

GOV355M: Multinational Corporations and International Law (38140)
Class time: T/Th 11:00 AM – 12:15 PM (PMA 5.104)

Professor: Dr. Rachel Wellhausen

Email: rwellhausen@utexas.edu or Canvas message

Office hours:

- T/Th before or after class (near our classroom)
- By appointment, Batts 4.138 or on Zoom. Sign up: calendly.com/rwellhausen

Course description:

In the last decades, the importance of multinational corporations (MNCs) in international economic relations has skyrocketed. We know that MNCs can profit by investing capital in foreign countries, by engaging in trade, by diversifying production across global supply chains, and so on. At the same time, the expectation has been that MNCs generate benefits for the countries in which they invest, thanks to economic growth and development. But things are not always so easy. Sometimes, the interests of an MNC and the government of a foreign country – or the international community – come into conflict. What then?

Over time, countries have agreed to international economic law and legal institutions in attempts to deal with these kinds of conflicts in efficient, structured, and impartial ways. In this class, we will learn about the state of international economic law and legal institutions in today's economically globalized world. In the process, we will learn how the usefulness, longevity, and fairness of today's international economic law is very much in question. We will explore these issues in three modules. First, we will learn about the fundamentals of international law as they relate to the economic sphere. Second, we will learn about the specific kinds of international law that have developed to protect the property rights and economic interests of MNCs. Third, we will consider other kinds of international law that impact global business, such as environmental and human rights law. Our guiding questions will be: How does international law matter to multinational corporations? How do multinational corporations matter to international law? A major theme in our answers will be that politics is at the core of how international business is, or is not, constrained through international law.

Learning Objectives:

- Gain knowledge of the status quo in international economic law and legal institutions.
- Understand and apply core legal concepts.
- Articulate tradeoffs between political and economic objectives with regard to international law.
- Practice building a strong evidentiary basis for personal views.

Grading:

Grade scale: (final grades rounded to the nearest whole number)

94 and above A

90-93	A-
87-89	B+
84-86	B
80-83	B-
77-79	C+
74-76	C
70-73	C-
67-69	D+
64-66	D
60-63	D-
59 and below	F

Exams: 50%

50 points: Module 1

50 points: Module 2

70 points: Module 3 + Comprehensive essay question (*administered in finals period*)

Notes: All exams to be completed on Canvas. Expect exams to be a mix of multiple choice, fill in the blank, and short answer questions; the professor reserves the right to change the exam content and format at her discretion. Exams are timed and intended to be completed in the equivalent of a class meeting (or finals period). Flexibility is built into the design of exams as follows: Exams are always scheduled to overlap with course time, and students are provided an extended “buffer” window in order to have an opportunity to complete it outside of the regularly scheduled class time (see Canvas for specifics). No exceptions to exam policies will be allowed, beyond those laid out in this syllabus.

Assignments: 25%

Notes: All assignments to be completed on Canvas. Expect assignments to be short exercises that students begin and have the opportunity to complete during class time; the professor reserves the right to change these parameters at her discretion. Flexibility is built into the design of assignments as follows: The lowest assignment grade will be dropped. Late assignments accepted up until the class before each exam (with exact dates noted in course schedule). Note that late assignments will not be accepted beyond that point. Additionally, while there is not an automatic penalty for late work *per se*, points will be taken off if and when the lateness of the assignment has a causal impact on its quality (based on the professor’s judgement alone).

Group assignments: 15%

Notes: All members of the group will receive the same grade on a group assignment. Flexibility is built into the group assignments as follows: Students will endogenously form their group at the beginning of the semester, and they will collaborate throughout the semester.

In-class polls and activities: 10%

Notes: In-class activities must be completed in class, and thus cannot be made up in case of absence. Expect multiple very low stakes participation-based and/or comprehension-

checking “Instapoll” surveys in most class sessions. Flexibility is built into the in-class polls and activities as follows: The denominator will be large, so that any given activity will have a very low impact on the grade.

Extra Credit: Completing extra credit can add up to 1% to the final grade

Notes: Ad-hoc opportunities for extra credit will be provided throughout the semester at the professor’s discretion. Completing extra credit can only add to a student’s grade, and not subtract. Successfully completing all extra credit will add to the final class grade, with up to a 1% increase in the grade if all extra credit is completed successfully. *Extra credit is never available on demand; the professor expects you to respect her and your colleagues enough to never ask for such preferential treatment.*

Course Delivery Details:

This course is in-person. There is no alternative to in-person attendance. Slides are posted to Canvas (in advance of class) and classroom recordings are made available when possible, but for review purposes only. The professor reserves the right to include asynchronous learning experiences in the course at her discretion.

