

International Bureaucrats under the Spotlight: The Case of the WTO TRIPS Council*

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Abstract

International organizations (IOs) have become more transparent, partly to enable more accountability to the needs of developing countries. How does transparency affect international bureaucrats who facilitate discussions at IOs? We answer that question using the World Trade Organization (WTO)'s change in the document de-restriction rule in 2002. After the rule change, documents that did not become public for at least six months were de-restricted after sixty days of circulation. We examine how the speedier public disclosure of documents affects the way international bureaucrats write reports for the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Council. Using the network statistic to estimate the state preference distributions on key topics, we find that after the rule change, the WTO Secretariat is more likely to issue reports on polarizing issues in intellectual property negotiations. Transparency could empower international bureaucrats to tackle divisive issues which might enable them to circumvent member state gridlock.

Keywords: Transparency, Bureaucrats, Intellectual Property, International Organization, WTO

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International organizations (IOs) have become more transparent in recent years. IOs can increase transparency in multiple ways,¹ but one common approach is to publicly disclose meeting minutes and internal reports. Public disclosure of documents improves accountability by allowing interested actors to monitor what is discussed and negotiated in IOs. Multiple IOs have loosened the rules to make their documents more accessible to the public. By doing so, IOs have responded to the demands of interested actors (Smythe and Smith 2006; Dingwerth et al. 2020; Tørstad 2023).

Like many other organizations, IOs are run by international bureaucrats who, as members of the IO Secretariat, carry out the day-to-day work of IOs. They implement decisions made by member states. And for those IOs that provide a regular forum of negotiations, the IO Secretariat also participates in negotiations as a mediator and an agenda-setter (Odell 2004; Johns 2007). Given its crucial role in IOs, how does the increased transparency, namely public disclosure of internal documents, affect the way the IO Secretariat performs at IOs? What kinds of interests does the IO Secretariat represent in response to high and low transparency?

We answer this question by examining the case of the World Trade Organization (WTO), an IO that regulates global rules of trade. We look at how the WTO Secretariat writes its report for the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Council. Intellectual property, among numerous issue areas discussed in the WTO, is notable for its member states' polarized demands. To identify how the WTO Secretariat responds to transparency, we leverage the WTO's institutional reform that has eased public access to its internal documents. Since May 14, 2002, the WTO has increased its transparency by automatically disclosing internal documents after sixty days of circulation. This contrasts with the previous policy of releasing internal documents after keeping them for at least for

¹For example, transparency in IOs can mean shared knowledge of implementation (Keohane 1982). Alternatively, transparency can mean revelation of sources and methods to detect other state's violations of international rules and laws (Carnegie and Carson 2019), or tight control of international bureaucrats who implement mandates of member states (Honig 2019).

six to eight months. The contentious nature of intellectual property negotiations as well as the institutional change of the WTO together make the WTO TRIPS Council an ideal setting to test how the IO Secretariat responds to different levels of transparency.

One challenge in identifying the kinds of interests the IO Secretariat represents comes from estimating preferences of member states. Many IOs, including the WTO, change their rules based on the consensus of member states. The consensus-based decision-making makes it impossible to use a spatial model to identify the distribution of member state preferences on an issue area (Poole and Rosenthal 1985; Martin and Quinn 2002; Clinton et al. 2004). Unlike a voting-based IO such as the United Nations (UN) General Assembly, it is difficult to theorize what comprises an ideal point of member state preferences in the setting of the WTO.

We overcome the challenge by adopting a three-step methodological approach based on a network analysis. First, we collect all documents related to TRIPS Council meetings published by WTO members and the secretariat. Second, for each topic related to trade-related intellectual property, we identify preferences of member states by estimating their latent membership. We do so by analyzing their document-sponsorship patterns using a measure based on network modularity. The modularity allows us to quantify the degree of polarization among WTO members on each topic. Third, we compare how the secretariat writes its report for each topic before and after the change in the document de-restriction rule.

Using the network statistic, we find that transparency can discipline the secretariat to represent contentious debates in international negotiations. Specifically, after the rule change and subsequent speedy disclosure of internal documents, the secretariat is more likely to cover issues that are more polarizing among WTO members in its own reports. We also test whether the secretariat uses proactive language in the reports to deliver accountability using keyword-assisted topic models (Eshima et al. 2020). We find that the secretariat's documents published for communication are more likely to contain words such as "public,"

“democratic,” and “respond” than its other summary reports. The findings are robust to an alternative network-based measure of member state preferences and other topic models. Transparency not only informs the public about what is happening inside an IO, but it also can shape the kinds of topics discussed within an IO.

Our findings indicate that transparency can affect which topic is represented in an IO through changing the behavior of international bureaucrats. Understanding which topic gets represented in an IO is essential as it shapes what states can get out of international cooperation. The findings contribute to the debates on the effect of increased transparency on international organizations (Keohane 1984; Stasavage 2004; Hafner-Burton et al. 2016; Carnegie and Carson 2019; Pauwelyn and Pelc 2022). More generally, our study extends the burgeoning literature on when and how bureaucrats matter in international relations (Altman and Lee 2022; Carcelli 2023; Jost 2023).

In terms of methods, our paper proposes a new way to estimate member state preferences of an international organization. The network statistics can be used to estimate how member states converge or diverge in their positions, which often vary across multiple dimensions yet hard to quantify because of the unanimity rule. The method thus can be applied to various consensus-based international organizations, such as the WTO and specialized agencies of the UN, where states publicly seek sponsorship from other members before casting their vote. Specific to the study of bureaucrats in international organizations, the approach can also be useful to estimate how the performance of bureaucrats adapts to evolving preference of member states.

The paper is organized as follows. We first introduce a long-standing debate on the role of transparency in international cooperation, as well as the benefits of bringing international bureaucrats into the debate. In the following section, we explain the background of the WTO’s decision to increase its transparency through a rule change in 2002 that led to speedier disclosure of internal documents. We then discuss how the WTO Secretariat would respond to the increased transparency in the context of the TRIPS Council. We test the

empirical expectation and conduct robustness checks. We conclude the paper by discussing the implications of our findings.

Transparency in International Organizations

Like many other organizations, an IO strives to justify its existence. If fails to do so, an IO either officially dissolves or loses its vitality (Gray 2018). When an IO's existence is justified, an IO can exercise authority in international politics. One channel through which an IO can prove its existence is its appeal to democratic accountability. Democratic accountability empowers an IO by fostering its moral authority (Barnett et al. 2004). Indeed, IOs increasingly speak the language of accountability to justify their authority (Dingwerth et al. 2020).

Transparency is one popular design feature that can increase an IO's democratic accountability. Transparency informs multiple stakeholders in the international community about what the IO does, and that can both discourage or encourage member states to adopt transparency. Existing studies identify the benefits of maintaining opacity. With limited transparency, member states have freedom to manipulate discussions and can disguise their under-performance (Wallace 2016). Despite the benefits of maintaining opacity, there are benefits to transparency. Hollyer et al. (2019), for instance, find that leaders in autocracies choose transparency when they would like to use the support of the mass public to deter opposition from rival elites. Similarly, when the effectiveness of an IO is questioned, member states can signal democratic accountability to the public to gain its support.

The consequences of transparency on IOs are debatable. Past research points out the positive and negative impacts of transparency at different stages of international cooperation. Existing research largely focus on how transparency affects the behavior of member states. For example, when member states negotiate, transparency can impede conclusion of the negotiations by reducing the flexibility of member state officials to compromise (Stasavage

2004; Hafner-Burton et al. 2016). At the stage of implementation of rules, transparency can promote compliance by providing information on the behavior of other member states (Keohane 1982). Sometimes IOs encourage member states to report other member states' violations of international treaties, and high transparency might discourage active reporting of member states (Carnegie and Carson 2019). Member states under high transparency fear the exposure of their sources and their methods of gaining intelligence.

