

The Politics of Compliance with International Law

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University of Notre Dame
Fall 2020

Class: Tuesdays and Thursdays, 9:35 am - 10:50 am

📍 Hayes Healy Center 129 *or* <https://notredame.zoom.us/j/96898416060>

Office Hours: **Mondays and Wednesdays**, 4:00 – 5:00 pm, and by appointment.

📍 <https://notredame.zoom.us/j/92066483816>

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Under what conditions do governments comply with international norms? How can international courts secure respect for their orders? Because international courts lack effective means of enforcement, governments often defy their rulings. We will analyze why governments adhere to court orders and how international bodies can become more effective. We will also introduce advanced methodological tools to analyze and predict compliance. Students in the seminar will have the opportunity to participate in research projects integrated to the Notre Dame Reparations Design and Compliance Lab (NDRL). Participants will be able to use the tools acquired in the course to analyze compliance with the rulings of the Inter-American Court of Human Rights, the World Bank Inspection Panel, and other international bodies.

Course Objectives

Upon successful completion of this course, you will be able to:

1. Conduct an original research project employing social science instruments.
2. Prepare a quantitative report on compliance with court cases.
3. Collect and analyze empirical data, using quantitative methods.
4. Use basic commands in R statistical software.
5. Engage with the Notre Dame Reparations Design and Compliance Lab to advance a research project assessing government compliance with human rights.

Health and Safety Protocols

We must strictly comply with Notre Dame's health and safety protocols, including:

1. Wear a face mask that completely covers your nose and mouth;
2. Preserve physical distancing;
3. Choose a seat and keep your seat throughout the semester. Report your seat at [here.nd.edu/seat](https://www.nd.edu/seat); and
4. Follow protocols for entering and leaving the classroom.

Compliance with safety protocols is an expectation for everyone in this course. (*Well, this course is about compliance, after all.*) If a member of the class declines to follow these protocols, he or she must leave the classroom. Persistent deviation from safety guidelines constitutes a violation of the University's Standards of Conduct, as articulated in *du Lac: A Guide for Student Life*, and will be referred accordingly.

Materials

Readings: No textbook is required for this class, but we will read articles on Law and Political Science. All readings are available online through Hesburgh Library.

Videos: I will ask you to watch some short videos before class. Treat them as required readings.

Statistical Software: We will use free software to analyze data. Do not worry if you have no prior experience, we will cover data analysis tools in class. Install **R** and **R Studio**. (Instructions in Sakai.)

Laptop: Bring a laptop to class. You should be able to access **Sakai** and run **R Studio** in class.

Additional Resources

Inter-American Commission on Human Rights

- Main page: <http://www.oas.org/en/iachr/>
- Annual Reports: <http://www.oas.org/en/iachr/reports/annual.asp>

Inter-American Court of Human Rights

- Main page: <http://www.corteidh.or.cr/>
- Case summaries (Loyola Law School): <https://iachr.lls.edu/database>

World Bank Inspection Panel

- Main page: <https://www.inspectionpanel.org/>
- Panel cases: <https://www.inspectionpanel.org/panel-cases>

Course Evaluation

All assignments should be uploaded through Sakai before the deadline. Do not e-mail me assignments.

Government dataset (15%). Each student in the class will cover a country in the Western Hemisphere as part of our collective research project. He or she will collect data from [World Statesmen.org](http://WorldStatesmen.org) to develop a dataset of governments in the country between 1989 and 2020. Towards the end of the semester, we will integrate datasets for all countries to address a crucial research question: *Are changes of government an opportunity to improve compliance with international human rights rulings?* Instructions will be posted in Sakai, under Assignments. **Due September 1st and October 1st.**

Four reports using data-analysis tools to assess compliance (15% each). In each report, you will address a specific research question about compliance with international norms, using a different statistical technique. Reports are brief (3-4 pages), but they require you to analyze data and interpret quantitative results. Instructions will be posted in Sakai, under Assignments. **Due September 17, October 15, October 29, November 10.**

Quizzes (15%). This course has no exams, but completing the readings and watching required videos before class is crucial. I will assess your understanding of the materials with brief quizzes. Quizzes will be deployed in Sakai, and I will ask you to complete them in class.

Class attendance and participation (10%). The course will be interesting only to the extent that you are engaged in the conversation. I will assess your engagement based on several considerations:

- Preparedness. I will often pose questions at the end of the class, or ask you to consider problems or complete small tasks in preparation for our next class (for example, you must be ready to run R Studio in your laptop by October 20). I will expect you to be prepared for each meeting.
- Active engagement in class discussions.
- Active engagement in data-analysis exercises conducted in class.
- Evidence of low-quality engagement, such as unjustified absences, attendance via Zoom without video and without any interaction, multitasking in class, etc.

