



Course program and reading list

Semester 1 Year 2021

School: Lauder School of Government, Diplomacy & Strategy B.A

Perspectives on Law and Security

Lecturer:

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Teaching Assistant:

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Course No.:	Course Type :	Weekly Hours :	Credit:
4380	Lecture	2	2

Course Requirements :	Group Code :	Language:
Final Exam	212438001	English



Course Description

Perspectives on Law and Security offers a groundbreaking, unique, and multi-disciplinary take on the relationship between law and security by combining international law and international relations approaches to security.

The class consists of four parts:

1. **Part I: Academic Perspectives** (IR, international law, New Haven School, gender approaches),
2. **Part II: Institutional Perspectives** (domestic, regional, police military, IOs, MNCs, NGOs, formal alliances),
3. **Part III: Drivers of (in)Security** (climate change, health, water),
4. **Part IV: Emerging Perspectives on Law and Security** (with a focus on China and Russia).

Perhaps unsurprisingly, different actors hold different views on how to resolve law and security dilemmas - depending on their security priorities, mandates, and constituencies. To make matters more complicated, "security" is a contested term - and we will explore its different meanings and interpretations. We will take stock, in particular, of the evolution of the meaning of "security" from "state security" to "human security" - with the latter providing a useful analytical framework for the course.



Course Goals

Building on a solid knowledge of international law and government studies, this course promotes a multi-disciplinary approach to security. Students will better understand how different actors (domestic, regional, international) interpret the commands of the law and the requirements of security, and how different values and priorities guide decision-makers. They will also be able to think critically about the roles these actors play in enhancing or, on the contrary, impeding human security.

Understanding the relationship between law, security, and other seemingly unrelated concepts such as culture, public health, and water scarcity constitutes an essential goal of this course. It seeks to broaden the students' own perspective on security, and the multi-layered ramifications of this concept. It complements, without repeating it, the teachings they have received in previous years on security issues.

By doing so, the class introduces students to the timely and developing fields of food security, health security, climate security and water security - and the emerging and critical perspectives of China and Russia on these issues.



Grading

The components of the grade are as follows:

- **Final exam - 85% of the grade** (two hours, open book)
 - **Exercise(s) - 15% of the grade** (to be submitted via Moodle).
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Lecturer Office Hours

ייקבעו מהמשך לפי הלזז שלכם

המייל שלי - barak.daphne@idc.ac.il



Teaching Assistant

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Reading List

[Please note (1) the order of the following sessions might be modified based on the availability of guest speakers. You will of course receive updates via Moodle/"What's New" messages; (2) all material is available on the course website.]

Part I – Academic Perspectives on Security

This part of the class (lectures 1 to 3) provides the conceptual and theoretical framework for the rest of the course and it is critical that you familiarize yourself with the relevant concepts.

Lesson 1 – International Relations and International Law on Security [Oct 27]

What does "security" mean? In this lesson, we will examine various academic perspectives on security and how those have evolved over the years under the leadership of the UN and leading scholars who challenged traditional views on security in the 1990s. In both IR and in international law, the meaning of security has expanded beyond state security.

- Butros Butros-Gali, *Let's Get Together to Halt the Unraveling of Society*, New York Times (February 10, 1995).
- United Nations General Assembly Resolution 66/290 (10 September 2012).
- Hishashi Owada, *Human Security and International Law*, in FROM BILATERALISM TO COMMUNITY INTEREST: ESSAYS IN HONOR OF BRUNO SIMMA 505 (Ulrich Fastenrath, Rudolf Geiger, Daniel-Erasmus Khan, Andreas Paulus, Sabine von Schorlemer, and Christoph Vedder, eds.) (2011), read pp. 505-12.

Lesson 2 – Gender Approaches to Security [Nov. 3]

This lesson presents another academic perspective on the meaning of security. A feminist strand of security studies argues that gender-neutral approaches to security fail to capture the fact that gender permeates many aspects of international peace and security. This perspective further enriches our understanding of security, and highlights how (in)security might be experienced differently by men and women – from the role of women in armed conflict to the use of sexual violence as a weapon of war or the unique experience of women as prisoners of war or refugees. This class introduces key principles and writings, challenges gender-neutral assumptions about security, and maps gender-based security and legal issues prior to, during, and post conflict.

- United Nations Security Council Resolution 1325, S/RES/1325 (31 October 2000)
- Aili Mari Tripp, *Toward a Gender Perspective on Human Security*, in GENDER, VIOLENCE, AND HUMAN SECURITY: CRITICAL FEMINIST PERSPECTIVES (Tripp A., Ferree M., & Ewig C., eds.), pp. 3-32 (2013).
- Ann Tickner, *GENDER IN INTERNATIONAL RELATIONS* (1992), pp. 54-66.

Lesson 3 – Does Law Matter When Security is at Stake? [Nov. 10]

This lesson focuses on the role of the law. What role does the law play in ensuring security? Does law influence state behavior in matters of security? The New Haven School offers a unique perspective on the role international law plays in decision-making. Is security a policy goal? A value? If so, is it the core value?

