

Call for Papers

INTER-INSTITUTIONAL RELATIONS IN GLOBAL LAW AND GOVERNANCE

1. Overview

The vast increase in global regulation has attracted significant attention from both scholars and practitioners. The global governance literature now comprises several different approaches, including a substantial body of work done from the perspective of ‘global administrative law’. In this and other work, it has long been recognised that institutions in the global administrative space do not act in isolation. Rather, global governance is accomplished through complex inter-relations between state-based government agencies, courts (national, regional and international), private standard-setting bodies, hybrid public-private bodies, transgovernmental networks, and formal intergovernmental organizations.

Yet, the interactions between such institutions—as opposed to the institutions themselves—remain under-studied and under-theorized. This is a significant gap in the global governance literature. Interactions between institutions raise a series of important normative and descriptive questions, such as: What are the conditions that create a felt need for regulatory co-ordination? What are the problems and opportunities associated with public-private or other forms of collaboration? Whose values, interests or preferences prevail when institutions interact? How, if at all, does inter-institutional interaction vary in different parts of the world, particularly the Global South? For example, development projects constitute sites of interaction involving formal intergovernmental organizations, state-based agencies (both foreign and local), private business enterprises, and other transnational arrangements, enmeshing these different actors in policy-making and regulatory co-ordination. Greater knowledge about the processes of inter-institutional relations can shed light on the ways in which such processes help or hinder growth in the developing world.

The objective of the 9th Global Administrative Law Seminar is therefore to build on the existing literature, particularly previous work on the institutional dimensions of global administrative law,¹ in order to advance research on inter-institutional relations in global governance.

The ‘inter-institutional relations’ rubric is intended to capture a variety of different interactions between different types of institutions. The term ‘institution’ denotes bodies

¹ Symposium: Global Administrative Law in the Operations of International Organizations, 6 INT’L ORG. L. REV. 315 (2009); International Financial Institutions and Global Legal Governance, 3 WORLD BANK LEGAL REV. 3-390 (2011).

with some degree of formality, whether such bodies are described as formal intergovernmental organizations, private bodies, hybrid public-private bodies or state-based government agencies. The term 'relations' is deliberately open-textured, so to capture a range of possible behaviours, including those that may be alternately described as co-operative, competitive or antagonistic. Based on these parameters, at least three dimensions of inter-institutional relations in global governance can be distinguished for the purpose of delineating the field: (1) relations between institutions that are global actors (*horizontal* interactions at the global level); (2) relations between global and national institutions, where the latter may or may not be a member of the global institution (*vertical* and *diagonal* interactions, respectively); and (3) relations between national institutions, within and between national jurisdictions (*horizontal* interactions at the national level).

Along these three dimensions, several themes may usefully be explored in order to map and deepen our understanding of inter-institutional relations in the global administrative space.² These themes include the following:

1.1. Managing the dynamics of inter-institutional relations

- through legal interpretation of the relevant rules or constituent instruments (*e.g.*, the relationship between the IMF and the World Trade Organization under, *inter alia*, the IMF Articles of Agreement and the GATT 1994);
- through conflict of laws methodologies, such as interest analysis and contract law;
- through concepts of leadership or specialization (*e.g.*, the 'principle of speciality' elaborated in the 1996 International Court of Justice advisory opinion on *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*).

1.2. Inter-institutional relations as a mechanism for institutional change

- inter-institutional relations as regulatory 'co-ordination', competition or review;
- dynamic analyses or accounts of how institutional boundaries develop and shift over time, including movements to devolution or privatization (*e.g.*, using theories of the firm);
- inter-institutional relations as a vehicle for learning, norm-diffusion or mimesis (*e.g.*, using theories that focus on the role of knowledge and knowledge-production as a form of power);

² Some ideas on these questions can be found in the report of a workshop held on April 16, 2012, at the Institute for International Law and Justice, New York University School of Law, entitled *Analyzing and Shaping Inter-Institutional Relations in Global Governance*, available at <http://www.iilj.org/newsandevents/documents/Aprilreport.pdf>. Other approaches are taken by contributors to *REGIME INTERACTION IN INTERNATIONAL LAW: FACING FRAGMENTATION* (Margaret A. Young, ed., 2012). See also *GLOBAL ADMINISTRATIVE LAW: THE CASEBOOK* (S. Cassese et al, ed., 2012).

- impediments to change, such as switching costs, inertia and the enmeshment of institutions among other organizations.

1.3. Effects of inter-institutional interaction

- effects of interaction on the distribution and flows of power; autarkic dimensions of interactions, where interactions perpetuate existing distributions of power;
- normative effects of interaction, *e.g.* from the liberal cosmopolitan perspective of 'justice' (encompassing notions of welfare, sustainable development and the rule of law), from a structural perspective, invoking broader organizing structural principles such as the separation of powers and constitutionalism, or from a 'pluralist' perspective, focusing on the enhancement (or diminution) of 'voice' and legitimacy through participation;
- effects of interaction *vis-à-vis* the promotion or corralling of expert rule;
- sites of *non*-interaction within the global administrative space;
- dynamic accounts of interactions as networks, where some nodes increase in power, or new pathways or linkages are generated.

1.4. Consequences of inter-institutional relations for law

- jurisgenerative impact of inter-institutional relations;
- legal innovation through inter-institutional relations;
- norm-diffusion through inter-institutional relations;
- revision of existing law through competition and review;
- inter-institutional relations as a vehicle for the incorporation of private law into public institutions, and *vice versa*.

2. Provisional program

The seminar will be held on June 13-14, 2013 in Viterbo. The Seminar Steering Committee includes Giulio Vesperini, Stefano Battini, Edoardo Chiti, Mario Savino and Lorenzo Casini. The Seminar Organizing Team comprises Eleonora Cavalieri, Andrea Averardi e Lorenzo Carbonara.

The selected papers will constitute the basis for a thorough and wide-ranging discussion on the legal questions raised. As has been the case since the first GAL seminar in 2005, the best papers presented will be published in leading legal reviews and journals.

The overall aim of the Seminars is not only to assess the consistency of the analytic categories adopted to date, but also to develop more effective and forward-looking tools and technologies of global governance. To this end, legal counsel and leading practitioners will also participate in the seminar and act as discussants or commentators, together with leading academics in the field.

3. Call for papers

Submissions from both junior scholars (including PhD students and advanced law students, as well as practitioners and new faculty) and senior scholars are invited on the themes outlined above. Abstracts should be at least 150 words, but longer and more fully-developed abstracts up to 1,000 words are welcome and encouraged where possible. Abstracts should be sent (in .doc or .docx format) to ViterboGalSeminar@gmail.com by **February 3, 2013**. Abstracts must include a statement of the issue area of the paper, as well as an indication of the major arguments to be made, a proposed title, and postal, email and telephone contacts for the author.

A selection panel will consider all abstracts received by the submission deadline, and notify applicants of paper acceptance by **February 17, 2013**. The submission date for full papers accepted for presentation is **May 12, 2013**. The final version of the paper must be no longer than 8,000 words (footnotes included) and must be sent (in .doc or .docx format) to ViterboGalSeminar@gmail.com and should be drafted according to the attached guidelines. Only a limited number of promising papers can be accepted. It is expected that some funding will be available to assist paper presenters with travel costs (subject to confirmation).

A .pdf version of this document is available at www.irpa.eu/gal-section/. For any further information please contact ViterboGalSeminar@gmail.com.

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