You do not need to notify me if absent. It is your responsibility alone to catch up on missed material. The professor will not engage in conversations along the lines of, “What did I miss?” Flexibility with regard to assessment is built into the course design and explained in this syllabus and on Canvas. The student is responsible for knowing and understanding these aspects of the course and how they relate to the student’s specific circumstances.

Exceptional circumstances:

In case of emergency that will disrupt your ability to be successful in the course: Students are expected to use Student Emergency Services (SES). It is SES’s job to work with you and then notify your professors on your behalf. Once notified by SES, the professor will work with you to determine the best course of action and whether additional accommodations can be made, on a case-by-case basis. Accommodations are ultimately at the professor’s discretion.

- **More details on Student Emergency Services (SES):** Student Emergency Services in the Office of the Dean of Students helps students and their families during difficult or emergency situations. Assistance includes outreach, advocacy, intervention, support, and referrals to relevant campus and community resources. If you need to be absent from class due to a family emergency, medical or mental health concern, or academic difficulty due to crisis or an emergency situation, you can work with Student Emergency Services. SES will document your situation and notify your professors. Additional information is available at: deanofstudents.utexas.edu/emergency/ or by calling 512-471-5017.

In case of a disability and access issue: Students must use Disability and Access Services (D&A). Students must have a *prior* accommodation letter from Disability and Access that we have discussed and signed. No accommodations will be made retroactively. Note that accommodations are ultimately determined based on the context of

a specific course, as defined by the professor. *The professor expects you to respect her and your colleagues enough to never ask for accommodations for an undocumented D&A issue.*

- **More details on Disability Accommodations:** If you are a student with a disability, or think you may have a disability, and need accommodations please contact Disability and Access (D&A). You may refer to D&A's website for contact and more information: diversity.utexas.edu/disability/. If you are already registered with D&A, please deliver your Accommodation Letter to me as early as possible in the semester so we can discuss your approved accommodations.

The professor expects you to respect her and your colleagues enough to never ask for preferential treatment outside of these parameters.

Course Materials:

Required textbook:

Johns, Leslie. 2022. *Politics and Intenational Law; Making, Breaking, and Upholding Global Rules*. New York, NY: Cambridge University Press.

- **Discounted Textbook Access:** The materials for this class are available through the Longhorn Textbook Access (LTA) program, a collaboration between UT Austin, The University Co-op and textbook publishers to significantly reduce the cost of digital course materials for students. You can access your required materials through the "My Textbooks" tab in Canvas. You are automatically opted into the program but can easily opt-out (and back in) via Canvas through the 12th class day. If you remain opted-in at the end of the add/drop period (12th class day fall/spring, 4th class day summer sessions), you will receive a bill through your "What I Owe" page. If you do not pay your bill by the specified deadline, you will lose access to the course materials and your charge will be removed. More information about the LTA program is available at universitycoop.com/longhorn-textbook-access.
- **Canvas:** All non-textbook readings and other materials for the course will be accessible via our Canvas page. Any amendments to the course content made on Canvas take precedence over the course schedule and readings in this syllabus document. We will do our best to utilize the features on Canvas to make the administration of the course as smooth as possible and make all its components clear to you. You will never be penalized for a technical glitch or issue – but it is incumbent on you to raise it to us in a timely manner. If you ever have an idea about how we could make something on Canvas easier for you, please do not hesitate to tell us!

Student Health and Welfare:

- **Counseling and Mental Health Center (CMHC):** We all benefit from support during times of struggle. Know you are not alone. If you are experiencing signs of stress, anxiety, depression, academic concerns, loneliness, difficulty sleeping, or any other

concern impacting your well-being – you are strongly encouraged to connect with CMHC. The Counseling and Mental Health Center is located on campus and provides a wide variety of mental health services to all UT students, including crisis services, counseling services with immediate support and well-being resources. Additionally, CARE Counselors are located within each of the academic schools and colleges. These counselors are familiar with the concerns that are unique to their unit's students. For more information on CMHC, visit <https://cmhc.utexas.edu/> or call 512-471-3515.

