Lecture #19
27 November 2018
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# FINAL EXAM: Must be submitted via Canvas no later than 10:00am Friday, December 7th as designated on University final exam schedule for this course

# Effects and effectiveness: review

## Distinguishing compliance from effectiveness – get overall agreement to work and goals to be achieved rather than getting compliance, per se, necessarily. Keep focus on forests of effectiveness (are we achieving goals) rather than trees of compliance (are actors obeying the rules)

## Counterfactuals

### How do you know if agreement had an effect?

### Members vs. non-members

### Before vs. after

### Member behavior in unregulated activities

## Other drivers of behavior and outcomes: Alternative explanations about drivers other than agreement of thing being effected. For example, if looking at effect of agreement on levels of trade, need to think about other factors that influence trade levels that might have changed over same period of time

## Reasons for compliance and noncompliance

### Inherent elements of agreement

#### Independent self-interest narrowly defined

#### Independent self-interest broadly defined

#### Interdependent self-interest

### Manipulated elements of agreements

#### Coercion

#### Positive incentives

#### Information

## Sources of noncompliance (of which violation is a subset)

### Interests and intention, i.e., violation

### Incapacity (want to comply but can’t)

### Inadvertence (try to comply but fail)

## Considering the "difficulty of the problem" when comparing effects

### Consider differences in underlying problem structure as possible major source of difference - are some problems (e.g., coordination) easier to solve than others? If so, should we consider a big change in behavior in response to a coordination agreement as a "bigger" effect or smaller effect than a smaller change in a harder area to regulate like upstream/downstream problem. In short, think about difficulties of problems before considering effects of solutions

# Alternatives to intergovernmental agreements

## Industry self-regulation can be forerunner of intergovernmental action

## Coordination of NGOs and corporations

### Transparency International working with corporations on bribery codes of conduct

### NGOs working with corporations for human rights and labor rights

### NGOs working with corporations for environmental regulation

## Selective self-regulation – get those who are willing to move first and others may follow

### "Islands of integrity" with respect to bribery

### Green nations move first

## Regulation by information

### Transparency International actions

### Human rights NGOs

### Basically simply revealing information can work sometimes

## Direct action partnerships and networks

### Multiple actors coordinating in pursuit of their interests

### Debt for nature swaps among banks, governments, and NGOs

### NGOs working with corporations to provide drugs in various countries

# Young: institutional change and interplay as broader perspectives on question of institutional effectiveness

## Ch. 6: Institutional dynamics: how do institutions change over time

### Institutions change and adapt. Various types of change

#### Change in problem structure, either via change in framing or change in reality.

##### Change in nuclear arms control after demise of Soviet Union

##### Global trade regime has to deal with trade in financial services, information services, etc.

#### Expansion of scope

##### European Union

###### From 6 countries to 27

###### From coal and steel to education and information and services

##### GATT/WTO: increasing number of rules and attempts to address agriculture, like EU

##### Oil pollution cases

##### LRTAP case

#### Improvement of design

##### EU: more direct effect

##### WTO Dispute Settlement Panels

##### Oil pollution case --- 1954 rules fail and get replaced by better rules

##### Ozone case

###### From 1985 framework to 1987 rules to increasingly stringent “targets and timetables” in response to new science

###### Replaces reciprocity with remuneration

##### LRTAP Sulfur 1 and Sulfur 2 protocols

##### New ideas about how to fix problems: climate change and cap-and-trade or fisheries and marine protected areas

### Institutional resilience depends on being able to adapt to new circumstances

#### US Constitution has proved incredibly resilient as an institution

#### Intended vs. unintended change – intended like oil pollution vs. unintended like end of Soviet Union

### Processes of change as organic, negotiated, or imposed (like regimes themselves)

### Sources of change as endogenous (from within) vs. exogenous (from without)

## Ch. 7: Institutional interplay, linkage, overlap, and regime complexes

### Institutions do not exist apart from other institutions, but in a complex of relationships

### Human rights and environment conventions must work within – or negotiate rules with – WTO

### Institutions embedded in social structure of states

### Interplay among various trade institutions (WTO, EU, and bilaterals) or among fishery institutions or among human rights regimes. Learning from each other but also effectiveness depends on whether acting alone, in concert, or at cross-purposes

