

Draft – Subject to Change and Elaboration

Gov94CM: International Law and International Organizations

Spring 2017, Wednesdays 3-5 p.m., CGIS Knafel K401

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Course description

This seminar is an introduction to international law and international organizations for students of international relations. Why do states conclude treaties and establish international organizations and what determines their institutional design? When and how do international institutions promote cooperation between states? What is their effect on domestic politics? We survey recent international relations scholarship on these and other questions and conduct case studies on trade, human rights, military interventions, and other issue areas.

Course aims

In this seminar, we will read and discuss a mix of classic theories on international institutions, cutting edge research articles, and journalistic accounts. We will critically engage with a diverse set of theoretical arguments, empirical findings, and their normative implications. We will also relate the course materials to major events and developments of the past fifteen years, such as the creation of the International Criminal Court, the emergence of the Responsibility to Protect (R2P) norm, the contestation of institutions that support free trade (e.g., WTO and NAFTA), and the United Kingdom's departure from the European Union (Brexit).

The goal is to develop a nuanced understanding of how states, political leaders, and domestic interest groups leverage international agreements and international organizations to pursue their political objectives. The seminar will also help students develop an informed opinion about the tradeoffs involved in the creation and use of international institutions and about the latter's future prospects and potential. An additional goal is to introduce students to the practice of social science research.

Performance will be evaluated on the basis of comprehension of and critical engagement with the reading materials, active participation in class, and writing.

Course policies and expectations

You are expected to have read all required readings before class and to actively engage in classroom discussions. You should come prepared to defend or question arguments presented in the readings. Take notes as you read and bring any questions you have on the readings to class. Clarifying questions as well as well-documented counterarguments – from other classes or readings you have done outside of class – are welcome and encouraged. This being an advanced seminar, regular attendance is essential. If you have a valid reason to miss a class (with prior excuse) you need to submit a response essay about the material covered in the missed class, due by the beginning of the following class. This essay will count toward your total submissions of response essays.

Materials and access

Articles can be accessed through the links on this syllabus from campus and book chapters will be available on Canvas. It will not be necessary to purchase any books.

Assignment and grading procedures

Grades will be composed of:

- Participation: 20 %
- Presentations: 20%
- Response essays: 25%
- Final paper: 35%

Participation: You are expected to attend all classes and to actively participate in the discussion of the readings. Student participation in class is one of the primary factors influencing the quality of a seminar.

Presentations: Together with a colleague you will prepare and deliver a ten-minute presentation on a specific international organization or agreement. You will conduct and present independent research on the structure, process, and politics of this institution. The use of slides is encouraged. Since the skill to deliver effective presentations is invaluable in many settings, you will receive constructive feedback both on the substance and the style of the presentation. The list of topics will be posted on Canvas.

Response essays: The purpose of these essays is to synthesize the week's readings succinctly, scrutinize how they complement or contradict each other, and to use them to respond to the question posed each week on the syllabus. Often the readings present contrasting arguments or shed light on different aspects of the question. You are encouraged to critique the readings and to adopt and defend a clear position on the main debate(s) in the week's readings. At the end of each essay, you should propose two questions to motivate our conversation for the class. Response essays should be no longer than three pages (1-inch margins, 12-point font, double-spaced).

Bibliographies can be included on a fourth page. You can write up to three response essays, and the best two will be considered for your grade. At least one response essay has to be written before spring recess. Response essays are due the night before the seminar since I may reference them in class.

Final paper: You will write one long research paper, which is due at the end of the semester. By Friday, March 23 (i.e., at the end of the first week after spring recess) you need to send me a two-page outline summarizing your argument, the evidence you plan to present, and where you intend to find it. The final paper (15-20 pages, 1-inch margins, 12-point font, double-spaced) will be due in early May (date TBA). You will be able to choose between multiple topics, which will be posted on Canvas.

All written assignments and presentation slides should be submitted through the course website. Response essays will not be accepted after the beginning of class.

Collaboration and academic integrity policy

The exchange of ideas is critical for academic work. Collaboration on the presentations is required, and dialogue and debate among seminar participants before working on an assignment is encouraged. At the same time, any written work you submit for evaluation must be the result of your own research and writing and reflect your own ideas and arguments. After all, one key objective of the course is for you to develop your own arguments and practice your writing and critical thinking. You must adhere to the standard citation practices in Political Science and clearly cite any books, articles, or speeches you refer to. The [Harvard Guide to Using Sources](#) provides guidance on this topic. If you receive help with your writing, such as for example feedback on drafts, you should clearly acknowledge it.

Technology policy

Laptops should be strictly used for note taking and accessing reading material. Access to the Internet should be switched off during class. If laptops prove too much of a distraction I reserve the right to change this policy.

Special accommodations

Students needing academic adjustments or accommodations because of a documented disability must present their Faculty Letter from the Accessible Education Office (AEO) and should speak with the instructor by the end of the second week of the term in order to make sure that the arrangements can be implemented on time.

