LAW AND POLITICS OF GLOBAL GOVERNANCE

Detailed Reading List – Arindrajit Basu

INTRODUCTION

Since 1945, a crude amalgamation of transnational regulatory agencies, standard-setting bodies and inter-governmental organisations has wielded considerable influence in shaping the civil, political, social and economic conditions for human beings across the globe.[1] Yet, the project of global governance as articulated by the UN Charter, Bretton Woods institutions, and many other international instruments has struggled to move past its inherently undemocratic character. Democratic states are governed by a legislature, an executive and an independent judiciary, all guided by a constitution that reflects the will of the people. The 'liberal, international order', which reflects the post-War aspiration for a "democratic peace" neither has corresponding institutions nor mechanisms that render it accountable to the global public. The lack of direct linkages between the governance structures and the governed resulted in the manipulation of multilateral regimes by powerful interest groups, states and non-state actors. The international order today has incubated an "underclass" of vulnerable communities, including refugees, indigenous populations, agricultural labourers and blue-collar workers -- that Richard Stewart has appropriately termed 'the disregarded.[2]

During the past decade, populist leaders have latched onto the outbreak of discontent among the disregarded and jettisoned multilateral, rules-based cooperation for policies favouring protectionism and isolationism. Withdrawal from treaties and processes [3], rejection of human rights norms[4] and the stonewalling of processes at the international level[5] have cast a grim shadow on the future of multilateralism.

As India takes up its rightful position as a norm enterpreneur in the global order, she must ask herself what sort of an order does she want to shape? A modest derivation of the established order that was driven largely by the super-powers of the time, or a new world order-shaped by the leaders of today? Are there values from the old order that continue to be applicable in today's day and age? Can International Law be conceptualized as an instrument that accomplishes more than mere virtue-signalling for the elite?

All these are tough questions-questions that budding lawyers from the global South should be equipped to grapple with. This course does not seek to provide any answers -indeed a silver bullet solution might prove to be elusive. Neither does it seek to frame the questions-students are expected to figure this out for themselves. Indeed, the journey to

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[1] Eyal Benvenisti&George. W. Downs,"The Empire's new clothes:Political Economy and the future of Fragmentation of International Law" 60 Stanford Law Review 595 (2007)

[2] Richard Stewart,Remedying Disregard in Global Regulatory Governance:Accountability, Participation and Responsiveness" 108 AJIL 2 (2014)

[3] For example: US withdrawal from Paris Climate Change Agreement and UN Human Rights Council

[4] Daniel W. Hill Jr., " Estimating the effects of Human Rights Treaties on State Behaviour" (2010) 72(4) The Journal of Politics,1161,1163

[5] An example of this is the blocking of the re-appointment of judges by the US at the World Trade Organization last year

framing the right questions would mark half the battle won. Instead, we hope to stimulate intellectual thought and provoke discord so that the voices of the hitherto disregarded are never silenced again.

The course starts off by quickly recapping some of the basics of International Law and International Relations. It then moves onto the structure and functioning of existing institutions with a bid to provoke critique of the same. We then look separately at two sides of the global governance architecture-the Bretton Woods driven international economic order and the UN driven human rights regime-both of which are under considerable threat. We then dedicate a unit solely to pontificating on the future of International Law in an era of lucrative deals.

We then zoom in a little bit-looking at India's role in this cacophony and how we can pave a way forward for ourselves in a manner that serves our national interest and benefits the most vulnerable. In the final unit, we look at technology-which holds the key to international relations for the next century. A new Iron Curtain is rising as a clash of values, interests and institutions are coming to the fore again to determine the future of cyberspace. Lessons from the last seven decades (and the first six units of this course) might have to be unlearned and reformed. Not doing so makes us run the risk of entrenched redundancy.

OTHER DETAILS

1. **Class Size:** Max 55
2. **Appropriate for:** 3rd, 4th and 5th year
3. **Pre-requisites:** None, except for an appetite for reading and writing. (Basic Knowledge of Public International Law and International Relations might help-so the readings in Unit 1 become important)
4. **Readings:**Illustrative, not exhaustive. I have indexed a list of articles I found useful while researching and learning about these issues. I would argue that doing the readings might help you make informed contributions to the class discussion (particularly those in bold)-but drawing from other sources is always encouraged.
5. **Assessment:**
    - **Written Essay (1500 words)**-Policy Brief/Blog Post(s) on a topic of your choice to be decided in consultation with me **(60%)**
    - **2 Response Papers (500 words each)-**To be written in response to any of the 'prompts' in units 3-7 **(35%) OR** Open Book Exam **(35%)**-To be finalised in consultation with NUJS UGC
    - **Class Participation (5%)**

Unit 1: Laying the groundwork (2 hours)

While much of this course will be spent deconstructing and reconstructing the 'basics',laying the ground-work and understanding the basics is a crucial first step before we embark on said reconstructing and deconstructing.If you feel you have a hang of these readings already, feel free to skip but be very,very sure as they are essential to the rest of the course.

