



# INFORMAL INTERNATIONAL LAWMAKING

*Edited by* Joost Pauwelyn,  
Ramses A. Wessel, and Jan Wouters

OXFORD

# Informal International Lawmaking Informal International Lawmaking

**Fernanda Pirie**



## **Informal International Lawmaking Informal International Lawmaking:**

Informal International Lawmaking Joost Pauwelyn, Ramses Wessel, Jan Wouters, 2012-09-27 Many international norms that have emerged in recent years are not set out in formal treaties They are not concluded in formal international organizations They frequently involve actors other than formal state representatives In the realm of finance health security or the environment international lawmaking is increasingly informal It takes place in networks or loosely organized fora it involves a multitude of stakeholders including regulators experts professional organizations and other non state actors it leads to guidelines standards or best practices This book critically assesses the concept of informal international lawmaking its legal nature and impact at the national and international level It examines whether it is on the rise as is often claimed and if so what the implications of this are It addresses what actors are involved in its creation the processes utilized and the informal output produced The book frames informal international lawmaking around three axes output informality novel types of norms process informality norm making in networks outside international organizations and actor informality the involvement of public agencies and regulators private actors and international organizations Fundamentally the book is concerned with whether this informality causes problems in terms of keeping transnational lawmaking accountable By empirically analysing domestic processes of norm elaboration and implementation the book addresses the key question of how to benefit from the effectiveness of informal international lawmaking without jeopardizing the accountability necessary in the process of making law

Informal International Lawmaking Berman Duquet Pauwelyn Wessel, Wouters, 2012-12-24 Informal International Lawmaking Case Studies compiles case studies on instances of informal international lawmaking IN LAW in diverse policy areas including finance investment competition pharmaceuticals and medical device regulation food regulation human rights disaster management and trade in diamonds The term informal international lawmaking is used in contrast and opposition to traditional international lawmaking More concretely IN LAW is informal in the sense that it dispenses with certain formalities traditionally linked to international law These formalities may have to do with the process actors and output involved The literature has mostly criticized IN LAW for its accountability deficits The chapters in this book hence do not simply give a descriptive overview of the case studies but approach them from an accountability perspective In this context different questions are raised such as Is IN LAW subject to any accountability measures How accountable are IN LAW participants to their constituents How accountable are they towards those affected by their decisions Are the accountability measures available at the international or at the domestic level The book also examines how IN LAW is elaborated and subsequently received in domestic legal systems using the Netherlands and Brazil as case studies

**The Exercise of Public Authority Through Informal International Lawmaking** Joost Pauwelyn, 2016 An increasing number of fora and networks have been recognised to play a role in international or transnational normative processes While lawmaking by formal intergovernmental international organizations received abundant attention over the past years we know

less about a phenomenon that this paper refers to as informal international lawmaking IN LAW Lawyers struggle with the new and extensive normative output in global governance We nevertheless use the term law to connote the exercise of public authority as opposed to what is often referred to more broadly as regulation covering both public and private regulation IN LAW as we define it can include private actor participation but excludes cooperation that only involves private actors The present paper thus purports to introduce the concept of informal international lawmaking and it will present some findings based on case studies in the IN LAW project related to the reasons for actors to opt for informal lawmaking We also analyse whether and to what extent IN LAW bodies are subject to some form of accountability and if so in what form and at what level Finally we will look at some consequences of informal international lawmaking in particular in relation to the changing role of law in global governance

International Law-making Rain Liivoja, Jarna Petman, 2014-01-10 This book explores law making in international affairs and is compiled to celebrate the 50th birthday of Professor Jan Klabbers a leading international law and international relations scholar who has made significant contributions to the understanding of the sources of international legal obligations and the idea of constitutionalism in international law Inspired by Professor Klabbers wide ranging interests in international law and his interdisciplinary approach the book examines law making through a variety of perspectives and seeks to break new ground in exploring what it means to think and write about law and its creation While examining the substance of international law these contributors raise more general concerns such as the relationship between law making and the application of law the role and conflict between various institutions and the characteristics of the formal sources of international law The book will be of great interest to students and academics of legal theory international relations and international law

