**Actors, Institutions, and Legal Frameworks in International Affairs**

INTAF 801

Semester: Spring Semester 2025

Larry Catá Backer

Summary Course Information

**MEETING ROOM: 112 Katz**

 **MEETING TIME: Mondays and Wednesdays 09:00 - 10:15 A.M.**

 **OFFICE: 239 Katz Building**

 **TELEPHONE: 814.863.3640 (direct)**

 **E-MAIL : lcb11@psu.edu**

 **WEBSITE:** [**https://backerinlaw.com**](https://backerinlaw.com)

 **BLOG:** [**https://lcbackerblog.blogspot.com**](https://lcbackerblog.blogspot.com)

 **TA: Lucero Rodriguez (She/Her/Hers) [ler5558@psu.edu]**

**CONFERENCE**

 **HOURS: Mondays and Wednesdays 4:00 P.M. TO 6:00 P.M., AND BY APPOINTMENT**

 **e-mail anytime; virtual conferencing encouraged**

 **QUESTIONS: CLASS RELATED QUESTIONS VIA EMAIL**

 **FINAL GRADE: Presentations Plus FINAL PAPER (*due by 5 PM 2 May 2025*)**

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[**COURSE SHORT DESCRIPTION**](https://www.sia.psu.edu/courses/actors-institutions-and-legal-frameworks-international-affairs)**:**

This course introduces students to the various levels of international interaction and exchange (supranational, state-to-state, state-to-private, private-to-private); the sources and limitations of law and regulation at each level as it shapes and affects international interaction and exchange; and the variety of actors and institutions characteristic of each level. The course explores the roles, authority, and limitations of the institutions and actors at each level and the implications of these for domestic and transnational governance, development, human rights, commerce, migration, and civil society.

**STATEMENT OF LEARNING OUTCOMES AND ASSESSMENT**

***Learning Outcomes:***

The “Course Concept Statement” is included below at the beginning of the Syllabus. Students are expected to acquire a working knowledge of the following.

***First***, students will be introduced to the current landscape within which it is possible to understand the nature and role of actors, institutions, and legal frameworks that relate to international affairs. That requires a strong focus on the principles of economic globalization and its emerging variants, as well as oppositional systems. That introduction will also serve to provide students with an initial exploration of the dynamic political-economic-societal environments within which actors and institutions are identified (and legitimated or outlawed), and within which legal (rule) frameworks are developed and implemented

***Second***, students will be introduced to the range of organizations that populate the landscape of international affairs. Students will be introduced first to the distinction between public and private institutions. Within public systems of institutionalized authority students will distinguish, as political and legal entities, between the state, public international organizations, and international financial institutions. Within private systems of institutionalized authority students will distinguish between economic organizations (including multinational enterprises), civil society organs (e.g., non-governmental organizations), religious organizations, hybrid institutions (e.g., the International Standards Organization (ISO), and outlaw institutions (e.g., organized crime, and organized non-state political movements).

***Third***, students will examine more carefully the principal actors, their institutional forms, and the forms of their engagement in international affairs. The focus of this exploration with respect to each of these actors will be similar: how are they constituted, who are their stakeholders, what is the extent of their authority (internal and external), to which other entities are they dependent, how to they operate.

 (A) The state: The students will consider the state system—that is, the state as a political organization and as an actor among other states and non-state actors. They will be introduced to notions of differences between governors and governed and hierarchies of authority. Students will be introduced to law as the means through which states communicate authoritatively to order and control their territories and populations. Distinctions between the domestic law of states (that bind the state and its populations) and the international law (that are made between and bind states) will also be considered.

 (B) Public International Organizations: Students will consider the way that the collective of states have built the contemporary state system That study focuses first on the development of the United Nations system and the public international organizations established around or through the U.N. system. Students will also consider the regional human rights systems (those of the African Union, European, and the Organization of American), and international financial institutions (World Bank States, International Monetary Fund, and Asian Infrastructure Investment Bank ). Students will also examine the way that law is used as the authoritative method to constitute these organizations, and as the means through which they speak authoritatively through treaty, regulation, and the development of policy. Students will also become familiar with the way that public organizations sometimes use private law (contract) to develop systems of regulation (for example through loan agreements). The differences between formal and informal communication—between hard and soft law, and between public law (the law of states) and private law (the law of non-state actors) is introduced.

 (C) Civil Society: Students will be introduced to the elements of civil society—as actors and institutions, and their emergence as key players in international affairs. Key areas of examination will be national regulation, the application of international law and norms, and more specifically the emerging issue of protection for human rights defenders.

 ((D) Economic Actors: Students will be introduced to the key role of large institutional economic actors—mostly multinational enterprises—in the operation of globalization. The key areas of study will be the development of data-driven governance mechanisms, the delegation of public authority to private actors (the transformation of economic enterprises into privatized administrative agencies), and the role of these enterprises within the international system.

***Fourth***, students will consider how each of these entities operates within the global context. They will consider the “rules of engagement” among these institutions. They will also explore the ways in which these institutions communicate with each other (and their interlinkages), how or to what extent they retain autonomy with respect to internal and external activity), and how their interactions affect policy, culture, economics, and globalization.

***Fifth,*** students will be exported to develop some familiarity with the way that *law and regulation serve as the language of internal affairs*. Students will be expected to acquire a rudimentary knowledge of the international law system, and its distinction from domestic law systems. Students will also explore the quasi-legal nature of governance systems—rules that have the functional effect of “law” but are not produced through the organs of state actors.

***Sixth***, students will learn how to manage and present information in groups. The object is to provide students with more practical experience in translating theory into practical knowledge that can serve as the basis for policy analysis and recommendations in context.

***Learning Outcomes Assessment:***

Student achievement in all learning outcomes will be measured by (1) FIVE group presentations (each worth 15% of the grade), (2) Group Summary Reports Assigned throughout the semester (together worth 10% of the grade); and (3) a final paper due on the last day of instruction (worth 15% of the grade). Learning Outcomes will be monitored through student participation in class discussion and group presentations.

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**COURSE MATERIALS**

 The course consists of cases, primary source materials and secondary sources of relevance to the subject of instruction for each class session. These will be provided through CANVAS. Additional materials will be made available on occasion as appropriate. Please bring assigned reading to class.

*REQUIRED*:

William Thomas Worster, *Cases and Materials on the Law of International Organizations* (Routledge, 2021) (ISBN 9781138056664) (TEXT)

Other Materials will be distributed via CANVAS.

*OPTIONAL* ( **need not be purchased but may be useful**):

Andrew Moravcsik, *Power, Interdependence, and Nonstate Actors in World Politics* (Princeton University Press, 2009). ISBN: 9780691140278

*Networked Politics: Agency, Power, and Governance* (Miles Kahler, ed.) Cornell University Press, 2009. ISBN 978-0-8014-7476-7 (Paperback).

Sean D. Murphy, *Principles of International Law*, 2d (West Academic, 2012)

ISBN: 9780314262684

Dan Sarooshi, *International Organizations and Their Exercise of Sovereign Powers*, Oxford University Press 2005. ISBN 978-0-19-922577 (Paperback).

Jan Klabbers, *An Introduction to International Institutional Law* 2nd ed. Cambridge University Press 2009. ISBN 978-0-521-73616-9 (Paperback).

*Non-State Actors in International Relations* (Bas Arts, Math Noortmann and Bob Reinalda, eds., Aldershot: Ashgate, 2001). ISBN 0 7546 1848 X

**COURSE INFORMATION AND RULES**

 Course meetings time are set out above. I am generally available to talk with you during office hours on Mondays and Wednesdays, or, otherwise, by appointment. I am also available via e-conferencing (e.g., Zoom). Because our respective schedules tend to be busy and subject to last minute needs, this semester in person meetings VIA ZOOM will be strongly preferred. Please be prepared to justify the need for a physical in-person meeting.

***ATTENDANCE, SEATING, AND CLASS PARTICIPATION***

 Administrative practice requires me to notify students of my attendance policy. **Class attendance is required**. I take attendance seriously. The Law School also has in place an Honor System. I will take advantage of the Honor System for purposes of recording attendance. **All students will be assumed to be present unless they send me an email indicating that they are absent. Students are honor bound to report all absences, and failure to report absences will be treated as an honor code violation.**

**You are responsible for marking your attendance.**

**THERE WILL BE SEVERAL GROUP PROJECTS. EACH OF YOU WILL BE ASSIGNED TO A GROUP AND EACH GROUP WILL BE ASSIGNED PROJECTS (PREPARING READING SUMMARIES, SUBMITTING PROJECTS INCLUDING MEMOS AND PPTS). PLEASE REFER TO THE GRADING SECTION FOR THE GRADIG WEIGHT FOR THE ASSIGNMENTS.**

***SEE SYLLABUS BELOW FOR GROUP ASSIGNMENTS; GROUP ASSIGNMENTS ARE POSTED TO CANVAS IN THE MODULE “GROUP ASSIGNMENTS:”.***

 **Class participation is expected**. All students are expected to be prepared for each class session (that is, to have carefully read the material assigned) and encouraged to share their engagement with the materials. All of you will find yourselves participating in at least some of the discussion. At the end of each class I may designate one or more students as class participation leaders for the next class. I reserve the right to call on students at random. Outstanding participation may result in an increase in your grade, again at my discretion.

 **Seating is assigned**. You will be asked to fill out a seating chart during the second day of class.

 **My approach to class**: The principal object of the class is to develop knowledge through discussion in class. That discussion will be framed by the problems and informed by the readings. There is no expectation that one has the correct answer. Indeed, the class is meant to focus on key issues and the range of currently plausible approaches to them that are important to sometimes quite contentiously competing points of view (ideologically, culturally, religiously, politically, etc). Our object is exposure to this range of perspective and the way that produces distinctive approaches to policy. There is no expectation in this class that there is one right answer, one singular path, or one best approach. I encourage students to explore and come to their own conclusions.