BASICS OF PUBLIC INTERNATIONAL LAW

This session will introduce the main foundational elements of public international law, which are essential to understand how international law is created. These are treaties, customary international law and other "sources" of international law. In addition, there will be considerations of soft law and how international law, and our understanding of what is part of the international legal system, develops over time. Depending on the extent of your familiarity with the basics of international law, you should read at least two of the following four readings.

H. Charlesworth, 'Law-Making and Sources' in J. Crawford and M. Koskenniemi, International Law (CUP, 2012) 187-202

V. Lowe, International Law (OUP, 2007), Chapters 1 and 2; or M. Evans (ed), International Law (4th ed, OUP, 2014)

Chapters 4 and 5; or M. Dixon, R. McCorquodale and S. Williams, Cases and Materials on International Law (OUP, 2011) Chapters 1 and 2

M. Shaw (3rd ed,2018),"International Law" chs 1-5

BASICS OF INTERNATIONAL RELATIONS THEORY

Henry Kissinger (2014)," World Order: Reflections on the character of nations and the course of History" Chs 1-3

Anne Marie-Slaughter, "International Relations, Principal Theories"

Sanjay Seth," Post-colonial theory and the critique of International Relations" Millenium:Journal of International Studies Vol 40 Issue 11 (2011)

M. Finnemore and K. Sikkink, "International Norm Dynamics and Political Change' Vol 52 No. 4 International Organisations (1998)

Mazarr, Heath&Cevallios,"China and the International Order" RAND Corporation,2018

Edward Said, *Orientalism* (Vintage Books, 1979) 1-112

Additional Reading:

Carvalho, Benjamin de, Halvard Leira and John Hobson (2011) 'The Myths That Your Teachers Still Tell You about 1648 and 1919', Millennium39(3): 735-758.

Buzan,Barry and George Lawson (2014) 'Rethininking Benchmark Dates in InternationalRelations', European Journal of International Relations20(2): 437-462.

De-Graaf and Apeldoorn,"US-China relations and the liberal world order:contending elites,colliding visions?" Chatham House,2018

Unit 2:Understanding the birth,growth and after-life of International Organisations (4 hours)

Prompt: What are international organizations? What are they for? What were the factors leading to their genesis and how does the complex web of these institutions lead to status quo on a legal framework for their governance? What were the original fractures in their creation and how do they continue to plague them today?

Essential reading:

Kenneth Abbott and Duncan Snidal, *Why States Act through Formal International Organizations*, 42 Journal of Conflict Resolution 3 (1998).

Robert O. Keohane, Stephen Macedo & Andrew Moravcsik, *Democracy-Enhancing Multilateralism*, 63 INT'L ORG. 1, 1-22 (2009).

B.S. Chimni, *International Institutions Today: An Imperial Global State in the Making*, 15 European Journal of International Law 1, 1-17 (2004).

Jan Klabbers, *The Life and Times of the Law of International organizations*, 70 Nordic J. Int'l L. 287, 287-291 (2001) or http://www.ejil.org/pdfs/26/1/2560.pdf

Jennifer Shkabatur, *A Global Panopticon? The Changing Role of International Organizations in the Information Age*, 33 Mich. J Int'l L., 159 (2011)

Dieter Kerwer and Rainer Hülsse, How International Organizations Rule the World: The Case of the Financial Action Task Force on Money Laundering 2 J Int'l Org. Studies 50 (2011

Eyal Benvenisti, The Law of Global Governance, Chapter 2 (pp. 9-36 in the Working Paper Series version, 2014).

Benedict Kingsbury, Nico Krisch, & Richard B. Stewart, The Emergence of Global Administrative Law 68 Law & Contemp. Prob. 15, 57-59 (2005).

Kal Raustiala, Governing the Internet, American Journal of International Law 3-13 (2016).