International Bureaucrats under the Spotlight

Discussions about the role of transparency in international cooperation largely overlook the ways in which transparency can affect the behavior of international bureaucrats. This is surprising as international bureaucrats make daily decisions that are necessary to run IOs. International bureaucrats assist member states at every stage of international cooperation. The IO Secretariat collects and analyzes data, monitors compliance of member states, participates in negotiations, and publishes reports. When writing reports, international bureaucrats summarize meetings, provide background information upon member states' requests, and suggests agendas for negotiations in the future. Increasing number of studies recognize international bureaucrats as strategic actors (Johns 2007; Johnson 2014; Ege 2020). International bureaucrats adapt their behavior to institutional changes within an IO, and such adaptation can both improve and undermine organizational performance (Honig 2019; Honig et al. 2022).

Existing studies on international bureaucrats explicate conditions under which they exercise greater influence. The studies point out that an international bureaucrat exercises greater influence when member states are indifferent in their preferences (Barnett et al. 2004). Such indifference originates from member states' lack of knowledge about an issue area (Fang and Stone 2012) or when the preferences of principals differ within an IO (Clark and Zucker 2022). At the same time, past research predicts an international bureaucrat's

silence on a polarized issue. When member states have polarized interests, member states have incentives to curtail the autonomy of an international bureaucrat. This is because member states are concerned that a powerful member state might buy off an autonomous international bureaucrat ([Urpelainen 2012](#)).

We expect that transparency as an institutional design would break an international bureaucrat's silence. The priority of the IO Secretariat is to maintain its organization's functioning. To the IO Secretariat, the vitality of an IO is a matter of its life or death. The IO Secretariat can keep its organization functioning by receiving recognition from member states. However, if this becomes difficult, an alternative route is to garner support from the public. When the IO Secretariat secures a direct communication channel to the public under transparency, it would use that channel to directly demonstrate its importance to the public.

If international bureaucrats adapt to increased transparency, we expect the greatest change in their behavior will concern topics about which member states have polarized preferences. The IO Secretariat cannot please every member state on a polarized topic and by choosing a side, it would inevitably offend the other member states holding the opposite preference. The degree to which the IO Secretariat is sensitive to its perceived impartiality depends on the power dynamics among member states. If a single country wields predominant influence within an IO, the secretariat would voluntarily take a side to please its one and only principal ([Clark and Dolan 2021](#)). However, in many cases, the effective functioning of an IO hinges on the active involvement of both powerful and less powerful member states. In such circumstances, the secretariat finds it difficult to choose a side. Less powerful states might tolerate some levels of the secretariat's bias in favor of powerful states ([Malis et al. 2021](#)), but their tolerance has limits. If an IO is heavily captured by a few powerful states, it risks losing the support of less powerful member states, potentially leading to their withdrawal from the IO.

Given the difficulty of maintaining impartiality, one strategy that the secretariat could adopt is to acquire recognition from the public under transparency. That is, the secretariat

can showcase its effort to introduce a heated debate in its reports, and by doing so, justify its existence. The strategy aligns with the survey result that people are more likely to support the WTO when they are informed of its role² the research that connects the availability of information to the formation of trade attitudes (Rho and Tomz 2017). When the public has knowledge about the secretariat’s activities, the public is more likely to have a favorable attitude toward the organization. This public support could shield an IO from future skepticism about its need raised by member state delegates.

Once the secretariat showcases its effort on its reports under transparency, the media will spread the information to the public. The public, who are less informed about an IO, might not know where to get the information, but journalists do. News outlets would cover the secretariat’s effort even more when an issue at stake is polarized. This is because news outlets seek the public’s attention, and the public is more interested in a polarized issue that generates disagreements. In contrast, the public would be much less informed on an issue that is less polarized. In this case, both the secretariat and the media have much less incentive to take advantage of transparency.

We challenge the existing literature in two ways. First, transparency of an IO can affect international cooperation not only through changing behavior of states, but also through behavior of international bureaucrats. International bureaucrats who prioritize survival of an IO adapt to transparency. Second, transparency can break international bureaucrats’ silence on divisive issues. Recall that the existing literature predicts the secretariat’s silence on a polarized topic (Barnett et al. 2004). When international bureaucrats are under the spotlight, they can be emboldened to justify their existence.

²TradeVista conducted a survey of 1,000 adults in the United States in 2020. For more details, see <https://www.hinrichfoundation.com/research/tradevistas/wto/us-attitude-wto/>

The Case of the WTO

In this section, we introduce the case of the WTO TRIPS Council as the setting to test our theory. We first discuss the background behind the WTO's decision to increase transparency. We then turn to the WTO TRIPS Council and explain the characteristics that make it the ideal setting to test the effect of transparency on the behavior of international bureaucrats.

Transparency Reform in the WTO

On May 16, 2002, WTO member states officially agreed on new procedures that mandate speedier disclosure of documents drafted by the secretariat. Before the rule change, the public had an access to a great majority of internal documents after waiting eight to nine months on average. After the rule change, the waiting time got was reduced to six to twelve weeks. Since the rule change, documents drafted by the secretariat are automatically de-restricted after thirty days of circulation as opposed to eight months (WT/L/452).³

Behind the rule change there were member states that demanded greater transparency from the WTO. In 1998, the US initially proposed the modification of the procedures for the circulation and de-restriction of WTO documents.⁴ Canada and Mexico followed and submitted their proposals.⁵ The conversations continued for four years, and the rule change was adopted during the General Council meeting in 2002. With the rule change, both the time needed to de-restrict documents as well as the number of documents subject to restriction were reduced (para 19, WT/GC/M/74).

A series of protests and criticisms from the public could explain why WTO member states in addition to the US, Canada, and Mexico also supported the rule change. In November 1999—around the time that the WTO Ministerial Conference of 1999 was held—protesters

³Member states can request additional restriction periods, but the period cannot exceed thirty days.

⁴See WT/GC/W/88 for the United States' detailed proposal.

⁵See WT/GC/W/106 and WT/GC/W/113 for the Canadian and Mexican detailed proposals.

representing non-governmental organizations, labor unions, and other interest groups gathered in Seattle, WA to oppose globalization and economic liberalization. The protesters' slogan was "transparency and accountability."⁶ The protesters demanded reforms of the WTO while chanting "This is what democracy looks like."⁷

The WTO as an organization responded to the public demands for greater transparency. The member states agreed to expedite public disclosure of internal documents. As written in the preamble of the official document (WT/L/452), the rule change was adopted recognizing "(...) the importance of greater transparency in the functioning of the WTO." The rule change was intended to "make the organization more open and accountable to the citizens our governments [WTO member state governments] represent."⁸ Compared to the earlier effort (WT/L/160/Rev.1), the decision in May 2002 decision drastically increased the public's access to WTO internal documents.

We confirmed that the rule change indeed increased the public access to internal documents by examining all 5,500 registered at the WTO TRIPS Council from 1995 to 2019. We calculated the number of days from the date of submission to the date of de-restriction for each document. Figure 1 shows that the average length of time needed for disclosure dropped after the rule change, both for documents written by member state delegates and the WTO Secretariat.

The WTO rule change provides an excellent opportunity to estimate the effect of transparency on the behavior of international bureaucrats. It is an institutional change intended to increase accountability to the public. The rule change also has a clear start date, which increases the reliability of the estimation. Unlike many other IOs, the WTO had maintained

⁶See https://www.iatp.org/sites/default/files/Battle_of_Seattle_The.htm.

