

INTERNATIONAL LAW AND GLOBAL GOVERNANCE

Daphné Dreyse and Prof. Anne-Thida Norodom

Objectives:

The issue of global governance is an extremely broad subject that can be approached from different angles. Linked to the phenomenon of globalization, it is traditionally analyzed through the economic prism, even if today other factors, particularly technological, contribute to the development of this phenomenon. The approach adopted for this course will be a legal one. The objective of this course is to understand the role of public international law in the regulation of global governance and its influence on the structure of the international legal order.

Teaching method:

This course will be taught by Professor Anne-Thida Norodom and Daphné Dreyssé (PhD in International Law, Université Panthéon-Assas). It will be divided into two parts. The first will aim to present the general framework of the reflection that will be carried out throughout the semester by showing on the one hand that this global governance has encouraged the emergence of new actors such as international organizations and non-state actors, and on the other hand that it has modified the processes of formation and realization of international law. The second part of the course will address the question of the relationship between international law and global governance through a thematic analysis.

The course will consist of ten 2-hour sessions.

For some sessions, students will be asked to do some preliminary reading, necessary for the organization of interactive seminars. Other readings may also be given to students as a complement to deepen their knowledge.

Evaluation:

The evaluation will be based on two elements:

- A short essay: max. 15000 signs, TNR, 12, line spacing 1.5
- Oral participation will result in two marks proposed by each of the teachers.

Program:

Dates	Seminars' topics	Reading materials
Tues. 26 January 8-10 a.m.	1. Introduction	_____
Tues. 02 February 8-10 a.m.	2. Actors and subjects of International Legal System 1: International Organizations	<p><i>Further Readings:</i></p> <p>. M.-C. Runavot, "The Intergovernmental Organization and the Institutionalization of International Relations: The Modelling of International Organization at Stake", in R. Virzo and I. Ingravallo (eds.), <i>Evolutions in the Law of International Organizations</i>, 2015, 15-43.</p> <p>. J. Klabbbers, "The Paradox of Intl Institutional Law", <i>IOLR</i>, 2008, 1-23</p>
Tues. 09 February 8-10 a.m.	3. Actors and subjects of International Legal System 2: Non-State Actors	<p><i>Basic Reading:</i> Guiding Principles on Business and Human Rights, 2011: https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf</p> <p><i>Further reading:</i> https://www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx</p>
Tues. 16 February 8-10 a.m.	4. Role and Limits of IL in GG 1: Law-Making Processes	<p><i>Basic Reading:</i> N. Bonucci, "International Law in the making: the OECD experience", <i>ILO100: Law for Social Justice</i>, 2019: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---jur/documents/publication/wcms_732217.pdf</p> <p><i>Further Readings:</i></p> <p>. R. Kolb, "To what extent may hard law content be incorporated into soft instruments", <i>Schweizerische Zeitschrift für internationale und europäisches Recht</i>, vol. 29/3, 335-344</p> <p>. R.A. Wessel, "Informal International Law-Making as a New Form of World Legislation?", <i>IOLR</i>, 2011/1, 253-265</p>

Tues. 23 February 8-10 a.m.	5. Role and Limits of IL in GG 2: Law-Enforcement Processes	<i>Further Readings:</i> . P.M. Lawrence, "Soft Law in the Paris Climate Agreement: strength of weakness?", <i>Review of European Community and International Environmental Law</i> , 2017, vol. 26, 276-286 . D. König, "The Elaboration of Due Diligence Obligations as a Mechanism to ensure Compliance with International Legal Obligations by Private Actors", in <i>Contribution of the International Tribunal for the Law of the Sea to the Rule of Law: 1996-2016</i> , 2018, 83-95.
Wen. 3 march 1'30- 3'30 pm	6. Health: Health Crises in Global Context; International Cooperation, World Health Organization (WHO), Compliance.	<i>Basic readings:</i> - WHO : [https://www.who.int/home] . International Health Regulations (2005) Third Edition, [https://www.who.int/publications/i/item/9789241580496]; . Res., « COVID-19 response », 19 may 2020, WHA73.1; . "Annual report on the implementation of the International Health Regulations (2005); Report by the Director-General", 12 May 2020, A73/14. - UN: . UN, General Assembly, International cooperation to ensure global access to medicines, vaccines and medical equipment to face COVID-19, 20 April 2020, A/RES/74/274 ; . UN, "Global solidarity to fight the coronavirus disease 2019 (COVID-19)", 3 April 2020, A/RES/74/270 <i>Further Readings:</i> . G. L. Burci, M. Eccleston-Turner, "Preparing for the next pandemic: The International Health Regulations and World Health Organization during COVID-19", <i>Yearbook of International Disaster Law</i> , [https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3719102]. . A. L Taylor, R. Habibi, "The Collapse of Global Cooperation under the WHO International Health Regulations at the Outset of COVID-19: Sculpting the Future of Global Health Governance", <i>ASIL Insight</i> , vol. 24, N°5, 5 june 2020.
Wen. 10 March	7. Human rights – Accountability	<i>Basic readings:</i> [http://ifc.org] and this page for obligations and duties : [https://firstforsustainability.org/risk-management/implementing-ifc-environmental-and-social-requirements/establish-and-maintain-an-esms/ifc-