Thus, the expectation is that students will contribute to a discussion that I will guide as necessary to achieve our learning outcome objectives. That means that sometimes you will have an opinion or produce an insight with respect to which there may be objection or disagreement. Disagreement is not disrespect. I expect that through lively discourse the class will be able to learn better. Please let me know if you have questions.

***CLASS NOTES AND RECORDING OF CLASS***

Class Notes and Recording of Class. Take notes as you like. Please feel free to get together with your classmates for studying and sharing notes. Please remember that the purpose of the course is NOT to provide experience in stenographic techniques. Participation rather than the taking of dictation is encouraged. To that end, *all of my classes are recorded and you are encouraged to review those recordings at your convenience through the end of the examination period.*

**No personal recording of class.**

**[Policy Regarding Creation of, and Access to, Recordings by the Law School of Class Sessions](https://pennstatelaw.psu.edu/intranet/iit/policy-class-recordings)**

All Law School and School of International Affairs courses occur in classrooms equipped with audiovisual telecommunications equipment that is capable of making an audiovisual recording of each class session as it occurs. In order to provide the potential educational benefits of recorded classes to our students, both schools have decided to automatically record, and to archive for a limited period of time, all class sessions occurring in law school classrooms. The purpose of the recordings is to permit students enrolled in each recorded course to access the recordings outside of the regularly scheduled class period, according to rules established by the professor.

Access to recorded classes will be controlled via a secure course management platform, such as CANVAS, and will be restricted to students enrolled in the recorded course, the professor, and those University IIT personnel necessary to maintain the system. All recordings will be deleted following the conclusion of the semester in which the recorded course occurs (unless all identifying student images are edited out of the recording, in which case the professor and law school jointly may decide to retain the edited recording for other purposes).

By registering for or attending Law School or School of International Affairs courses, a student consents to the school’s making and display of class recordings within the scope of this policy. Your professor in each Law School or School of International Affairs course will explain the access rules she or he has established for each class.

PLEASE NOTE that the class recording policy is not a substitute for class attendance and preparation, which still is required for all class sessions (unless excused by the professor on an exceptional basis for good reason) and in order to remain in good academic standing.  The class recording policy is intended to enhance your learning experience, not to substitute for regular class attendance and preparation.

A student may not record any part of a class by any means without prior express authorization of the faculty member.  If a student receives faculty authorization to record a class, the student may not copy or download such recording to a computer or other device, distribute it to any other person, or use the recording for any purpose other than personal education and study except with the prior express authorization of the faculty member.  Unauthorized recording, distribution, or use of a class recording is a violation of the Honor Code.

A student may not use course materials such as slides or other documents posted on CANVAS for any purpose other than personal education and study and may not disseminate, publish, or alter course materials without prior express authorization of the faculty member.  Unauthorized use of course materials is a violation of the Honor Code.  Students should direct any questions, concerns or requests regarding classroom recordings or any classroom technology to the AV Team at av@law.psu.edu.

***GRADING***

Grading will be based on FIVE GROUP PROJECTS, the in-class readings summaries, and a Final Paper.

**1. Group Presentations**. Students will make FIVE presentations during the course of the semester. Each of the presentations will cover one of the core areas of study. The object of these presentations is to provide students with substantial practice in research, analytics, and oral skills within time constraints. Each presentation will count for 15% of the final grade.

**2. Final Paper. Students will submit a final paper no later than 5 PM on the last day of instruction (*per the Penn State Academic Calendar classes end 2 May 2025*). The final paper should be emailed to me at lcb11@psu.edu.**

It is expected that each paper will weave together  the themes raised in each of the presentations and reports produced by the groups during the course of the semester. Students have discretion to choose what they will focus on in considering the insights developed over the course of the semester. The object of the paper is twofold: (a) to put together in some way what you have learned over the course of the semester organized around your group presentations as well as what you have drawn from the work of the other groups (my review of presentations may be helpful there) to the extent it struck you as useful or important; and (b) to draw on that “putting together” to speak to any insights you have drawn from your engagement with the materials. The key to the final paper is for students to use their own voice to critically consider one or more of the aspects of the class that resonated for them.

Only by way of example, the paper may be organized around some or all of the class presentations ((1) state systems (the organization and characteristics of states as legal entities); (2) public international systems (international organizations of state collectives, organization and characteristics); (3) regional trade orgs; (4) markets driven regulation: multinational enterprises, State owned enterprises, sovereign wealth funds; and (5) International and Regional Courts and their hard and soft impacts on law and international affairs.  Alternatively, the paper can weave together key insights drawn from the class summaries or from any other combination of materials considered during the course of the semester.

Ministerial matters: (1) minimum page length--15 pages single spaced (including foot or end notes, charts, illustrations, etc.); (2) Use and citation of sources is encouraged--you are expected to be quite sensitive to citation: all direct quotes and paraphrasing should be cited, including your class summaries and other previously prepared materials; (3) you are free to use any form of citation as long as you are consistent and I have enough information to figure out what you are citing (Bluebook, MLA, Chicago, Oxford style guides may serve as a source of reference if you like but I will not be grading you on adherence to the details of citation forms); (4) you are free to use any writing style and form, you will not be penalized for spelling errors or lapses of form though you should do your best to make the paper as readable and persuasive as possible.

**The** [HONOR CODE MAY BE ACCESSED HERE](https://pennstatelaw.psu.edu/intranet/honor-code).

 **Late delivery of a paper will result in a lowering of the final grade by one letter (e.g., from an “A” to a “B”; from an “A-“ to a “B-“ etc).**

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**ACADEMIC HONESTY AND INTEGRITY**

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Both Penn State Law (PSL) and the School of International Affairs (SIA) safeguard and promote the ideals of honor and integrity by prohibiting lying, cheating, stealing, and other dishonorable conduct. Accordingly, all students should act with personal integrity, respect other students’ dignity, rights and property, and help create and maintain an environment in which all can succeed through the fruits of their efforts.

Penn State defines academic integrity as “the pursuit of scholarly activity in an open, honest and responsible manner (Senate Policy 49-20). Dishonesty of any kind will not be tolerated in this course. Dishonesty includes, but is not limited to, cheating, plagiarizing, fabricating information or citations, facilitating acts of academic dishonesty by others, having unauthorized possession of examinations, submitting work of another person or work previously used without informing the instructor, or tampering with the academic work of other students. Students who are found to be dishonest will receive academic sanctions and will be reported to the relevant authorities for possible further disciplinary sanction. Once a student has been informed that academic misconduct is suspected, the student may not drop the course during the adjudication process. For further details on Academic Integrity please view the School of International Affairs Academic Complaint Process and the Penn State Code of Conduct.

All acts of academic dishonesty will be dealt with and punished in accordance with applicable Penn State University, SIA and Graduate School policies.

For further details on Academic Integrity please visit: <http://studentaffairs.psu.edu/conduct/AcademicIntegrity.shtml>

See also

<http://istudy.psu.edu/FirstYearModule/CopyrightPlagiarism/StudentGuide.htlm> *and* <http://its.psu.edu/turnitin/TurnitinHandout.rtf>.

***SPECIAL NOTE ON THE USE OF A.I. and OTHER GENERATIVE TOOLS***

***Please read the following six points carefully.***

*We take the Honor Code very seriously at Penn State Law. Violations can result in severe sanctions, including expulsion and suspension, and will be reported to bar authorities. Perhaps the most important idea to take away from the following is that if you are not certain whether using AI technology in a particular way is permissible in a particular course,****ask the instructor before using it.****I am also always available to address Honor Code questions.*

***GENERATIVE ARTIFICIAL INTELLIGENCE AND PENN STATE LAW’S HONOR CODE: GUIDELINES***

1. ***It is the expectation at Penn State Law*** *that, unless an instructor explicitly provides otherwise, graded or required work submitted by students for courses or co-curricular activities is their own work.*
2. ***It is a violation of academic integrity*** *for students to submit work that has been written or modified by other persons or by applications, including generative artificial intelligence programs.*
3. *It is a violation of academic integrity for students to submit graded or required work first written in another language and then translated into English, whether by another person or by an application.* ***EXCEPTION:******STUDENTS SUBMIT WORK THAT IS FIRST WRITTEN IN ANOTHER LANGUAGE AND THEN TRANSLATED INTO ENGLISH WHETER IN PERSON OR BY MACHINE OR MACHINE ASSISTED TECHNOLOGY PROVIDED THAT******THE STUDENT DISCLOSES THAT THEY HAVE USED AI TOOLS AND HOW THEY’VE USED AI TOOLS TO TRANSLATE WORK FIRST WRITTEN IN ANOTHER LANGUAGE AND THEN TRANSLATED INTO ENGLISH. USE OF HUMAN TRANSLATORS REQUIRES MY PRIOR WRITTEN APPROVAL WHICH SHALL NOT BE GRANTED IN THE ABSENCE OF SUBSTANTIAL JUSTIFICIATION****.*
4. ***It is not a violation of academic integrity*** *for students to use applications that identify grammar, spelling, or stylistic problems and suggest corrections.*
5. *If uncertain whether the use of a particular application is permissible in a course or co-curricular activity,* ***students should consult with the instructor before using the application****.*
6. *In circumstances where instructors explicitly permit the submission of work written or modified by other persons or by applications, students must provide FULL ATTRIBUTION OR NOTICE OF USE IN THE BODY OF THE WORK, AND OTHERWISE INCLUDE INFORMATION ACCORDING TO MY DIRECTIONS.*

***CONFERENCES***

 I try to maintain an open door policy in physical and virtual spaces with a strong preference for virtual open door spaces. I encourage you to see me should you have any questions or concerns. Zoom based meetings are strongly preferred. E-mails are encouraged for questions that do not require a face to face meeting. I will respond to all emails.

