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Pennsylvania State University
239 Lewis Katz Building
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MEMORANDUM

Date: January 8, 2017

To: INTAF 801 Students
Actors, Institutions, and Legal Frameworks in International Affairs

Re: Course Information & Syllabus, INTAF 801 Spring 2017

MEETING ROOM: KATZ 012

MEETING TIMES: 11.15 A.M - 12.30 P.M. Wednesdays and Fridays

FINAL EXAM: TAKE HOME EXAM

PROFESSOR: LARRY CATÁ BACKER

CONTACT DETAILS

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EXAMS: 24 Hour Take Home Final, Dec.

COURSE INFORMATION

From the Course Catalog:

This course addresses the principal actors at various levels of interaction in international affairs: supra-national bodies, States, quasi-States, international organizations and institutions, non-governmental organizations (NGOs), transnational corporations, and individuals. Emphasis will be placed on the sources and the limitations imposed by various legal regimes (general and regional international law, national (or municipal) legal systems, internal administrative regulation (for international organizations), and attention given to the roles and authority of actors and limitations on those roles and authority in the domains of development, human rights, international transactions, migration, public health, and civil society generally.

What does this mean?

First, students will be introduced to the range of organizations that populate the landscape of international affairs. In line with the current global framework of hierarchies of political power, that means a focus on 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. They will also be introduced to the distinctions between international and domestic law systems, and non-law systems. Together these provide the framework within which international actors operate. Students will be expected to master the conceptual framework of the state system, and its ramifications for the structures of authority and relationship to law of international organizations, corporations and other non-state actors. They will also master developing theories of governance frameworks in which the state plays a role but is not at the center and in which “law” is understood in a variety of different senses. These theories include transnational law and global law.

Second, students will learn about each of these entities. Students start with the state. All other international actors are then considered from the perspective of this touchstone entity – quasi-states (e.g. Somalia, Palestine, Kosovo); international organizations (e.g., United Nations); supra-national organizations (regional trade organization,); transnational corporations (e.g. Nike) and non-economic corporate actors (e.g., Oxfam); and individuals. 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 do they operate.

Third, 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 (notions of structural coupling), 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.

Fourth, the context of these investigations will be grounded in the legal frameworks within which these institutions operate, or against which they might function. 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.

Fifth, students will learn how to manage and present information. Students will be expected to work together in groups to develop and present policy positions and background analysis on a number of the topic areas covered in class. To master the materials it will be necessary to show not merely a knowledge of the materials studied but to apply them in a working context.

COURSE MATERIALS

Many of the readings for the semester will be drawn from these texts. While they are available at the bookstore, you might consider buying them either used or elsewhere to save money.

REQUIRED:

JOSÉ E. ALVAREZ, *INTERNATIONAL ORGANIZATIONS AS LAW-MAKERS*, Oxford University Press, 2006, ISBN 978-0-19-876563-9 (Paperback)

ANDREW MORAVCSIK, *POWER, INTERDEPENDENCE, AND NONSTATE ACTORS IN WORLD POLITICS* (Princeton University Press, 2009).
 ISBN: 9780691140278

Other Materials to be distributed via Angel.

RECOMMENDED (but need not be purchased):

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 ORGANIZATION

Generally speaking, the course will be conducted along the lines of a graduate level seminar, consisting of a mix of lectures and presentations led by teams of students. The course will only be as successful as the efforts student teams put into their presentations. Together we will seek to leverage the diversity of experiences and backgrounds among us to derive greater insights from the materials and their application to current issues. Each of you is a valuable resource in this effort. The fundamental goal is to better equip you to work effectively within an increasingly diverse system of institutions and governance organs that now play a significant role in policy, politics, religion, culture and economics.

Seating is assigned. To make seat selection somewhat less arbitrary, the seat you choose on the second day of class will be your assigned seat. I will circulate a seating chart on the second class day for you to fill in.

Class Notes and Recording of Class. Please feel free to get together with your classmates for studying and sharing notes. It is sometimes efficient. Take such notes as you desire. In addition, all of my classes are taped. You may review the tapes from your computers through ANGEL. **No personal recording of class.**

I pass along to you the following statement prepared by the School of International Affairs. Please review and direct all questions to the appropriate administrative official with authority over these matters.