Optional Readings:

Alec Van Vaerenbergh, Regulatory Features and Administrative Law Dimensions of the Olympic Movement's Anti-doping Regime, IILJ Working Paper Series (2005)

Unit 3: The International Economic Order and its discontents (5 hours)

The 'Bretton Woods' moment conceived a global economic order based on free and fair trade accompanied by neutral dispute resolution bodies that would guarantee sovereign equality and benefit the most vulnerable. How far has that vision been realised? How has the rise of China augmented/entrenched that vision? How far have institutions been receptive to geo-political flux?

Organisations in the International Economic Order

Eyal Benvenisti & George W. Downs, The Empire's New Clothes: Political Economy and the Fragmentation of International Law, 60 Stan. L. Rev. 595, 604-619 (2007).

Richard B. Stewart, *Remedying Disregard in Global Regulatory Governance: Accountability, Participation, and Responsiveness*, 108 Am. J. Int'l L. 211, 216-231 (2014)

Kristina Daugirdas, Congress Underestimated: The Case of the World Bank, 107 AM. J. INT'L L. 517, esp. 536-40, 550-53 (2013).

Markus Krajewski, Legitimizing Global Economic Governance through Transnational Parliamentarization: The Parliamentary Dimensions of the WTO and the World Bank, *TranState Working Paper* 136 (2010).

Mathew D. McCubbins, Roger G. Noll & Barry R. Weingast, Administrative Procedures as Instruments of Political Control,Alberto Alemanno, The Regulatory Cooperation Chapter of the Transatlantic Trade and Investment Partnership: Institutional Structures and Democratic Consequences 18 Journal of International Economic Law, 625 (2015).

Eyal Benvenisti, Democracy Captured: The Mega-Regional Agreements and the Future of Global Public Law, 23 Constellations (2016).

Ofer Eldar, Vote-Trading in International Institutions, 19 European Journal of International Law 3 (2008).

Challenges to Status Quo

Joseph Stiglitz (2002), *Globalization and its Discontents* (W.W. Norton&Company,2002) Chs 1-4, and 5

Book Reviews (Read any 2):

- Enrico Colombatto: *Book Review.* In: *Journal of Libertarian Studies*. Volume 18, No. 1, Winter 2004, pp. 89–98 (PDF)
- Daniel T. Griswold: *Book Review.* In: *Cato Journal*. Vol. 22, No. 3, Winter 2003, pp. 566–569 (PDF)

- D. W. MacKenzie: *Book Review.* In: *Public Choice.* Volume 120, Numbers 3-4, September 2004, pp. 234–239 (PDF)
- James M. Rossi: *Book Review: Globalization and Its Discontents*. In: *Human Nature Review.* 2002, Volume 2, pp. 293–296

Joseph Stiglitz*, Making Globalisation work* (W.W. Norton and Company,2006) Chs 1-4 and 6.

Quin Slobodian,Globalists: The End of Empire and the end of Neo-liberalism (Harvard University Press,2018)

Modern day Geo-Economics

China

Roberts, Anthea and Choer Moraes, Henrique and Ferguson, Victor, Toward a Geoeconomic World Order (May 16, 2019). Available at SSRN: https://ssrn.com/abstract=3389163 or http://dx.doi.org/10.2139/ssrn.3389163

Centre for Strategic&International Studies,Parallel Perspectives on the Global Economic Order: A U.S.-China essay collection (Sept 2017)

John G. Ikenberry, The Rise of China and the Future of the West, Foreign Affairs,Jan/Feb 2008

Phillippe Le Corre,China's rise as a geo-economic influencer,Carnegie Endowment for International Peace,Oct 15,2018

Heng Wang, China's Approach to the Belt and Road Initiative: Scope, Character and Sustainability, *Journal of International Economic Law*, Volume 22, Issue 1, March 2019, Pages 29–55, https://doi.org/10.1093/jiel/jgy048

Rosemary Foot and Amy King, "Assessing the deterioration in U.S.-China relations: U.S. governmental perspectives on the economic-security nexus" China International Strategy Review (2019)

WTO

Stewart M. Patrick, " Trump's search for absolute sovereignty could destroy the WTO"WPR (2019)

Arindrajit Basu, " Will the WTO finally tackle the 'trump card' of national security?" (The Wire,May 08,2019)

Keith Johnson, " How Trump May Finally Kill the WTO" (Foreign Policy, Dec 9 2019)

Jennifer Hillman, " Three Approaches to Fixing the WTO's Apellate Body: The Good, The Bad and The Ugly" (Institute of International Economic Law, Georgetown)

Henry Farrell and Abraham L. Newman, "Chained to Globalization" : Why it's too late to decouple (Foreign Affairs, Jan/Feb 2020)

Branko Milanovic, " The Clash of Capitalisms: The Real Fight for the Global Economy's Future" (Foreign Affairs, Jan/Feb 2020)

Optional Readings:

Melissa J. Durkee, Astroturf Activism, 69 Stanford L. Rev. 201 (2017).