<lcb11@psu.edu>

CANVAS

 This year I will be relying on PSU’s CANVAS system for communication with you. Please bear with me as we work through the inevitable glitches that are the price we pay for the convenience of technology. I will post questions to the CANVAS class site and send e-mails via that site. Please check in regularly for information about the course. It will be your responsibility to keep apprised of the information posted there.

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**UNIVERSITY DISABILITIES POLICY STATEMENT**

To comply with University policy regarding persons with disabilities, this statement is included in this course syllabus:

Penn State welcomes students with disabilities into the University’s educational programs. Every Penn State campus has an office for students with disabilities. The Student Disability Resources Web site provides [**contact information for every Penn State campus**](http://equity.psu.edu/sdr/disability-coordinator): ***http://equity.psu.edu/sdr/disability-coordinator.*** For further information, please visit the [**Student Disability Resources Web site**](http://equity.psu.edu/sdr):***http://equity.psu.edu/sdr.***

In order to receive consideration for reasonable accommodations, you must contact the appropriate disability services office at the campus where you are officially enrolled, [**participate in an intake interview, and provide documentation**](http://equity.psu.edu/sdr/applying-for-services): ***http://equity.psu.edu/sdr/applying-for-services.*** If the documentation supports your request for reasonable accommodations, your [**campus’s disability services office**](http://equity.psu.edu/sdr/disability-coordinator) will provide you with an accommodation letter. Please share this letter with your instructors and discuss the accommodations with them as early in your courses as possible. You must follow this process for every semester that you request accommodations.

***Counseling & Psychological Services (CAPS)***

<http://studentaffairs.psu.edu/counseling/>

CAPS staff work with thousands of Penn State students per year in group therapy, individual counseling, crisis intervention, and psychiatric services as well as providing prevention, outreach, and consultation services for the University community. Services at CAPS are designed to enhance students' ability to fully benefit from the University environment and academic experience.

As specialists in working with undergraduate and graduate students, staff at CAPS can help you address your concerns in a caring and supportive environment. CAPS can help students resolve personal concerns that may interfere with their academic progress, social development, and satisfaction at Penn State. Some of the more common concerns include anxiety, depression, difficulties in relationships (friends, roommates, or family); sexual identity; lack of motivation or difficulty relaxing, concentrating or studying; eating disorders; sexual assault and sexual abuse recovery; and uncertainties about personal values and beliefs.

***Protocol for Responding to Bias Motivated Incidents***

Penn State University has adopted a “Protocol for Responding to Bias Motivated Incidents.” It may be accessed [HERE](http://equity.psu.edu/reportbias/reports/protocol-for-responding-to-bias-motivated-incidents). It is grounded in the policy that the “University is committed to creating an educational environment which is free from intolerance directed toward individuals or groups and strives to create and maintain an environment that fosters respect for others.” That policy is embedded within an institution traditionally committed to academic freedom (the policy may be accessed [here](https://guru.psu.edu/policies/OHR/hr64.html)) and free and open discussion. Bias motivated incidents include conduct that is defined in University Policy AD 91 (accessed [here](https://guru.psu.edu/policies/ad91.html)).  Students who experience a possible bias motivated incident, as well as students, faculty or staff who are witnesses of the same, are urged to report the incident immediately by doing one of the following:

\*  Contact  your  County  Emergency  Dispatch  by  dialing  911  in  cases  where  physical injury has occurred or is imminent;

\* File a report on the Report Bias website: <http://equity.psu.edu/reportbias/statement>;

\* Contact one of the following offices:

University Police Services, University Park                  814-863-1111

MRC Counselor/Diversity Advocate for Students        814-865-1773

Office of the Vice Provost for Educational Equity        814-865-5906

Office of the Vice President for Student Affairs           814-865-0909

Affirmative Action Office                                              814-863-0471

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**COVID-19 Syllabus Statement**

This is taken from the Penn State Law Website.

“The fall 2022 semester will continue with in-person classes and activities to be held as scheduled with continued health and safety protocols in place (the University will continue to monitor the conditions around the campus and will alter plans if necessary). The health and safety of our community remain paramount and Penn State Law and SIA will continue to comply with all Penn State University guidance and requirements.”

“University-issued guidance, and various other relevant information, are available at Penn State’s comprehensive COVID website, which contains detailed information on topics such as masking, vaccines, testing, contact tracing, travel, gatherings/events, etc. Frequently Asked Questions regarding summer 2022, in particular, are available at Penn State virus info FAQs. Penn State also has a COVID-19 Call Center at (814)865-2121, which you can call with questions about COVID-related topics.”

“Information provided below for students, faculty, and staff will be updated as it becomes available. Information from Spring 2020 has been archived and can be found here.”

**SUMMARY SYLLABUS**

**Part I Introduction**

Class 1: Introduction; Course Information, course concept note and syllabus review

**Part 2 The Global Order(s) Ideology and the Narrative of Law and Legality in International Affairs: Actors, Institutions, Legal Frameworks**

Class 2: The Global Orders (Core ideologies in contemporary global orderings ): Introduction to the different lenses through which one “sees” and relates to the world and its ordering; imaginaries of globalization; the interlinked role of politics, economics, law, and culture; varieties of ideologically contingent ways of approaching globalization.

Class 3: The Framework of Law and its Ideology; Distinctiveness; Obedience; Legitimacy; Authority

**Part 3: States in the Global Order**

**(The State System Within the International Ecologies:**

**Sovereignty Looking Inward and Outward)**

Class 4: The Foundation: The Theory of the State, Sovereignty, and its Constitution

Class 5: Weak States, Strong States in the State System

Class 6: **Group Presentation 1**: Unpacking Variations of Strong and Weak States Within the Global Order(s) Each Group will be assigned the state indicated below. They are to prepare a 3-slide PowerPoint ((1) The characteristics that make the state weak or strong internally; (2) The role of international engagement as evidence of strength or weakness (does the state project power outward or is power projected inward from outside by other states and international institutions); (3) Analysis and Conclusion: Is the state strong or weak) along with a supporting memo of no less than 5 pages. You are a member of the staff of the UN Secretary General. You have been asked to prepare these for a meeting of the G7 as they consider the future of globalization.

**Part 4—Public International Systems Within and Beyond the State System**

Class 7: Law and the Constitution of Global Orders--The Traditional Orthodox Narrative

Class 8: International Institutional Law: Autonomy of Actors

Class 9: International Institutional Law: International Organization ( IO) Law Making

Class 10: Soft Law and IOs as the producers of Private Governance systems

Class 11: **Group Presentations No. 2:** Unpacking traditional IOs. Each Group will be assigned the public international organization (IO) indicated below. They are to prepare a 4 slide PowerPoint ((1) Organization and operation of the IO (e.g., how is the organization constituted and what is its internal legal framework); (2) rulemaking capacity (e.g., what sort of authority does it exercise--hard law (binding rules and standards) versus soft law (guidelines, reports, investigations, capacity building, monitoring and surveillance, ranking, etc.); (3) brief history, key or contemporary controversies, and (4) conclusion: extent of IO autonomy and impact) along with a supporting memo of no less than 5 pages. Assume you are staff at the African Union making a presentation to representatives of AU Member States concerned about the role and effect of IOs in Africa.

**Part 5—Public Finance and Trade Systems (Global and Regional)**

Class 12: IFIs: The World Bank, IMF and AIIB model

Class 13: World Trade Organization

Class 14 **Group Presentation 3:** Regional Trade Organizations: Each Group will present a summary of the assigned regional trade system and its organization. For each trade organization prepare a 4 slide PowerPoint ((1) Organization of the trade organization (e.g., how is the organization constituted and what is its internal legal framework) and underlying objectives and ideological framework (Marxist, development oriented, markets driven, etc.); (2) rulemaking capacity (e.g., what sort of authority does it exercise--hard law (binding rules and standards) versus soft law (guidelines, reports, investigations, capacity building, monitoring and surveillance, ranking, etc.); (3) brief history, key or contemporary controversies, and (4) interaction with states and other trade organizations--impact) along with a supporting memo of no less than 5 pages. Assume you are WTO Staff making a presentation to the WTO Assembly.

**Part 6 Private International Organizations; States as Private Organizations**

Class 15 Non-Governmental Organizations

Class 16: States as Private Actors—Sovereign Wealth Funds and SOEs

**Part 7 Private transnational entities as economic systems**

Class 17: Multinational Corporations as IOs

Class 18: Third Party standard setting and monitoring organizations

Class 19: **Group Presentation 4**, markets driven regulation: multinational enterprises, State owned enterprises, sovereign wealth funds. Each Group will be assigned the public or private actor in economic or financial markets indicated below. Each is to prepare a 5 slide PowerPoint ((1) brief description of the organizations and of the supply chain or financial universe in which they operate; (2) describe the legal environment in which they operate--what laws, rules bind them and what norms do they embed in their operations; (3) internal governance (how they regulate their internal operations across the different actors that make up their control or production chains, including systems of monitoring and governance functions with a focus on corruption, sustainability, human rights); (4) external effects of regulatory assertions; how they regulate the environment in which they operate and (5) Conclusion: impact and the way they may be understood as fitting within one or more of the ideologies of globalization studied along with a supporting memo of no less than 5 pages. For this presentation assume that you are at a meeting of the US Cabinet that is considering the role of private governance as part of a review of the most effective means of public regulatory oversight and its limits.

**Part 8 Public International Prosecutor-Judicial Systems**

Class 20: The International Court of Justice

Class 21: The International Criminal Court System

Class 22: The Regional Human Rights System: Europe, Africa, Latin America.