1'30- 3'30 pm	<p>7.1. International finance corporation – Multilateral development Bank</p> <p>7.2. <i>Jam v. IFC & Juana Doe et al/ v. IFC</i></p>	<p>environmental-and-social-performance-requirements/ifc-performance-standards/ ; [http://www.cao-ombudsman.org/].</p> <p>. B. M. Saper, « The International Finance Corporation's Compliance Advisor/Ombudsman (CAO): an Examination of Accountability and Effectiveness from a Global Administrative Law Perspective», <i>International Law and Politics</i>, 2012, vol. 44, pp. 1279-1329.</p> <p>Cases : <i>Jam v. IFC & Juana Doe et al/ v. IFC</i>: [https://earthrights.org/blog/jam-v-ifc-back-in-court-for-the-first-time-since-historic-supreme-court-decision/] ; https://earthrights.org/case/juana-doe-et-al-v-ifc/</p> <p><i>Further reading:</i> R. E. Bissell and S. Nanwani, "Multilateral Development Bank Accountability Mechanisms : Developments and Challenges", <i>Central European Journal of International and Security Studies</i>, 2009, vol. 3, pp. 154-197.</p>
Wen. 17 march 1'30- 3'30 pm	<p>8. Peace keeping, Security</p> <p>8.1. Peace keeping</p> <p>8.2. Case of Minusca – Situation in the Central African Republic</p>	<p><i>Basic readings:</i> [https://peacekeeping.un.org/fr]</p> <ul style="list-style-type: none"> - Case of MINUSCA – situation in the Central African Republic [https://minusca.unmissions.org] <p>. Resolution 2552 (2020), 12 November 2020, S/RES/2552 (2020)</p> <ul style="list-style-type: none"> - Fighting piracy off the coast of Somalia <p>. Resolution 2554 (2020), 2 December 2020, S/RES/2554 (2020); . Report of the Secretary-General, "The situation with respect to piracy and armed robbery at sea off the coast of Somalia", 4 November 2020, S/2020/1072.</p> <p><i>Further readings:</i> . V. Gowlland-Debbas, "The Security Council and Issues of Responsibility under International Law", <i>RCADI</i>, 2012, pp. 189-443. . E. Vanspranghe, "Advancing the Rule of Law through Executive Measures: The Case of MINUSCA", <i>Goettingen Journal of International Law</i>, 2019, vol. 2, pp. 331-365;</p>

	8.3. Fighting piracy off the coast of Somalia	. A. Gilder, "Human security and the stabilization mandate of MINUSCA", <i>International Peacekeeping</i> , 2020, pp. 1-32.
Wen. 24 march 1'30-3'30 pm	9. International Criminal Law 9.1. ICC 9.2. Transitional Justice : example of Seychelles : the Truth, Reconciliation and National Unity Commission	<i>Basic readings:</i> 9.1. [https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf] ICC Prosecutor's decision not to investigate in Iraq or the International Criminal Court and the Question of Subsidiarity : [https://www.icc-cpi.int/Iraq] and Final Report, Situation in Iraq/UK, 9 December 2020 [https://www.icc-cpi.int/itemsDocuments/201209-otp-final-report-iraq-uk-eng.pdf] 9.2. Mandate of the Truth, Reconciliation and National Unity Commission [http://www.trnuc.sc/index.php/about-us]
Wen. 31 march 1'30-3'30 pm	10. Migrations 10.1. Distinction between Migrations, Asylum and Refugees 10. 2. Human traffics	<i>Basic readings:</i> 10.1. 1951 Refugee convention: [https://www.unhcr.org/1951-refugee-convention.html] UNHCR, <i>Handbook and Guidelines on Procedures and criteria for determining refugee status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees</i> , 2011[https://www.refworld.org/docid/4f33c8d92.html]. 10.2. Human traffics: mafia's prime role (example of Nigerian gangs in Sicilia): M. Omilusi, "A Researcher's Visit to Italy: Human trafficking and the Nigerian-Sicilian Mafias", <i>African Sociological Review</i> , 2019, pp. 110-122.

	10.3. The Rohingyas in Bangladesh.	<p>10.3. [https://www.france24.com/en/asia-pacific/20201230-bangladesh-moves-largest-group-of-rohingya-refugees-to-remote-island]; [https://www.france24.com/en/asia-pacific/20201230-bangladesh-moves-largest-group-of-rohingya-refugees-to-remote-island]</p> <p><i>Further reading:</i> L. Ortiz Ahlf, « The Human Rights of Undocumented Migrants », <i>RCADI</i>, 2014, pp. 47-160.</p>
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