Course Description
The Course is divided into two Modules (International Law and Contemporary Challenges and Global Administrative Law). It focuses on the logics, dynamics and challenges of what can be called “global law”. “Global 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.
The 1st 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.
The 2nd module focuses on the rise of global administration, on the emergence of administrative law mechanisms beyond the State and on transnational regulation.
### Topic 2
**United Nations and Collective Security System**
(Prof. Borgia)

<table>
<thead>
<tr>
<th>The Concept and Development of Collective Security</th>
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<tr>
<td>Collective security: a historical journey</td>
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<tr>
<td>The morphology of collective security</td>
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<td>Triggers, actors and institutions</td>
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<tr>
<th>The United Nations</th>
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<tr>
<td>UN Charter</td>
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<td>UN Structure</td>
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<tr>
<th>The UN Charter’s System of Collective Security</th>
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<tr>
<td>Powers of general assembly, general secretary and security council</td>
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<tr>
<td>The contribution of regional, defence and security organisations to peace and security</td>
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<td>Economic and military sanctions</td>
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<th>The Collective Security and the Protection of Human Rights</th>
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<td>Humanitarian intervention</td>
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<td>Responsibility to Protect doctrine</td>
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<td>Criticisms</td>
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### Topic 3
**State Responsibility and Disputes**
(Prof. Simone)

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<tr>
<th>State Responsibility in International Law</th>
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<tbody>
<tr>
<td>The International Law Commission’s Articles on Responsibility of States for Internationally Wrongful Acts</td>
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<td>Internationally wrongful acts</td>
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<td>The rules of attribution</td>
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<td>Circumstances precluding wrongfulness</td>
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<td>Consequences of breach</td>
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<td>Invocation of State responsibility</td>
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<td>International liability for injurious consequences arising out of acts non prohibited by international law</td>
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<tr>
<th>Disputes Resolution in International Law</th>
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<tr>
<td>The international judicial function: Arbitration; the International Court of Justice 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 <em>ad hoc</em> International Criminal Tribunals.</td>
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<tr>
<td>The pacific resolution of international disputes and the non-judicial settlement procedures.</td>
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### 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
Selected materials and/or slides will be provided to the students during the course

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## Global Administrative Law
(2nd Module)

### First Part
Prof. Giacinto della Cananea
1. Introduction: Public Law in a Globalized Perspective
3. Enforcing the Rule of Law
4. US Administrative Law and Global Law
5. Is Global Law an Instrument of Legal Imperialism?
6. When Legal Orders Collide: Due Process of Law

### Second Part
Prof. Martina Conticelli
1. The emergence of global administrative Law
2. Global procedural requirements
3. The enforcement of decisions
4. Legality, rule of law and values in the global space

### Third Part
Prof. J.B. Auby
1. Making Global Administrative Entities and Processes Democratic
2. General Interest and Public Goods under Legal Globalization
3. Cooperation between States and other Public Entities in a Globalizing world
4. Transparency and Privacy: Circulation of Information in Globalization

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### 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 and Materials

#### Part I (G. della Cananea)

#### General bibliography

1. **Introduction: Public Law in a Globalized Perspective (27 Nov 2017)**
The main features of public law, within and beyond the State

**Materials:**

**Reading**
- S. Cassese, *The Global Polity* (Ch 1).


**Materials and reading documents to be specified**

The two concepts of the Rule of Law and its relevance beyond the State, particularly in Europe

**Materials:**
- UK High Court of Justice (2015) on data retention and investigatory powers
- European Court of Human Rights, Judgment of 28 February 2008, Case *Saadi v. Italy* (Application no. 37201/06)

**Reading**


The Fifth Amendment to the US Constitution and the Administrative Procedure Act: A Global Due Process of Law?

**Materials:**

Law, Economics and Politics in the decisions of WTO dispute resolution bodies

Materials:

Reading:


Materials:

Reading:


- UN sanctions against transnational terrorism and their implementation within the EU

Materials (excerpts from):
- Court of First Instance of the EU, Case T-315/01, Yassin Abdullah Kadi v Council of the EU and the Commission;
- Advocate General Maduro, Opinion of 16 January 2008, Case C-402/05 P, Yassin Abdullah Kadi v Council of the EU and the Commission of the E.C.

