



# Laurea / B.A. in Global Governance

Academic Year 2025-2026

Syllabus

Global Law

CFU 12

**1<sup>st</sup> Module: Proff. Federica Mucci, Pierluigi Simone**

**2<sup>nd</sup> Module: Jean-Bernard Auby and Prof Martina Conticelli**

## Course Description

The Course is divided into two Modules (International Law and Contemporary Challenges and Global Administrative Law).

The 1<sup>st</sup> Module aims at providing students with the knowledge of the basic elements of modern international law, with particular reference to subjects and legal sources, the United Nations collective security system, the State responsibility and disputes resolution.

It focuses on the nature of "public" international law as a legal order that was born historically - and still operates - to regulate relations between sovereign states in the international community. The role of international organizations and individuals in the international order is also introduced and analyzed, as well as the other "actors" that in recent times have become increasingly important in international practice, such as international non-governmental organizations.

The 2<sup>nd</sup> module focuses on the rise of global administration, on the emergence of administrative law mechanisms beyond the State and on transnational regulation.

It focuses on the logics, dynamics and challenges of what can be called "global administrative law". "Global administrative law" refers to a situation in which: (1) relationships between the interests of individuals and public authorities are influenced or governed by multiple normative systems (from informal social norms to law, from specific rules to the general principles of law), with the consequence that such systems co-exist and compete with one another within the same territory or domain of activity; or (2) two or more systems of governance – such as the courts of different legal orders – claim authority over the same domain of activity.

Topics include: the criteria governing the expropriation of aliens; due process of law in regulatory and adjudicatory procedures; the tensions between custom, state law, and human rights in developing countries; and the ways in which the pluralist structure of international treaty law and organization are transforming law and courts at the national level.

## International Law and Contemporary Challenges (1<sup>st</sup> Module)

|                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Topic 1</b><br><br><b>The Law of the International Community: Subjects and Sources of International Law</b> | SUBJECTS OF INTERNATIONAL LAW                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|                                                                                                                | The main features of the International Community and its historical evolution                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|                                                                                                                | The subjects of international law                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                                                                                                | - States                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                                                                                                                | - International intergovernmental organizations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                                                                                                | - Other subjects?<br>The position of individuals in international law<br><div style="border: 1px solid black; padding: 5px;">                         SOURCES OF INTERNATIONAL LAW<br/>                         - Custom<br/>                         - Treaties<br/>                         - Binding acts of international intergovernmental organizations<br/>                         - General principles of law<br/>                         - Hierarchy of sources and <i>jus cogens</i><br/>                         - <i>Soft law</i> </div> |
| <b>Topic 2</b><br><br><b>United Nations and Collective Security System</b><br>(Prof. Mucci)                    | <b>THE UNITED NATIONS</b><br>- From the League of Nations to the United Nations<br>- UN Charter<br>- UN Structure:<br>- General Assembly<br>- Security Council<br>- Economic and Social Council<br>- International Court of Justice<br>- Secretariat<br>- Trusteeship Council                                                                                                                                                                                                                                                                          |
|                                                                                                                | <b>THE UN COLLECTIVE SECURITY SYSTEM</b><br>- The use of force in <i>jus cogens</i> and in the UN Charter<br>- Role of the Security Council in the Charter and in practice in case of breaches of the peace, threats to peace or acts of aggression. In particular:<br>- provisional measures<br>- measures not involving the use of armed force<br>- action by air, sea, or land forces<br>- Role of the General Assembly and contribution of other international organizations                                                                       |
| <b>Topic 3</b><br><b>Collective Security System</b><br>(Prof. Simone)                                          | <b>THE COLLECTIVE SECURITY AND THE PROTECTION OF HUMAN RIGHTS</b><br>Humanitarian intervention and Responsibility to Protect doctrine<br>Fight against Terrorism                                                                                                                                                                                                                                                                                                                                                                                       |

|                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Topic 4</b><br/> <b>State</b><br/> <b>Responsibility and</b><br/> <b>Disputes Resolution in</b><br/> <b>International Law</b><br/> (Prof. Simone)</p> | <p>STATE RESPONSIBILITY IN INTERNATIONAL LAW<br/> The International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts<br/> The rules of attribution<br/> Circumstances precluding wrongfulness<br/> Consequences of breach<br/> Invocation of State responsibility<br/> International liability for injurious consequences arising out of acts nonprohibited by international law</p> <p>DISPUTES RESOLUTION IN INTERNATIONAL LAW<br/> The international judicial function: Arbitration; the International Court of Justice<br/> Regional and sectorial international courts: The General Court and the Court of Justice of the European Union; the International Tribunal of the Law of the Sea; the WTO Dispute Settlement Body; the European Court of Human Rights; the Inter-American Commission and Court of Human Rights; the African Commission and Court of Human Rights; the Committee for Human Rights of the United Nations Covenant on Civil and Political Rights; the International Criminal Court and the <i>ad hoc</i> International Criminal Tribunals.</p> <p>The pacific resolution of international disputes and the non-judicial settlement procedures.</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Teaching Method

Lectures will focus on the different topics. The active participation of students will be stimulated through the analysis of cases and materials. Group work will be requested in order to stimulate the mutual interaction and the focus on specific and relevant matters.