Class 23-24 **Group Presentation 5**: International and Regional Courts and their Hard and Soft Impacts on Law and International Affairs. Each Group will be assigned the state indicated below. They are to prepare a 5 slide PowerPoint ((1) Analyze the case assigned for its facts and most important discussion; (2) the way it used the jurisprudence of other courts, including other international tribunals or the decisions of national courts; (3) consider its political, social, and cultural repercussions (what was a mandatory outcome that was binding; what in the opinions would reshape conduct of states and other actors); (4) consider the differences between the soft impact of the case (serving as the development of political or social principle then indirectly affecting actors) and its hard impact (how will the case be used by other courts or incorporated into the domestic order of states) and (5) consider what the case suggests for the role of courts in international affairs, along with a supporting memo of no less than 5 pages. You are officials of the United Nations. The presentation is to be made to the Standing Committee of the Chinese Community Party Politburo at a formal study session.

**Part 9 Hybrid, Private and Non State Based International Grievance Mechanisms and Next Frontiers**

Class 25-6: International Center for the Settlement of Disputes (ICSID) With a nod to the International Court of Arbitration

Class 27: New Orthodoxies and Counter Narratives of the Legal Structures of the Globalized Order(s)

Class 28-9 PAPER PREPARATION

**SYLLABUS WITH READINGS AND ASSIGNMENTS**

**Part I Introduction**

Class 1: Introduction; Course Information, course concept note and syllabus review

***Actors***: individuals, people, formal collectives (states, public and private organizations), informal collectives (identities, affiliations, etc.); and other abstract actors recognized or given form (territories organized as states; production organized as a multinational enterprises; , objects (of production, symbolic, etc.)

***Institutions***: the formal organizational manifestation of collectives, and the manifestation of objects and processes (for example: courts are institutional expressions of law); query whether informally organized collectives can be said to be institutionalized or whether a single individual or object may be constituted an institution--that is do institutions organize collectives or are they better understood as solidified avatars of for any one or group with access to its forms and authority?

***Legal Frameworks***: The specialized language and principles under which individuals and institutions develop and apply rules manifested through a specific ideology of rulemaking to the construction of public (and now private) collectives; understood as the legal system-ideology of states, of the international constitution and operation of non-state actors; and of other collectives.

***Ideologies or imaginaries or “lifeworlds”***: the way that knowledge is organized and rationalized through systems of interpreting, understanding and giving meaning to the world around us (Sartre, Lacan). It can also be understood as shared perceptions of the meaning of reality backed by massive background consensus (Habermas); or as biopolitics (the narratives through which social and political power may be normalized over the control and management of the bodies of the living and their relationship to physical and abstract objects and the technologies of control) (Foucault).

**Part 2 The Global Order(s) Ideology and the Narrative of Law and Legality in International Affairs: Actors, Institutions, Legal Frameworks**

Class 2: The Global Orders (Core ideologies in contemporary global orderings ): Introduction to the different lenses through which one “sees” and relates to the world and its ordering; imaginaries of globalization; the interlinked role of politics, economics, law, and culture; varieties of ideologically contingent ways of approaching globalization.

READINGS:

--Larry Catá Backer, “Economic Globalization Ascendant: Four Perspectives on the Emerging Ideology of the State in the New Global Order.” *University of California, Berkeley La Raza Law Journal*, Vol. 17, No. 1, 2006. Available at SSRN: [http://ssrn.com/abstract=917417](http://ssrn.com/abstract%3D917417).

OPTIONAL (EXTRA CREDIT FOR PREPARATION OF A 4-5 PAGE SUMMARY

-- Manfred B. Steger and Paul Jones, “Levels of Subjective Globalization; Ideologies, Imaginaries, Ontologies,” PGDT 12:17-40 (2013)

Class 3: The Framework of Law and its ideology; Distinctiveness; Obedience; Legitimacy; Authority

 READING (ALL GROUPS):

--Philp Allott, *The Health of Nations: Society and Law Beyond the State* (CUP, 2002); pp 289-315

 (***Each Group is to prepare 4-5 page summary of the reading assigned)***

 --Leslie Green, “The Forces of Law: Duty, Coercion, and Power,” Ratio Juris 29(2):164-181 (2016). GROUPS 1-2

 --Anne van Aaken and Betül Simsek, “Rewarding in International Law,” American Journal of International Law 111(2):195-241 (2021). Emphasize pp. 195-218 GROUP 3

 -- Harold Hongju Koh, “Why do Nations Obey International Law?, The Yale Law Journal 106(8):2599-2659 (1997). Emphasize pp. 2635-2646. GROUP 4-5

 --Amir N. Licht, “Social Norms and the Law: Why Peoples Obey the Law,” Review of Law and Economics 4(3):715-750 (2008). GROUP 6

 --Larry Catá Backer, “Reifying Law--Government, Law and the Rule of Law in Governance Systems,” Penn State International Law Review 26(3):521-563 (2008). GROUP 7.

OPTIONAL (EXTRA CREDIT FOR PREPARATION OF A 4-5 PAGE SUMMARY

-- Brian Bix, “Kelson, Hart, and Legal Normativity,” Revus 34:25-42 (2018).

**Part 3: States in the Global Order: (The State System Within the International Ecologies: Sovereignty Looking Inward and Outward)**

Class 4: The Foundation: The Theory of the State, Sovereignty, and its Constitution

READINGS (ALL GROUPS)

--[Convention on Rights and Duties of States (inter-American); December 26, 1933](http://avalon.law.yale.edu/20th_century/intam03.asp) (<http://avalon.law.yale.edu/20th_century/intam03.asp>).

--Peter Verovsek, ‘The Nation has Conquered the State’: Arendtian Inights on the Internal Contradictions of the nation-state, Review of International Studies 50:682-699 (2024).

***Each Group is to prepare 4-5 page summary of the reading assigned below***

---Alexander Passerin D’Entrèves, *The Notion of the State: An Introduction to Political Theory* (Oxford, 1967, pp. 1-11). GROUP1

--Stephen Krasner, *Sovereignty: Organized Hypocrisy* (Princeton University Press, 1999), pp. 1-41. GROUP 2

--J.P. Nettl, “The State as a Conceptual Vehicle,” in *The State: Critical Concepts*. Volume: 1 (John A. Hall, ed., London: Routledge, 1994) 9-24. GROUP 3

--Westel W. Willoughby, The Fundamental Concepts of Public Law (New York: MacMillan, 1924). Excerpts. GROUP 4

-- Michael Gow, “The Core Socialist Values of the Chinese Dream: towards a Chinese integral state,” Critical Asian Studies, 49(1):92-116 (2017). GROUP 5.

--Peter Nedergaard, “The Ordoliberal Theory of the State,” German Politics 28(1):20-34 (2019) GROUP 6

--Mathias Hein Jessen and Nicolai von Eggers, “Governmentality and Stratification: Towards a Foucauldian Theory of the State,” Theory, Culture, Society 37(1):53-72 (2020). GROUP 7.

OPTIONAL (EXTRA CREDIT FOR PREPARATION OF A 3-5 PAGE SUMMARY

--Restatement (Third) of Foreign Relations Law of the United States, § 201.

Class 5: New Empires; Weak States, Strong States in the State System

READINGS (ALL GROUPS)

--Moritz Anselm Mihatch & Michael Mulligan, ‘The Long Durée of extraterritoriality and Global Capital,’ *Culture, Theory and Critique* 62(1-2): 7-23 (2021).

 ***Each Group is to prepare 4-5 page summary of the reading assigned below***

--Jessica Steinberg, “’Strong’ States and Strategic Governance: A Model of Territorial Variation in State Presence,” Journal of Theoretical Politics 30(2):224-245 (2018). GROUP 1

-- Michael M. Atkinson and William D. Coleman, “Strong States and Weak States: Sectoral 19(1):47-67 (1989). GROUP 2

--Stein Sundstol Eriksen, “'State failure' in theory and practice: the idea of the state and the contradictions of state formation,” Review of International Studies 37(1):229-247 (2011). GRPUP 3

--OECD (2011), International Engagement in Fragile States: Can’t we do better? OECD Publishing, available <https://www.oecd.org/countries/somalia/48697077.pdf>. GROUPS 4

-- Peter T. Leeson and Claudia R. Williamson, *Anarchy and Development: An Application of the Theory of Second Best*, Law & Development Review 2009. GROUPS 5

-- Ken Menkhaus, Governance Without Government in Somalia: Spoilers, State Building and the Politics of Coping, International Security 31(3): 74-106 (2007). GROUPS 6

--Christopher J. Coyne, “Reconstructing Weak and Failed States: Foreign Intervention and The Nirvana Fallacy,” Foreign Policy Analysis 2(4):343-360 (2006). GROUP 7

OPTIONAL (EXTRA CREDIT FOR PREPARATION OF A 3-5 PAGE SUMMARY

--Larry Catá Backer, God(s) Over Constitutions: International and Religious Transnational Constitutionalism in the 21st Century. Mississippi Law Review, Vol. 27, 2008. Available at SSRN: [http://ssrn.com/abstract=1070381](http://ssrn.com/abstract%3D1070381).

--David Sogge, Weak States and the Savage Wars of Peace, available <https://www.cidac.pt/files/4013/8316/2850/weak_states_and_the_savage_wars_of_peace.pdf>.

--Stewart Patrick, Weak States and Global Threats: Assessing Evidence of Spillovers (January 2006). Center for Global Development Working Paper No. 73, Available at SSRN: [https://ssrn.com/abstract=984057](https://ssrn.com/abstract%3D984057) or [http://dx.doi.org/10.2139/ssrn.984057](https://dx.doi.org/10.2139/ssrn.984057) GROUPS 13-14

--Larry Catá Backer, “The Clash of Empires? Playing With Fire in the Shadow of the Umbrella Movement,” Hong Kong Between “One Country” and “Two Systems” Essays from the Year that Transformed the Hong Kong Special Administrative Region (June 2019 – June 2020*)* (Little Sir Press, forthcoming 2021).