Daniel Nielson and Michael Tierney, Delegation to International Organizations: Agency Theory and World Bank Reform, 57 *International Organization, 241* (2003).

Ngaire Woods, Governing the Global Economy: Strengthening Multilateral Institutions, 2008

DP Rapkin & JR Strand, Representation in International Organizations: the IMF, WP 2010, http://ssrn.com/abstract=1667934

Rainer Hülsse, Even clubs can't do without legitimacy: Why the anti-money laundering blacklist was suspended, 2 Regulation & Governance 459 (2008).

Unit 4: 'Human Rights' and 'Democracy' (5 hours)

Human rights and democracy started out as talismanic values as the present day liberal international order prospered. Did the original promoters of this order genuinely practice the values they preached or were they mere smoke-screens for realpolitik? Are there alternate conceptions of human rights and governance? How do we make international human rights standards actionable given their essentially unactionable nature?

What are the warning signs for a transition of a society from democracy to 'democratic authoritarianism'? Is there anything such as democratic 'authoritarianism'?

International Human Rights Law

Malcolm Shaw (2018,3rd ed) International Law (CUP) Chp 6

Thomas Burgenthal, " A Brief History of Human Rights Law"

Wilde, Ralph, Triggering State Obligations Extraterritorially: The Spatial Test in Certain Human Rights Treaties. Israel Law Review, Vol. 40, No. 2, pp. 503-526, 2007; Hebrew University International Law Research Paper No. 17-07. Available at SSRN: https://ssrn.com/abstract=1032874

Benvenisti, Eyal, Sovereigns as Trustees of Humanity: On the Accountability of States to Foreign Stakeholders (November 27, 2012). 107 American Journal of International Law (2013). Available at SSRN: https://ssrn.com/abstract=1863228 or http://dx.doi.org/10.2139/ssrn.1863228

Dolzhikov, Alexey V., The European Court of Human Rights on the Principle of Proportionality in 'Russian' Cases (December 9, 2011). Teise, 82, 2012. Available at SSRN: https://ssrn.com/abstract=2695159

Janneke Gerards, Margin of Appreciation and Incrementalism in the Case Law of the European Court of Human Rights, *Human Rights Law Review*, Volume 18, Issue 3, September 2018, Pages 495–515, https://doi.org/10.1093/hrlr/ngy017

Verdirame, Guglielmo, Rescuing Human Rights from Proportionality (January 11, 2014). Cruft, Liao, Renzo (Eds.) Philosophical Foundations of Human Rights (Oxford University Press, 2014); King's College London Law School Research Paper No. 2014-14. Available at SSRN: https://ssrn.com/abstract=2377755 or http://dx.doi.org/10.2139/ssrn.2377755

Human rights and the realities of global politics

Katherine Short," From Commission to Council: Has the UN Nations succeeded in creating a credible Human Rights Body?"9 SUR - Int'l J. on Hum Rts. 147 (2008)

Samuel Moyn, "The parochialism of American cosmopolitanism" Lawfare,Feb 15,2017

Chase Madar, Samantha Powers and the weaponization of human rights,Counter Punch, Sept 10,2019

Philip Alston, The Populist Challenge to Human Rights, *Journal of Human Rights Practice*, Volume 9, Issue 1, February 2017, Pages 1–15, https://doi.org/10.1093/jhuman/hux007

Samuel Moyn, Not Enough:Human Rights in an unequal world (Harvard University Press,2018) Chps 5-7 and espl. concl

David Rieff, The End of Human Rights, Foreign Policy,Apr 9,2018

Arindrajit Basu,"Who Says Je Suis Faurrisson: Deconstructing the French free speech narrative,"Dissident Voice, Feb 17,2016

Nanjanya Nyabola,Human Rights after Trump,New Internationalist, Oct 2016,2018

Daniel Immerwahr," A World to Win: Decolonisation and the pursuit of a more egalitarian order," The Nation, Dec 23,2019 **