The SIA's AV policy statement:

In order to provide the potential educational benefits of recorded classes to our students, the SIA has decided to automatically record, and to archive for a limited period of time, all class sessions occurring in classrooms in the Katz Building. 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 ANGEL, 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 SIA may jointly decide to retain the edited recording for other purposes).

By registering for or attending SIA courses, you consent to the school's making and display of class recordings within the scope of this policy.

Your professor in each course will explain the access rules she or he has established for each class.

PLEASE NOTE that the SIA's 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 with the SIA. The class recording policy is intended to enhance your learning experience, not to substitute for regular class attendance and preparation.

Questions, Special Requests. You should direct any questions, concerns or requests specifically regarding classroom recordings or any classroom technology (rather than policy or the interpretation thereof) to the AV Team at av@law.psu.edu.

GRADING

Student grades will be based on class participation (and principally the in class group presentations and projects) and one take home examinations (both administered through the Penn State ANGEL system).

Participation: in addition to your work in your assigned groups, you are expected to have completed the readings indicated for each class and to actively participate in class discussions and exchanges. You are expected to be an active and contributing member of your team.

Exam:

THE EXAM IS OPEN BOOK.

You must work alone.

You will have 24 hours to complete the exam from the time you pick it up. Students will be given

the option of choosing the time to take the exam.

Exams will be distributed through ANGEL or CANVAS and will be submitted through ANGEL or CANVAS. More detailed instructions will be made available later in the semester. EXAMS MUST BE SUBMITTED NO LATER THAN 24 HOURS AFTER PICK UP. The Clock in ANGEL OR CANVAS WILL BE TREATED AS PRESUMPTIVELY ACCURATE. **I will not police you – you are on your honor to comply with final exam rules.**

FINAL EXAM: The exam may be picked up on any day from 9:00 A.M. on the first day of final exams to 3:00 P.M. on the last day of the final exams period (Monday, MAY 1, 2017) through Friday, MAY 5, 2017). **ANY EXAM DELIVERED AFTER 3 P.M. ON FRIDAY, MAY 5, 2017 OR MORE THAN 24 HOURS AFTER PICK UP WILL RECEIVE A GRADE OF “F”.**

In calculating the final grade I will ascribe the following weights:

Participation 20%
Final Exam 60%

Academic honesty and integrity is expected under the rules of the DSL Honor Code, available <http://www.law.psu.edu/Honor/Contents.cfm>.

ACADEMIC HONESTY AND INTEGRITY

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.

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. For an explanation of what types of conduct constitute plagiarism, see the definition of plagiarism in the Law School Honor Code section 1.2 (R) at <http://www.law.psu.edu/Honor/Contents.cfm>.

See also
<http://istudy.psu.edu/FirstYearModule/CopyrightPlagiarism/StudentGuide.html> and
<http://its.psu.edu/turnitin/TurnitinHandout.rtf>.

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

CONFERENCES

I maintain an open door policy. I encourage you to see if me should you have any questions or concerns. Sometimes I may not be in my office. That does not mean I am unavailable. I will try to be in my office for walk-ins Mondays and Wednesdays from 4-5:30 P.M. or otherwise by appointment.

**Technology has made it easy to communicate.
 Please take advantage of it.**

You are encouraged to contact me by e-mail. I will endeavor to respond promptly.
 <lcb11@psu.edu>

UNIVERSITY STATEMENT ON STUDENTS WITH DISABILITIES:

“Penn State welcomes students with disabilities into the University's educational programs. If you have a disability-related need for reasonable academic adjustments in this course, contact the Office for Disability Services (ODS) at 814-863-1807 (V/TTY). For further information regarding ODS, please visit the Office for Disability Services Web site at <http://equity.psu.edu/ods/>.

In order to receive consideration for course accommodations, you must contact ODS and provide documentation (see the documentation guidelines at <http://equity.psu.edu/ods/guidelines/documentation-guidelines>). If the documentation supports the need for academic adjustments, ODS will provide a letter identifying appropriate academic adjustments. Please share this letter and discuss the adjustments with your instructor as early in the course as possible. You must contact ODS and request academic adjustment letters at the beginning of each semester.”

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.