Reading:

- UN sanctions against transnational terrorism and their implementation within the EU: the ruling of the Court of Justice in *Kadi I* and that of the General Court in *Kadi II*

- **Materials (excerpts from):**
  - General Court (Seventh Chamber), Case T-85/09, *Yassin Abdullah Kadi v European Commission* (2010)

### Part II (Martina Conticelli)

1. **The Emergence of Global Administrative Law**

2. **Global procedural requirements**
   - M. Conticelli, *Global administrative Procedure: Distinguishing Features* (forthcoming)

3. **The enforcement of decisions**

### Part III (Jean-Bernard Auby)

1. **Making Global Administrative Entities and Processes Democratic**
   - **Materials**
   - **Readings**

2. **General Interest and Public Goods under Legal Globalization**
   - **Materials**
   - **Readings**
3. Cooperation between States and Other Public Entities in a globalizing world

Materials
- Directive 2006/123/EC, 12 December 2006 on services in the internal market, articles 28 to 36

Readings


Materials
- ECJ, 6 October 2015, Case C-362/14, Schrems

Readings
- Anne Peters, Towards Transparency as a Global Norm, in Andrea Bianchi and Anne Peters (eds), Transparency in International Law, Cambridge University Press, 2013, pp.534-606
- Jens-Peter Schneider, Basic Structures of Information Management in the European Administrative Union, European Public Law, 2014, Issue 1, pp. 89-106

Assessment of Global Law exam

1st Module: International Law and Contemporary Challenges
With reference to the 1st Module, students’ evaluation will be based on the attendance in class (25%), on mid-term written exams (35%) and on a final oral exam (40%). The mid-term exams will be a total of three (one for each topic), and will cover at least 50% of the issues addressed in topic 1 (The Law of the International Community: Subjects and Sources of International Law), in topic 2 (United Nations and Collective Security System) and in topic 3 (State Responsibility and Disputes Resolution in International Law), respectively. The final exam will concern the other issues addressed in topic 1, in topic 2 and in topic 3 that have not been covered by the mid-term exams. Attendance to the final exam is compulsory in order to pass the exam. Students who do not attend the first final exam can do it without foregoing the mid-term results in the second exam of the Winter session.

Attendance to the class is strongly requested. In case of non-attending students, we advise to contact Prof. Borgia, Prof. Mucci and Prof. Simone (see Office hours) for a better understanding of the assessment methods.

2nd Module: Global Administrative Law
Students will be evaluated on the basis of (A) three short (2-3 page) “response papers” on the weekly readings (45%), (B) attendance and participation (25%), and (C) a final oral exam (30%).
Attendance to the final exam is compulsory in order to pass the exam. Students who do not attend the first final exam can retake it, without foregoing the response papers results, in the second exam of the Winter session.

Non-attending students will have to take a written and oral exam and will have the following additional readings:

- Due Process of Law Beyond the State. Requirements of Administrative Procedure. Giacinto della Cananea, Oxford University press part III

1st and 2nd Module
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 and the final grade attributed at the end of the 2nd Module, rounded up for averages with 5 decimals.

Students who fail or reject the grade of one of the two modules can repeat it within the Winter session. Such students are also allowed to retake the second exam in the Winter session or in the September session without reference to their previous grade components and the exam will consist of a written and oral part. Students who retake the exam in the September session have to forego any result of the Winter session and do a new complete exam, consisting of a written and oral part for both modules.

Office hours
Prof. Fiammetta Borgia: before and after classes/or upon request by email fiammetta.borgia@uniroma2.it
Prof. Federica Mucci: federica.mucci@uniroma2.it, Tuesday, 10.00-13.00
Prof. Pierluigi Simone: pierluigi.simone@uniroma2.it, Wednesday 15.00-18.00

NOTE: Since the course is provided for a limited number of students, Erasmus or non-Global Governance students who would like to attend the course need to contact the Secretariat of Global Governance by e-mail global.governance@uniroma2.it for registration and inform the Professor of the course. They are required to sign a code of conduct like all Global Governance students, accepting all values and rules. Please read it carefully before enrolling and notice that attendance is required from the very first lesson.