Course Schedule

📌 = Indicates an assignment due

Tuesday, August 11 – Introduction

Thursday, August 13 – National and International Law

Carozza, Paolo G. 2016. “The Problematic Applicability of Subsidiarity to International Law and Institutions.” *The American Journal of Jurisprudence* 61 (1): 51–67.
<https://doi.org/10.1093/ajj/auw004>

Tuesday, August 18 – Reparations

Page, Jennifer M. 2019. “Reparations for Police Killings.” *Perspectives on Politics* 17 (4): 958–972. doi:10.1017/S1537592719002652

Thursday, August 20 – Compliance

📌 **Before class: Install R and R Studio in your computer. Create a folder for your R files.**
(Look for instructions in Sakai)

Giorgetti, Chiara. 2018. “What Happens after a Judgment is Given? Judgment Compliance and the Performance of International Courts and Tribunals.” In *The Performance of International Courts and Tribunals*, Ed. Theresa Squatrito, Oran R. Young, Andreas Follesdal, Geir Ulfstein. Cambridge: Cambridge University Press, 324-350 (**Tip: this is part of an edited volume; search for the book title in Hesburgh Library, then look for Chapter 10.**)

Tuesday, August 25 – The Notre Dame Reparations Design and Compliance Lab

Desierto, Diane and Aníbal Pérez-Liñán. 2020. “Concept Note: Introduction to the ND Reparations Design and Compliance Lab.” Presented at the workshop *Rethinking Compliance and Reparations in International Law*, University of Notre Dame, May 25. Available [HERE](#)

Thursday, August 27 – Measuring Effects with Uncertainty

Watch: p-values (5 min.): <https://youtu.be/3viE4s-Xm7U>
What is a p-value? by Daniel Lakens (20 min.): https://youtu.be/RVxHlsIw_Do

Tuesday, September 1 – Democracy and Compliance with Human Rights Rulings

📌 **Complete your Government Dataset (at least) through 2004, due at 5 pm**

Von Staden, Andreas. 2018. *Strategies of Compliance with the European Court of Human Rights*. Philadelphia: University of Pennsylvania Press, **Introduction** (pages 1-27)

Watch: An Introduction to Linear Regression Analysis (5 min.): <https://youtu.be/zPG4NjIkCjc>

Thursday, September 3 – Compliance with the European Court of Human Rights

Watch: : Multiple Linear Regression Using R: https://youtu.be/WRp_MpYQFbg

Stafford, George. 2019. “The Implementation of Judgments of the European Court of Human Rights: Worse Than You Think.” *EJIL: Talk! Blog of the European Journal of International Law*
Part 1: [Grade Inflation](#) Part 2: [The Hole in the Roof](#)

Tuesday, September 8 – The Inter-American System: Transformative Goals

von Bogdandy, Armin and Urueña, René. 2020. “International Transformative Constitutionalism in Latin America.” *American Journal of International Law* 114 (3): 403–442.
doi:10.1017/ajil.2020.27. **Read sections I and II**

Thursday, September 10 – Transformative Constitutionalism

von Bogdandy, Armin and Urueña, René. 2020. “International Transformative Constitutionalism in Latin America.” *American Journal of International Law* 114 (3): 403–442.
doi:10.1017/ajil.2020.27. **Read section III**

Watch: How to Calculate R Squared : <https://youtu.be/w2FKXOa0HGA>

Tuesday, September 15 – Backlash!

Soley, Ximena and Steininger, Silvia. 2018. «Parting Ways or Lashing Back? Withdrawals, Backlash and the Inter-American Court of Human Rights». *International Journal of Law in Context* 14 (2): 237–257. doi:10.1017/S1744552318000058

Thursday, September 17 – The World Bank Inspection Panel

Report 1 (Regression Analysis) due at 5 pm

Sovacool, Benjamin K. 2017. “Monitoring the Moneylenders: Institutional Accountability and Environmental Governance at the World Bank’s Inspection Panel.” *The Extractive Industries and Society*, 4 (4): 893-903.

Tuesday, September 22 – The Analysis of Categorical Outcomes

Watch: Linear Regression vs Logistic Regression (20 min.): <https://youtu.be/OCwZyYH14uw>
Binary Logistic Regression in R (15 min.): <https://youtu.be/HdB-z0TJRK4>

Thursday, September 24 – The World Bank Inspection Panel

Barlas, Dilek, and Tatiana Tassoni. 2015. "Improving Service Delivery through Voice and Accountability: The Experience of the World Bank Inspection Panel." *The World Bank Legal*

Review, volume 6, pages 477-494 (Tip: search in Hesburgh Library for World Bank Legal Review, first, then look for volume 6, and chapter 22). **Read pages 477-487**

Tuesday, September 29 – Logistic Regression

Watch: Logistic Regression in R Studio (10 min.): <https://youtu.be/iyU2CkHrfQk>

Barlas, Dilek, and Tatiana Tassoni. 2015. "Improving Service Delivery through Voice and Accountability: The Experience of the World Bank Inspection Panel." *The World Bank Legal Review*, volume 6, pages 477-494.