## Textbook and Materials

A. CASSESE, International Law, 2nd edition, Oxford University Press, 2004 Selected materials and/or slides will be provided to the students during the course

## Global Administrative Law (2<sup>nd</sup> Module)

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>First Part<br/>Prof. J.B. Auby</b>           | Introduction: Globalization and Law<br>General Interest and Public Goods under Legal Globalization<br>Non-State Actors in Legal Globalization<br>Climate Change, Biodiversity and Legal Globalization<br>Commerce in Legal Globalization<br>Internet, Digitalization and Legal Globalization                                                                                                                                                                                        |
| <b>Second Part Prof.<br/>Martina Conticelli</b> | The Globalization of Law<br>Areas of legal globalization<br>Governance without Government: power and legitimacy in the global sphere<br>Does a global Constitution exist?<br>An Administrative Law without the State<br>Is there a Global Administrative Law?<br>Origins and features of GAL<br>The structure and functioning of Global Governance<br>Global standards<br>Global proceedings and procedural fairness<br>Normative conflicts<br>Concepts and values<br>Class debates |

## Teaching Method

The class will survey approaches to understanding global law in a range of settings, focusing on “inter-normativity”: the various ways in which autonomous normative orders, including systems of law with fully-fledged courts, interact with one another. A variety of issues concerning legal principles and rules, as well as their underlying values, will thus be considered.

## Textbook:

**Students attending classes may study on the following textbook:**

G. della Cananea, *Understanding Global Administrative Law*, Brill 2025.

Selected materials and/or slides will be provided to the students during the course (a detailed list will be uploaded on the course website at the beginning of each module).

## Background bibliography

J.B. Auby, *Globalization, Law and the State*, Bloomsbury, 2017

S. Cassese, *A world government?* Sevilla, Global Law Press, 2018

## Assessment of the Global Law exam

\*GG3 students or above must follow the assessment rules of the syllabus of their year. The changes presented in the 2025-26 version of this syllabus only apply to the GG2 class of 2025-26\*

The attendance status of the student is evaluated separately for module 1 and module 2. In order to be considered attending, a student needs to attend at least 80% of the classes (>34 h per module). Being non-attending to one of the modules does not affect the student's attendance status in the other.

### Module 1: International Law and contemporary challenges

The first round of exams for module 1 takes place in the midterm week. This round is open to all GG2 students (both attending and non-attending students).

The exam will cover all topics examined in Module 1, although reading materials differ between attending and non-attending students.

Exam are structured as follows:

*Prof. F. Mucci*

Attending = oral exam on **reading material for attending** students

Non attending = oral exam on **reading material for non- attending** students

*Prof. P. Simone*

Attending = oral exam on **reading material for attending** students

Non attending = oral exam on **reading material for non- attending** students

### Reading materials for attending students

*Prof F. Mucci*

The relevant parts of the textbook and the slides provided to students during the course and uploaded online

*Prof P. Simone*

The relevant parts of the textbook and the slides that will be provided to students during the course

### Reading materials for non-attending students

*Prof F. Mucci*

The relevant parts of the textbook and the slides provided to students during the course and uploaded online, plus the comment on the case *Loizidou v. Turkey* uploaded online.

*Prof P. Simone*

The relevant parts of the textbook and the slides that will be provided to students during the course, and a case study that will be uploaded online

The student's final evaluation for module 1 will consist in the average grade of the 2 grades form the two professors.

## Module 2: Global Administrative Law

The first round of exams for module 1 takes place in the regular winter exam session. This round is open to all GG2 students (both attending and non-attending students).

The exam will cover all topics examined in Module 2, although reading materials differ between attending and non-attending students.

Exams are structured as follows:

**Attending students** (>34 h of attendance in module 2) will be evaluated on the basis of (A) one short (2-3 page) “reaction paper” on a list or readings published on the Course’s website (40%), (B) attendance and participation (20%), and (C) a final oral exam (40%). Attendance to the final oral exam is compulsory in order to pass the exam.