⁷The Guardian, December 4, 1999, Real Battle for Seattle, <https://www.theguardian.com/world/1999/dec/05/wto.globalisation>, Last accessed date: September 16, 2023.

⁸WTO Website, accessed on January 29, 2022. See https://www.wto.org/english/forums_e/ngo_e/dereestr_explane_e.htm for more details.

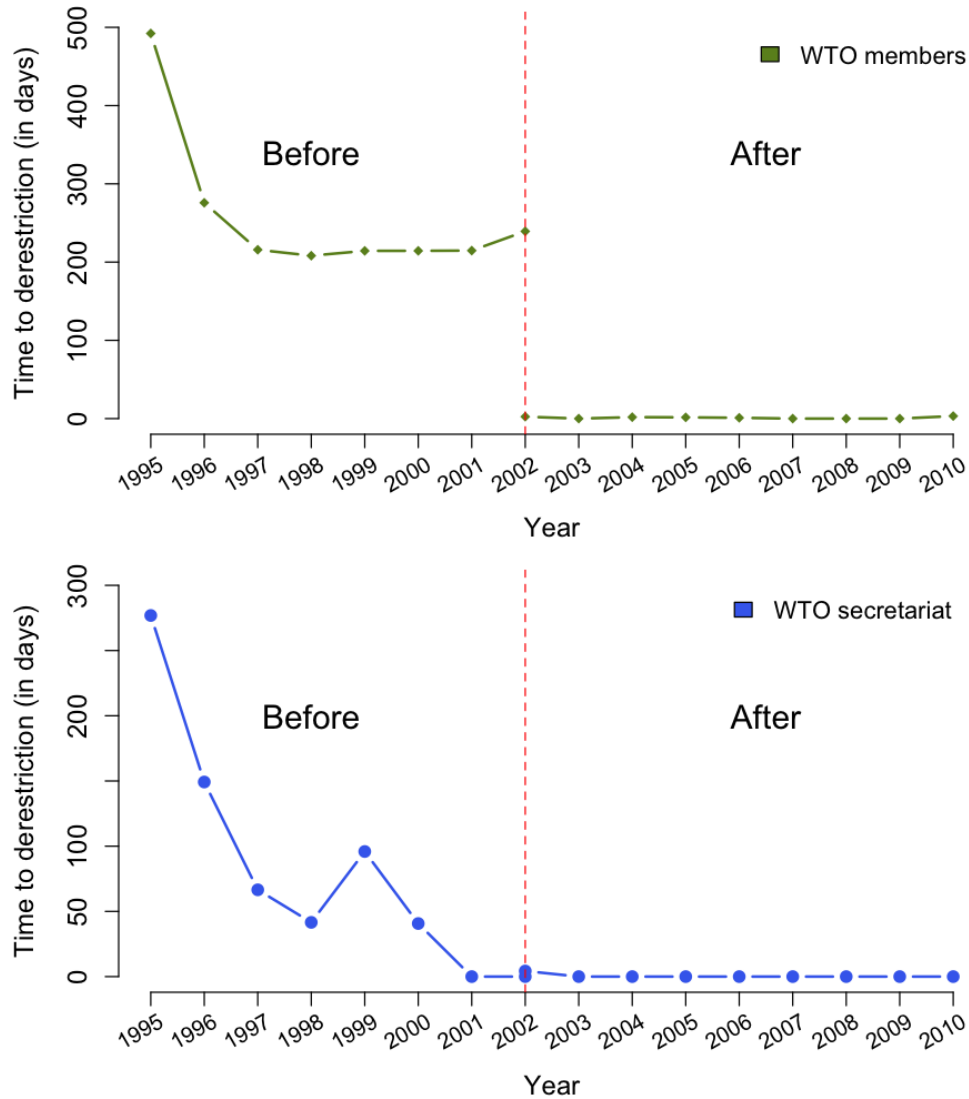


Figure 1: **The Mean Time to Document De-restriction: the Case of TRIPS**

a fully-functioning secretariat long before its increase in transparency. Because of its broad membership and the distributive consequences of international trade, the WTO is also one of the few international organizations that has consistently provided a forum for negotiations.

The WTO TRIPS Council

The Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement is one of the WTO multilateral trade agreements signed in 1995 to protect intellectual property (IP). TRIPS adopts the minimum standards for IP protection in global markets and contains var-

ious trade remedies to mitigate distributional consequences. Yet, implementation of TRIPS remains controversial as the remedies infringe on the property rights of IP owners to meet public policy objectives, such as public access to patented drugs.

The TRIPS Council is one of the legal bodies in the WTO that monitors its member states' domestic laws implementing TRIPS. Additionally, the secretariat submits annual reports on various issues on TRIPS to the General Council. Staff members at the General Council then administer these issues until the delegates of all WTO member states—who meet at the Ministerial Conference every two years—can resolve them consensually.

A series of communications during the COVID-19 pandemic in 2020 illustrates how the TRIPS Council is run. After the outbreak of COVID-19, member states submitted a proposal to the TRIPS Council requesting a waiver from the TRIPS Agreement in relation to prevention, containment, and treatment of COVID-19.⁹ The proposal was reflected in the General Council report in the following year.¹⁰ The Director General responded to the General Council report¹¹, and the proposal was put to a vote at the 12th Ministerial Conference in 2022.¹²

The TRIPS Council is an ideal setting to test the intended effect of transparency for the following reasons. First, WTO member states have become significantly polarized during the past two decades over the TRIPS Agreement. Among the debates was compulsory licensing, which allows an individual or a company to use a proprietary technology without the property right holder's consent. After the TRIPS Agreement came into force, the outbreak of the HIV/AIDS crisis in the early 2000s caused concerns about a limited access to

⁹“Waiver from Certain Provisions of the TRIPS Agreement for the Prevention, Containment and Treatment of COVID-19 - Communication from India and South Africa” (IP/C/W/669)

¹⁰“Annual Review of the Special Compulsory Licensing System - Report to the General Council” (IP/C/90)

¹¹“Communication from the Chairperson” (IP/C/W/688)

¹²“Draft Ministerial Decision on the TRIPS Agreement - Revision” (WT/MIN22/W/15/Rev.2)

patented medicines in the Global South (Chorev 2012), where opinions in developed and developing countries were polarized regarding their uses of compulsory licensing since then (Abbott 2005). Similarly, WTO members from the North and the South¹³ were divided into proponents and opponents of waiving TRIPS implementation during the COVID-19 pandemic (Fischer et al. 2023). The conflicts of interest regarding intellectual property made it difficult for the WTO Secretariat to take one side or the other, while making their resolution more recognizable to the public.

Next, the WTO Secretariat can make its presence felt most strongly by the public under the TRIPS Council, due to the peculiar features of TRIPS as a multilateral trade agreement. Conventionally, disputes raised over WTO trade agreements are resolved by the WTO Dispute Settlement Body (DSB). However, existing research has noted that the DSB plays a limited role in resolving intellectual property-related issues (Pauwelyn 2010). This is most likely because the TRIPS leaves much “room to maneuver” for its interpretation beyond the minimum standards. We expect that the limited role of the WTO DSB in trade dispute settlements makes the WTO Secretariat and its participation in the TRIPS Council more obvious to the public.

