having on contemporary global political and economic governance? How are developing countries transforming the global economic landscape?

2. Rising economic powers are becoming more important players in international finance. They have increased holdings of foreign exchange reserves, established sovereign wealth funds, borrowed capital from international capital markets, and attracted substantial foreign investment. What effect will they have on the governance of finance?

3. Are the challenges posed by the rising powers to global governance likely to lead to a change in democracy and social justice for the majority of the world’s peoples? Why? Can you think of examples?

4. Burke-White argues that the rise of the BRICs over the past decade has caused a profound transformation of global politics, leading to a multi-hub structure for international law, distinct
from past structures such as bipolarity and multipolarity. Do you agree? What are the possible effects of this transformation? Who stands to benefit from this transformation?
In one short paragraph, briefly explain your understanding of your character's main aims and the outcomes you are trying to avoid.

In one paragraph, describe, as of today, your own positions, and your country’s domestic winset, on the main issues and areas of contention: Applicability of international law; Use of force; Sovereignty; Rights and Obligations. What is likely to be your country’s position on these issues in the negotiations?

In one paragraph, list who you have met with--inside and outside the country--and any progress made in furthering your character’s main interests.

1 single-spaced page.
Simulation Memo #2: Sunday, May 19th, 5pm
Turnitin.com

In one paragraph, briefly explain your character’s main efforts to negotiate in this simulation to-date. List who you have met with--inside and outside the country--and any progress made in furthering your character’s main interests since the last memo. Have you made any allies? Have you had any influence?

In one paragraph, describe, as of today, your country’s domestic winset on the main issues--Applicability of international law; Use of force; Sovereignty; Rights and Obligations--and whether (and why) it has (or has not) changed over the course of the simulation.

In one paragraph, describe your understanding of the current international winset for an agreement(s). Are there international coalitions developing? Which countries are likely at this point to cooperate? What agreement (or agreements) is your country likely to pass if any? What does this agreement intend to do? Are there rival agreements?

1-2 single-spaced page.
Spring 2019 Simulation: Cyber Security

The simulation topic for spring 2019 is cybersecurity and the use of information communications technologies (ICTs).

Background

Information and communications technology (ICT) presents one of the most critical modern challenges to global security. Threat assessments predict that the next major international crisis could be due to a state or terrorist group weaponizing ICTs to devastate critical infrastructure or military logistics networks. The proliferation of asymmetric warfare (i.e., conflicts between nations or groups that have disparate military capabilities) has increased states’ use of ICTs, which necessitates the development of an international code of cyber

There is an urgent need for cooperation among states to mitigate threats such as cybercrime, cyberattacks on critical infrastructure, electronic espionage, bulk data interception, and offensive operations intended to project power by the application of force in and through cyberspace. Emerging cyber threats could precipitate massive economic and societal damage, and international efforts need to be recalibrated to account for this new reality.

The United Nations is one forum where states have attempted to regulate the issue. The UN GGE - United Nations Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security - is a UN-mandated working group in the field of information security. Six working groups were established since 2004. The UN GGE can be credited with two major achievements: outlining the global cybersecurity agenda, and introducing the principle that international law applies to the digital space.

In 2016/17 a United Nation’s Group of Governmental Experts (GGE) met to discuss developments in the field of information technology within the context of international security. Four GGE groups met prior to 2016, all of whom were able to reach a consensus report. The fifth GGE focused on the following areas:

(from the UN Office for Disarmament Affairs): “Existing and emerging threats; capacity-building; confidence-building; recommendations on the implementation of norms, rules and principles for the responsible behaviour of States; application of international law to the use of information and communications technologies; and conclusions and recommendations for future work.”

Unlike previous GGE rounds, this group was unable to reach a consensus.

Mission
Your marching orders are to try and revive the failed GGE to create a new ICT agreement addressing the key areas of contention (outlined below): Applicability of international law; Use of force; Sovereignty; Rights and Obligations.

However, actors may also negotiate outside of the GGE framework. There may also be regional or club-agreements or side deals that do not include every country. There could also be other competing global agreements (such as Paris) with different institutional purposes and designs.

**Areas of contention**

During the simulation, you will focus on the following four areas when negotiating potential agreements:

1. **Applicability of international law**

Does the current body of international law also apply to the use of ICTs? Previous GGE meetings hinted that it did, but the wording was ambiguous enough to leave the issue open-ended:

(Third GGE, 2013): The report recognizes that the application of norms derived from existing international law relevant to the use of ICTs by States is essential to reduce risks to international peace, security and stability. The report recommends further study to promote common understandings on how such norms apply to State behaviour and the use of ICTs by States. Given the unique attributes of ICTs, the report notes that additional norms could be developed over time.

