

Global Governance

CCOL-UH 2018 | 4 Credits | Spring 2020
Pre-requisites/Co-requisites: None
Professor Barry Hashimoto: bh84@nyu.edu
Social Sciences, Building A5, Room 113
Tuesdays and Thursdays 4:05-5:20 in A2-020

Course Description: Spring 2020

Global governance is the process of making, changing, and enforcing rules to govern communities of sovereign states and their agents. At its core is international law, and its biggest challenge for several centuries has been controlling organized violence perpetrated against states and persons. The central questions of this course are: Why has the challenge of governing violence been so persistent, and have we succeeded at last in the twenty-first century? The course introduces students to the legal concepts, structure, and organizations needed to understand how international law works; examines the emergence of a constitutional order between states over the last two centuries, explores the personal, political, and legal origins of the *jus ad bellum* in the traditional law of nations and its transformation in the twentieth century; and studies the course of the political, legal, diplomatic, and personal dramas of a century-long effort to construct organizations, law, and courts to hold accountable the perpetrators of internationally unlawful violence. Rather than provide a disciplinary survey of the subject and practice of international law, the course explores the history of its most internationally controversial and significant project.

Learning Outcomes

Students will:

1. *Analyze* and *write* about the modern sources of international rights and obligations, the incidence and consequences of internationally unlawful behavior, and the institutions of international justice.
2. *Analyze*, *write*, and *debate* their work on the theory, history, and performance of multilateral international orders, institutions, and organizations governing war since the seventeenth century.
3. *Analyze*, *write*, and *present* their work on the political, diplomatic, and biographical histories of crimes against peace, acts and wars of aggression, genocide, crimes against humanity, and the prosecution of international crime since the First World War.
4. *Theorize* about and *debate* the course's main questions as applied to organized violence in the 21st century.

Texts at the Bookstore

1. **Ikenberry**, G.J. 2001. *After victory: institutions, strategic restraint, and the rebuilding of order after major wars*. Princeton, NJ: Princeton University Press.
2. **Hathaway**, O.A. and **Shapiro**, S.J. 2017. *The internationalists: how a radical plan to outlaw war remade the world*. New York, NY: Simon & Schuster.
3. **Sands**, P. 2016. *East west street: on the origins of 'genocide' and 'crimes against humanity'*. New York, NY: Vintage Books.
4. **Sellers**, K. 2013. *'Crimes against peace' and international law*. New York, NY: Cambridge University Press.
5. **McDougal**, C. 2013. *The crime of aggression under the Rome Statute of the International Criminal Court*. New York, NY: Cambridge University Press.

Teaching and Learning Methodology

Class meetings will consist either of lecture given by the professor or a structured conversation between students and the professor, in some cases taking the form of a debate. Throughout, students will engage in a close reading of important texts covering the topics of the course. Four short papers by students are the bases of discussions in several meetings. Two exams evaluate students' comprehension of course material.

Evaluation

- Four short papers:
 1. 15%: *Paper One* analyzes G. John Ikenberry's political theory of international order. The central question to answer is whether Ikenberry's theory adequately explains the four international orders in the case studies of his book. The professor will give each student either "yes" or "no" as the conclusion they must reach. Students should substantiate their arguments using the theory and evidence in the book. Positions will be debated in class.
 2. 18%. *Paper Two* analyzes Oona Hathaway's and Scott Shapiro's theory of the causes and effects of the modern *jus ad bellum*. The questions to answer are: "What distinguishes the so-called Old and New World Orders? Who ushered in the New World Order? And are the authors correct that the New Order is better than the Old Order?" The professor will give each student either "yes" or "no" as the conclusion they must reach to the final question. Students should substantiate their arguments using the theory and evidence in the book. Positions will be debated in class.
 3. 11%: *Paper Three* presents an original biographic portrait of a central character in *East west street*, as presented by Philippe Sands. The central questions to answer are: "what is this person's 'story,' and what role did they have in the emergence of the concepts and law regarding genocide and crimes against humanity?" Students will present excerpts of their essays in class right after spring break.
 4. 18%: *Paper Four* presents original research and analysis about breaches of *jus ad bellum* and acts of aggression that may have occurred in selected 21st century cases. The central questions to answer are: "What must we determine to know whether an unlawful use of force or act/war of aggression has happened in the selected case? What does the evidence suggest at the moment?" Arguments will be presented in class.
- Two exams:
 1. 18%. *Midterm* covering lectures and readings in weeks 1-5.
 2. 20%: *Final* covering lectures and readings from weeks 10-16.