The features of the WTO and the TRIPS Council together unlock the possibilities of international bureaucrats’ strategic responses to transparency. We expect that the WTO Secretariat would cover more polarized topics in its documents after the transparency reform in 2002. We expect the pattern would also hold in the words that the secretariat uses. The following summarizes our two hypotheses:

Hypothesis 1. *The WTO Secretariat publishes more proactive documents on polarizing issues under high transparency.*

Hypothesis 2. *The WTO Secretariat uses words that increases accountability to the public under high transparency.*

¹³Proponents of the original TRIPS waiver include India and South Africa, while the European Union, the United States, and other industrialized countries proposed a new waiver subsequently.

Example: The WTO Director General during the COVID-19

The WTO Secretariat’s actions during the COVID-19 pandemic provide one example of the extent to which citizens pay attention to decisions made in the WTO council, and how transparency alters the behaviors of the secretariat in the process. The WTO held its 12th Ministerial Conference in Geneva to resolve various global issues, including vaccine inequality. At the end of the meeting, WTO members reached an agreement that allowed eligible WTO members to issue compulsory licenses for COVID-19 vaccines without having non-voluntary licensing regimes.

Potential waivers of IP obligations under TRIPS polarized WTO member states’ opinions to an extreme degree. The South demanded relaxation of TRIPS enforcement beyond COVID-19 vaccines, while the North wanted to limit the scope to COVID-19 vaccines. Due to the limited production capacity of COVID-19 vaccines in 2022, the negotiation process also drew great public attention from around the world. In that year, the global supply capacity of COVID-19 vaccines was 5.9 billion doses in total, while the demand exceeded more than ten billion doses (Su et al. 2022).

The transparent environment surrounding the TRIPS Council led the Director-General, Ngozi Okonjo-Iweala, to take several initiatives in the negotiation process. When WTO members debated over the TRIPS waiver in 2022, for instance, the Director-General circulated a document in the council¹⁴ and publicly announced her commitment to solving the issue at the 12th Ministerial Conference. At the beginning of the conference, she described the conflicts of interest among WTO members as “a rocky, bumpy road” yet reaffirmed her willingness to overcome the challenge. She also stressed the importance of the WTO during the epidemic by using proactive language—such as the need to “respond to people’s aspirations at home”—in her public speech.¹⁵

¹⁴“Communication from the Chairperson” (IP/C/W/688)

¹⁵See [MC12 Opening Session](#) for more information about the speech.

The public appeal by Ngozi Okonjo-Iweala paid off as the negotiation process hit the headlines over the world. More than 2,200 newspapers and magazines from around the world between 2020 and 2022, for example, covered the WTO and the COVID-19 in their articles. As the media coverage raised public awareness, politicians from around the world also issued hundreds of statements expressing their opinions about the event.¹⁶ Without such efforts to communicate with the public freely, we argue that the Director-General would have been unable to extend the conference when the negotiation was stalled¹⁷ and push WTO members further to reach an agreement.¹⁸

Testing the Effect of Transparency on Bureaucrats

To test our hypotheses, there are several empirical challenges to overcome. First, it is not clear how one can estimate distribution of state preferences on IP-related trade issues in the WTO setting. The existing research on IOs has widely adopted item response theory (IRT) models to estimate ideal points and use them as a proxy for state preferences (Bailey et al. 2017; Bailey and Voeten 2018; Mesquita et al. 2022). However, note that researchers cannot observe votes cast by WTO members and all decisions are made by consensus in the WTO.

Next, one must distinguish the secretariat’s normal course of action—such as delivering messages between state representatives and summarizing their debates—from its distinct exercise of authority. The WTO Secretariat often goes further to exercise its authority in various ways. An example would be expressing the Director-General’s personal opinion. Fleshing out these activities is vital for understanding when IO bureaucrats no longer serve

¹⁶Electronic searches were performed in LexisNexis using “WTO secretariat” and “COVID-19” as the keywords.

¹⁷See [the official website](#) for more information about the negotiation process.

¹⁸As of August 2023, WTO countries are discussing an extension of the waiver and collecting information about its consequences to developing countries. More information about the negotiation process can be found at [the WTO webpage](#).

as agents for member countries but rather as independent entities.

In the following sections, we adopt new empirical strategies to address these issues. For estimating state preferences on IP-related topics, we use co-publication of documents among WTO member states in the TRIPS Council. Specifically, for each issue, we quantify the degree of polarization among countries using a network statistic. In this way, we can avoid making strong assumptions about the trade policy preference of an individual member state.¹⁹ The exploratory approach can also be useful when researchers do not have a priori knowledge about the dimension in which most of the variation in state preferences arises.

To identify the WTO Secretariat’s proactive publications on each of the issues, we use the WTO’s document labeling system. Additional details about the document symbols and their hierarchical structure will be discussed in the following sections. Also, we validate the identification strategy using keyword-assisted topic modeling, recently developed by [Eshima et al. \(2020\)](#). By specifying keywords relevant for accountability to the public prior to fitting a model to the text-as-data, we can test the accuracy of using the WTO labeling system.

Our approach can be useful for other consensus-based IOs, such as the UN Development Programme,²⁰ where member states exchange documents to advocate others’ agenda. Strong states often endorse the unanimity rule as it “generate(s) information on state preferences ... that favor the interests of powerful states” ([Steinberg 2002](#), 342). Therefore, all member states are engaged in a coalition building effort in consensus-based IOs. In many cases, this takes place in the form of publishing (co)sponsorship documents ([Mesquita et al. 2022](#)).

Data Collection

We construct an original data set to test our hypotheses. We collect all documents on intellectual property rights published between 1995 and 2019 by WTO member states, the

¹⁹[Martin and Quinn \(2002\)](#) offer other approaches, such as Bayesian inference, that can help relax the key assumptions of IRT models.

²⁰See [the website](#) for more information about the voting system.

secretariat, and other international organizations attending the TRIPS Council meetings as observers. These documents are classified by specific document symbols²¹ that all start with “IP.” The total number of documents is 5,913.

All the documents are labeled in a distinct, hierarchical way. For instance, Article 63 of TRIPS obligates members to notify the WTO of changes to their national IP laws and regulations and the ways they fulfill key principles, such as the Most-Favored Nation (MFN) rule. These documents published in compliance with Article 63 start with “IP/N.” On the other hand, “IP/C/W” starts the labels of documents on which WTO members are currently working; when final decisions are made, they are announced using labels beginning with “IP/C.” For our empirical analysis, we select documents whose symbols start with “IP/C/W” and “IP/C” for WTO members. The total number of WTO documents whose symbols start with “IP/C” is 1,276 out of 5,913.

To identify whether the WTO Secretariat responds to public needs among WTO members, we subset the documents into different categories based on their topics. In doing so, we use the meta data offering keywords of each document.²² We subset the documents into different categories based on their common keywords, and use these keywords as a bridge between publications by WTO members and the secretariat on each keyword. From Figure 2, note that both sides commonly address the issue of “patents,” while the secretariat touches on global issues such as “technical cooperation” more frequently than WTO members. In total, the number of unique keywords from both sides is 138. In the following empirical exercise, we quantify the degree of polarization over each of these topics using a network statistic.

²¹For a more comprehensive overview of the labeling system, see [the WTO guidebook](#).

²²[WTO documents online database](#).