Tentative course schedule

Week 1: January 24: Organizational meeting

Optional reading:

Olson, Mancur. 1965. *The Logic of Collective Action: Public Goods and the Theory of Groups*. Harvard University Press: familiarize yourself with the argument in chapter 1 and feel free to disregard the math.

Part I: Cross-cutting issues

Week 2: January 31: Why do states use international organizations and international law?

Abbott, Kenneth and Duncan Snidal. 1998. "Why States Act through Formal International Organizations." *International Organization* 42(1): 3-32.

Keohane, Robert. 1984. *After Hegemony: Cooperation and Discord in the World Political Economy*. Princeton University Press: skim chapter 5 and read chapter 6.

Moravcsik, Andrew. 2000. "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe." *International Organization* 54(2): 217–252.

Thompson, Alexander. 2006. "Coercion Through IOs: The Security Council and the Logic of Information Transmission." *International Organization* 60(1): 1-34.

See whether the argument that international institutions tie governments' hands applies here: Embury-Dennis, Tom. 2017. "[Trump could cause world trade system to freeze up after vetoing appointment of judges, diplomats fear.](#)" *The Independent*. 28 Nov.

Further reading:

Ikenberry, G. John. 2001. *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order after Major Wars*. Princeton University Press: chapter 3.

Finnemore, Martha and Kathryn Sikkink. 1998. "International Norm Dynamics and Political Change." *International Organization* 52(4): 887–917.

Week 3: February 7: What explains the institutional design of international organizations and international law?

Downs, George, David Roake, and Peter Barsoom. 1998. "Managing the Evolution of Multilateralism." *International Organization* 52(2): 397–419.

Davis, Christina. 2004. "International Institutions and Issue Linkage: Building Support for Agricultural Trade Liberalization." *American Political Science Review* 98(1): 153-169.

Lipson, Charles. 1991. "Why are Some International Agreements Informal?" *International Organization* 45(4): 495-538.

Koremenos, Barbara, Charles Lipson, and Duncan Snidal. 2001. "The Rational Design of International Institutions." *International Organization* 55(4): 761-799.

Further reading:

Helfer, Lawrence. 2013. "Flexibility in International Agreements." In: *Interdisciplinary Perspectives on International Law and International Relations: The State of the Art* (Jeffrey Dunoff and Mark Pollack, eds.). Cambridge University Press: 175-196.

Koremenos, Barbara and Timm Betz. 2013. "The Design of Dispute Settlement Procedures in International Agreements." In: *Interdisciplinary Perspectives on International Law and International Relations: The State of the Art* (Jeffrey Dunoff and Mark Pollack, eds.). Cambridge University Press: 371-393.

Week 4: February 14: When and why do states and other actors comply with international agreements and rules?

Chayes, Abram and Antonia Handler Chayes. 1993. "On Compliance." *International Organization* 47(2): 175-205.

Downs, George, David Roake, and Peter Barsoom. 1996. "Is the good news about compliance good news about cooperation?" *International Organization* 50(3): 379-406.

Johnston, Alastair Iain. 2001. "Treating International Institutions as Social Environments." *International Studies Quarterly* 45(4): 487-515.

Morrow, James. 2014. *Order within Anarchy: The Laws of War as an International Institution*. Cambridge University Press: chapters 1 and 2.

Further reading:

von Stein, Jana. 2013. "The Engines of Compliance." In: *Interdisciplinary Perspectives on International Law and International Relations: The State of the Art* (Jeffrey Dunoff and Mark Pollack, eds.). Cambridge University Press: 477-501.

Week 5: February 21: What carries more weight: the power of rules or rules of power?

Mearsheimer, John. 1994. "The False Promise of International Institutions." *International Security* 19(3): 5-49.

Stone, Randall. 2011. *Controlling Institutions: International Organizations and the Global Economy*. Cambridge University Press: chapter 2.

Tallberg, Jonas. 2008. "Bargaining Power in the European Council." *Journal of Common Market Studies* 46(3): 685–708.

Barnett, Michael and Martha Finnemore. 2004. *Rules for the World: International Organizations in Global Politics*. Princeton University Press: chapter 2.

Further reading:

Goldsmith, Jack and Eric Posner. 2005. *The Limits of International Law*. Oxford University Press: chapter 1.

Week 6: February 28: How do domestic politics and international institutions interact?

Allee, Todd and Paul Huth. 2006. "Legitimizing Dispute Settlement: International Legal Rulings as Domestic Political Cover." *American Political Science Review* 100(2): 219-234.

Davis, Christina. 2012. *Why Adjudicate? Enforcing Trade Rules in the WTO*. Princeton University Press: chapter 1.

Keck, Margaret and Kathryn Sikkink. 1998. *Activists beyond Borders: Advocacy Networks in International Politics*. Cornell University Press: chapter 1.

Pevehouse, Jon. 2002. "Democracy from the Outside In? International Organizations and Democratization." *International Organization* 56(3): 515-549.