Table 3: Final Course Grade Scale for Submission to Registrar

A: 94%-100%	B: 83%-86.9%	C: 73%-76.9%	D: 60%-66.9%
A-: 90%-93.9%	B-: 80%-82.9%	C-: 70%-72.9%	F: < 59.9%
B+: 87%-89.9%	C+: 77%-79.9%	D+: 67%-69.9%	

Course Policies

1. Students are welcome to contact the professor to schedule meetings or simply have questions resolved by email.
2. Please attend all class meetings. Any student who was absent in six or more class meetings without permission will receive up to a 15% penalty on their course grade, depending on the circumstances.
3. Please complete required readings and coursework on time. Participate meaningfully in discussion. Treat yourself and all other members of the course with respect.
4. Late submissions/completions will be penalized. Make-up work and extra-credit options will only be permitted in unusual circumstances.

Academic integrity

Please read the statement below and NYU Abu Dhabi's policies on academic integrity. Contact the professor with any questions before submitting work.

NYU Abu Dhabi expects its students to adhere to the highest possible standards of scholarship and academic conduct. Students should be aware that engaging in behaviors that violate the standards of academic integrity will be subject to review and may face the imposition of penalties in accordance with the procedures set out in the NYUAD policy.

<https://students.nyuad.nyu.edu/campus-life/student-policies/community-standards-policies/academic-integrity/>.

Disabilities

Contact the professor with any questions.

NYU Moses Center for Students with Disabilities (CSD): New York University is committed to providing equal educational opportunity and participation for students with disabilities. CSD works with NYU students to determine appropriate and reasonable accommodations that support equal access to a world-class education. Confidentiality is of the utmost importance. Disability-related information is never disclosed without student permission. <https://www.nyu.edu/students/communities-and-groups/students-with-disabilities.html>

Schedule

Required readings are posted in the weekly schedule below. Readings should be completed by the class meeting next to which they appear. The schedule of the course is subject to adjustment based on the content and length of classroom discussions as well as the relevance of other materials that may merit attention.

Class Meeting	Topics & Events	Readings Due
Week 1, Tuesday, Jan 28	Introduction	Syllabus
Week 1, Thursday, Jan 30	Making international law: Agreements, practice and principles	Start: Neff, S. 2018. A short history of international law. In <i>International law</i> , 5 th ed. Oxford, UK: Oxford University Press.
Week 2, Tuesday, Feb 4	Making international law: Agreements, practice and principles	Finish: Neff (above), and Roberts, A. and Sivakumaran, S. The theory and reality of the sources of international law. In <i>International law</i> , 5 th ed. Oxford, UK: Oxford University Press.
Week 2, Thursday, Feb 6	Making international law: Agreements, practice and principles	Boyle, A. Soft law in international law-making. In <i>International law</i> , 5 th ed. Oxford, UK: Oxford University Press.
Week 3, Tuesday, Feb 11	Breaking international law: responsibility and escape	Crawford, J. and Olleson, S. The character and forms of international responsibility. In <i>International law</i> , 5 th ed. Oxford, UK: Oxford University Press.
Week 3, Thursday, Feb 13	Breaking international law: responsibility and escape	White, N. and Abass, A. Countermeasures and sanctions. In <i>International law</i> , 5 th ed. Oxford, UK: Oxford University Press.