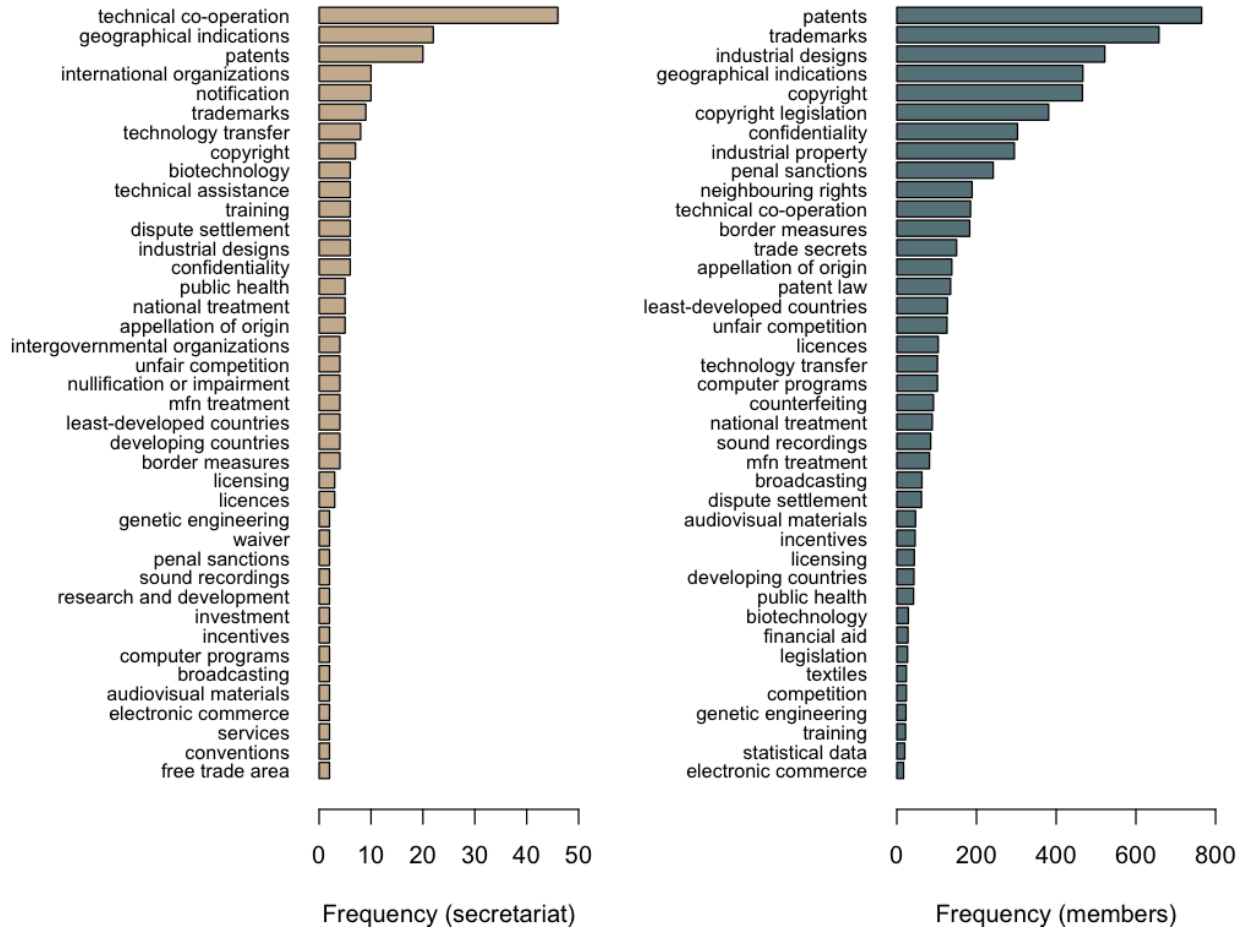


Figure 2: Top topics discussed in the TRIPS Council meetings (1995-2019)

Estimation of Trade Policy Preferences among WTO Members

For each keyword observable in our data, we estimate the distribution of state preferences on each issue instead of estimating individual preferences on the issue. We do so by first identifying which group of WTO members publishes a document together or sponsors others' documents. We assume that co-publication and co-sponsorship of documents indicate alignment of state preferences on each issue. This allows us to construct an adjacency matrix A for each keyword, where $a_{ij} = 1$ if states i and j publish the same document or sponsor each other's publication and $a_{ij} = 0$ otherwise. We repeat this process across different keywords to uncover how state preferences are spread across various topics.

For the alignment of state preferences identified in A , we calculate a network statistic

summarizing the degrees of polarization among nodes and edges, called *modularity*. To do so, we first analyze the structure of latent communities to which each country belongs using community detection.²³ This allows us to partition WTO members into several groups of countries that co-publish documents frequently.

Next, we estimate how fragmented the communities are using the modularity Q . This can be done by calculating the proportion of the edges that fall within the given groups minus the expected ratio if the nodes were connected at random. Formally, Q can be written as follows, where for each node i and j in the matrix A , k_i denotes node degrees from a randomly generated network. m is the total number of edges generated from the network, and s_i indicates a community membership of country i . The modularity ranges between 0 and 1, where the higher the modularity, the more consolidated countries are within each group but fragmented across different groups.

$$Q = \frac{1}{2m} \sum_{i,j} \left(a_{ij} - \frac{k_i k_j}{2m} \right) \left(\frac{s_i s_j + 1}{2} \right)$$

We repeatedly calculate the modularity for each keyword observed in our data. In this way, we can quantify the degree to which issues polarize WTO members, where higher scores of the modularity imply higher degrees of polarization. How the statistic varies across keywords is summarized in Table 1. It is worth noticing that conflicting issues between the Global North and South on technology and public policies, such as “patents,” “electronic commerce,” and “public health,” score at the top. These issues are known for their exclusivity of economic benefits and for causing global conflicts. On the other hand, other keywords located in the middle and the bottom, such as “developing countries,” “least-developed countries,” and “economic development,” are highly associated with international cooperation.

²³For a broad literature that uses community detection, see [Lupu and Traag \(2013\)](#), [Renshon \(2016\)](#) for international conflict, and [Lupu and Voeten \(2012\)](#) for the study of IO.

EXAMPLES OF IP ISSUES AND BARRIERS IN COVID-19 PANDEMIC

COMMUNICATION FROM SOUTH AFRICA

Figure 3: An example of a solo-publication by WTO members

**WAIVER FROM CERTAIN PROVISIONS OF THE TRIPS AGREEMENT FOR THE PREVENTION,
CONTAINMENT AND TREATMENT OF COVID-19 – RESPONSES TO QUESTIONS**COMMUNICATION FROM THE PLURINATIONAL STATE OF BOLIVIA, ESWATINI, INDIA, KENYA,
MOZAMBIQUE, MONGOLIA, PAKISTAN, SOUTH AFRICA,
THE BOLIVARIAN REPUBLIC OF VENEZUELA AND ZIMBABWE

Figure 4: An example of a co-publication by WTO members

Figure 5 illustrates the configuration of WTO member state preferences on each issue. Each gray line represents cases in which WTO member states co-published documents or sponsored each other's publication on the issue. Boundaries with different colors describe latent groups, identified using community detection. Note that the ways state preferences are distributed vary across issue areas, and the networks with higher modularity exhibit more dense inner-group and more sparse outer-group connections. For those issues polarizing WTO members, the gray lines become shorter within each group and longer across different groups of countries. In the Appendix, we compute the modularity in various ways using different hyper-parameters.

Keyword	<i>M</i>
patents	0.615
licences	0.545
electronic commerce	0.476
public health	0.443
...	...
epidemics	0.306
disease control	0.284
biotechnology & genetic engineering	0.253
developing countries	0.240
...	...
least-developed countries	0.122
environment	0.084
technical assistance	0.073
AIDS	0.027
economic development	0.020
...	...