-- Leopoldo Fergusson, Leopoldo; Carlos A. Molina, James A. Robinson, “The Weak State Trap” Economica 89:293-331 (2021)

Class 6: **Group Presentation 1**: Unpacking Variations of Strong and Weak States Within the Global Order(s) and Extraterritoriality

Each Group will be assigned the state indicated below. They are to prepare a 3 slide PowerPoint ((1) The characteristics that make the state weak or strong internally; (2) The role of international engagement as evidence of strength or weakness (does the state project power outward or is power projected inward from outside by other states and international institutions); (3) Analysis and Conclusion: Is the state strong or weak; the encounter with extraterritoriality) along with a supporting memo of no less than 5 pages. You are a member of the staff of the UN Secretary General. You have been asked to prepare these for a meeting of the G7 as they consider the future of globalization.

 Group 1—Tanzania

 Group 2—Ireland

 Group 3—Mexico

 Group 4—South Sudan

 Group 5—Belarus

 Group 6—Laos

 Group 7—Bangladesh

 **Part 4—Public International Systems Within and Beyond the State System**

Class 7: Law and the Constitution of Global Orders--The Traditional Orthodox Narrative

READINGS (ALL GROUPS):

--Mireille Delmas-Marty, “Governing Globalisation Through Law,” *European Journal of Risk Regulation* 11:195-201 (2020).

--TEXT Chapters 1 (1.1 – 1.2) and 2.

Class 8: International Institutional Law: The Life Cycle of an International Organization

 READINGS (ALL GROUPS)

 --TEXT Chapter 3; 7

Class 9: International Institutional Law: IO Law Making

 READINGS (ALL GROUPS)

 --TEXT Alvarez, chapter 5.

OPTIONAL (EXTRA CREDIT FOR PREPARATION OF A 4-5 PAGE SUMMARY)

-- Lindseth, Peter L., Supranational Organizations (September 14, 2014). In Ian Hurd, Ian Johnstone, and Jacob Katz Cogan, eds., Oxford Handbook of International Organizations (OUP, 2016) , Available at SSRN: https://ssrn.com/abstract=2517896

Class 10: Soft Law and IOs as the producers of Private Governance Systems

READINGS (ALL GROUPS)

--TEXT Chapter 6

 OPTIONAL (EXTRA CREDIT FOR PREPARATION OF A 4-5 PAGE SUMMARY)

 -- Anna di Robilant, *Genealogies of Soft Law,* 54 AMERICAN JOURNAL OF COMPARATIVE LAW 499 2006).

-- Shelton, Dinah L., “Soft Law,” in Handbook of International Law (Routledge Press, 2008), GWU Legal Studies Research Paper No. 322, GWU Law School Public Law Research Paper No. 322, Available at SSRN: [https://ssrn.com/abstract=1003387](https://ssrn.com/abstract%3D1003387)

-- Abbott, Kenneth Wayne and Genschel, Philipp and Snidal, Duncan and Zangl, Bernhard, Orchestration: Global Governance through Intermediaries (August 6, 2012). Available at SSRN: [https://ssrn.com/abstract=2125452](https://ssrn.com/abstract%3D2125452) or [http://dx.doi.org/10.2139/ssrn.2125452](https://dx.doi.org/10.2139/ssrn.2125452) ;

--Larry Catá Backer, “ On the Evolution of the United Nations "Protect-Respect-Remedy Project": The State, the Corporation and Human Rights in a Global Governance Context,” Santa Clara Journal of International Law 9(1):37-80 (2011).

--OECD Guidelines for Multinational Enterprises 2011 (Preface, Concepts and Principles; and General Principles; pp. 13-30) <http://www.oecd.org/daf/inv/mne/48004323.pdf>

--Kate Klonick, “The Facebook Oversight Board: Creating an Independent Institution to Adjudicate Online Free Expression,” Yale Law Journal 129(8):2418-2499 (2020)

Class 11: **Group Presentations No. 2:** Unpacking traditional IOs.

Each Group will be assigned the public international organization (IO) indicated below. They are to prepare a 4 slide PowerPoint ((1) Organization and operation of the IO (e.g., how is the organization constituted and what is its internal legal framework); (2) rulemaking capacity (e.g., what sort of authority does it exercise--hard law (binding rules and standards) versus soft law (guidelines, reports, investigations, capacity building, monitoring and surveillance, ranking, etc.); (3) brief history, key or contemporary controversies, and (4) conclusion: extent of IO autonomy and impact) along with a supporting memo of no less than 5 pages. Assume you are staff at the African Union making a presentation to representatives of AU Member States concerned about the role and effect of IOs in Africa.

 Group 1—World Health Organization

Group 2—Organization for Economic Cooperation and Development (OECD)

Group 3—UN Educational, Scientific and Cultural Organization (UNESCO)

 Group 4—International Labor Organization (ILO)

 Group 5—International Organization for Standards (ISO)

Group 6-Office of the UN High Commissioner for Human Rights and Special Procedures of the Human Rights Council

 Group 7--UN Conference on Trade and Development (UNCTAD)

**Part 5—Public Finance and Trade Systems (Global and Regional)**

Class 12: IFIs: The World Bank, IMF and AIIB models

READINGS (ALL GROUPS)

--World Bank Organization

 --World Bank Annual Report 2021 (“Data for Better Lives”)

--IMF Organization

 --“The IMF at a Glance”

 --IMF 2021 Annual Report (“Build Forward Better”)

--AIIB Organization

 --AIIB at a glance

--AIIB, Corporate Strategy: Financing Infrastructure for Tomorrow (September 2020)

 ***Each Group is to prepare 4-5 page summary of the reading assigned below***

--Anthony Anghie, “Time Present and Time Past: Globalization, International Financial Institutions, and the Third World,” *N.Y.U. J. Int’l Law and Policy* 32:243 (2000) READ 243-275 GROUP 7

-- Sarah Babb, “The Washington Consensus as transnational policy paradigm: Its origins, trajectory and likely successor,” *Review of International Political Economy* 20(2):268-297 (2013) GROUP 6

--Axel Dreher, “IMF Conditionality: Theory and Evidence,” Public Choice 141:233-267 (2009) Group 5

--Diego Hernandez, “Are ‘New Donors’ Challenging World Bank Conditionality?, *World Development* 96:529-549 (2017) GROUP 4

--Jacqueline Best, “Ambiguity and Uncertainty in International Organizations: A History of Debating IMF Conditionality,” International Studies Quarterly 56(4):674-688 (2012) GROUP 3

--Martin A. Weiss, “Asian Infrastructure and Investment Bank (AIIB),” *Current Politics and Economics of South, Southeastern, and Central Asia*, 27(1/2):1-29 (2018). GROUP 2

--Xiaohui Wu, “Friendly Competition for Co-Progressive Development: The Asian Infrastructure Investment Bank vs. the Bretton Woods Institutions,” *Chinese Journal of International Law* 16:41-76 (2017). GROUP 1

Class 13: World Trade Organization

READINGS (ALL GROUPS)

--WTO in Brief

--WTO 2024 Annual Report FOCUS on PP 1-29

***Each Group is to prepare 4-5 page summary of the reading assigned below***

--Lamp, Nicolas, How Some Countries Became 'Special': Developing Countries and the Construction of Difference in Multilateral Trade Lawmaking (June 17, 2014). Journal of International Economic Law 18(4), 2015, 743-771, Queen's University Legal Research Paper No. 2015-017, Available at SSRN: [https://ssrn.com/abstract=2455952](https://ssrn.com/abstract%3D2455952) GROUP 1, 5

--Ghias, Shoaib A., International Judicial Lawmaking: A Theoretical and Political Analysis of the WTO Appellate Body (July, 22 2008). Berkley Journal of International Law (BJIL), Vol. 24, No. 2, 2006, Available at SSRN: [https://ssrn.com/abstract=1168562](https://ssrn.com/abstract%3D1168562) GROUP 6

--Mazumder, Rabin, Trade Liberalization & WTO: Impact on Developing Countries (January 16, 2008). Available at SSRN: [https://ssrn.com/abstract=1084394](https://ssrn.com/abstract%3D1084394) or <http://dx.doi.org/10.2139/ssrn.1084394> GROUP 7

-- Gary P Sampson, “Challenges Facing the World Trade Organization: An Overview, “ The Australian Economic Review 51(4): 453–473 (2018) GROUP 3

--Different paths to power: The rise of Brazil, India and China at the World Trade Organization,” Review of International Political Economy 22(2):311-338 (2015) GROUP 2, 4

Class 14 **Group Presentation 3:** Regional Trade Organizations:

Each Group will present a summary of the assigned regional trade system and its organization. For each trade organization prepare a 4 slide PowerPoint ((1) Organization of the trade organization (e.g., how is the organization constituted and what is its internal legal framework) and underlying objectives and ideological framework (Marxist, development oriented, markets driven, etc.); (2) rulemaking capacity (e.g., what sort of authority does it exercise--hard law (binding rules and standards) versus soft law (guidelines, reports, investigations, capacity building, monitoring and surveillance, ranking, etc.); (3) brief history, key or contemporary controversies, and (4) interaction with states and other trade organizations--impact) along with a supporting memo of no less than 5 pages. Assume you are WTO Staff making a presentation to the WTO Assembly.

 --Group 1: Belt & Road Initiative:

--Wang, Heng, China’s Approach to the Belt and Road Initiative (May 20, 2018). Journal of International Economic Law, Volume 22, 2019 (Forthcoming), UNSW Law Research Paper No. 18-82, Available at SSRN: [https://ssrn.com/abstract=3283660](https://ssrn.com/abstract%3D3283660)

--Yong Wang, “Offensive for Defensive: The Belt & Road Initiative and China’s New Grand Strategy,” The Pacific Review 29(3):455-463 (2016).