### Clustered institutions/regimes: groups addressing separate issues that work better when worked together: climate change, desertification, biodiversity institutions are all working together. Equally, can have “linked” regional agreements, such as EU-like REIOs and Regional Seas

### Sources of problems often overlap so often need coordination of institutions to work effectively

#### Labor conventions must interact with trade conventions

#### Health conventions must interact with trade and intellectual property conventions

#### Fisheries demise due to overfishing but also land-based pollution and climate change

### Design goal of interactions is to take advantage of synergies while avoiding redundancies and conflicts

# Effectiveness variation due to ***Problem Structure*** (copied from lecture 14)

### Institutions facing HARDER problems are likely to be less effective

### Easy group:

#### COORDINATION problems – should be quite effective

##### Big effect but not particularly impressive

##### “Shallow cooperation” in Downs, Rocke, Barsoom’s terminology

#### EPISTEMIC problems: pooling resources but they are informational resources that are relatively cheap AND are in the interests of states to pool

##### Also shallow cooperation

### Medium group:

#### UPSTREAM/DOWNSTREAM problems: hard to resolve in advance but structure likely to lead to carefully established rules, that make it more likely to succeed

#### POSITIVE EXTERNALITY PLAGUED BY INCAPACITY: again, structure makes structuring of solution very carefully done and, once arrived at, likely to be “incentive-compatible”

### Hard group:

#### COLLABORATION problems: challenging but everyone has some incentives to contribute but ALSO incentives to cheat

#### NORMATIVE problems: changing norms is likely to be very hard

## Violation tolerance

### LESS violation tolerance, more likely institution WILL be effective

### Logic: If not violation tolerant, then considerable vigilance and more likely to have all sorts of systems to ensure violations are detected and responded to

## Inherent transparency variation

### LESS inherent transparency, more likely institution will NOT be effective

### Logic: the easier it is to get away with a violation, the more likely states will actually try to do so AND the more likely it is that states will worry about that and therefore not change their behavior because of lack of trust.

## Response incentives

### STRONGER response incentives, more likely institution WILL be effective

### Logic: more incentives to respond, more likely actors who would otherwise cheat are deterred from doing so AND more likely that, if deterrence fails, some response will occur

# Effectiveness variation due to ***Institutional Design***  (repeat of lecture 14)

## Institutional type:

### Procedural and programmatic institutions – MOST likely to be effective

#### Logic: can be most flexible and responsive (see Kucik and Reinhardt article on how flexibility seems to help, even more than expected)

### Regulatory: Depends considerably on other aspects of institution (see Brown-Weiss and Jacobson articles)

### Generative: LEAST likely to be effective

#### Logic: in response to hardest problem type AND least likely to have institutional design features that can force change.

## Membership: more states involved, LESS likely to be influential

## Primary rule system

### Specificity: MORE specific rules lead to MORE effective institutions

### Common/Differentiated: Brown Weiss and Jacobson say it's not common vs. differentiated but perceived equity of rules. I would argue that which is more effective is unclear and depends more on how much the rules require relative to counterfactual behavior

### Information systems: Clearer and more specific information systems lead to MORE effective institutions

## Response systems:

### Facilitative institutions more likely than enforcement systems: Divergent hypotheses – enforcement vs. management school

### More clear and specific responses, of whatever type, lead to MORE effective institutions

# Conclusions

## How do we evaluate the effects of a treaty on behavior?

## How do we account for differences in problem structure?

## How do we account for differences in regime design and features?

## How do institutions change over time and interact with other institutions?