Week 7: March 7: Are international institutions anti-democratic?

Kyl, Jon, Douglas Feith, and John Fonte. 2013. "The War of Law: How New International Law Undermines Democratic Sovereignty." *Foreign Affairs* 92(4): 115-125.

Koh, Harold, and Michael Doyle. 2013. "The Case for International Law." *Foreign Affairs* 92(6): 162-165.

Keohane, Robert, Stephen Macedo, and Andrew Moravcsik. 2009. "Democracy-Enhancing Multilateralism." *International Organization* 63(1): 1-31.

Gartzke, Erik and Megumi Naoi. 2011. "Multilateralism and Democracy: A Dissent Regarding Keohane, Macedo, and Moravcsik." *International Organization* 65(3): 589-598.

Colgan, Jeff and Robert Keohane. 2017. "The Liberal Order is Rigged: Fix It Now or Watch it Wither." *Foreign Affairs* 96(3): 36-44.

Further reading:

Moravcsik, Andrew. 2004. "Is there a 'Democratic Deficit' in World Politics? A Framework for Analysis." *Government and Opposition* 39(2): 336-363.

Week 8: March 14: Spring recess – no class

Part II: War, rights, and trade: The role of international institutions in specific issue areas

Week 9: March 21: Warfare and peace operations

Fortna, Page. 2008. *Does Peacekeeping Work? Shaping Belligerents' Choices after Civil War*. Princeton University Press: chapter 4.

Carnegie, Allison and Christoph Mikulaschek. 2017. *The Promise of Peacekeeping: Protecting Civilians in Civil Wars*. *Working Paper*.

United Nations. 2004. *A more secure world: Our shared responsibility: Report of the High-level Panel on Threats, Challenges and Change*. United Nations: pp. 61-69.

We will examine whether the U.S. airstrikes against ISIS in Syria and Iraq are consistent with international law. Additional readings will be announced.

Week 10: March 28: Human rights

Simmons, Beth. 2009. *Mobilizing for Human Rights: International Law in Domestic Politics*. Cambridge University Press: chapter 1.

Hollyer, James and B. Peter Rosendorff. 2011. "Why Do Authoritarian Regimes Sign the Convention Against Torture? Signaling, Domestic Politics and Non-Compliance." *Quarterly Journal of Political Science* 6(3-4): 275-327.

We will examine the emergence and recent trajectory of the norm of a Responsibility to Protect (R2P) civilians from mass atrocities. Additional readings will be announced.

Week 11: April 4: Peace v. justice? International criminal law and tribunals

Bass, Jonathan. 2000. *Stay the hand of vengeance: the politics of war crimes tribunals*. Princeton University Press: chapter 1.

Jo, Hyeran and Beth Simmons. 2016. "Can the International Criminal Court Deter Atrocity?" *International Organization* 70(3): 443-475.

Chapman, Terrence and Stephen Chaudoin. 2017. "Public Reactions to International Legal Institutions: The ICC in a Developing Democracy." *Working Paper*.

Mueller, Susanne. 2014. "Kenya and the International Criminal Court (ICC): politics, the election and the law." *Journal of Eastern African Studies* 8(1): 1-18.

Week 12: April 11: Trade

Steinberg, Richard. "In the Shadow of Law or Power? Consensus-Based Bargaining and Outcomes in the GATT/WTO." *International Organization* 56(2): 339-374.

Allee, Todd and Jamie Scalera. 2012. "The Divergent Effects of Joining International Organizations: Trade Gains and the Rigors of WTO Accession." *International Organization* 66(2): 243-276.

Pelc, Krzysztof. 2010. "Constraining Coercion? Legitimacy and Its Role in U.S. Trade Policy, 1975–2000." *International Organization* 64(1): 65-96.

Wu, Marc. 2014. "[A Free Pass for China.](#)" *New York Times*. April 2.

Week 13: April 18: Regional integration OR environmental protection OR international finance

The topic for this seminar session will depend on the interests of seminar participants. A discussion on regional integration would focus on the European Union, the African Union, and NAFTA, and it would feature a case study on Brexit. A seminar on environmental protection would examine the root causes of the mixed record of international institutions in this issue area. A discussion on international finance would focus on the politics of the International Monetary Fund and the World Bank and international rules on foreign direct investment.

Part III: Conclusion

Week 14: April 25: Which future for international law and international organizations?

Walt, Stephen. 2016. "The Collapse of the Liberal World Order." *Foreign Policy*. June 26.

Kagan, Robert. 2017. [The twilight of the liberal world order](#). Brookings Institution.

Nye, Joseph. 2017. "Will the Liberal Order Survive? The History of an Idea." *Foreign Affairs* 96(1): 10-16.

Ikenberry, G. John. 2017. "The Plot Against American Foreign Policy: Can the Liberal Order Survive?" *Foreign Affairs* 96(2): 2-9.

Alter, Karen. 2014. "[International Law's Legacy vs. The Cases of Ukraine and Syria.](#)" *Huffington Post*. March 27.