--Wang, Heng, Divergence, Convergence or Crossvergence of Chinese and US Approaches to Regional Integration: Evolving Trajectories and Their Implications (June 30, 2018). Tsinghua China Law Review, Volume 10, Number 2, 149-185 , UNSW Law Research Paper No. 18-77, Available at SSRN: [https://ssrn.com/abstract=3145058](https://ssrn.com/abstract%3D3145058)

--Broude, Tomer, Belt, Road and (Legal) Suspenders: Entangled Legalities on the 'New Silk Road' (November 17, 2019). Forthcoming, Nico Krisch (ed.), Entangled Legalities, Hebrew University of Jerusalem Legal Research Paper 20-01, Available at SSRN: https://ssrn.com/abstract=3489749

Xi Jinping, Building an Open, Inclusive and Interconnected World for Common Development, Remarks at the 3rd Belt & Road Forum (18 October 2023)

 --Group 2: ALBA

-- Backer, Larry Catá and Molina, Augusto, Cuba and the Construction of Alternative Global Trade Systems: ALBA and Free Trade in the Americas (May 20, 2009). University of Pennsylvania Journal of International Economic Law, Vol. 31, No. 3, 2010, Available at SSRN: [https://ssrn.com/abstract=1407705](https://ssrn.com/abstract%3D1407705)

--Kepa Artaraz, “Cuba's Internationalism Revisited: Exporting Literacy, ALBA, and a New Paradigm for South–South Collaboration,” Bulletin of Latin American Research 31(1):22-37 (2012)

 --Group 3: Trans Pacific Partnership

--Backer, Larry Catá, The Trans-Pacific Partnership: Japan, China, the U.S. and the Emerging Shape of a New World Trade Regulatory Order (March 18, 2014). Washington University Global Studies Law Review, 13(1), 2013, Penn State Law Research Paper No. 20-2013, Available at SSRN: [https://ssrn.com/abstract=2237523](https://ssrn.com/abstract%3D2237523)

-- Vy Thi Tuong Nguyena and Loan Thanh Le, “‘Without United States’ Trans-Pacific Partnership Agreement and Vietnam’s Apparel Industry,” Emerging Markets Finance and Trade 57(1):138-162 (2021)

--Chunding Li and Donglin Li, “When Regional Comprehensive Economic Partnership Agreement(RCEP) Meets Comprehensive and Progressive Trans-Pacific Partnership Agreement(CPTPP): Considering the “Spaghetti Bowl” Effect, Emerging Markets Finance and Trade 58(7):1988-2003 (2022)

 --Group 4: CAFTA-DR (Dominican Republic Central America Free Trade Agreement)

-- Raymond Hicks, Helen V. Milner and Dustin Tingley, “Trade Policy, Economic Interests, and Party Politics in a Developing Country: The Political Economy of CAFTA-DR,” International Studies Quarterly 58(1):106-117 (2014)

-- Mary Finley-Brook and Katherine Hoyt, “CAFTA Opposition: Divergent Networks, Uneasy Solidarities,” Latin American Perspectives 169(36):27-45 (2009)

 --Group 5: MERCOSUR

--Paula Bustos, “Trade Liberalization, Exports, and Technology Upgrading: Evidence on the Impact of MERCOSUR on Argentinian Firms,” The American Economic Review 101(1):304-340 (2011)

--Carlos Closa and Stefano Palestoni, “Tutelage and Regime Survival in Regional Organizations' Democracy Protection: The Case of MERCOSUR and UNASUR,” Princeton 70(3):443-476 (2018)

--Ricardo Caichiolo, “Mercosur: Limits of Regional Integration,” Erasmus Law Review 12(3):246-268 (2019)

 --Group 6: COMESA (Common Market for Eastern and Southern Africa)

-- Samar H. Albagoury, “African pathway to achieve inclusive growth: COMESA case study,” Journal of Humanities and Applied Social Sciences 3(2):108-11 (2021)

-- Isaac M.B. Shinyekwa, Corti P. Lakuma, Martin L. Munu, “The Effects of Regional Economic Communities on Industrialization: The Case of COMESA,” African Development Review 31(49:506-515 (2019)

-- Ebaidalla M. Ebaidalla and Abdelrahim M. Yahia, “Performance of Intra‐COMESA Trade Integration: A Comparative Study with ASEAN’s Trade Integration,” African Development Review 26(1):77-95 (2014).

 --Group 7: U.S.-Mexico-Canada Agreement (USMCA)

 --Office of the US Trade Representative (<https://www.trade.gov/usmca>)

 -- Differences AFTA and USMCA (<https://www.trade.gov/usmca-vsnafta>)

 --Maria Anna Corvaglia, “Labour Rights Protection and Its Enforcement under

The USMCA: Insights from a Comparative Legal Analysis,” World Trade Review 20:648-667 (2021)

--Robert A. Blecker, The Rebranded NAFTA” Norteamérica 16(2):289-315 (2021)

**Part 6 Private International Organizations; States as Private Organizations**

Class 15 Non-Governmental Organizations

 READINGS ***Each Group is to prepare 4-5 page summary of the reading assigned below***

--Peter Willetts, “NGOs, Social Movements, and Civil Society,” in pp. 6-31; 114-134 GROUP 1

--Math Noortmann, *Non-State Actors in International Law, in* Non-State Actors in International Relations (Bas Arts, Math Noortmann and Bob Reinalda, eds., Aldershot: Ashgate, 2001. READ PAGES 63-73. GROUP 2

--Bob Reinalda and Bertjan Verbeek, *Theorizing Power Relations Between NGOs, Intergovernmental Organizations, and States, , in* Non-State Actors in International Relations (Bas Arts, Math Noortmann and Bob Reinalda, eds. Aldershot: Ashgate, 2001. READ PAGES 145-158. GROUP 3

--Bob Reinalda, *Private in Form, Public in Purpose: NGOs in International Relations Theory, in* Non-State Actors in International Relations (Bas Arts, Math Noortmann and Bob Reinalda, eds., Aldershot: Ashgate, 2001. READ PAGES 11-40. GROUP 4

--Mary Kaldor, “Civil Society and Accountability,” *Journal of Human Development* 4(1):4-27 (2003). GROUP 5

-- *We the peoples: civil society, the United Nations and global governance Report of the Panel of Eminent Persons on United Nations–Civil Society Relations* (2004) (Cardozo Report) READ 7-31. GROUP 6

--Sara Kalim, Lisa Strömbom, and Anders Uhlin, ” Civil Society Democratising Global Governance? Potentials and Limitations of “Counter-Democracy” Global Society 33(4):499-519 (2019). GROUP 7

OPTIONAL (EXTRA CREDIT FOR PREPARATION OF A 3-5 PAGE SUMMARY:

--Peter R. Baehr, Non-Governmental Human Rights Organizations in International Relations (Palgrave 2009) ISBN 978-0-230-20134-7 (hrdbk) pp. 1-48.

Class 16: States as Private Actors—Sovereign Wealth Funds and SOEs

 READINGS ***Each Group is to prepare 4-5 page summary of the reading assigned below***

--Abdullah Al-Hassan, Michael Papaioannou, Martin Skancke, and Cheng Chih Sung, Sovereign Wealth Funds: Aspects of Governance Structures and Investment Management, IMF Working Paper WP/13/ 231 (2013). <https://www.imf.org/~/media/Websites/IMF/imported-full-text-pdf/external/pubs/ft/wp/2013/_wp13231.ashx> . GROUPS 1-2

--International Working Group of Sovereign Wealth Funds, Generally Accepted Principles and Practices (GAPP)—***Santiago Principles***. Available for download at <https://www.ifswf.org/sites/default/files/santiagoprinciples_0_0.pdf> AND Kuwait Declaration 2009, available <https://www.ifswf.org/sites/default/files/2010%20Kuwait%20Meeting%20-%20Kuwait%20Declaration.pdf> GROUPS 3-4

-- Larry Catá Backer. "Sovereign Investing and Markets-Based Transnational Rule of Law Building: The Norwegian Sovereign Wealth Fund in Global Markets." American University International Law Review 29 no. 1 (2013): 1-122. READ pp. 2-55; <https://digitalcommons.wcl.american.edu/auilr/vol29/iss1/1/> GROUPS 5-6

--Larry Catá Backer, Sovereign Wealth Funds, Capacity Building, Development, and Governance , 52 Wake Forest Law Review (2017) ([HERE](http://www.backerinlaw.com/Site/wp-content/uploads/2017/12/Backer_Backerinlaw2017.pdf)) GROUP 7-8

OPTIONAL (EXTRA CREDIT FOR PREPARATION OF A 3-5 PAGE SUMMARY of either or both)

--Larry Catá Backer, [*SWFs in Five Continents and Three Narratives: Similarities and Differences,*](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2403867) *in* Research Handbook on Sovereign Wealth Funds and International Investment Law  57-98 (Fabio Bassan, ed., Cheltenham, Eng.: Edward Elgar, 2015).

**Part 7 Private transnational entities as economic systems**

Class 17: Multinational Corporations as IOs

 READINGS (ALL GROUPS):

-- Larry Catá Backer, “Multinational Corporations as Objects and Sources of Transnational Law,” *ILSA Journal of International and Comparative Law* 14:499 (2008). <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1092167>. GROUPS 1-2

***Each Group is to prepare 4-5 page summary of the reading assigned below***

--Larry Catá Backer, Private Actors and Public Governance Beyond the State: The Multinational Corporation, the Financial Stability Board and the Global Governance Order, *Indiana Journal Global Legal Studies* 18(2):751-802 (2011). Available [http://ssrn.com/abstract=1658730](http://ssrn.com/abstract%3D1658730). GROUP 1

 -- Peter Muchlinski, *Multinational Enterprises and the Law* (2nd Ed.; Oxford: Oxford University Press, 2007) read chapter 1. GROUP 2-3.