TEAM ASSIGNMENTS

Team assignments will be distributed via ANGEL or CANVAS. Please watch your emails for more detail.

SYLLABUS

Class 1: Introduction

- Course Information & Syllabus memo
- 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>.
- Backer, Larry Catá, “Inter-Systemic Harmonization and its Challenges for the Legal-State” (March 17, 2011). *The Law of The Future And The Future Of The Law*, Sam Muller, Stavros Zouridis, Laura Kistemaker and Morly Frishman, eds., Torkel Opsahi Academic Editor, 2011; The Pennsylvania State University Legal Studies Research Paper No. 13-2011. Available at SSRN: <http://ssrn.com/abstract=1789190>

Class 2: International Organizations and IO Law—The Traditional View

- Alvarez, pp. 1-57
- 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.

Class 3: An Alternative--International Institutional Law as Transnational Law

- Larry Catá Backer, [*The Emerging Normative Structures of Transnational Law: Non-State Enterprises in Polycentric Asymmetric Global Orders*](#), Brigham Young University Journal of Public Law 31(1):– (forthcoming 2017) (READ PP. 29-42 of SSRN VERSION).
- Philip C. Jessup, *Transnational Law* (New Haven: Yale University Press, 1956), pp. 1-16.
- Peer Zumbasen, *Transnational Law*, CLPE Research Paper 09/2008 Vol. 04(2). Available http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1105576.
- Craig Scott, “*Transnational Law*” as Proto-Concept: *Three Conceptions*, 10(7) GERMAN LAW JOURNAL 859 (2009).
- Reza Dibadj, *Panglossian Transnationalism*, 44 STANFORD JOURNAL OF INTERNATIONAL LAW 253 (2008). READ PP: 256-72 (PART II).
- Anders Esmark, *The Functional Differentiation of Governance: Public Governance Beyond Hierarchy, Market and Networks*, Public Administration Vol. 87(2): 351-370 (2009). READ PP. 353–356

Class 4: The Foundation: Strong States and their constitutions

- 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>. READ 101-127 of SSRN TEXT
- 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.
 --Westel W. Willoughby, *The Fundamental Concepts Of Public Law* (New York: MacMillan, 1924). Excerpts.

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

Class 5: Weak States in the State System

Background Reading

-- Peter T. Leeson and Claudia R. Williamson, *Anarchy and Development: An Application of the Theory of Second Best*, LAW & DEVELOPMENT REVIEW 2009.

-- Ken Menkhaus, *Governance Without Government in Somalia: Spoilers, State Building and the Politics of Coping*, International Security 31(3): 74-106 (2007).
 READ PP: 83-93

-- Larry Catá Backer, [Of Somali Pirates, Global Corporations and the State: Governance Without Government, Government without a State and Military Power](#), Law at the End of the Day, June 28, 2009.

-- Larry Catá Backer, [Regulating Global Capital Markets: Somali Pirate Capital Markets, the South Sea Bubble and the Limits of Law](#), Law at the End of the Day, Jan. 1, 2010. 6

-- Christopher Jasperro, *Somalia's Piracy Offers Lessons in Global Governance*, Yale Global Online, April 6, 2009. (<http://yaleglobal.yale.edu/content/somalia%E2%80%99s-piracy-offers-lessons-global-governance>)

Team presentations.

Each team is to prepare a presentation, to be delivered in class (PowerPoint required), making the case that the state assigned their group might be a weak state:

- Team A—Belgium
- Team B—Myanmar
- Team C—South Sudan
- Team D—Afghanistan
- Team E—Ukraine
- Team F—Haiti
- Team G—Mexico

Class 6: International Institutional Law: Autonomy of Actors

--Alvarez, Chapter 2.

Class 7: International Institutional Law: IO Law Making

--Alvarez, chapter 3.

Optional Readings:

--American Law Institute, Restatement 3rd of the Law of Foreign Relations (1987) handout; Sec. 103; 221.