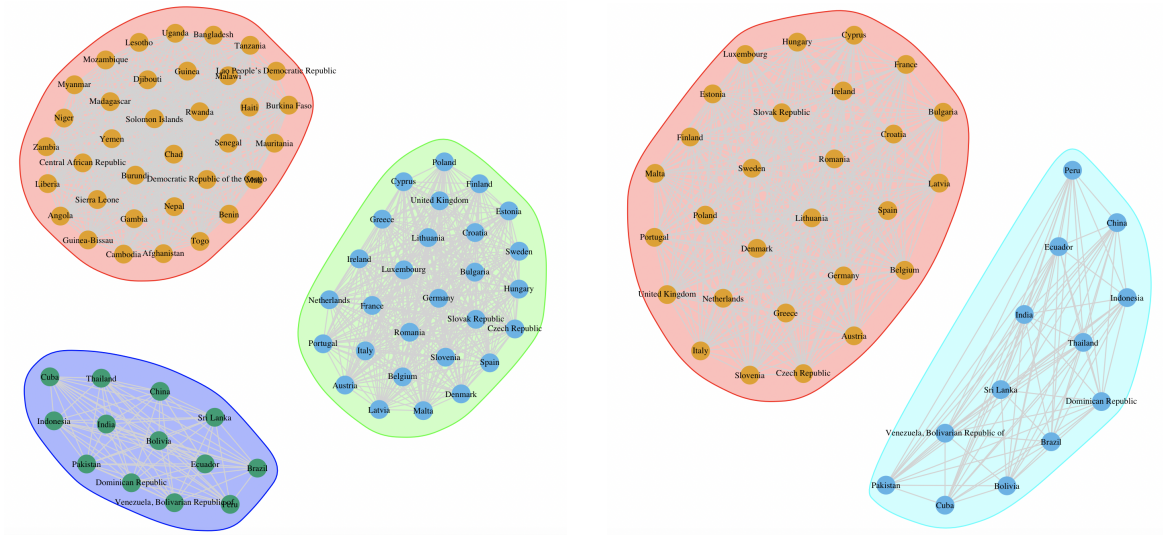
Table 1: **Examples of the modularity: high vs. intermediate vs. low**

Identification of Proactive Publications by the WTO Secretariat

After measuring the degree of polarization for each keyword, we check whether the WTO Secretariat publishes a proactive document on the same issue. By proactive, we mean that the bureaucrat often goes beyond their official role of monitoring the TRIPS Agreement and carrying messages among WTO member states. Instead, the IO Secretariat provides new information to facilitate their communication. The bureaucrat also mediates their exchange of opinions by identifying their common interests and making a new suggestion.

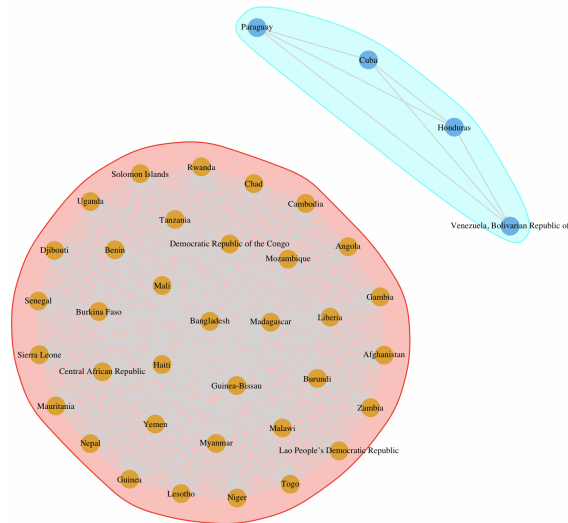
We identify when the secretariat breaks out of her “comfort zone” using the WTO document labeling system. Specifically, when WTO member states and the secretariat follow up on documents published earlier, their resulting documents are labeled separately using suffixes.²⁴ These include “/Add.” for addendum, “/Corr.” for corrigendum, “/Rev.” for revision, and “/Suppl.” for supplement; all are followed by numbers indicating their sequen-

²⁴For more information about the hierarchy of WTO documents labeling system, see [the WTO official guidance](#).



(a) highest (“licences”)

(b) intermediate (“infectious diseases”)



(c) lowest (“economic development”)

Figure 5: **The degrees of polarization: high vs. intermediate vs. low**

tial order. Therefore, to distinguish the initiatives set forth by the WTO Secretariat from their normal activities, we create an indicator that equals 1 if her documents do not contain the suffixes and 0 otherwise. The total number of documents published by the secretariat between 1995 and 2019 is 182 out of 5,913, which is the size of our final data set. Among them, sixty-nine documents (38%) do not contain suffixes and are classified as proactive activities of the secretariat.

**Council for Trade-Related Aspects
of Intellectual Property Rights**

REVIEW OF THE PROVISIONS OF ARTICLE 27.3(b)

ILLUSTRATIVE LIST OF QUESTIONS

Prepared by the Secretariat

Revision

Figure 6: An example of a reactive publication by WTO Secretariat



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**Council for Trade-Related Aspects of
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WTO SECRETARIAT TECHNICAL COOPERATION IN THE TRIPS AREA

NOTE BY THE SECRETARIAT

This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

Figure 7: An example of a proactive publication by WTO Secretariat

By leveraging the labels attached to WTO documents, we distinguish the secretariat not exercising *de facto* autonomy and the secretariat not having *de jure* autonomy. The IO Secretariat is institutionally barred from speaking on a number of issues. Equating the secretariat's silence with the secretariat's passiveness would thus bias the analysis as the secretariat may not have *de jure* autonomy in this matter. To overcome the bias, we compare different versions of documents published by the WTO Secretariat on topics about which the

secretariat is allowed to contribute. We intentionally exclude the secretariat’s silence on a number of keywords to identify the secretariat’s exercise of power within its given autonomy.

Model Specification

We identify the effect of the document de-restriction policy on behaviors of the WTO Secretariat in two ways. In the first model, we partition 182 documents published by the WTO Secretariat into two sub-samples, one published before and the other published after the policy change, and compare their results. In our data set, the WTO Secretariat published eighty-five documents before the reform, and ninety-seven documents after the reform.

Next, to check whether the results remain consistent, we pool the sub-samples and use a dummy variable I_t that equals 1 before the policy change and 0 otherwise. In this model, we add year-fixed effects μ_t to control for the effects of unobservable, year-specific events and account for topics discussed intensively at a specific point in time t . We also add a battery of other observable, document-level covariates Z_{it} as control variables, where i denotes each document published by the secretariat. These include the number of keywords each document contains and the number of TRIPS articles it refers to among others. We add these covariates as they capture the WTO secretariat’s writing style, which differs at the document level, such as tone and preferred references to existing rulings.

$$Y_{it} = \alpha + \beta_1 I_t + \beta_2 X_{it} + \beta_3 Z_{it} + \beta_4 I_t X_{it} + \beta_5 I_t Z_{it} + \mu_t + \epsilon_{it}$$

The model for pooled analysis can be specified formally as above, where Y_{it} is an indicator of proactive publication by the WTO Secretariat. X_{it} measures the average degree of polarization among topics the WTO Secretariat speaks to in each document, and the parameter of our interest is β_4 . In this way, we examine how the change in the document de-restriction policy in the WTO affects the extent to which the secretariat acts proactively on polarizing issues.

Results

International Bureaucrats' Responses to Transparency

The result of testing the first hypothesis is presented in Table 2. The coefficient of *polarization* is positive and statistically significant in columns 4-6, but not in columns 1-3. This indicates that the WTO Secretariat is more likely to publish a proactive report on a polarizing topic when the public can monitor the international organization under high transparency. The effect remains statistically significant after adding covariates in the regression, such as the number of issues addressed by the secretariat at the same time. The results are also robust to year-fixed effects.