 --Larry Catá Backer, “Regulating Multinational Corporations — Trends, Challenges and Opportunities, 22(1) Brown Journal of World Affairs 153-173 (Fall/Winter 2015). AVAILABLE: <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3126866> GROUP 4

 --Larry Catá Backer, Trust platforms: The digitalization of corporate governance and the transformation of trust in polycentric space, Regulation & Governance (2024) [https://onlinelibrary.wiley.com/doi/10.1111/rego.12614?af=R] GROUPS 5-6

--Backer, Larry Catá, Are Supply Chains Transnational Legal Orders? What We Can Learn from the Rana Plaza Factory Building Collapse, UC Irvine Journal of International, Transnational, and Comparative Law: Vol. 1(1), 11 et seq. .Available at: <https://scholarship.law.uci.edu/ucijil/vol1/iss1/3>. GROUP 7

EXTRA CREDIT

 ----Larry Catá Backer,[*The Emerging Normative Structures of Transnational Law: Non-State Enterprises in Polycentric Asymmetric Global Orders,*](https://ssrn.com/abstract%3D2755324) 31 BYU J. Pub.L. 1 (2016)). Also available HERE: <https://digitalcommons.law.byu.edu/cgi/viewcontent.cgi?article=1527&context=jpl> , pp. 1-29(Parts I-III).

Class 18: Third Party standard setting and monitoring organizations

 READINGS ***Each Group is to prepare 4-5 page summary of the reading assigned below***

-- Kenneth W. Abbott & Duncan Snidal, “International 'standards' and international governance,” *Journal of European Public Policy* 8(3): 345-370 (2017) GROUPS 7

--Axel Marx, “Global Governance and the Certification Revolution: Types, Trends and Challenges” (November 19, 2010). Leuven Centre for Global Governance Studies Working Paper No. 53, Available at SSRN: [https://ssrn.com/abstract=1764563](https://ssrn.com/abstract%3D1764563) or <http://dx.doi.org/10.2139/ssrn.1764563> GROUPS 5

--Khalid Nadvi, “Global standards, global governance and the organization of global value chains,” *Journal of Economic Geography* 8(3):323-343 (2008) GROUP 4

--Alan J. Richardson & Burkard Eberlein, “Legitimating Transnational Standard-Setting: The Case of the International Accounting Standards Board,” *Journal of Business Ethics* 98:217-245 (2010) GROUP 3

--Timothy M. Smith Miriam Fischlein, “Rival private governance networks: Competing to define the rules of sustainability performance,” *Global Environmental Change* 20(3):511-522 (2010). GROUP 2

--Lukas Giessen, Sarah Burns, Muhammad Alif K. Sahide, Agung Wibowo, “From governance to government: The strengthened role of state bureaucracies in forest and agricultural certification,” Policy and Society 35(1):71-89 (216). GROUP 6

--Errol Meidinger, “Forest Certification and Democracy,” *European Journal of Forest Research* 130:407–419 (2011).GROUP 1

OPTIONAL (EXTRA CREDIT FOR PREPARATION OF A 4-5 PAGE SUMMARY)

-- TEXT Chapter 9

--Jianan He and Dirk Schiereck, “Sovereign rating announcements and the integration of African banking markets,” The Journal of Risk Finance 20(5):484-500 (2019) GROUP 8

Class 19: **Group Presentation 4**, markets driven regulation: multinational enterprises, State owned enterprises, sovereign wealth funds.

Each Group will be assigned the public or private actor in economic or financial markets indicated below. Each is to prepare a 5 slide PowerPoint ((1) brief description of the organizations and of the supply chain or financial universe in which they operate; (2) describe the legal environment in which they operate--what laws, rules bind them and what norms do they embed in their operations; (3) internal governance (how they regulate their internal operations across the different actors that make up their control or production chains, including systems of monitoring and governance functions with a focus on corruption, sustainability, human rights); (4) external effects of regulatory assertions; how they regulate the environment in which they operate and (5) Conclusion: impact and the way they may be understood as fitting within one or more of the ideologies of globalization studied along with a supporting memo of no less than 5 pages. For this presentation assume that you are at a meeting of the US Cabinet that is considering the role of private governance as part of a review of the most effective means of public regulatory oversight and its limits.

 Group 1: Unilever (https://www.unilever.com/)

 Group 2: Nork Hydro (https://www.hydro.com/en/en/ )

Group 3: Intel (https://www.intc.com/)

Group 4: Alcoa (https://www.alcoa.com/global/en/home/)

 Group 5: Embrear (https://embraer.com/)

Group 6: Reliance Industries Ltd (<https://www.ril.com/>)

Group 7: Samsung (https://news.samsung.com/global/)

**Part 8 Public International Prosecutor-Judicial Systems**

Class 20: The International Court of Justice

 READINGS (ALL GROUPS):

--Introduction to the ICJ (2020) (from the ICJ Website)

***Each Group is to prepare 4-5 page summary of the reading assigned below***

--Medellin v. Texas, 552 U.S. 491 (2008); available [https://www.law.cornell.edu/supct/html/06-984.ZS.html]. Groups 1-3

-- Iran v. U.S. ICJ (30 March 2023) GROUP 4 (¶¶1-74); GRPUP 5 (¶¶74-109); GROUP 6 (¶¶110-223); GROUP 7 (¶¶225-236)

OPTIONAL (EXTRA CREDIT FOR PREPARATION OF A 4-5 PAGE SUMMARY of one or both)

--Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, ICJ, July 22, 2010, Gen, List No. 141 (Advisory Opinion). Available [https://www.icj-cij.org/public/files/case-related/141/141-20100722-ADV-01-00-EN.pdf].

--Any part of the ICJ Handbook

Class 21: The International Criminal Court System

--The ICC at a Glance (ALL GROUPS)

-- [Core ICC texts](https://www.icc-cpi.int/resource-library#legal-texts) (***for reference only***)

 a. Rome Statute

 b. Elements of Crimes

 c. Rules of Procedure and Evidence

 d. Regulations of the Court

 e. Agreement on Privileges and Immunities

 f. Regulations of Prosecutor

 g. Staff Regulations of the Court

 h. Code of Judicial Ethics

READINGS ***Each Group is to prepare 4-5 page summary of the reading assigned below***

--Introduction to the ICC (drawn from the ICC Website) . GROUPS 1-2

--Martha Minnow, “Do Alternative Justice Mechanisms Deserve Recognition in International Criminal Law?: Truth Commissions, Amnesties, and Complementarity at the International Criminal Court,” *Harvard International Law Journal* 60(1):1-44 (2019). GROUPS 3-4.

--Leila Ulrich, “Beyond the ‘Global-Local Divide’,” *Journal of International Criminal Justice* 14:543-568 (2016). GROUP 5-6

--Chinedu Thomas Ekwealor, “The African Union and the International Criminal Court: Lessons From Sudan for Africa,” *Journal of African Union Studies* 7(1):31-48 (2018). GROUP 7

Class 22: The Regional Human Rights System: Europe, Africa, Latin America.

 READINGS (ALL GROUPS):

International Human Rights Institutions: European System

-- Thomas Buergenthal, The Evolving International Human Rights System, 100 *Am. J. Int'l L.* 783 (2006). READ INTRODUCTION AND PARTS I & IV.

GROUP READINGS (***Each Group is to prepare 4-5 page summary of the reading assigned below*** )

-- The [ECHR System](http://www.echr.coe.int/): (ALL GROUPS)

 A. ECHR [Court in Brief](http://www.echr.coe.int/Documents/Court_in_brief_ENG.pdf)

 B. ECHR [In 50 Questions](http://www.echr.coe.int/Documents/50Questions_ENG.pdf)

 C. ECHR [Questions & Answers](http://www.echr.coe.int/Documents/Questions_Answers_ENG.pdf)

 D. ECHR [Overview 1959-2015](http://www.echr.coe.int/Documents/Overview_19592015_ENG.pdf)

 E. ECHR [Facts & Figures](http://www.echr.coe.int/Documents/Facts_Figures_2015_ENG.pdf)

 F. ECHR [Case Processing and Working Methods](http://www.echr.coe.int/Pages/home.aspx?p=court/howitworks&c=#newComponent_1346158325959_pointer)

 G. ECHR [Convention and Protocols](http://www.echr.coe.int/Pages/home.aspx?p=basictexts&c=)

 H. ECHR [Convention Reservations](http://conventions.coe.int/Treaty/Commun/ListeDeclarations.asp?NT=005&CM=8&DF=&CL=ENG&VL=1)

 I. ECHR [Rules of Court](http://www.echr.coe.int/Documents/Rules_Court_ENG.pdf) (Generally [here](http://www.echr.coe.int/Pages/home.aspx?p=basictexts/rules&c=#n1347875693676_pointer))

 J. ECHR [Practice Directions](http://www.echr.coe.int/Pages/home.aspx?p=basictexts/rules&c=#n1347877334990_pointer)

 K. ECHR [Resolution on Judicial Ethics](http://www.echr.coe.int/Documents/Resolution_Judicial_Ethics_ENG.pdf)

--Stéfanie Khoury and David Whyte, “Human rights for profit: The system-preserving tendencies of the regional human rights courts,” Capital and Class 46(2): 189-209 (2021) Group 7

--Robert Spano, The Future of the European Court of Human Rights, Human Rights Law Review 18:473-494 (2018). GROUP 6

--Patricia Palacios Zuloaga, “Judging Inter-American Human Rights: The Riddle of Compliance with the Inter-American Court of Human Rights,” *Human Rights Quarterly* 42(2):392-433 (2020). GROUP 5

--Svetlana Tyulkina, “Fragmentation in International Human Rights Law: Political Parties and Freedom of Association in the Practice of the UN Human Rights Committee, European Court of Human Rights and Inter-American Court of Human Rights,” *Nordic Journal of Human Rights* 32(2):157-175 (2014). GROUP 4

--Alejandro Fuentes, “Protection of Indigenous Peoples’ Traditional Lands and Exploitation of Natural Resources: The Inter-American Court of Human Rights’ Safeguards,” *International Journal on Minority Group Rights* 24:229-253 (2017). GROUP 3

--Ricardo Rösch, “Indigenousness and peoples' rights in the African human rights system: situating the Ogiek judgement of the African Court on Human and Peoples' Rights,” Verfassung und Recht in Übersee VRÜ 50(3):242-258 (2017). GROUP 2

--Tom Gerald Daly and Micha Wiebusch, “The African Court on Human and Peoples' Rights: Mapping resistance against a young court,” *International Journal of Law in Context* 14:294-313 (2018). GROUP 1

Class 23-24 **Group Presentation 5**: International and Regional Courts and their Hard and Soft Impacts on Law and International Affairs.