- **Behavioral Concerns:** If you have concerns about the safety or behavior of fellow students, TAs or professors, contact BCCAL (the Behavior Concerns and COVID-19 Advice Line) at: <https://safety.utexas.edu/behavior-concerns-advice-line> or by calling 512-232-5050. Confidentiality will be maintained as much as possible, however the university may be required to release some information to appropriate parties.
- **University Health Services:** University Health Services is the on-campus medical facility providing high quality medical care and patient education to UT students. For additional information, visit <https://healthyhorns.utexas.edu/> or call 512-471-4955.

Academic Integrity:

- **Plagiarism and Misconduct:** Students who violate University rules on academic misconduct are subject to the student conduct process and potential disciplinary action. A student found responsible for academic misconduct may be assigned both a status sanction and a grade impact for the course. The grade impact could range from a zero on the assignment in question up to a failing grade in the course. A status sanction can range from probation, deferred suspension and/or dismissal from the University. To learn more about academic integrity standards, tips for avoiding a potential academic misconduct violation, and the overall conduct process, please visit: <http://deanofstudents.utexas.edu/conduct>.
- **Intellectual Property:** No materials used in this class, including, but not limited to, lecture hand-outs, videos, assessments (quizzes, exams, papers, projects, homework assignments), in-class materials, review sheets, and additional problem sets, may be shared online or with anyone outside of the class without explicit, written permission of the instructor. Unauthorized sharing of materials promotes cheating. The University is aware of the sites used for sharing materials, and any materials found online that are associated with you, or any suspected unauthorized sharing of materials, will be reported to [Student Conduct and Academic Integrity](#) in the Office of the Dean of Students. These reports can result in initiation of the student conduct process and include charge(s) for academic misconduct, potentially resulting in sanctions, including a grade impact.
- **Student Privacy:** Any class recordings are reserved only for students in this class for educational purposes and are protected under FERPA. The recordings should not be shared outside the class in any form. Violation of this restriction by a student could lead to Student Misconduct proceedings.

Other Policies:

- **University-approved Function + Religious Holiday Conflicts:** In general, the student must inform the professor/TA, with proper documentation, well before the deadline or scheduled exam time, so that the professor/TA can work on alternative arrangements. For religious holidays, By UT Austin policy, the student must notify the professor/TA of the pending absence at least fourteen days prior to the date of observance of a religious holy day. If the student must miss a class, an examination, a work assignment, or a project in order to observe a religious holy day, the student will be given an opportunity to complete the missed work within a reasonable time after the absence.
- **Emergency Alerts:** The Office of Campus Safety (512-471-5767) recommends that students sign up for Campus Emergency Text Alerts at: <https://safety.utexas.edu/>
- **Title IX Reporting:** Beginning January 1, 2022, Texas Education Code, Section 51.252 (formerly known as Senate Bill 212) requires all employees of Texas universities, including faculty, report any information to the [Title IX Office](#) regarding sexual harassment, sexual assault, dating violence, and stalking that is disclosed to them. Texas law requires that all employees who witness or receive any information of this type (including, but not limited to, written forms, applications, one-on-one conversations, class assignments, class discussions, or third-party reports) must report it to the Title IX Coordinator. Before talking with me, or with any faculty or staff member about a Title IX related incident, please remember that I will be required to report this information. If you would like to speak with a Case Manager for Support and Resources, who can provide support, resources, or academic accommodations, in the Title IX Office, please email: supportandresources@austin.utexas.edu. A Case Manager can also provide support, resources, and accommodations for pregnant, nursing, and parenting students. For more information about reporting options and resources, please visit: <https://titleix.utexas.edu>, contact the Title IX Office via email at: titleix@austin.utexas.edu, or call 512-471-0419.

The course outline and dates are on the following pages. However, students should refer to Canvas for the most current information; the professor reserves the right to adjust the course as appropriate, based on the needs of the class.

MODULE 1: FUNDAMENTALS

Week 1/5: Perspectives

10 Jan - Introduction

12 Jan - Ch. 1: Key Concepts

- Textbook: Chapter 1, Competing Perspectives on International Law and Politics
- *In-class assignment:* Mod 1, Week 1/5: Perspectives

