

Global Law Making

8-12 November 2010

Course Outline

Professor Terence C. Halliday
Center on Law and Globalization
American Bar Foundation & University of Illinois College of Law
Adjunct Professor of Sociology, Northwestern University
Adjunct Professor, School of Regulation, Justice and Diplomacy, Australian National University

In the last two decades an enormous volume and variety of global lawmaking has been produced by transnational courts, quasi-legislatures and regulatory bodies. The law created by these institutions opens up broad new terrains of international law and affects virtually every area of domestic law. This enterprise of global law production also brings together lawyers, legal practitioners, and social scientists in a mutual effort to understand what is happening and how it affects law, politics and society. This short course offers an intensive introduction to global lawmaking from an inter-disciplinary perspective. It will consider explanations of global lawmaking and local practices in diverse areas of lawmaking: trade law (law of corporate failure); human rights (especially violence against women in war), environmental regulation (especially climate change and forest regulation), and security (especially landmine regulation).

The course will be organized as a seminar.

- All students are expected to read assigned materials for each class
- Each student is expected to introduce a particular reading

The grade will be based 75 percent on an exam and 25 percent on class preparation and participation.

- Six exam questions will be handed out on the first day of class
- Three of those questions will be on the final 1 hour exam on the last day of class

Requirements:

- All students will read the assigned reading for each class.
- Each student will have a short presentation of one part of each reading – this will be accompanied by a handout to the class of *no more than one page* which summarizes the findings or argument. Given the very brief duration of the course, students have been arbitrarily assigned readings. If you wish to exchange with someone else, that is fine. It is essential you inform Susana of the change.

For extra credit, students can sign up alone, or together, for a brief presentation on an international organization that creates and promulgates norms. The presentation should be accompanied by a 1 page -2 page write-up for circulation/presentation or as a PowerPoint presentation.

Resources:

Students should browse for background the Smart Library on Globalization and Law

<http://clg.portalxm.com/library/category.cfm?cid=1&cat=0>

November 8 Monday
Global Law Making: Frameworks for analysis

Class Reading:

Halliday, Terence C., and Pavel Osinsky. 2006. "Globalization of Law." *Annual Review of Sociology* 32:447-470.

International Organization: International Commission of Jurists

November 9 Tuesday
International Human Rights: Systematic Sexual Violence against Women

Class reading:

Hagan, John, Wenona Rymond-Richmond, and Patricia Parker. 2005. "The Criminology of Genocide: The Death and Rape of Darfur." *Criminology* 43:525-62.

International Organization: International Criminal Court (esp. Bashir indictment)

Supplementary reading:

Merry, Sally Engle. 2005. *Human Rights and Gender Violence: Translating International Law into Local Justice*. Chicago: University of Chicago Press. schapter 2.

Hagan, John, and Alberto Palloni. 2006. "Death in Darfur." *Science* 313.

Hagan, John. 2003. *Justice in the Balkans: Prosecuting War Crimes in the Hague Tribunal*. Chicago: The University of Chicago Press., pp. 176-203

November 9 Wednesday
Trade Law: United Nations Commission on International Trade Law

Class reading:

Terence C. Halliday, Josh Pacewicz and Susan Block-Lieb, "Delegations: The Micro-Politics of Influence in International Organizations." Paper presented at the *Annual Meeting of the International Studies Association*, New York, February 18, 2009.

International Organization: UNCITRAL

Background reading:

Terence C. Halliday and Bruce G. Carruthers. 2009. *Bankrupt: Global Lawmaking and Systemic Financial Crisis*. Palo Alto: Stanford University Press. Chapter 4. "Attaining the Global Standard."

Block-Lieb, Susan, and Terence C. Halliday. 2007a. "Harmonization and Modernization in UNCITRAL's Global Legislative Guide on Insolvency Law." *Texas International Law Journal* 42:481-514.

Block-Lieb, Susan, and Terence C. Halliday.. 2007b. "Incrementalisms in Global Lawmaking." *Brooklyn Journal of International Law* XXXII:851-903.

November 10 Thursday
Security: Landmines

Class reading:

Hubert, Don. 2000. "Landmine Ban: A Case Study in Humanitarian Advocacy." in *Watson Institute Occasional Paper #42*: Brown University. Chs 2 & 3, pp. 1-38

International Organization: International Campaign to Ban Landmines

Background reading:

- Anderson, Kenneth. 2000. "The Ottawa Convention Banning Landmines, the Role of International Non-governmental Organizations and the Idea of International Civil Society." *European Journal of International Law* 11:91-120.
- Andersen, Kenneth. 2003. "The Role of the United States Military Lawyer in Projecting a Vision of the Laws of War." *Chicago Journal of International Law* 4:443-462.
- Williams, Jody, and Stephen Goose. 1998. Pp. 20-47 in *To Walk Without Fear: The Global Movement to Ban Landmines*, edited by Maxwell A. Cameron, Robert J. Lawson, and Brian W. Tomlin. Oxford: Oxford University Press.
- Kjellman, Kjell Erling. 2003. "Norms, Persuasion, and Practice: Landmine Monitor and Civil Society." *Third World Quarterly* 24:955-965.

November 10 Thursday
Climate: Forests

Class reading:

Meidinger, Errol E. 2002. "The New Environmental Law: Forest Certification." *Buffalo Environmental Law Journal* 10:213-303. Pp. 214-26, 237-254, 265-280

IO presentation: Forest Stewardship Council

Background reading:

- Cashore, Benjamin, Graeme Auld, and Newsome. 2004. *Governing through Markets: Forest Certification and the Emergence of Non-State Authority*. New Haven: Yale University Press. Ch 1.
- Cashore, Benjamin, Graeme Auld, Steven Bernstein, and Constance McDermott. 2007. "Can Non-State Governance 'Ratchet Up' Global Environmental Standards? Lessons from the Forest Sector." *RECIEL* 16:158-172.
- Hickey, Gordon M., John L. Innes, and Robert A. Kozak. 2007. "Monitoring and Information Reporting for Sustainable Forest Management: A Regional Comparison of Forestry Stakeholder Perceptions." *Journal of Environmental Management* 84:572-85
- Gulbrandsen, Lars H. 2003. "The Evolving Forest Regime and Domestic Actors: Strategic or Normative Adaptation?" *Environmental Politics* 12:95-114.

November 12 Friday
Climate: Forests continued

Summing Up

Exam