	Proactive publication by the Secretariat (1=Yes)					
	Before the 2002 reform			After the 2002 reform		
	(1)	(2)	(3)	(4)	(5)	(6)
polarization	2.242 (1.485)	1.282 (1.594)	0.562 (1.564)	5.367*** (1.317)	5.329*** (1.409)	5.882*** (1.564)
delays in publication (days)	0.008*** (0.002)	0.006*** (0.002)	0.006 (0.008)	0.297 (24.257)	0.309 (24.257)	0.282*** (0.046)
Controls	No	Yes	Yes	No	Yes	Yes
Year FE	No	No	Yes	No	No	Yes
Observations	85	85	85	97	97	97
Log Likelihood	-44.877	-41.538	-31.128	-48.348	-46.848	-36.101

Standard errors are shown in parentheses. *p<0.1; **p<0.05; ***p<0.01

Table 2: **Sub-sample Analysis: Before vs. After the 2002 Reform**

The covariate *delays in publication* suggests that proactive publication by the secretariat bears the scrutiny of member states under transparency. When comparing the models with year-fixed effects (columns 3 and 6), delays in publication are positively associated with proactive publication by the secretariat after the 2002 reform, and not before. Member states have exclusive rights to request an additional thirty days of delays in publication from the secretariat reports (WT/L/452), and the *delays in publication* coefficient in column 6 indicates that member states under transparency are careful in approving publication of

proactive reports by the secretariat.

Proactive publication by the Secretariat (1=Yes)			
	(1)	(2)	(3)
after the reform × polarization	2.805** (1.357)	3.458*** (1.342)	3.610** (1.670)
after the reform × delays in publication (days)		0.567** (0.262)	0.322* (0.194)
after the reform × number of keywords		0.122 (0.099)	0.129 (0.176)
after the reform × number of TRIPS articles		-0.124 (0.241)	-0.214 (0.245)
after the reform × number of products		-0.129 (0.404)	-0.528 (0.386)
after the reform	16.265*** (1.104)	-1.150** (0.528)	16.141*** (1.259)
polarization	0.719 (0.953)	1.068 (0.839)	0.459 (0.922)
delays in publication (days)	0.234*** (0.067)	0.254*** (0.058)	0.182*** (0.066)
number of keywords		0.048 (0.034)	0.082** (0.035)
number of articles		-0.013 (0.024)	-0.005 (0.033)
number of products		0.018 (0.212)	0.442* (0.226)
Year FE	Yes	No	Yes
Observations	182	182	182
Log Likelihood	-121.438	-314.496	-115.419

Robust standard errors are shown in parentheses. *p<0.1; **p<0.05; ***p<0.01

Table 3: **Pooled Analysis: Before vs. After the 2002 Reform**

The findings under pooled analysis are summarized in Table 3, reaffirming the previous results using the sub-samples. It should be noted that the pooled analysis enables direct comparison between our samples before and after the reform, adding to the power of our statistical test. This is also one of the reasons why the coefficients and p-values change in our pooled analysis. Yet, the results remain statistically significant at the level of $\alpha = 0.05$ when we add year-fixed effects. The consistent estimates of other control variables, such as *delays in publication*, also support our expectation about the impact of transparency.

Content Analysis of Bureaucrats' Responses

In the previous analysis, we classify WTO documents based on their symbols. However, identifying the WTO Secretariat's proactiveness using the document classification system alone has limitations. For instance, documents published by the secretariat with no suffix attached to their symbols often cite previous documents published by WTO members and summarize their debates.²⁵ Even if there are no such in-text citations, terminology used to legitimize the WTO's presence can be driven by other structural forces, such as hierarchy among IOs, rather than transparency and accountability to the public (Dingwerth et al. 2020).

We complement the previous empirical strategy by testing the second hypothesis, where we analyze the contents of all documents published by the secretariat. Specifically, we test how much the documents that are classified as “proactive” by using their labels actually contain proactive words used to improve accountability to the public. We do so by applying a semi-supervised topic model, called keyword-assisted topic models (**keyATM**) (Eshima et al. 2020), to the raw text-as-data.

Unlike other topic models, **keyATM** requires researchers to specify keywords relevant to their substantive interests *before* model fitting. In this way, **keyATM** prevents a post hoc interpretation of the results. Additionally, when scholars do not have a priori expectations about other topics, **keyATM** allows its users to have topics with no keywords. By doing so, the model also leaves room for unsupervised learning and lets the data speak for itself for the remaining parts that researchers do not theorize.

We selected the keywords representing accountability to the public, such as “public” and “respond,” based on the existing IO literature (Dingwerth et al. 2020; Tørstad 2023; Schmidtke et al. 2023). Next, we calculated the marginal posterior mean of document-topic distribution, conditional on the document-level covariate we used in the main analysis. Recall

²⁵In these circumstances, the WTO Secretariat cites other documents published by WTO member states to enter prolonged discussions among the member states, rather than to avoid or summarize their debates.

that the dependent variable was 1 (“proactive”) if each publication by the WTO Secretariat did not contain any suffix in its document symbol, and 0 (“reactive”) otherwise. Last, in case the secretariat addresses other topics we are unaware of under the selected 182 documents, we add six topics with no keywords.

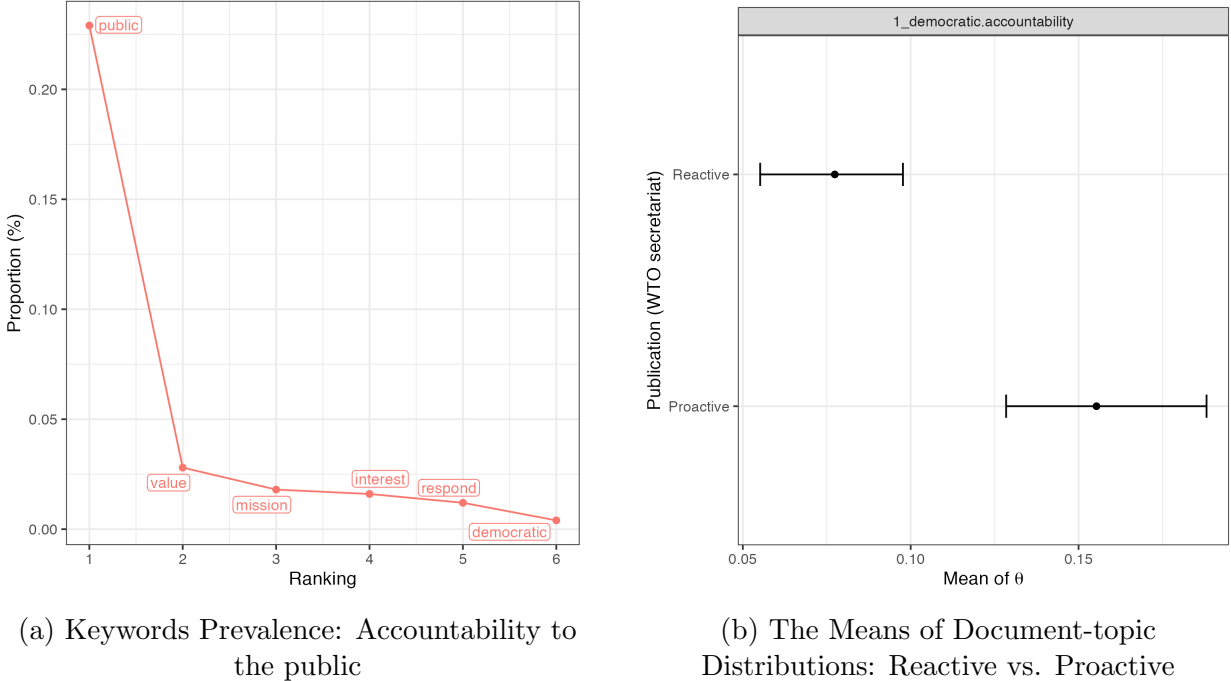


Figure 8: **Content Analysis: Keyword-assisted Topic Models** (Eshima et al. 2020)

Figure 8 presents the result of testing the second hypothesis. The left-hand plot visualizes the frequency of each of the keywords in the corpus. The result suggests that more than 20% of documents published by the WTO Secretariat for the first time contain mission-driven language targeted at the public. The right-hand figure plots the mean of document-topic distribution conditioned on the proactive publication indicator. The plot indicates that the documents categorized as “proactive” publications using the document labeling system are more likely to contain proactive language than those classified as “reactive.” The findings provide suggestive, if not compelling, evidence that the secretariat publishes the documents in the TRIPS Council to improve accountability to the public.