- W. Michael Reisman, *The View from the New Haven School of International Law*, Proceedings of the Annual Meeting (American Society of International Law), Vol. 86 (April 1-4, 1992), read pp. 118-25 OR watch here: https://legal.un.org/avl/ls/Reisman_IL_video_1.html (33 minutes).
- David Baldwin, *The Concept of Security*, 23 *Review of International Studies* 5 (1997), read pp. 14-21.

Part II – Institutional Perspectives on Law & Security

The second part of the class focuses on the actors entrusted with the task of ensuring (hard) security – police and military forces, international and regional organizations, NGOs, corporations – and evaluates their contribution to peace and stability.

Lesson 4 – Security: Domestic or International? Police or military? [Nov. 17]

This lesson kicks off our study of institutional perspectives on law and security.

- National security and international security: Is it possible to focus on domestic security in today's age? Is there even such a thing as "domestic" security issues (think about COVID-19)? All crises, whether caused by immigration or natural disasters, have global effects. How have states reacted to the internationalization of security?
- The relationship between law and security from the perspective of the military: Who is best equipped to ensure security – the police or the armed forces? We will discuss the notion of "agents of (in)security" – what actors influence security and how? National militaries, for example, conceive of their roles as providers of security. When should states deploy military forces on their national territory? How does the population perceive such deployment in times of emergency? Should a crisis like COVID-19 be handled by the health ministry or by the military (contact-tracing, enforcement of lock down rules, etc.)?
- Military cooperation has the potential of significantly enhancing how the military does its job. This can be done, *inter alia*, via formal alliances. We will examine the role of NATO in promoting stability, and the use of hybrid police-military forces in and outside Europe (reflect upon the militarization of police forces: does it breed security or insecurity? Does it enhance or impede the rule of law?).

- Ron Nixon, *Homeland Security Goes Abroad. Not Everyone Is Grateful*, *New York Times* (December 26, 2017).
- William C. Banks, *SOLDIERS ON THE HOME FRONT: THE DOMESTIC ROLE OF THE AMERICAN MILITARY* (2016), read pp. 225-27.

Lesson 5 – Peripheral or Critical Actors? The Impact of IOs and MNCs on Security [Nov 24]

This lesson takes a critical look at the role of international organizations and multi-national corporations in security (both human security and "hard" security). Their contribution has been heavily contested. Take international organizations, for example, whose intervention in conflict has been said to delay peace, or the complex role played by UN peacekeepers – meant to act as security providers but at times committing crimes with impunity. As for

multi-national corporations, most of the legal literature deplors their participation in human rights violations in developing countries (when, for example, MNCs fail to provide adequate work standards or evade the laws of the countries in which they operate). However, economic scholars have argued that MNCs serve as "engines of development" by promoting economic and social rights.

This debate also resonates in developed countries, where governments have turned to corporations to assist in their counter-terrorism efforts. Take, for example, the US government's request to Apple in the wake of the 2015 San Bernardino attack to unlock the cell phone of one of the suspected attackers. This, too, raises the question of the role that large corporations play in security affairs.

We will examine each of these (non-state) actors and discuss their role as enablers of security, or impediments to it.

- Edward Luttwak, *Give War a Chance*, Foreign Affairs (1999).
- Elisa Giuliani and Chiara Macchi, *Multinational Corporations' Economic and Human Rights Impacts on Developing Countries: a Review and Research Agenda*, 38 Cambridge Journal of Economics 479 (2014) – read from pp. 479 to 487.

Lesson 6 – Take a Break from Zoom (!) Assignment [Dec 1]

This is a review of Parts I and II of the course. You can do it at home, during the time usually assigned (13:45-15:45), without even opening your computer (except to upload the assignment). Here's what you have to do: (1) Go down on the street to buy the newspaper – Yediot, Jerusalem Post, Haaretz, Maariv, or whatever other newspaper you can find (in Hebrew or in English). If you don't have at home, also buy glue and scissors. (2) Read the paper. (3) Cut parts of the newspaper that relate to human security. Glue them on the left side of an A4 page. Cut the parts of the newspaper that deal with "hard" security. Glue them on the right side of the same A4 page. If you don't have enough space, you can tape two A4 pages together to use something larger. (4) Take a (good) picture of your work (or scan). (5) Upload to the system as a Moodle assignment before 12pm on December 1.

There will be no Zoom lecture on that day.

Part III – What Breeds (In)Security?

Lessons 7 and 8 – Health Security [Dec. 8 and Dec. 15]

Guest Speaker: Arod Balissa, Life Sciences & Health Care and AI Domain Manager, Deloitte.