Each Group will be assigned the state indicated below. They are to prepare a 5 slide PowerPoint ((1) Analyze the case assigned for its facts and most important discussion; (2) the way it used the jurisprudence of other courts, including other international tribunals or the decisions of national courts; (3) consider its political, social, and cultural repercussions (what was a mandatory outcome that was binding; what in the opinions would reshape conduct of states and other actors); (4) consider the differences between the soft impact of the case (serving as the development of political or social principle then indirectly affecting actors) and its hard impact (how will the case be used by other courts or incorporated into the domestic order of states) and (5) consider what the case suggests for the role of courts in international affairs, along with a supporting memo of no less than 5 pages. You are officials of the United Nations. The presentation is to be made to the Standing Committee of the Chinese Communist Party Politburo at a formal study session.

 GROUP 1: Juridical Condition and Rights of the Undocumented Migrants, Mexico, Advisory opinion, Advisory Opinion OC-18/03, IACHR Series A No 18, IHRL 3237 (IACHR 2003), 17th September 2003, Inter-American Court of Human Rights [IACtHR] <https://www.corteidh.or.cr/docs/opiniones/seriea_18_ing.pdf>

 GROUP 2: SAS v. France, European Court of Human Rights Application no. 43835/11 (1 July 214); <http://jus.igjk.rks-gov.net/193/1/CASE%20OF%20S.A.S.%20v.%20FRANCE.pdf>

 GROUP 3: Jurisdictional immunities of the state (Germany v. Italy; Greece Intervening) (3 February 2012) International Court of Justice <https://www.icj-cij.org/public/files/case-related/143/143-20120203-JUD-01-00-EN.pdf>

 GROUP 4: Judgment on the appeal against the decision on the authorisation of an investigation into the situation in the Islamic Republic of Afghanistan (ICC-02/17-138) 05 March 2020 <https://www.icc-cpi.int/CourtRecords/CR2020_00828.PDF> (related documents <https://www.icc-cpi.int/Pages/record.aspx?docNo=ICC-02/17-138>)

 GROUP 5: The Case of “The Last Temptation of Christ” (Olmedo-Bustos et al. v. Chile), Judgment of 5 February 2001, Inter-American Court of Human Rights (available <https://www.corteidh.or.cr/docs/casos/articulos/seriec_73_ing.pdf>)

 GROUP 6: In the Matter of Richard Robert v. United Republic of Tanzania (judgment 2 December 2021) African Court of Human and Peoples Rights. Available <https://www.african-court.org/cpmt/storage/app/uploads/public/61b/741/5bd/61b7415bddbd8935712474.pdf>. Dissenting opinion available <https://www.african-court.org/cpmt/storage/app/uploads/public/61c/c31/a9f/61cc31a9f0c0d962294259.pdf>.

 GROUP 7: Matter of Laurent Munyandilikirwa v. Republic of Rwanda (judgment 2 December 2021) African Court of Human and Peoples Rights. Opinion available <https://www.african-court.org/cpmt/storage/app/uploads/public/61b/31f/bae/61b31fbae3786517851723.pdf>. Dissenting opinion 1 (Kioko, J.) available <https://www.african-court.org/cpmt/storage/app/uploads/public/61b/70a/6bd/61b70a6bd269b674842879.pdf>. Dissenting opinion 2 (Achour, J.) available <https://www.african-court.org/cpmt/storage/app/uploads/public/61b/73e/8e5/61b73e8e59b7c573745491.pdf>.

**Part 9 Hybrid, Private and Non State Based International Grievance Mechanisms and Next Frontiers**

Class 25-6: International Center for the Settlement of Disputes (ICSID) With a nod to the International Court of Arbitration

 READING (ALL GROUPS--SKIM )

--The U.S. Model Bi-Lateral Investment Treaty (BIT) 2012

 GROUP READINGS ((***Each Group is to prepare 4-5 page summary of the reading assigned below*** )

-- Meg Kinnear, “2019 John E.C. Brierley Memorial Lecture - Continuity and Change in the ICSID System: Challenges and Opportunities in the Search for Consensus (20 March 2020) available [https://icsid.worldbank.org/news-and-events/speeches-articles/2019-john-ec-brierley-memorial-lecture-continuity-and-change] GROUP 8

--Andreas F. Lowenfeld, “The ICSID Convention: Origins and Transformation,” Georgia Journal of International and Comparative Law 38:47 (2010). GROUP 7

--Ole Kristian Fauchald, “The Legal Reasoning of ICSID Tribunals—An Empirical Analysis,” European Journal of International Law 19(2):301-364 (2008). GROUP 6

--Ling He and Razeen Sappideen, “Investor-State Arbitration under Bilateral Trade and Investment Agreements: Finding Rhythm in Inconsistent Drumbeats,” Journal of World Trade 47:215 (2013). GROUP 5

--Meg Kinnear, “An Introduction to ICSID,” Conference PPTs (3 February 2016); available [https://pdfslide.net/documents/an-introduction-to-icsid-world-an-introduction-to-icsid-meg-kinnear-icsid-secretary-general.html] (31 Slides). GROUP 4

--David Gantz, “Resolution of Investor-State Controversies in Developing States,” The Law Development Review 5(2):82-127 GROUP 3

--ICSID, 2021 Annual Report [https://icsid.worldbank.org/sites/default/files/publications/ICSID\_AR21\_CRA\_bl1\_web.pdf] GROUP 2

 ICSID Primary Source Documents:

 ICSID Rules

 ICSID Additional Facility Rules:

 Permanent Court of Arbitration Overview

 ICSID Annual Report 2006

 11 ICSID CASE NOTES

--Linda Silberman, “The New York Convention After 50 Years: Some Reflections on the Role of National Law,” *Georgia Journal of International & Comparative Law* 38:25-46 ((2009) GROUP 1

OPTIONAL (EXTRA CREDIT FOR PREPARATION OF A 3-5 PAGE SUMMARY)

--TEXT Chapter 8

--Meg Kinnear, An Introduction to ICSID Process Meg Kinnear, ICSID Secretary-General November 19, 2015 CIL Investment Law & Practice Conferences Singapore (161 SLIDES), available [https://cil.nus.edu.sg/wp-content/uploads/2015/10/Day2-ICSID-ICSID101.pdf]

--Jeoncho Nam, “Model Bit: An Ideal Prototype or a Tool for Efficient Breach?,” Georgetown Journal of International Law 48:1275-1308 (2017)

--Christophe Schreuer, “International Centre for Settlement of Investor Disputes,” 100 ICSID

Class 27: New Orthodoxies and Counter Narratives of the Legal Structures of the Globalized Order(s)

 READINGS (***Each Group is to prepare 4-5 page summary of the reading assigned below*** )

Group 1

-- Larry Catá Backer, “ The Structural Characteristics of Global Law for the 21st Century: Fracture, Fluidity, Permeability, and Polycentricity,” Tilburg Law 17(2):177-199 (2012).

Group 2

--Peer Zumbasen, *Transnational Law*, CLPE Research Paper 09/2008 Vol. 04(2). Available <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1105576>.

Group 3

-- Craig Scott, *“Transnational Law” as Proto-Concept: Three Conceptions*, 10(7) German Law Journal 859 (2009). GROUS 7-9

Group 4

--Terrance Halliday and Gregory Schaffer, “Transnational Legal Orders,” in (Halliday & Schaffer (eds) Transnational Legal Orders (Cambridge University Press, 2015), pp. 1-22; 45-51.

Group 5

--Teubner, Gunther, “Global Bukowina: Legal Pluralism in the World-Society”, in Global Law Without State (Gunther Teubner, ed., Dartsmouth, 1996) pp. 3-28, 1996, Available at SSRN: [https://ssrn.com/abstract=896478](https://ssrn.com/abstract%3D896478)

Group 6

--Paul Schiff Berman, “Global Legal Pluralism,” Southern California Law Review 80:1155-1237 (2007) (READ 1155-1196)

Group 7

--Feng Zhang, “The Xi Jinping Doctrine of China’s International Relations,” Asia Policy 14(3):7-23 (2019).

OPTIONAL (EXTRA CREDIT FOR PREPARATION OF A 3-5 PAGE SUMMARY of either or both)

--Backer, Larry Catá, The 'Cri de Jessup' Sixty Years Later: Transnational Law’s Intangible Objects and Abstracted Frameworks Beyond Nation, Enterprise, and Law (March 12, 2019). In Peer Zumbansen (ed.), *Jessup’s Bold Proposal. Critical Engagements with Transnational Law* (Cambridge UP, 2019) , Coalition for Peace & Ethics Working Paper 3/1 (March 2019) , Available at SSRN: [https://ssrn.com/abstract=3350824](https://ssrn.com/abstract%3D3350824),

--Mark Drumbl and Katerina Uhlirova, “Actors and Law Making in International Environmental Law,” *Research Handbook of International Environmental Law* (Cambridge2019).

Class 28-9 PAPER PREPARATION