We additionally conduct three robustness checks to validate our findings. We first eval-

uate the topic model fitting and check its time-trend (Appendix Section 1). We find that the topic proportion of accountability to the public increases but only after the document de-restriction rule was implemented in 2002. We also change the number of topics with no keywords and show that the results remain statistically significant. In Appendix Section 2, we use different community detection techniques in calculating the modularity. From this exercise, we confirm that calculation of modularity is robust to different types of community detection techniques. We also examine whether co-publication network is a good indicator of alignment of state preferences by excluding powerful countries from the network. We find that the results remain consistent. In Appendix Section 3, we conduct additional text-as-data analyses using structural topic models (Roberts et al. 2014). We consistently show that the secretariat’s use of proactive words increased after the 2002 reform.

Impact of Transparency on International Cooperation

In this section, we discuss the impact of transparency in international cooperation based on our findings. We show that after the transparency reform, the WTO Secretariat became more responsive of concerns to member states. We identify the secretariat’s responsiveness in two ways. Using the modularity, we demonstrate that transparency can induce the WTO Secretariat to mention polarizing topics in their reports. The text analysis indicates that the secretariat uses proactive language to describe those polarizing topics.

Our analyses provide insights regarding the short-run benefits of adopting transparency. Transparency can make discussions in an IO more lively by inducing international bureaucrats to address contentious topics among member states. In trade negotiations, the public often links transparency to democratic accountability.²⁶ What we show is that transparency

²⁶The public demands transparency in trade negotiations. For example, when the US was negotiating the Anti-Counterfeiting Trade Agreement (ACTA), the public repeatedly criticized the United States Trade Representative for not providing enough information to the community. Public comments often link transparency and democracy, such as “Cloaking discussion of the agreement in secrecy undermines democracy” (<https://www.regulations.gov/comment/USTR-2010-0003-0008>).

not only informs the public about what is happening inside an IO, but it also can shape the kinds of topics discussed within an IO. The lively conversations can revitalize an IO that previously endured without making any progress toward its mandate. The finding is encouraging as many IOs go through crises in their life cycle that challenge their survival (Gray 2018; Von Borzyskowski and Vabulas 2019).²⁷ Transparency can energize an IO by empowering international bureaucrats to tackle salient topics.

Could the discussion on a divisive issue sparked by international bureaucrats resolve member state gridlock? Our theory and findings shed light on transparency's positive role in resolving member state gridlock, with the caveat of one scope condition. That is, the public should have a relatively unified preference on an issue, such as prompt distribution of vaccines in the midst of a pandemic. Under this condition, transparency can pressure member states to resolve gridlock through the channel of international bureaucrats. When the public is polarized on an issue, however, transparency can backfire. Information provided to the public under transparency can further polarize the public. The polarized public would then make it more challenging for member states to compromise during negotiations (Stasavage 2004; Hafner-Burton et al. 2016). In the context of the WTO, member states would be less willing to make concessions, anticipating the potential backlash from their domestic audiences. As a result, transparency would invite further gridlock in negotiations, which could incentivize member states to withdraw from an IO (Debre and Dijkstra 2021). This possibility threatens the survival of an IO in the long run.

Mechanism-wise, our study illuminates the role of international bureaucrats in understanding the resilience of an IO. We provide a mechanism describing how transparency affects international cooperation through changing the behavior of an IO staff members. Past research studies international bureaucrats as actors, but the research mostly looks at judges who arbitrate legal disputes. Pauwelyn and Pelc (2022), for instance, notes that the WTO has decided to incorporate anonymity into its ruling on dissenting opinions to protect

²⁷According to Gray (2018), 38% of IOs are “zombies” that are no longer vital.

the WTO adjudicators from potential political retribution. However, in addition to judges, there are many international bureaucrats who work at IOs including those who facilitate negotiations among member states (Odell 2004; Jawara and Kwa 2004). To our best knowledge, this is the first study that connects transparency and IO staff members in international negotiations.

Conclusion

Transparency can discipline international bureaucrats to better represent contentious debates among IO member states. We leverage the WTO's institutional change in 2002 to cut its time to de-restrict internal documents from six to eight months to sixty days. The institutional change has enabled the public to access up-to-date conversations in the WTO. We find that the WTO Secretariat, after the speedy disclosure of internal documents to the public, issues more reports on topics that are polarizing among its member states. We also conduct text analysis and find that, after the rule change, the WTO Secretariat uses more proactive keywords in its reports. This indicates that international bureaucrats adapt to transparency.

Existing studies suggest that international bureaucrats would stay silent when states have polarized interests (Barnett et al. 2004; Urpelainen 2012). Our findings illuminate that transparency can embolden international bureaucrats by creating them a direct communication channel from them to the public. As long as international bureaucrats want to justify their existence, they would be motivated to exhibit responsiveness to the public by issuing more reports on contentious topics.

Methodologically, our paper explores a new approach to estimate the degree to which an agenda in an IO is polarized among member states. The IRT model, the conventional approach to quantify degrees of polarization, can be useful when member states express their preferences through voting. However, many IOs like the WTO make rules based on consensus, in which case state preferences are not represented by voting. The consensus-

based decision making raises a challenge for researchers to identify preferences of member states. To overcome this challenge, we leverage keywords in IO documents and explore the degree to which member states co-publish the documents. We then calculate the degree of polarization for each keyword by examining how fragmented the co-publication patterns are. We suggest that this approach can be useful for other IOs adopting consensus in their decision-making, especially when the object of inquiry is not individual state preferences but their distribution. Researchers can use this approach to study many other consensus-based IOs of which member states build coalitions to set agendas.

Future studies could examine how transparency affects international cooperation across different issue areas. Our theory predicts that when the public has a relatively unified preference on an issue, an informed public under transparency can pressure member states to break gridlock. This suggests the provision of public goods, such as vaccines or medical supplies during a pandemic, would particularly benefit from transparency. In contrast, when the public has a polarized preference on an issue, an informed public under transparency could further frustrate the conclusion of a negotiation. Such issues include protecting the rights of refugees, in which public opinion is substantially divided along the line of ideologies.

Policy-wise, our findings indicate that increasing transparency can increase an IO's accountability to the public through the channel of international bureaucrats. Regarding the question whether transparency increases an IO's accountability, much of the existing literature looks at how member states respond to transparency. Conversely, we suggest that an IO can increase its accountability to the public through international bureaucrats who adapt to transparency. As long as the IO Secretariat seeks its organizational survival, the secretariat would take advantage of transparency to directly demonstrate its work to the public. The pattern would be particularly apparent when an issue is polarized and the secretariat finds it difficult to be supported from member states as a whole. We develop and test our theory in reference to the WTO, but it can be generalized to many other international institutions that depend on a sizable bureaucracy to run their organizations.

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