The reaction paper rules will be published on the course website. Papers will have to pass an antiplagiarism check. Should a paper be tested positive to plagiarism, the outcome of the exam will be withdrawn (both the 1st module and the 2nd one).

The oral exam will cover all mandatory **readings for attending students**

**Non-attending students** will take an oral exam on ALL the mandatory **reading materials for non-attending students.**

### Mandatory reading materials for attending students

Textbook: G. della Cananea, *Understanding Global Administrative Law*, Brill 2025.

### Mandatory reading materials for non-attending students.

TEXTBOOK 1 = G. della Cananea, *Understanding Global Administrative Law*, Brill 2025.

TEXTBOOK 2 = J.B. Auby, *Globalization, Law and the State*, Bloomsbury, 2017

### 1st and 2nd Module: final grade

If a student fails/ does not show up to / rejects at least one of the two modules in the first round (midterm week for module 1, finals week for module 2), he/she will have to retake both modules in the second round, losing any results obtained in the first call, but keeping his/her attendance status unchanged, and will prepare the exam accordingly. As a matter of fact, both modules must be completed in the same call.

\*For module 2: Attending students who do not attend the first round final oral exam and therefore retake it in the second round, will not lose the response papers’ results in the second round.

The final grade given to the students for the Course of Global Law will be equivalent to the point average obtained between the final grade attributed at the end of the 1st Module (a minimum of 18 for each one of the two parts) and the final grade attributed at the end of the 2nd Module, rounded up for averages with 5 decimals. The exam will be passed if the average of the grades of the two modules is higher than 18 (each grade being higher or equal to 18).

Students who reject the final grade or fail in the Winter session, will lose all grades from the winter session and will be considered afterwards as non-attending students.

## Office hours

Prof. **Federica Mucci**: Monday 11.00-13.00 at the Humanities Faculty, IV floor, room 43; before and after classes/ or upon request by email [federica.mucci@uniroma2.it](mailto:federica.mucci@uniroma2.it)

Prof. **Pierluigi Simone**: before and after classes/or upon request by email [pierluigi.simone@uniroma2.it](mailto:pierluigi.simone@uniroma2.it)

Prof. **Martina Conticelli**: before and after classes/or upon request by email [martina.conticelli@uniroma2.it](mailto:martina.conticelli@uniroma2.it)

Prof. **J.B. Auby**: before and after classes/or upon request by email [jeanbernard.auby@sciencespo.fr](mailto:jeanbernard.auby@sciencespo.fr)

**NOTE:** If you are an Erasmus or a non Global Governance student who would like to attend one or more courses in the Global Governance programme, please be aware that, **before enrolling in the course**, you should have read the code of conduct and the procedural rules characterizing our programme. We assume that, if you enroll in the course, **you have read and accepted all Global Governance values and rules**. Notice that attendance is expected from the very first lesson and you need to attend at least 80% of the course to be considered an attending student.

## Description of the methods and criteria for testing learning

The examination assesses the student's overall preparation, ability to integrate the knowledge of the different parts of the programme, consequentiality of reasoning, analytical ability and autonomy of judgement. In addition, language property and clarity of presentation are assessed, in accordance with the Dublin descriptors (1. knowledge and understanding; 2. applying knowledge and understanding; 3. making judgements; 4. learning skills; 5. communication skills).

The final grade will be related 70% to the degree of knowledge and 30% to the expressive capacity (written and oral) and autonomous critical judgement demonstrated by the student.

The examination will be graded according to the following criteria:

Unsuitable: important deficiencies and/or inaccuracies in the knowledge and understanding of the topics; limited capacity for analysis and synthesis, frequent generalizations and limited critical and judgement skills; the topics are exposed in an incoherent manner and with inappropriate language.

18-20: barely sufficient knowledge and understanding of the topics, with possible generalizations and imperfections; sufficient capacity for analysis, synthesis and autonomy of judgement; the topics are frequently exposed in an inconsistent manner and with inappropriate/technical language;

21-23: surface knowledge and understanding of the topics; ability to analyse and synthesise correctly with sufficiently coherent logical argumentation and appropriate/technical language.

24-26: fair knowledge and understanding of the topics; good analytical and synthetic skills with rigorously expressed arguments but not always appropriate/technical language.

27-29: complete knowledge and understanding of the topics; considerable capacity for analysis and synthesis. Good autonomy of judgement. Arguments presented in a rigorous manner and with appropriate/technical language.

30-30L: very good level of knowledge and thorough understanding of topics. Excellent analytical and synthetic skills and independent judgement. Arguments expressed in an original manner and in appropriate technical language.

---