

Advanced Master in Legal Sciences /
Master in European and Global Law
2016-2017

Global Administrative Law

Term: 3

ECTS Credits: 4

Language:
English

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Office hours: By appointment only

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Course description

This course aims to provide the tools and analytical techniques to understand the concept of Global Administrative Law.

The first part of the course focuses on the emergence and development of this phenomenon, its scope, its actors and the values that inform it.

The second part of the course is devoted to examine how globalization has changed national administrations and the administrative procedure. A list of topics includes: the role of national administrations in enforcing GAL, transparency, public participation in administrative procedures and accountability of public decisions.

This course is addressed to students interested in learning how administrative law has dealt with globalization and the emergence of a new law area.

Prerequisites

None, although a basic background on Administrative Law is recommended.

Suggested reading:

- Aman, A.C. Administrative Law in a Global Era.

Methodology

Course materials include Spanish, European and US case law and legal scholarship in Spanish and English.

The sessions will consist of an introduction of the topic and main issues by the professor, followed by a class discussion on the basis of the readings assigned.

The readings will include doctrinal articles and case law.

Attendance is required to at least 80% of sessions.

Every student is expected to devote 4 hours per week in the preparation of classes.

Students will need at least 20 hours to prepare and complete the final essay.

Syllabus

1 st session	Introduction: The concept of Global Administrative Law (GAL) and its emergence. The scope of GAL and its sources.
2 nd session	Who is developing GAL? The actors and their roles: States, firms, NGOs, and other collectivities.
3 rd session	Values of GAL (I): Balancing different interests through transparency and accountability. Democracy and GAL.
4 th session	Values of GAL (II): Control: The role of administrative courts of international organizations and the role of national courts.
5 th session	The impact of Globalization on Administrative Procedures. The evolution of administrative procedure in the context of public governance.
6 th session	Case study: Implementation of GAL in the field of global trade: the case WTO
7 th session	Guest speaker: prof. Dr. J.B. Auby. Topic to be defined.
8 th session	Guest speaker: prof. Dr. Javier Barnés. Topic to be defined.

Grading and evaluation

60% of the final grade will be based on an essay dealing with some of the issues discussed during the lectures (60%) and participation in class discussions will correspond to 40% of the grade. In case the essay will not reach the minimum quality requirements, a second essay will be needed.

Readings and materials

Basic readings and materials:

- Anthony; Auby; Morison and Zwart (eds.) Values in Global Administrative Law Edited by Gordon Anthony, Edited by Jean-Bernard Auby. 2011.
- Auby. La Globalización, el Estado y el Derecho. 2012.
- Barnés. Transforming Administrative Procedure. 2008.
- Cassese, S. (ed.). Research Handbook on Global Administrative Law (Research Handbooks on Globalisation and the Law Series). 2016.
- Cassese, S. Global Standards for national administrative procedure. Text available here: <http://law.duke.edu/journals/lcp> . 2005.

- Cassese. Is there a Global Administrative Law? In: A. von Bogdandy et al. (eds.), The Exercise of Public Authority by International Institutions. 2010.
- Kingsbury and Stewart. Hacia el Derecho Administrativo Global: fundamentos, principios y ámbito de aplicación. 2016.
- Kingsbury; Krisch; Stewart; El surgimiento del Derecho Administrativo Global. On-line resource: <http://iilj.org/GAL/documents/ElsurgimientodelDerechoAdministrativoGlobal.pdf> (last view 09/07/2106).
- Stewart. Addressing problems of disregard in global regulatory governance: accountability, participation and responsiveness. 2014. Text available here: (www.iilj.org) (last view 09/07/2106).
- Von Bernstorff. Procedures of Decision-Making and the Role of Law in International Organizations. In: A. von Bogdandy et al. (eds.), The Exercise of Public Authority by International Institutions. 2010.

On-line resources:

NYU: Website of the Global Administrative Law Project: <http://www.iilj.org/gal/>

IRPA: Istituto di Recerche sulla Pubblica Amministrazione: <http://irpa.eu>