Benjamin Ward, What would a 'No Deal' Brexit mean for human rights?Human Rights Watch, Oct 17,2018

Andrew Gilmour, The Future of Human Rights: A view from the United Nations,Ethics & International Affairs

Samantha Besson (2011) Human rights and democracy in a global context:decoupling and recoupling, Ethics & Global Politics, 4:1, 19-50, DOI: 10.3402/egp.v4i1.6348

Beth. A. Simmons, " What's right with human rights"Winter 2015, No 35, Democracy: A Journal of Ideas

Ammori, Marvin, The 'New' New York Times: Free Speech Lawyering in the Age of Google and Twitter (June 20, 2014). Harvard Law Review, Vol. 127, No. 8, p. 2259, 2014. Available at SSRN: https://ssrn.com/abstract=2669272

Mary Ellen O' Connell, " How to Lose the Rule of Law", Lawfare, July 16,2019

HEINZE, E. (2011). The evolution of international law in light of the 'global War on Terror'. *Review of International Studies,* *37*(3), 1069-1094. doi:10.1017/S0260210510001014

Human Rights and Development

Morten Broberg & Hans-Otto Sano (2018) Strengths and weaknesses ina human rights-based approach to international development – an analysis of a rights-based approach to development assistance based on practical experiences, The International Journal ofHuman Rights, 22:5, 664-680, DOI: 10.1080/13642987.2017.1408591

Carmen Gonzalez, Environmental Justice, Human Rights, and the Global South, 13SANTA CLARA J. INT'L L.151 (2015).http://digitalcommons.law.seattleu.edu/faculty/631

Margot E. Salomon, Legal cosmopolitanism and the normative contribution of the Right to Development, LSE Working Paper Series (2008)

Cosmopolitanism, Human Rights and Democracy

Yascha Mounk, " How Labour Lost the Culture War" (The Atlantic, Dec 13,2019)

June Edmunds, Human Rights, Islam and the failiure of cosmopolitanism,(2013)Volume: 13 issue: 6, page(s): 671-688

Hurst Hannum, Reinvigorating Human Rights for the Twenty-First Century, *Human Rights Law Review*, Volume 16, Issue 3, September 2016, Pages 409–451, https://doi.org/10.1093/hrlr/ngw015

Yussef Al Tamimi,Human Rights and the Excess of Identity: A Legal and Theoretical Inquiry into the notion of identity in Strasbourg case Law 2018 Socio-Legal Studies Jun 27(3)

David Runciman, *How Democracy Ends* (Hachette,2018)pgs.165-219

Amber Sinha, The Networked Public: *How Social Media is Changing Democracy* (Rupa Publications, 2019) 89-177

Francis Fukuyama, *Identity* (Hachette,2018)Pgs.3-74

Autocratic Legalism (Any one of two mandatory)

Kim Lane Scheppele, " Autocratic Legalism" 85 University of Chicago Law Review (2018)

Freeman, Will, Colonization, Duplication, Evasion: The Institutional Strategies of Autocratic Legalism (March 28, 2018). Available at SSRN: https://ssrn.com/abstract=3210488 or http://dx.doi.org/10.2139/ssrn.3210488

https://www.transnat.org/current (Any 2)

Unit 5: The future of International Law (3 Hours)

Prompt: How has International Law evolved? How has geo-politics shaped its present state? Are there alternate methods of looking at and tracing its evolution? Is it an equitable construct? Is it a normative construct or a mere tool of 'politics by other means?'

Jan Klabbers, On Epistemic Universalism and the Melancholy of International Law, *European Journal of International Law*, Volume 29, Issue 4, November 2018, Pages 1057–1069, https://doi.org/10.1093/ejil/chy073**

Koh, Harold Hongju, "Why Do Nations Obey International Law?" (1997).Faculty Scholarship Series. 2101.https://digitalcommons.law.yale.edu/fss_papers/2101

Hakimi, Monica, The Work of International Law (August 1, 2017). Harvard International Law Journal, Volume 58, Number 1, Winter 2017; U of Michigan Public Law Research Paper No. 534. Available at SSRN: https://ssrn.com/abstract=2916171

