

Global Governance

CCOL-UH 2018 | 4 Credits | Fall 2020
Pre-requisites/Co-requisites: None
Professor Barry Hashimoto: bh84@nyu.edu
Social Sciences, Building A5, Room 113

Course Description: Fall 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. **Sands**, P. 2016. *East west street: on the origins of 'genocide' and 'crimes against humanity.'* New York, NY: Vintage Books.
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. **Sellers**, K. 2013. *'Crimes against peace' and international law.* New York, NY: Cambridge University Press.
4. **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. Short papers by students are the bases of discussions in several meetings. Two exams evaluate students' comprehension of course material.

Evaluation

- Two papers of no more than 7 pages, single-spaced, 12-point, inclusive of any standard reference formatting:
 1. 30%: *Paper One* 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 play in the law, politics, and process of the emergence of law on genocide and crimes against humanity?" Students will present and discuss their essays in class.
 2. 30%. *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 Orders? Who ushered in the New 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, after reading all chapters. Positions will be debated in class.
- Examination:
 1. 40%: *Final exam* taken at home under an open-book, open-note policy.

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, Sept 8	Introduction	Syllabus
Week 1, Thursday, Sept 10	Making international law	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, Sept 15	Making international law	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, Sept 17	Making international law	Boyle, A. Soft law in international law-making. In <i>International law</i> , 5 th ed. Oxford, UK: Oxford University Press.
Week 3, Tuesday, Sept 22	Breaking international law	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, Sept 24	Breaking international law	White, N. and Abass, A. Countermeasures and sanctions. In <i>International law</i> , 5 th ed. Oxford, UK: Oxford University Press. Skim.
Week 4, Tuesday, Sept 29	Presentations and discussion of Paper One. Upload your paper to the NYU Classes Assignment link by the end of the day.	Sands, P. 2016. <i>East west street: on the origins of 'genocide' and 'crimes against humanity.'</i> New York, NY: Vintage Books.

Week 4, Thursday, Oct 1	Interpreting international law	Sinclair , I.M. 1970. "Vienna Conference on the Law of Treaties." <i>The International and Comparative Law Quarterly</i> 19:1, pp. 45-69.
Week 5, Tuesday, Oct 6	Interpreting international law	Reading TBD on NYU Classes.
Week 5, Thursday, Oct 8	Interpreting <i>jus ad bellum</i>	Dörr , O. 2015. "Use of force, prohibition of." <i>Max Planck encyclopedia of public international law</i> . Oxford, UK: Oxford University Press.
Week 6, Tuesday, Oct 13	Law and the United Nations Security Council	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 6: Thurs, Oct 15	Politics and the United Nations Security Council	No reading due. Begin reading Hathaway and Shapiro (below).
Week 7: No class		
Week 8, Tuesday, Oct 27	Debate based on Paper Two. Upload your paper to the NYU Classes Assignment link by the end of the day.	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. Start early. Read all chapters, and devote special attention to chapter 16.
Week 8: Thursday, Oct 29	Resolving disputes at the World Court	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 9, Tuesday, Nov 3	Resolving disputes at the World Court	Reading TBD on NYU Classes.
Week 9, Thursday, Nov 5	Resolving disputes at the World Court	No new reading. Begin reading Sellars (below).
Week 10, Tuesday, Nov 10	Making a crime of aggression: London and Washington	Chapters 1-3 of Sellars , K. 2013. <i>'Crimes against peace' and international law</i> . New York, NY: Cambridge University Press.

Week 10, Thursday, Nov 12	Making a crime of aggression: Nuremburg and Tokyo	Chapters 4-5 of Sellars, K. 2013. <i>'Crimes against peace' and international law</i> . New York, NY: Cambridge University Press.
Week 11, Tuesday, Nov 17	Making a crime of aggression: Nuremburg and Tokyo	Chapters 6-8 of Sellars, K. 2013. <i>'Crimes against peace' and international law</i> . New York, NY: Cambridge University Press.
Week 11, Thursday, Nov 19	Making a crime of aggression: New York and Geneva	Chapter 9 of Sellars, K. 2013. <i>'Crimes against peace' and international law</i> . New York, NY: Cambridge University Press.
Week 12, Tuesday, Nov 24	Making a crime of aggression: Washington, New York, Rome, Princeton, and Kampala	Chapters 1-2 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 12, Thursday, Nov 26	Making a crime of aggression: Washington, New York, Rome, Princeton, and Kampala	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 13: No class		
Week 14, Tuesday, Dec 8	Making a crime of aggression: Washington, New York, Rome, Princeton, and Kampala	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.
Week 14, Thurs, Dec 10	Epilogue	Koskeniemmi, M. "A trap for the innocent. . ." In <i>The crime of aggression</i> . New York, NY: Cambridge University Press.
Week 15	Deadline for the final exam is the end of the time period posted on NYU Albert.	A supplementary reading may be assigned in preparation for the final exam.