Class 8: International Institutional Law—Specific Examples

--Alvarez, chapter 4

--Team presentations; Each team is to prepare a presentation (PowerPoint required) describing the organization and its rule making functions:

Team A— World Health Organization (WHO)

Team B— Organisation for Economic Cooperation and Development (OECD)

Team C—International Organization for Standards (ISO)

Team D—International Labor Organization (ILO)

Team E—International Civil Aviation Organization (ICAO)

Team F— World Trade Organization (WTO)

Team G—UN Educational, Scientific and Cultural Organization (UNESCO)

Class 9: Dispute Settlement—Non-judicial Actors

--Alvarez, Chapter 7.

Class 10: Dispute Settlement—Judicial Bodies

--Alvarez, Chapter 8.

Class 11-12: The International Court of Justice

--The ICJ at a Glance

--ICJ General FAQs

--ICJ Advisory Opinion FAQs

--Medellin v. Texas, 552 U.S. 491 (2008).

--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 <http://www.icj-cij.org/docket/files/141/15987.pdf>.

Optional Reading

-- Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory Advisory Opinion 2004 July 9 General List No. 131 (July 9, 2004) (available <http://www.icj-cij.org/docket/files/131/1671.pdf>). The opinion is very long. Please read Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Request for advisory opinion) *Summary of the Advisory Opinion of 9 July 2004* (<http://www.icj-cij.org/docket/addHit.php?summaryID=41&case=131&lang=en>) and then focus on

1. Jurisdiction: Paragraphs 14-15, 24-25, 36, 38, 40.

2. Consent: Paragraphs 46-47, 49.

3. Legal Basis: Paragraphs 86-89, 102-111 (especially 89 on *jus cogens*)

4. Application of Law: Paragraph 115 (de facto annexation) versus Paragraph 116 (proportionate anti-terrorism measures).

5. Legal Consequences: Paragraphs 148-158.

6. Remedies: Paragraph 159-160.

Class 13: The International Criminal Court System

<http://www.icc-cpi.int/> (English)

<https://www.icc-cpi.int/?ln=fr> (Français)

Use the MENU to read the following:

- ICC Overview.
- ICC About.
- ICC About: How the Court Works.
- ICC About: IN the Courtroom
- ICC About: Interacting with Communities.
- ICC [Basic facts about the ICC](#)
- [Core ICC texts](#) (for reference)
 - 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

Class 14: *Class Exercise*: ICC Actions

Team presentations

--Each team is to prepare a presentation (PowerPoint encouraged but not required) (1) for individuals already indicted describing the arguments that can be made for and against the arrest and prosecution; and (2) for those no yet indicted describing the arguments for and against indictment under the rules.

Team A— [Gbagbo and Blé Goudé Case Côte d'Ivoire](#)

Team B— [Bemba et al. Case Central African Republic](#)

Team C— [Ntaganda Case Democratic Republic of the Congo](#)

Team D— [Al Mahdi Case Mali](#)

Team E— [Katanga Case Democratic Republic of the Congo](#)

Team F— [Lubanga Case Democratic Republic of the Congo](#)

Team G— [Dyilo Case Democratic Republic of the Congo](#)

Class 15: The Regional Human Rights System: Europe, Africa, Latin America.
 Everyone will read the materials on the European Human Rights system. Analysis and Evaluation of African and OAS Systems in comparison to European System will be based on teams assigned for class 16.

READINGS:

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.

-- The [ECHR System](#):

- A. ECHR [Court in Brief](#)
- B. ECHR [In 50 Questions](#)
- C. ECHR [Questions & Answers](#)
- D. ECHR [Overview 1959-2015](#)
- E. ECHR [Facts & Figures](#)
- F. ECHR [Case Processing and Working Methods](#)
- G. ECHR [Convention and Protocols](#)
- H. ECHR [Convention Reservations](#)
- I. ECHR [Rules of Court](#) (Generally [here](#))
- J. ECHR [Practice Directions](#)
- K. ECHR [Resolution on Judicial Ethics](#)

-- Frank Hoffmeister, *Germany: The Status of European Convention on Human Rights in Domestic Law*, 4(4) *International Journal of Constitutional Law* 722 (2006).

Class 16: *Class Problem*: Human Rights and the Domestic Legal Orders of States; the OAS and AU Systems. We will discuss the *Khodorkovskiy* case for the first 20 minutes of class. You will break up into teams to discuss the *Khodorkovskiy* case and its resolution under the African and OAS systems (25 minutes). We then come back together to discuss the similarities and differences of process and result among the three systems. TEAMS A-C will focus on African system, and Teams D-G will focus on the OAS system. Be prepared to discuss differences in organization, jurisprudence, effectiveness and involvement of other state and non-state actors.