Elonnai Hickok and Arindrajit Basu, " Conceptualizing an International Security Architecture for Cyberspace" (Briefings of the Research and Advisory Group of the GCSC) **[Pages 38-58 only]**

van Aaken, Anne, Behavioral International Law and Economics (October 19, 2013). Published in: 55 Harvard International Law Journal (2014), pp. 421-481.; U. of St. Gallen Law & Economics Working Paper No. 2013-21. Available at SSRN: https://ssrn.com/abstract=2342576 or http://dx.doi.org/10.2139/ssrn.2342576

Tomer Broude, Behavorial International Law,UPenn Law Review Vol 16:1099

Nico Krisch, International Law in Times of Hegemony: Unequal Power and the shaping of the International Legal Order,The European Journal of International Law Vol. 16 no.3 © EJIL 2005

Rafael Domingo, The Crisis of International Law,Vanderbilt Journal of Transnational Law,Vol 42:1543

Damon Linker, International Law won't save us, The Week, Apr 7,2018

Benvenisti, Eyal and Downs, George W., The Empire's New Clothes: Political Economy and the Fragmentation of International Law. Stanford Law Review, Vol. 60, 2007. Available at SSRN: https://ssrn.com/abstract=976930

Peters, Anne, The Refinement of International Law: From Fragmentation to Regime Interaction and Politicization (August 15, 2016). Max Planck Institute for Comparative

Public Law & International Law (MPIL) Research Paper No. 2016-19. Available at SSRN: https://ssrn.com/abstract=2823512 or http://dx.doi.org/10.2139/ssrn.2823512

Chimni, B S --- "The Past, Present and Future of International Law: A Critical Third World Approach" [2007] MelbJlIntLaw 27; (2007) 8(2) Melbourne Journal of International Law 499

S. G. Sreejith (2017) An auto-critique of TWAIL's historical fallacy: sketching an alternative manifesto, Third World Quarterly, 38:7, 1511-1530, DOI: 10.1080/01436597.2016.1217737

Alter, Karen J., The Future of International Law (August 8, 2017). In Diana Ayton-Shenker (ed.), The New Global Agenda, Lahnham: Rowman & Littlefield (2018). Chapter 2 (25-42).; iCourts Working Paper Series, No. 101, 2017; Northwestern Public Law Research Paper No. 17-18. Available at SSRN: https://ssrn.com/abstract=3015177

Douglas Guilfoyle, " The Future of International Law in an increasingly authoritarian world" EJIL Talk (June 3 2019)

Charles J Dunlap, "Lawfare"

David J. R. Frakt,Lawfare and Counterlawfare: The Demonization of the Gitmo Bar and Other Legal Strategies in the War on Terror, 43 Case W. Res. J. Int'l L.335 (2010)Available at: https://scholarlycommons.law.case.edu/jil/vol43/iss1/21

Roberts, Anthea, Is International Law International? Preface and Chapter 1: The Divisible College of International Lawyers (September 19, 2017). Is International Law International? Oxford University Press (2017). Available at SSRN: https://ssrn.com/abstract=3039763

Roberts, Anthea, Is International Law International? Chapter 3: Comparing International Law Academics (September 19, 2017). Is International Law International?, Oxford University Press (2017). Available at SSRN: https://ssrn.com/abstract=3039767

Oona Hathaway and Scott Shapiro, The Internationalists and their Plan to Outlaw War (Allen Lane, 2017) [Pgs. 309-396] (Also see Hathaway, Oona A. and Shapiro, Scott J., International Law and Its Transformation Through the Outlawry of War (December 10, 2018). Forthcoming in International Affairs; Yale Law School, Public Law Research Paper No. 660. Available at SSRN: https://ssrn.com/abstract=3299076)

"Transcript:Aung San Suu Kyi's Speech at the ICJ in Full"

Unit 6: India's role in the modern global order (4 hours)

Prompt: What role has India played in the shaping of the multi-lateral global order? Are there specific issue areas it could further engage with? What form could this engagement take?How are changing regional and global dynamics shaping India's role? How can International Law shape India's strategy? Has Narendra Modi ushered in a fundamental shift in Indian strategic thinking, and what can we expect from the Modi-Jaishankar combination in the next half decade?