Democracy in International Law-Making Salar Abbasi, 2021-12-20 This book provides a critique of current international law making and draws on a set of principles from Persian philosophers to present an alternative to influence the development of international law making procedure The work conceptualizes a substantive notion of democracy in order to regulate international law making mechanisms under a set of principles developed between the twelfth and seventeenth centuries in Persia What the author here names democratic egalitarian multilateralism is founded on the idea of egalitarian law by Suhrawardi the account of substantial motion by Mulla Sadra and the ideal of intercultural dialectical democracy developed by R m Following a discussion of the conceptual flaws of the chartered and customary sources of international law it is argued that democratic egalitarian multilateralism could be a source for a set of principles to regulate the procedures through which international treaties are made as well as a criterion for customary international law ascertainment Presenting an alternative drawn from a less dominant culture to the established ideas of international law making the book will be essential reading for researchers and academics working in public international law history of law legal theory comparative legal theory Islamic law and history

**Unconventional Lawmaking in the Law of the Sea** Natalie Klein, 2022 Unconventional Lawmaking in the Law of the Sea explores the ways

that actors operating at the international level develop standards of behaviour to regulate varied maritime activities beyond traditional lawmaking This soft law is now prolific in ocean governance so it is vital to consider its significance for the law of the sea

**Research Handbook on the Theory and Practice of International Lawmaking** Catherine Brölmann,Yannick Radi,2016-04-29 The global landscape has changed profoundly over the past decades As a result the making of international law and the way we think about it has become more and more diversified This Research Handbook offers a comprehensive guide to the theory and practice of international lawmaking today It takes stock at both the conceptual and the empirical levels of the instruments processes and actors involved in the making of international law The editors have taken an approach which carefully combines theory and practice in order to provide both an overview and a critical reflection of international lawmaking Comprehensive and well structured the book contains essays by leading scholars on key aspects of international lawmaking and on lawmaking in the main issue areas Attention is paid to classic processes as well as new developments and shades of normativity This timely and authoritative Handbook will be a valuable resource for academics students legal practitioners diplomats government and international organization officials as well as civil society representatives

**Culture and International Trade Law** Juneyoung Lee,2023-03-20 How can policies on trade and culture be coordinated in such a way that both are enabled to flourish This book makes the argument for moving from viewing trade and culture as in conflict to assessing the two fields in coordination at the domestic regional and international levels Juneyoung Lee makes the case for a preference for negotiations and monitoring as opposed to legalized dispute settlement Informal law making processes and preferential trade agreements are also addressed

**Building a Treaty on Business and Human Rights** Surya Deva,David Bilchitz,2017-10-19 This book provides a sustained treatment of the politico legal context and content of a proposed business and human rights treaty

**Rethinking Participation in Global Governance** Joost Pauwelyn,Martino Maggetti,Tim Büthe,Ayelet Berman,2022-05-05 International organizations and other global governance bodies often make rules and decisions without input from many of the individuals groups firms and governments that are affected by them The standards of the Basel Committee on Banking Supervision for instance developed by a small number of states govern financial markets and the safety of bank deposits in over a hundred jurisdictions Historically the interests of developing countries as well as non commercial and diffuse interests within countries have been excluded or disregarded in global governance Scholars and practitioners have criticised this democratic deficit and called for greater participation of such marginalized stakeholders Against this background international institutions have introduced a variety of reforms with the goal of increasing and facilitating the participation of these excluded stakeholders This book brings together an expert group of scholars and practitioners to investigate the consequences of stakeholder participation reforms in the global governance of health and finance What reforms have been introduced Have these reforms given previously marginalized stakeholders a voice in global governance bodies What effect have these reforms had on the

legitimacy and effectiveness of global governance To answer these questions the book examines treaty based intergovernmental organizations alongside newer forms of global governance such as trans governmental regulatory networks multi stakeholder partnerships and private standard setting bodies Through a series of paired comparative analyses the book provides insights into the experiences of large emerging and smaller or lower income developing countries Brazil v Argentina China v Vietnam India v the Philippines in a diverse set of organizations including the World Bank and the World Health Organization the Basel Committee on Banking Supervision the Global Fund to Fight AIDS Tuberculosis and Malaria the International Accounting Standards Board Codex Alimentarius Commission and more