Case of Khodorkovskiy v. Russia (Application no. 5829/04); ECHR May 31, 2011).
 -- Larry Catá Backer, [Khodorkovskiy v. Russia: Process Rights for Individuals, Political Rights for States](#), *Law at the End of the Day*, June 18, 2011 (<http://lcbackerblog.blogspot.com/2011/06/khodorkovskiy-v-russia-process-rights.html>).

Additional Readings TEAMS A-C: African System Information. Also review system documents:

- A. [Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights](#);
- B. [Interim Rules of Court](#);
- C. [Protocol on the Statute of the African Court of Justice and Human Rights](#);
- D. [Protocol of the Court of Justice of the African Union](#);

- E. [Host Agreement between the Government of the United Republic of Tanzania and the African Union](#) on the Seat of the African Court on Human and Peoples' Rights in Arusha, Tanzania
- F. [African Charter on Human and Peoples' Rights](#) ("Banjul Charter")
- G. Anna Dolidze, [African Court on Human and Peoples' Rights – Response to the Situation in Libya](#), ASIL Insights, 15(20) (July 26, 2011); available <http://www.asil.org/insights110725.cfm>.
- H. *African Commission on Human and Peoples' Rights v. Great Socialist People's Libyan Arab Jamahiriya*, available http://www.africancourtcoalition.org/images/docs/judgements/Order_for_Provisional_Measures_against_Libya.PDF

Additional Readings TEAMS D-G: The Inter-American System:

- English: <http://www.corteidh.or.cr/index.php/en>
 Spanish: <http://www.corteidh.or.cr/index.php/es>
- A. IAHR System
- B. IAHR Commission
- C. IAHR Court of Human Rights
- D. IAHR Convention
- E. IAHR American Declaration
- F. IAHR OAS Charter
- G. IAHR Democratic Charter
- H. IAHR Statute of the IACHR
- I. IAHR Rules of Court
- J. IAHR Petition Form
- K. IAHR Statute of the Inter American Commission
- L. IAHR Procedure Rules Commission

Class 17: NGOs

- 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.
- 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.
- NETWORKED POLITICS, pp. 127-170.
- *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 7-13; 23-31.

OPTIONAL:

--PETER R. BAEHR, NON-GOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS IN INTERNATIONAL RELATIONS (Palgrave 2009) ISBN 978-0-230-20134-7 (hrdbk) pp. 1-48.

Class 18: International Organizations as Financial Institutions: IMF & World Bank

- IMF History
- IMF Overview
- IMF Governance and Organization
- IMF Surveillance
- IMF Lending and Conditionality
 - A. IMF Conditionality Statement (SKIM)
 - B. IMF Conditionality Statement Addendum (SKIM)
- IMF Technical Assistance
- Current Challenges
- IMF Articles of Agreement (BACKGROUND; SKIM)
- World Bank Overview and History

Class 19: Negotiating a National Agreement with IMF, example of Pakistan. Introducing the problem in class; then break out into teams for IMF negotiation exercise.

--Pakistan Readings

--Request for Stand-By Arrangement—Staff Report; Staff Supplement; Press Release on the Executive Board Discussion; and Statement by the Executive Director for Pakistan (READ PAGES 1-19).

-- International Bank For Reconstruction And Development And The International Development Association And The International Finance Corporation Country Assistance Strategy For The Islamic Republic Of Pakistan For The Period Fy06-09 (April 4,2006) (READ 12-32)

--Team Country Assignments and initial research source for presentations:

Team A—El Salvador (<http://www.imf.org/external/country/SLV/index.htm>).

Team B—Portugal (<http://www.imf.org/external/country/PRT/index.htm>).

Team C—Mongolia (<http://www.imf.org/external/country/MNG/index.htm>).

Team D—Peru (<http://www.imf.org/external/country/PER/index.htm>).

Team E—Ethiopia (<http://www.imf.org/external/country/ETH/index.htm>).

Team F—Indonesia (<http://www.imf.org/external/country/IDN/index.htm>).