Week 2/5: Making Law

17 Jan - Ch. 2: Key Concepts

- Textbook: Chapter 2, Making International Law

19 Jan - Application: US Trade Representative

- *In-class assignment:* Mod 1, Week 2/5: Making Law

Week 3/5: Breaking Law

24 Jan - Ch. 3: Key Concepts

- Textbook: Chapter 3, Breaking International Law

26 Jan - No in-person class; Application: Ukraine-Russia Bilateral Investment Treaty

- *Group assignment:* Mod 1, Week 3/5: Breaking Law

Week 4/5: Upholding Law

31 Jan - Ch. 4: Key Concepts

- Textbook: Chapter 4, Upholding International Law

2 Feb - Extension: MNCs making and upholding law?

- Johns, Pelc, and Wellhausen. "How a Retreat from Global Economic Governance May Empower Business Interests." *Journal of Politics*. 81(2): 731-738. 2019.
- *In-class assignment:* Mod 1, Week 4/5: Upholding Law

Week 5/5: Wrap-up + Test

7 Feb - Review

- *Note: All assignments from the module are due before the beginning of this class session. Recall that submissions are not penalized for being late per se. However, if and when the lateness of the submission affects the quality of the submission, that is a factor in the grade.*

9 Feb – EXAM: Module 1, Fundamentals: Exam (no in-person class)

MODULE 2: MNCS AND PROPERTY RIGHTS

Week 1/4: Investment

14 Feb - Ch. 7 Key Concepts

- Textbook: Chapter 7, Investment

16 Feb - Application: Intl Center for the Settlement of Investment Disputes (ICSID)

- *In-class assignment: Mod 2, Week 1/4: Investment*

Week 2/4: Investment (cont.)

21 Feb - ISDS Key Concepts

- Wellhausen and Moehlecke. "Political Risk and International Investment Law." *Annual Review of Political Science*. 25: 1-23. May 2022.

23 Feb - Data exploration: UNCTAD Investor Dispute Settlement Navigator

- *In-class assignment: Mod 2, Week 2/4: Investment (cont.)*
- *FYI: Module 1 exam returned around here*

Week 3/4: Trade

28 Feb - Ch. 6 Key Concepts

- Textbook: Chapter 6, Trade

2 Mar - Data exploration: Design of Trade Agreements (DESTA) database

- *In-class assignment: Mod 2, Week 3/4: Trade*

Week 4/4: Wrap-up + Test

7 Mar - Review

- *Note: All assignments from the module are due before the beginning of this class session. Recall that submissions are not penalized for being late per se. However, if and when the lateness of the submission affects the quality of the submission, that is a factor in the grade.*

9 Mar - EXAM: Module 2, Property Rights and MNCs: Exam (no in-person class)

MODULE 3: BEYOND PROPERTY RIGHTS

Week 1/5: Human Rights

21 Mar - Ch. 8: Key Concepts

- Textbook: Chapter 8, Human Rights

23 Mar - Application: Uyghur Forced Labor Prevention Act

- *In-class assignment: Mod 3, Week 1/5: Human Rights*

Week 2/5: Environment

28 Mar - Ch. 12: Key Concepts

- Textbook: Chapter 12, Environmental Protection

30 Mar - Application: Global Waste Trade

- Wellhausen. 2023. "Garbage Tariffs: Monopsony Power and its Advantages in the Global Waste Trade."
- *In-class assignment: Mod 3, Week 2/5: Environment*
- *Note: Module 2 exam returned around here*

Week 3/5: Sustainable Development**4 Apr - Key Concepts**

- *Materials to prepare for class: Introduction, Part 1, and Part 2: The Sustainable Development Goals, Foreign Investment, and the Role of Trade and Investment Treaties: An introductory e-learning module. Columbia Center on Sustainable Investment.*

6 Apr - Part 3, Columbia Center on Sustainable Investment e-learning module

- *Note: We will watch and complete Part 3 in class; you do not need to watch it in advance of class.*
- *In-class assignment: Mod 3, Week 3/5: Sustainable Development*

Week 4/5: Current Events**11 Apr - Focus: What's happening around MNCs and international law right now**

- *Materials TBA closer to the date.*

13 Apr - No in-person class; Group assignment: Prep current events application to lead in next class session

- **Group assignment:** Mod 3, Week 4/5: Current Events

Week 5/5: Wrap-up + Final**18 Apr - Applications to Current Events: Student-led class session**

- *In-class assignment: Mod 3, Week 5/5: Student-led wrap-up class*

20 Apr - Review

- *Note: All assignments from the module are due before the beginning of this class session. Recall that submissions are not penalized for being late per se. However, if and when the lateness of the submission affects the quality of the submission, that is a factor in the grade.*
- *Final released after class -- Coverage: Mod 3, Beyond Property Rights + Essay question covering course takeaways as a whole*

FINAL DUE BY END OF ASSIGNED FINALS PERIOD: Thursday, 27 April, by 10 AM