Week 4, Tuesday, Feb 18	Debate based on Paper One: Causes and characteristics of international order	Ikenberry , G.J. 2001. <i>After victory: institutions, strategic restraint, and the rebuilding of order after major wars</i> . Princeton, NJ: Princeton University Press.
Week 4, Thursday, Feb 20	Debate based on Paper One: Causes and characteristics of international order	No new reading.
Week 5, Tuesday, Feb 25	The United Nations Security Council as an elite pact to authorize organized violence	Voeten , E. 2005. "The political origins of the UN Security Council's ability to legitimize the use of force." <i>International Organization</i> 59(3), pp. 527-557.
Week 5, Thursday, Feb 27	Midterm exam covering weeks 1-5	No new reading.
Week 6, Tuesday, March 3	Resolving disputes at the World Court: the primacy of consent	TBA on NYU Classes.
Week 6, Thursday, March 5	Resolving disputes at the World Court: the primacy of consent	Akande , D. and Tzanakopoulos , A. 2017. "The International Court of Justice and the concept of aggression." In <i>The crime of aggression</i> . New York, NY: Cambridge University Press.
Week 7, Tuesday, March 10	Debate based on Paper Two: war and the <i>jus ad bellum</i> : the history, law and characters	Hathaway , O.A. and Shapiro , S.J. 2017. <i>The internationalists: how a radical plan to outlaw war remade the world</i> . New York, NY: Simon & Schuster.
Week 7, Thursday, March 12	Debate based on Paper Two: war and the <i>jus ad bellum</i> : the history, law and characters	No new reading.
Week 8	No classes due to 7-week course exams	
Week 9	Spring Break	Sands , P. 2016. <i>East west street: on the origins of 'genocide' and 'crimes against humanity.'</i> New York, NY: Vintage Books.
Week 10, Tuesday, March 30	Presentations of Paper Three: biographies of <i>East west street</i>	No new reading.
Week 10, Thursday, April 1	Diplomacy of definition	Chapters 1-2 of Sellars , K. 2013. <i>'Crimes against peace' and international law</i> . New York, NY: Cambridge University Press.

Week 10, Sunday, April 5	Legacies of Nuremburg and Tokyo	Chapters 3-9 of Sellars, K. 2013. <i>'Crimes against peace' and international law</i> . New York, NY: Cambridge University Press.
Week 11, Tuesday, April 7	The Draft Code and draft statutes after 1948	No new reading. Finish any parts of Sellars that you haven't yet finished.
Week 11, Thursday, April 9	The Draft Code and draft statutes after 1948	Henkin, L. 1995. U.S. ratification of human rights conventions: the ghost of Senator Bricker. <i>American Journal of International Law</i> 89:2, pp. 341-350.
Week 12	Prof. Hashimoto will be away for work in Washington, April 10-20.	Relevant writing, selected by the students and the professor, about the legality of situations in either Crimea, Iraq, or Syria on <i>Just Security</i> , <i>Lawfare</i> , <i>Opinio Juris</i> , and <i>EJIL Talk</i> blogs. Brunée, J. and Toope, S.J. 2018. Self-defense against non-state actors: Are powerful states willing but unable to change international law? <i>International and Comparative Law Quarterly</i> , 67:2, April 2018, pp. 263-286.
Week 13, Tuesday, April 21	Presentations of Paper Four: breaches of <i>jus ad bellum</i> and aggression in this century	Chapters 1 of: McDougal, C. 2013. <i>The crime of aggression under the Rome Statute of the International Criminal Court</i> . New York, NY: Cambridge University Press.
Week 13, Thursday, April 23	The path to General Assembly Resolution 3314	Chapters 2-3 of: McDougal, C. 2013. <i>The crime of aggression under the Rome Statute of the International Criminal Court</i> . New York, NY: Cambridge University Press.
Week 14, Tuesday, April 28	The path after General Assembly Resolution 3314	TBA on NYU Classes.
Week 14, Thursday, April 30	The state in the crime of aggression	Chapter 4 of: McDougal, C. 2013. <i>The crime of aggression under the Rome Statute of the International Criminal Court</i> . New York, NY: Cambridge University Press.
Week 15, Tuesday, May 5	The individual in the crime of aggression	Chapter 5 of: McDougal, C. 2013. <i>The crime of aggression under the Rome Statute of the International Criminal Court</i> . New York, NY: Cambridge University Press.

<p>Week 15, Thursday, May 7</p>	<p>Jurisdiction over the crime of aggression</p>	<p>Chapter 6 of: McDougal, C. 2013. <i>The crime of aggression under the Rome Statute of the International Criminal Court</i>. New York, NY: Cambridge University Press.</p>
<p>Week 16, Tuesday, May 12</p>	<p>Can the crime of aggression be prosecuted?</p>	<p>Chapter 7 of: McDougal, C. 2013. <i>The crime of aggression under the Rome Statute of the International Criminal Court</i>. New York, NY: Cambridge University Press.</p>
<p>Week 16, Thursday, May 14</p>	<p>Conclusion and exam review.</p>	<p>No new reading.</p>