Team G—Nepal (<http://www.imf.org/external/country/NPL/index.htm>).

Class 20: *Class Exercise*: Negotiating a National Agreement with IMF.

Teams will meet to negotiate an agreement. Half of each team will represent the state, the other half the officials from the IMF.

Class 21: *Class Exercise Presentations*: Negotiating a National Agreement with IMF PART III.
 --Group Presentations of results of negotiations and terms of loan for each state assigned. PowerPoints to be turned in and available to class at least the day before the presentations.

Class 22: Regional Trade Organizations

-- Jo-Ann Crawford and Roberto Fiorentino, *The Changing Landscape of Regional Trade Agreement*, World Trade Organization Discussion Paper No. 8 (2005). READ PARTS I& II pp. 1-16.

--Colin B. Picker, *Regional Trade Agreements v. The WTO: A Proposal for Reform of Article XXIV to Counter this Institutional Threat*, 26 UNIVERSITY OF PENNSYLVANIA JOURNAL OF ECONOMIC LAW 267 (2005). READ pp. 268-304.

-- Welber Barral, *Dispute Settlement and Legal Harmonization in MERCOSUR*, in *Harmonizing Law in an Era of Globalization: Convergence, Divergence and Resistance* (Larry Catá Backer, ed., Durham, NC: Carolina Academic Press, 2007).

--Larry Catá Backer and Augusto Molina, *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(3) 2010. Available at SSRN: <http://ssrn.com/abstract=1407705>.

Class 23: World Trade Organization

- Understanding the WTO
- WTO Governance
- WTO Dispute Resolution
- WTO Dispute Resolution Chart
- WTO Viet Nam Accession documentation

Optional Readings:

American Law Institute Restatement 3rd Foreign Relations (1987) Handout.

Class 24: Multinational Corporations as IOs

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

--Larry Catá Backer, *Private Actors and Public Governance Beyond the State: The Multinational Corporation, the Financial Stability Board and the Global Governance Order*, 17 INDIANA JOURNAL GLOBAL LEGAL STUDIES (forthcoming 2011). Available <http://ssrn.com/abstract=1658730>.

Class 25: Soft Law and Private Governance

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

--OECD Guidelines for SOEs (Preface, Concepts) . Available

http://www.oecd.org/document/33/0,3343,en_2649_34847_34046561_1_1_1_1,00.html.

--OECD Guidelines for Multinational Corporations 2011 (Preface, Concepts and Principles)

<http://www.oecd.org/dataoecd/43/29/48004323.pdf>

--Larry Catá Backer, Rights and Accountability in Development (Raid) V Das Air and Global Witness V Afrimex: Small Steps Toward an Autonomous Transnational Legal System for the Regulation of Multinational Corporations (June 30, 2009). Melbourne Journal of International Law, Vol. 10, Forthcoming. Available at SSRN: <http://ssrn.com/abstract=1427883>.

Class 26: Criminal and Clandestine Actors—From Mafia to al Qaeda

--NETWORKED POLITICS, pp. 79-124

--Backer, Larry Catá, *The Drama of Corporate Law: Narrator between Citizen, State and Corporation* (Winter 2009). MICHIGAN STATE LAW REVIEW, Vol. 2009, No. 4. p. 1111, Winter 2009. Available at SSRN: <http://ssrn.com/abstract=1535115>. READ PART II (“Beyond Master Narrative: The Non-Domesticated Corporation”).

Class 27: States as Private Actors—Sovereign Wealth Funds and SOEs

--Larry Catá Backer, *Sovereign Investing and Markets-Based Transnational Rule of Law Building: The Norwegian Sovereign Wealth Fund in Global Markets*, 29(1) American University International Law Review 1-121 (2013).

--Larry Catá Backer, *SWFs in Five Continents and Three Narratives: Similarities and Differences*, in Research Handbook on Sovereign Wealth Funds and International Investment Law 57-98 (Fabio Bassan, ed., Cheltenham, Eng.: Edward Elgar, 2015).

--International Working Group of Sovereign Wealth Funds, Generally Accepted Principles and Practices (GAPP)—Santiago Principles. Available for download at <http://www.iwg-swf.org/pubs/eng/santiagoprinciples.pdf>.