*The Comparative Politics of Transnational Climate Governance* Liliana B. Andonova, Thomas N. Hale, Charles B. Roger, 2019-12-18 Following the 2015 Paris climate agreement the global politics of climate change depends more than ever on national climate policies and the actions of cities businesses and other non state actors as well as the transnational governance networks that link them The Comparative Politics of Transnational Climate Governance sheds new light on these critical trends by exploring how domestic political economic and social forces systematically shape patterns of non state actor participation in transnational climate initiatives The book develops a common conceptual framework and uses a unique data set to explore the interplay between transnational and domestic politics and how these interactions shape the incentives and modalities of participation in transnational governance The contributing chapters explore the role of cities non governmental organizations companies carbon markets and regulations as well as broader questions of effectiveness and global governance Bringing together some of the foremost experts in the field of global governance and environmental politics this book significantly advances our understanding of transnational governance and provides new insights for policymakers seeking to address the problem of climate change This book was originally published as a special issue of International Interactions

*Asian Designs* Saadia M. Pekkanen, 2016-09-20 Asian nations are no longer rising powers in the world order they have risen How will they conduct themselves in world politics How will they deploy their considerable and growing power individually and collectively These questions are critical for global governance Conventional wisdom claims that lacking in institutions that accumulate and coordinate the massive economic and growing military strength of Asian nations the Asian region will continue to punch below its weight in world politics thin and patchy institutionalization results in political weakness In Asian Designs Saadia M Pekkanen and her collaborators question and provide evidence on these core assumptions of Western scholarship The book advances a new framework for debate and sophisticated examinations of institutional arrangements for several major issue areas in the world order security trade environment and public health

**The European Union's External Action in Times of Crisis** Piet Eeckhout, Manuel Lopez-Escudero, 2016-12-01 The Lisbon Treaty modified the legal framework of EU external action and these innovations must be applied in a period of deep economic and financial crisis interacting with other more specific crises affecting the EU s external activities This volume investigates the recent institutional and substantive

developments in EU external relations law and practice in this context of multiple crises for the EU The economic and financial crisis has a major impact on EU external action but other crises too affect this sensitive area of the EU's activity and the book takes them into account For instance there is a crisis in the relationship between EU law and international law after the ECJ judgement in the Kadi case In addition to exploring these questions the volume also examines questions of legitimacy in fields such as foreign investment protection and arbitration Representing the output of a powerful research team composed of leading scholars in the field this comprehensive collection will appeal to both an expert and non expert readership

*The Oxford Guide to Treaties* Duncan B. Hollis, 2020 This guide is an authoritative reference point for anyone interested in the creation or interpretation of treaties and other forms of international agreement It covers the rules and practices surrounding their making interpretation and operation and uses hundreds of real examples to illustrate different approaches treaty makers can take

Research Handbook on Environmental, Social and Corporate Governance Thilo Kuntz, 2024-05-02 The Research Handbook on Environmental Social and Corporate Governance presents a comprehensive view of a rapidly evolving area of study Adopting a comparative approach it goes beyond issues of sustainability and human rights covering the whole spectrum of ESG and its regulatory developments

The Legal Framework of the OSCE Mateja Steinbrück Platise, Carolyn Moser, Anne Peters, 2019-05-30 The Organization for Security and Cooperation in Europe OSCE the world's largest regional security organisation possesses most of the attributes traditionally ascribed to an international organisation but lacks a constitutive treaty and an established international legal personality Moreover OSCE decisions are considered mere political commitments and thus not legally binding As such it seems to correspond to the general zeitgeist in which new less formal actors and forms of international cooperation gain prominence while traditional actors and instruments of international law are in stagnation However an increasing number of voices including the OSCE participating states have been advocating for more formal and autonomous OSCE institutional structures for international legal personality or even for the adoption of a constitutive treaty The book analyses why and how these demands have emerged critically analyses the reform proposals and provides new arguments for revisiting the OSCE legal framework