Origins and Progress

Harsh V. Pant, *New Directions in India's Foreign Policy* (CUP, 2018)-Chs 2,3,7,**8,9**

Arun Sukumar, "How India lost it's way in the study and use of International Law" The Wire, 02 Apr,2018

Prabhakar Singh," Sino-Indian Attitudes to International Law:Of Nation States and Colonial Hangovers"The Chinese Journal of Comparative Law, 2015, 1–27

Thorsten Wojczewski (2017) India's vision of world order: multi-alignment, exceptionalism and peaceful co-existence, Global Affairs, 3:2, 111-123, DOI: 10.1080/23340460.2017.1331512

Singh, Suresh and Dube, Memory, BRICS and the World Order: A Beginner's Guide (May 30, 2014). Available at SSRN: https://ssrn.com/abstract=2443652 or http://dx.doi.org/10.2139/ssrn.2443652

Geo-Politics and Geo-Economics in a Changing South Asia (CPR Dialogues)

Priya Chacko, The new geo-economics of a "Rising" India: State Transformation and the recasting of foreign policy,Journal of Contemporary Asia, 2015

Sandy Gordon, India's rise as an Asian Power: Nation, Neighbourhood and region (CUP India, 2014) Chs 5 and 6

"India has a unique strategic culture and diplomatic style" (India Writes Network, 2013)

Shyam Saran, How India Sees the World, (Juggernaut ,2017) 63-133,192-227

Karthik Nacchiapan (2019), *Does India Negotiate?* (OUP)

Karthik Nachiappan, " The art of walking away from a deal" Livemint, Nov 07 2019

The age of Narendra Modi

Arun Sukumar, " What the Age of Narendra Modi means for Indian Foreign Policy" (The Wire,05 Jun 2019)

Ollapally, D. (2018). India and the International Order: Accommodation and Adjustment. *Ethics & International Affairs, 32*(1), 61-74. doi:10.1017/S0892679418000102

Shyam Saran, How India Sees the World, (Juggernaut ,2017) 63-133,192-227

S. Jaishankar, External Affairs Minister's Speech at the 4th Ramnath Goenka Lecture (2019)**

Happymon Jacob (2019) " The Delhi Dogma fallacy of the right" The Hindu (2019)

Swarajya Staff, " With Fiery Statements Like 'China Illegally Occupied Indian Territory' Here's New India's Diplomacy Under Jaishankar" Swarajya, Nov 01 2019

Dhruva Jaishankar, " Geopolitics is shifting, India must be prepared" (Hindustan Times, Dec 17,2019)

Dexter Filkins, " Blood and Soil in Narendra Modi's India" New Yorker, Dec 2,2019

The Future of No First Use

Christopher Clary and Vipin Narang, "India's Counterforce Temptations: Strategic Dilemmas, Doctrine, and Capabilities," *International Security*, Vol. 43, No. 3 (Winter 2018/19), pp. 7–52, https://doi.org/10.1162/ISEC_a_00340.

Christopher Clay&Vipin Narang, " 'No first use' nuke policy isn't dead, but losing sanctity" Hindustan Times, Aug 18,2019

"Should India change its No First Use Nuclear Doctrine"

https://www.orfonline.org/tags/no-first-use/

https://armscontrolcenter.org/issues/no-first-use/

Ankit Panda, 'No First Use' and Nuclear Weapons' (CFR Backgrounder,July 17,2018)

Unit 7: Technology and the Future of Global Governance (5 hours)
Prompt: Are we seeing the rise of a new digital 'Iron Curtain'? To what extent does cyberspace fundamentally change our understanding of global security systems? How has it facilitated the rise of an assortment of non-state actors and how should that cultivate our study of global governance? To what extent do fissures in the geo-economic order spill over into global technological competition? How can technology be harnessed to steer an equitable,stable and peaceful world order?

Cyber Norms Debate

Arindrajit Basu, " The Potential for the Normative Regulation of Cyberspace" (Centre for Internet&Society, Jul 30, 2018)-esp.2-14)

Arindrajit Basu&Elonnai Hickok, "Cyberspace and external affairs: A Memorandum for India" (Centre for Internet&Society,

Finnemore&Hollis, Constructing norms for global cybersecurity,The American Journal of International Law, Vol. 110, No. 3 (July 2016), pp. 425-479

Eneken-Tikk Ringas, International Cyber Norms Dialogue as an Exercise of Normative Power,Georgetown Journal of International Affairs (forthcoming)

Zine Homburger (2019) The Necessity and Pitfall of Cybersecurity Capacity Building for Norm Development in Cyberspace, Global Society, 33:2, 224-242, DOI:10.1080/13600826.2019.1569502

Louise Marie Hurel & Luisa Cruz Lobato (2018) Unpacking cyber norms: private companies as norm entrepreneurs, Journal of Cyber Policy, 3:1, 61-76, DOI: 10.1080/23738871.2018.1467942

