



INTERNATIONAL ORGANIZATIONS – GLOBAL LAW

(2015/2016)

Prof. Doutor Miguel Prata Roque

FICHA CURRICULAR / SYLLABUS

SUBJECT: The Uprising of a New World Order – Network Democracy and Global Constitutionalism

SUMMARY: «International Organizations – Global Law» (in English) will study the effects of globalization over traditional (national and world) legal order. It will be explored the tensions between democratic mechanisms and the urge of a transnational regulation of legal and commercial relations. A New World Order based on non-formal networking of public powers is growing stronger and removing orthodox international organizations from the front of the world scene. Traditional inter-nations schemes are being replaced for global networks that include private entities that exert significant public powers in a New World Order. To find the tools to understand and to regulate those activities is the task of scholars and academic researchers. «International Organizations – Global Law» (in English) will be a privileged tool for any student that aims to face globalization with the strength of scientific knowledge.

I. CURRICULUM

Part 1 – Shaping a New Global Core of Normativity: the Idea of Global Law (GL)

- 1.1. Globalization and its effects
- 1.2. The end of an state-centered international community
- 1.3. Historical evolution: from Roman Law to (non-formal) Global Law
- 1.4. The uprise of a transnational public interest
- 1.5. The new sources of Global Law

Part 2 – The Constitutional Law of the International Organizations: the Rules of GL

- 2.1. International Organizations (IO): birth and scope
- 2.2. Administrative Law of the IO
 - 2.2.1. The relations between Member-States and the IO
 - 2.2.2. The separation of powers
 - 2.2.3. The political functions
 - 2.2.4. The legislative functions
 - 2.2.5. The executive functions
 - 2.2.6. The jurisdictional functions
- 2.3. The (lack of) democratic legitimacy

Part 3 – Global Networks: the Subjects of GL

- 3.1. The crash of state self-sufficiency
- 3.2. A new start for the prohibition of interference principle
- 3.3. Schemes of partition of state sovereignty
- 3.4. Global networks: the concept
- 3.5. General theory of private transnational entities
- 3.6. Public boundaries for private interventions
- 3.7. Specific subjects of GL (case study): ICANN, *DzCodexAlimentariusdz*, World Anti-Doping Agency, Interpol

Part 4 – Global Activity: the instruments of GL

- 4.1. Technological advances and electronic dematerialization
- 4.2. Typology of acts
- 4.3. Extraterritorial and transnational acts
- 4.4. Transnational competence
- 4.5. Transnational recognition Part

5 – Global Rights: the safeguards of GL

- 5.1. The connections between global order and national orders
- 5.2. Global democratic standards and indicators
- 5.3. Mechanisms of global participation
- 5.4. Preventive safeguards: the decision procedures
 - 5.4.1. Legislative procedures
 - 5.4.2. Administrative procedures
- 5.5. Subsequent safeguards: the judicial review procedures
 - 5.5.1. International immunities
 - 5.5.2. State judicial review
 - 5.5.3. International judicial review

II. EVALUATION REGIME

- Following paragraph b) of article 3 of the Evaluation Statute (Regulamento de Avaliação de Conhecimentos nos Cursos de Especialização Integrados nos Mestrados de Bolonha, available (http://www.fd.ulisboa.pt/LinkClick.aspx?fileticket=_h0aqv1zibs%3d&tabid=184), the evaluation regime will be the following.

Written paper on a specific subject of the curriculum: 100%

The written paper must be delivered until 9th december, 2014, according to the following requisites:

- a) Maximum of 50 pages (excluding bibliography and other addenda);

- b) Communication of the subject of the paper until 10th october, 2014, for approval;
- c) Written in English;
- d) Signature of a commitment of originality.

The evaluation will be personally notified to the students until the penultimate week of the school calendar. The students whose grades are negative (9 out of 20, or less) and the students whose grades are superior to 15 (16 out of 20, or more) will be submitted to an oral enquiry, according to the following rules:

- a) Maximum of 15 minutes, per student;
- b) Discussion exclusively centered on the subject of the written paper;
- c) Public oral enquiry during the class timetable, on the last week of the semester.

The regular term non approved students can present themselves to an appeal season, according to article 7.1. of the Evaluation Statute. The appeal will be compound of an oral exam.

III. LITERATURE

Portuguese (General)

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- JOÃO MOTA DE CAMPOS (*et alia*), *As Organizações Internacionais*, 4^a edição, Coimbra Editora, Coimbra, 2011
- MARGARIDA D'OLIVEIRA MARTINS / AFONSO D'OLIVEIRA MARTINS, *Direito das Organizações Internacionais*, Volume I, 2^a edição, AAFDL, Lisboa, 1996
- MIGUEL PRATA ROQUE, *A Dimensão Transnacional do Direito Administrativo – Uma visão cosmopolita das situações jurídico-administrativas*, AAFDL, Lisboa, 2014

English (and Other Languages)

a) Global Law

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b) International Organizations

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