The Rule of Laws Fernanda Pirie, 2021-11-09 From ancient Mesopotamia to today the epic story of how humans have used laws to forge civilizations Rulers throughout history have used laws to impose order But laws were not simply instruments of power and social control They also offered ordinary people a way to express their diverse visions for a better world In *The Rule of Laws* Oxford scholar Fernanda Pirie traces the rise and fall of the sophisticated legal systems underpinning ancient empires and religious traditions while also showing how common people tribal assemblies merchants farmers called on laws to define their communities regulate trade and build civilizations Although legal principles originating in Western Europe now seem to dominate the globe the variety of the world's laws has long been almost as great as the variety of its societies What truly unites human beings Pirie argues is our very faith that laws can produce justice combat oppression and create order from

chaos      **Research Handbook on Global Health Law** Gian Luca Burci, Brigit Toebes, 2018-11-30 The effect of Globalization on health has attracted the attention of scholars and policy makers across multiple disciplines A key concern is the regulation of international health protection and in particular the use of international health instruments and the complex interaction between international law and health considerations For the first time a group of law and policy scholars have analysed these issues drawing on knowledge from their respective fields The resulting book provides comprehensive coverage of contemporary issues in global health law and governance      **Law and Revolution** Matej Accetto, Katja Škrubej, Joseph H. H. Weiler, 2024-04-23 The last one hundred years have seen a number of events that could be perceived as disruptive challenges to the normal operation of the legal order Some have been disruptive innovations of technologies or business practices others social changes or constitutional transformations further buttressed by the impact of globalisation and interdependence affecting the development of international transnational and global law Coincidentally this period of one hundred years has been bookended by two pandemics themselves disruptive realities testing the resilience as well as the adaptability of the legal regimes A hundred years ago the founding dean of a newly established law faculty beginning its mission amid the ashes of the First World War and the disintegration of the only remaining European empire gave an opening lecture exploring the role of law and judges in the face of revolutionary societal changes Drawing upon that important text this edited volume explores similar challenges for law brought about by various disruptive realities The collection looks at the past as well as the future Following the text of the opening lecture by Pitamic the contributions are grouped under five headings dealing with the law and revolution in 1918 the challenges posed for law by the seemingly more gradual political or technological transformations the effects of globalisation and the changing world with the final contributions reassessing the law its methodologies and traditional paradigms including in the epilogue the challenges posed for law the recent disruptive reality of the Covid 19 pandemic The book will be of interest to academics researchers and policy makers working in the areas of legal history jurisprudence constitutional law law and politics and law and technology The Open Access version of this book available at <http://www.taylorfrancis.com> has been made available under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4 0 license      **The Law of Global Governance** Eyal Benvenisti, 2014-06-11 Also available as an e book The book argues that the decision making processes within international organizations and other global governance bodies ought to be subjected to procedural and substantive legal constraints that are associated domestically with the requirements of the rule of law The book explains why law international regional domestic formal or soft should restrain global actors in the same way that judicial oversight is applied to domestic administrative agencies It outlines the emerging web of global norms designed to protect the rights and interests of all affected individuals to enable public deliberation and to promote the legitimacy of the global bodies These norms are being shaped by a growing convergence of expectations of global institutions to ensure public participation and representation



impartiality and independence of decision makers and accountability of decisions The book explores these mechanisms as well as the political and social forces that are shaping their development by analysing the emerging judicial practice concerning a variety of institutions ranging from the UN Security Council and other formal organizations to informal and private standard setting bodies

## Whispering the Techniques of Language: An Psychological Quest through **Informal International Lawmaking Informal International Lawmaking**

In a digitally-driven world wherever monitors reign great and quick interaction drowns out the subtleties of language, the profound techniques and psychological nuances concealed within words often move unheard. Yet, set within the pages of **Informal International Lawmaking Informal International Lawmaking** a charming literary treasure pulsing with natural thoughts, lies an exceptional journey waiting to be undertaken. Penned by an experienced wordsmith, this charming opus invites viewers on an introspective trip, gently unraveling the veiled truths and profound affect resonating within ab muscles material of each and every word. Within the emotional depths with this moving evaluation, we shall embark upon a heartfelt exploration of the book is key styles, dissect its fascinating publishing fashion, and succumb to the effective resonance it evokes deep within the recesses of readers hearts.

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