

Syllabus Intensive Course Prof. Dr. Marine Toullier

Globalisation and international protection of Human rights

Definition of globalisation: a multidimensional phenomenon. Study of the notion of globalisation from different perspective: sociological, economical, political, industrial and finally from a law perspective. It is revealing of new elements phenomenon: new markets, new actors, new rules, new instruments of faster and cheaper communication. Globalisation as a set of shocks, of challenges and of fears: Human, commercial, Industrial, financial, technological shocks.

Raise of new problems from globalisation: questions raised by globalisation, Relations between economy and Human rights; The Human Right's place in the globalisation phenomenon.

Globalisation and the notions of unity and diversity. Does globalisation constraint to standardisation or is there still place for the diversity? Should we aim to have the same rights all over the world ? Or is tolerance to what is different, a value superior than the aim of insuring the "minimum standard" of the ECHR for example to all human beings despite different cultures? Globalisation and the controversial universality of the rights.

Globalisation and international protection of human rights: failure of the institution of an effective international system of protection of human rights; Reasons of failure: universality confronted with pluralism of the cultures; the weakness of the international law: principle: the will of the state, the exception: the *jus cogens*.

Embryo of an international protection of human rights; The Charter of the United Nations; the Universal Declaration of Human Rights; The international Covenants (1966): their juridical strength, their content and their mechanism of control.

The embryo of international justice: Permanent Court of International Justice, International Court of justice, Special international criminal courts: criminal courts *ad hoc* (*TPIY, TPIR*) and internationalised courts: the Special Court for the Sierra Leone; the High Iraqi criminal court ; the extraordinary Chambers in the Cambodian jurisdictions ; the special court for the Lebanon.

Literature:

Doctrine on Globalisation:

-AUDRETSCH (David B.) & SANDERS (Mark), « [Globalization and the Rise of the Entrepreneurial Economy](#) », [Working Papers](#) 08-21, Utrecht School of Economics, 2008.

-LANE (Ph.), MILESI- FERETTI (G.-M.), “Financial globalization and exchange rates”, *Dollars, Debt, and Deficits: Sixty Years after Bretton Woods* International Monetary Fund, 2005.

-LANE (Ph.), MILESI- FERETTI (G.M.), *The external wealth of nations, mark II: revised and extended estimates of foreign assets and liabilities, 1970–2004*, *Journal of International Economics* 73, 2007, p. 223–250.

-SCHOLTE (Jan Aart), [Globalization: A Critical Introduction](#), Mac Millan Press LTD, 2000.