Just a year back, I had to spend a long time explaining why health fits into this course. Most students found it off to study health as part of a course on Law and Security. COVID-19 obviously changed this completely. As we broaden our perspective on the meaning of "security" and come to terms with the wide range of determinants that affect security (beyond military and strategic considerations), the role health plays in achieving security becomes evident. Health (and preventing epidemics, antimicrobial resistance, and health disasters) is a political issue, it is also a foreign policy issue. It is now clear that health disasters – whether man-made or naturally provoked – can spread panic across boundaries, infecting thousands if not millions of people, trigger mass movements of population, and massive economic downturns in their wake. Though the international community has developed an agenda to promote and safeguard global health, it has remained insufficient. We will discuss how the Sendai Framework for Disaster Risk

Reduction seeks to enhance preparedness and resilience in the face of health disasters, regardless of what caused them, and the International Health Regulations.

Health security in late 2020 also means artificial intelligence–assisted diagnosis, data collection and sharing, and questions of responsibility for mistakes.

How do tensions between law and security, between privacy and efficiency, get resolved? Do the issues look the same from the perspective of the medical professional, the insurer, or the patient? Who has the last word on these life–and–death dilemmas? Can regulation help and if so, how? Guest speaker Arod Balissa will enlighten us about these critical issues of our time.

- The Sendai Framework for Disaster Risk Reduction (paras. 1-19) and International Health Regulations (skim through: https://apps.who.int/iris/bitstream/handle/10665/43883/9789241580410_eng.pdf;jsessionid=CE1817CDD1E94988F25FB5657EBCC384?sequence=1)
- Kaleem Hawa, *Health and Climate Security: Interconnected Security Challenges of Climate Change and Infectious Disease*, in *Epicenters of Climate and Security* (2017).

Lesson 9 – Water Security [Dec. 22]

Water plays a crucial and often overlooked role as a vector of (in)security. Water scarcity can cause the outbreak of violence as the population competes over limited resources. Conflicts can also exacerbate the need for water, particularly when water shortages lead populations to migrate or when the arrival of significant numbers of refugees creates tensions over water sources. As the world’s population grows, demand for water increases – including massive amounts in order to grow food – and yet water comes in shorter and shorter supply. We will discuss the concept of water security, and the qualification of certain states as “water insecure”. We will explore the relationship between water and conflict, discuss the future of water wars, and discover how Israel uses technology to overcome the threat of drought. Israel also offers a valuable example of water diplomacy, using water to enhance cooperation with its neighbors.

- Robert Kaplan, *THE COMING ANARCHY* (The Atlantic, 1994), read uploaded excerpt.
- Scott Moore, *How to Solve the Global Water Crisis* (Foreign Affairs, 2018).

Lesson 10 – Climate Security [Dec 29]

Environmental changes, such as the disappearance of territories and mass migration due to natural disasters, can lead to insecurity. States have been reluctant to regulate transnational disasters, yet they must come together to face these threats in a comprehensive and concerted fashion. In the context of security, climate change acts as a threat multiplier – adding a layer of vulnerability in already fragile areas such as the Sahel.

Climate change also threatens military bases located in areas prone to rising sea levels, and agents posted abroad by making them more vulnerable to infectious diseases. How does a sophisticated military power like the US perceive and adapt to such threats? Finally, we will reflect on whether the post-WWII normative order, centered around the UN Security Council and the avoidance of war, might need to be adjusted as a result of mounting climate–induced disasters.

- Chris Abbot, *An Uncertain Future*, Oxford Research Group, Oxford Research Group (Jan. 2008).

- Francesco Femia and Caitlin E. Werrell, *Climate Change, the Erosion of State Sovereignty, and World Order*, in *Epicenters of Climate and Security* (2017).

Part IV – Emerging Perspectives on Law & Security

In this part, we will take a deeper look at how Russia and China conceive of international norms governing security and their take on human security. We will take stock of how culture influences a nation's foreign policy objectives, security priorities, and interpretation of international norms.

Lesson 11 – Russian Perspectives on International Law and Security [Jan. 5]

Guest Speaker: Professor Lauri Mälksoo, University of Tartu

How does Russia understand "security"? Does it embrace the concept of human security? What are, according to Russia, the foundations of the international normative order?

- *The Declaration of the Russian Federation and the People's Republic of China on the Promotion of International Law*, Ministry of Foreign Affairs of the Russian Federation (June 25, 2016).
- Anthea Roberts, *IS INTERNATIONAL LAW INTERNATIONAL?* (2017) (Preface and Chapter 1).

Lesson 12 – China, the UN, and International Security [Jan. 12]

Guest Speaker: Professor Courtney Fung, Hong Kong University

China's engagement with international law takes many forms – from formal declarations (like the one we studied last week, co-signed with China) to membership in the UN Human Rights Council. How are we to read this engagement and commitment to multilateralism? What role is China playing at the United Nations? Is China filling the gap left by the US or is something deeper at play? China's take on law and security also manifests itself – albeit very differently – in its treatment of minorities, censorship, and violations of privacy. What does security mean to China and how far can it go in the name of security?

- "Alternative" Strategic Perceptions in US-China Relations (East West Institute, 2017).

Lesson 13 – Exam Preparation [Jan. 19]

Sample exam and review of course material.