Thursday, October 1 – The Inter-American Commission on Human Rights

📌 Complete your Government Dataset through 2020 (resubmit assignment)

Goldman, Robert K. 2009. "History and Action: The Inter-American Human Rights System and the Role of the Inter-American Commission on Human Rights." *Human Rights Quarterly* 31 (4): 856–87. <https://doi.org/10.1353/hrq.0.0108>.

Tuesday, October 6 - Transforming Data and Creating New Variables

Watch: Tables of regressions for Word (20 min.): <https://youtu.be/VrpcB1UeJJc>

How to Create a Categorical Regression Model in R (12 min.): <https://youtu.be/qst0QGBntxc>

Thursday, October 8 – Friendly Settlements

Ziccardi, Natalia Saltalamacchia, Jimena Álvarez Martínez, Brianda Romero Castelán, and María José Urzúa Valverde. 2019. "Friendly Settlements in the Inter-American Human Rights System: Efficiency, Effectiveness and Scope." In Par Engstrom, ed. *The Inter-American Human Rights System Impact Beyond Compliance*. London: Palgrave Macmillan, 59-88 ([here](#))

Tuesday, October 13 – Making Predictions

Watch: LOGIT REGRESSION IN R (13 min.): <https://youtu.be/LdrRY4Wb3MA>

Thursday, October 15 – The Inter-American Court of Human Rights

📌 Report 2 (Logistic Regression) due at 5 pm

Saavedra Alessandri, Pablo. 2020. "The Role of the Inter-American Court of Human Rights in Monitoring Compliance with Judgments." Forthcoming, *Journal of Human Rights Practice*: <https://doi-org.proxy.library.nd.edu/10.1093/jhuman/huaa018> (Tip: look for the journal title in Hesburgh Library, then go to the section *Articles in Press*.)

Tuesday, October 20 – Discrete-Time Duration Models

Watch: Brief Introduction to Survival Analysis (15 min.): <https://youtu.be/1kp7tV8yqVU>

Naurin, Daniel and Stiansen, Øyvind. 2020. ‘The Dilemma of Dissent: Split Judicial Decisions and Compliance With Judgments From the International Human Rights Judiciary’, *Comparative Political Studies*, 53(6): 959–991. doi: 10.1177/0010414019879944. **Read pages 959-967**

Thursday, October 22 – Unity

🔔 **Last date to upload any final revisions to the Government Dataset**

Naurin, Daniel and Stiansen, Øyvind. 2020. ‘The Dilemma of Dissent: Split Judicial Decisions and Compliance With Judgments From the International Human Rights Judiciary’, *Comparative Political Studies*, 53(6): 959–991. doi: 10.1177/0010414019879944.

Tuesday, October 27 – Non-Linear Effects

Watch: POLYNOMIAL REGRESSION: <https://youtu.be/Qnt2vBRW8Io>

Staton, Jeffrey K, and Alexia Romero. 2019. “Rational Remedies: The Role of Opinion Clarity in the Inter-American Human Rights System,” *International Studies Quarterly* 63 (3): 477–491, **Read pages 477-481**

Thursday, October 29 – Clarity

🔔 **Report 3 (Survival Models) due at 5 pm**

Staton, Jeffrey K, and Alexia Romero. 2019. “Rational Remedies: The Role of Opinion Clarity in the Inter-American Human Rights System,” *International Studies Quarterly* 63 (3): 477–491, <https://doi-org.proxy.library.nd.edu/10.1093/isq/sqz031>

Tuesday, November 3 – Dialogue

Sandoval, Clara, Philip Leach, and Rachel Murray. 2020. “Monitoring, Cajoling and Promoting Dialogue: What Role for Supranational Human Rights Bodies in the Implementation of Individual Decisions?” Forthcoming, *Journal of Human Rights Practice* (Tip: look for the Journal in Hesburgh Library, then go to the section *Articles in Press.*) **Read sections 1-3**

Thursday, November 5 – Additional Strategies

Sandoval, Clara, Philip Leach, and Rachel Murray. 2020. “Monitoring, Cajoling and Promoting Dialogue: What Role for Supranational Human Rights Bodies in the Implementation of Individual Decisions?” Forthcoming, *Journal of Human Rights Practice* (Tip: look for the Journal in Hesburgh Library, then go to the section *Articles in Press.*) **Read sections 4-6**

Tuesday, November 10 – Beyond Compliance

📌 **Report 4 (Government Transitions) due at 5 pm**

Zuloaga, Patricia Palacios. 2020. "Judging Inter-American Human Rights: The Riddle of Compliance with the Inter-American Court of Human Rights." *Human Rights Quarterly*, 42 (2): 392-433. doi:10.1353/hrq.2020.0022

Thursday, November 12 – Conclusions