Arindrajit Basu, "Private-Public partnership for cybersecurity," (Hindu Business Line,24 Dec,2018)

Thomas Rid & Ben Buchanan " Attributing Cyber Attacks," Journal of Strategic Studies, 38 (2015)

Pukhraj Singh, "Before cyber norms,let's talk about disanalogy and disintermediation" (CIS, 5 November 2019)

Non-State Actors

Buchan, R.J. (2016) Cyberspace, Non-State Actors and the Obligation to Prevent Transboundary Harm. Journal of Conflict & Security Law, 21 (3). pp. 429-453. ISSN 1467-795

Michael N. Schmitt, Sean Watts, Beyond State-Centrism: International Law and Non-state Actors in Cyberspace, *Journal of Conflict and Security Law*, Volume 21, Issue 3, Winter 2016, Pages 595–611, https://doi.org/10.1093/jcsl/krw019

Tim Maurer, "Proxies and Cyberspace"Journal of Conflict and Security Law, OUP,2016

Scott Shackleford, "State Responsibility for Cyber Attacks:Competing Standards for a Growing Problem" (CyCon, 2010)

Arindrajit Basu, "Beyond Twitter and Russia: How do we make social media incorporated work for democracy?" The Wire, 06 Nov,2017

Amber Sinha, *The Networked Public:How Social Media is Changing Democracy* (Rupa Publications, 2019)

Kilovaty, Ido, Privatized Cybersecurity Law (February 19, 2019). UC Irvine Law Review (2020, Forthcoming). Available at SSRN: https://ssrn.com/abstract=3338155 or http://dx.doi.org/10.2139/ssrn.3338155

The geo-politics of emerging technologies

Tim Stevens," Cyber Weapons: An emerging global governance architecture," Palgrave Communications, (January 10, 2017)

Hayley Evans,Natalie Salmanowitz, "Lethal Autonomous Weapons Systems: Recent Developments" (Lawfare, March 7,2019)

Kadri Kaska, Henrick Beckvard and Tomas Minarik, " Huawei, 5G and China as a National Security Threat" (CCDCOE, Tallin 2019)

[For primer on Huawei debate, see https://www.cnet.com/news/huawei-ban-full-timeline-on-how-and-why-its-phones-are-under-fire/]

Justin Sherman," Reframing the US-China AI arms race" (New America, 2019)

R.Shashank Reddy, "India and the challenge of autonomous weapons systems" (Carnegie India,June 2016)

Weaponized Interdependence: How Global Economic Networks Shape State Coercion **Henry Farrell** and **Abraham L. Newman** International Security 2019 44:1, 42-79

2019-05. Defending our Data: Huawei, 5G and the Five Eyes Bob Seely MP, Dr Peter Varnish OBE, Dr John Hemmings

2018-11. The Geopolitics of 5G Paul Triolo, Kevin Allison Eurasia Group

2019-03. Huawei Cyber Security Evaluation Centre Oversight Board: annual report 2019 Huawei Cyber Security Evaluation Centre (HCSEC), UK

The Indian Imperative

Arindrajit Basu, Elonnai Hickok and Aditya Chawla, " The Localisation Gambit:Unpacking policy measures for sovereign control of data in India" (Centre for Internet&Society,March 19th, 2019)

Eyal Benvenisti, "Upholding democracy amidst Amid the Challenges of New Technology: What role for the law of global governance" (EJIL,2018)

Arindrajit Basu, " India's Role in Global Cyber Policy Formulation" (Lawfare, Nov 07,2019)

Justin Sherman and Arindrajit Basu, " Fostering strategic convergence in US-India Tech Relations: %G and Beyond" (The Diplomat, July 03 2019)

Gautam Chikermane, "5G Infrastructure, Huawei's Techno-Economic Advantages and India's National Security Concerns: An Analysis" ORF Occasional Paper 226 (2019)

Parminder Jeet Singh, " Taking national data seriously" (The Hindu, October 17,2019) <https://www.thehindu.com/opinion/lead/taking-national-data-seriously/article29716990.ece>

Arindrajit Basu, " We need a better AI Vision" (Fountain Ink,2019)

Munish Sharma (2019), " The Road to 5G:Technology, Politics and Beyond" (IDSA Monograph Series No. 65)

Arun Mohan Sukumar, *Midnight's Machines: A Political History of Technology in India* (Penguin, 2019) Pgs. 100-145