Certain States and actors argue that further study is needed to determine how current norms apply; i.e., their applicability is up for interpretation. Other nations feel that the current body of international law is sufficient and the use of ICTs should be governed under it exclusively. They worry that creating specialized ICT law will weaken international rules and regulations.

There are numerous aspects of international law which the GGE could address. Do the rights we have offline also apply to our activity online? Do international humanitarian law and human rights law apply to cyberspace? Two key issues—the right to self-defense and State sovereignty—are discussed further below.
2. Use of force

If one country is the victim of a cyber-attack, does it have the right to fight back—either with cyber-attacks of its own or using traditional military means? In other words, does a cyber-attack trigger the right to self-defense? If so, under what conditions? What is the burden of proof, and what would be considered a proportional response (under the just war doctrine of proportionality)?

In the early GGEs, some States pushed for the absolute prohibition of the use of force. Although this never made it into a GGE report, they still are wary of any mention of Article 51 (right to self-defense) or rules of cyberwarfare, as mentioning it may legitimize the use of ICTs for military purposes. Other States want clear rules for when a cyberattack could be considered use of force, triggering a lawful right to self-defense.

3. Sovereignty

The debate over state sovereignty and non-intervention has long been a contentious issue in international law. Some states see sovereignty as an absolute concept; regarding ICTs, they believe each State has the right to manage its own cyberspace. This includes the right to stop incoming and outgoing information at the border. Many countries support the absolute sovereignty position because they see completely free flows of information as a potential threat from foreign influences. Other nations prioritize freedom of information and free speech; in their view, the right of individuals to access that information trumps States’ sovereignty.

The absolute sovereignty camp uses the term ‘information security’ to mean a State’s right to limit free flows of information in the name of national security. In their view, freedom of information for individuals is subject to certain restrictions, including “protection of national security and public order.” The Shanghai Cooperation Council released a code of conduct which acknowledges the right to ban the use of ICT which undermine States’ “political, economic, and social stability.”

4. Rights and Obligations

An international agreement on the use of ICTs may sound good in theory, but in practice many States lack the information technology infrastructure or human capital to follow through with their responsibilities. This includes curbing private actors from launching cyber-attacks from their territory and assisting attacked States with identifying the perpetrators. Developing states who are victims of attacks themselves may also struggle to recover.

These differences in State capacity—particularly in attribution of incidents—make establishing uniform international regulations problematic. Capacity building should also be considered in any broad international agreement, or else States may not be able to comply with its provisions. Therefore, States need to consider technology transfer, resource sharing, and any other
measures to improve capacity. There is also the risk, however, that sharing technology could lead to Intellectual Property theft and expose States to IT breaches.

**Previous Reports of the UN GGE**

Reports are the main outcome of the UN GGE's work. Although the reports are not legally binding, they carry significant influence in the field of global cybersecurity. They are frequently referred to in the main ICANN and Internet policy documents.

The [2015 UN GGE Report](link is external) includes:

- Norms, rules, and principles on the responsible behaviour of States
- Confidence-building measures
- International cooperation and assistance in ICT security and capacity-building
- How international law applies to the use of ICTs

The [2013 UN GGE Report](link is external) includes:

- Recognition that international law, and in particular the UN Charter, applies to digital space
- Norms, rules, and principles on the responsible behaviour of States
- Reference that state sovereignty applies to the digital field
- The principle that states must meet their international obligations regarding internationally wrongful acts in cyberspace attributable to them

The [2010 UN GGE report](link is external) includes recommendations for:

- Further dialogue among States to reduce the risk and protect critical national and international infrastructure
- Confidence-building, stability and risk reduction measures
- Information exchanges on national legislation and strategies, and capacity-building measures
- The elaboration of common terms and definitions related to information security

**Is it the end of the road for the UN GGE process?**

**Roles**

Each student will be assigned a role of an actual person. That role will be part of a team that represents a country. Roles may include head of state, who is the lead negotiator acting on behalf of the government. Or the role might be one of several national interest groups. Simulation roles will be given out on **Friday, April 26th** and discussions, negotiations, etc., should begin immediately thereafter.

You **MUST PLAY YOUR CHARACTER's ACTUAL ROLE**, not the role you wish you had.

The end goal is to achieve one more agreement(s) by the deadline of ------- **Sunday, May 26th**