

# SYLLABUS

## FOSTERING DEMOCRACY PRINCIPLES GLOBALLY THROUGH THE SUPPORT OF NON-GOVERNMENTAL ORGANIZATIONS

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### Overview

**Non-state actors are increasingly operating on a worldwide rather than just a national stage.** Business companies, multinationals, trade unions, media, religious and social bodies play a prominent role in the elaboration of policies and regulatory standards in the supranational legal sphere. The economic agents, for instance, lobby for the recognition of common standards in the regulatory frameworks under which they operate, in order to obtain stable conditions for investments in foreign countries. NGOs try to raise awareness and knowledge in the international community by lobbying national and international public institutions for a number of causes, including the protection of human rights, the acknowledgement of stronger environmental safeguards, or the reduction of poverty.

Undoubtedly, **the expanding presence of this *transboundary civil society* at the supranational level has benefited the “democratization” of the supranational legal order** through the promotion and the circulation of a core of common procedural values. The expanding co-operation between this “transboundary” operating civil society and supranational regulators (i.e. the European Union) has determined a number of effects. (1) *First*, it has helped a core of common procedural values to spread within the supranational decision-making processes; (2) *Second*, it has benefited the integration between different legal orders, both in the policy formulation and in the implementation of rules; (3) *Third*, it has reshaped the global governance into a web in which national and supranational organisms, the public and the private sphere are all united under a single logic of rule.

These accomplishments notwithstanding, thus far **transboundary civil society’s influence on supranational decision-making has proven to be erratic, and its benefits have proven to be temporary**, showing how rhetoric about democratization of the supranational legal space through civil society’s involvement sometimes runs far beyond real achievements. Two problems can be depicted. (a) *First problem*: how can accountability be provided to International Organizations by bodies that are not accountable for themselves? Non-state actors’ finances, agenda, and governance are not legitimate. Neither a representative nor an electoral process makes them accountable. At its heart, the only source of legitimacy of international civil society is the factual and diffuse acceptance of its presence and active role in the supranational arena. (b) *Second problem*: how to avoid that non-state actors’ contribution to supranational decision-making may distort or delay the decisional workflow? Critics argue that the massive and direct participation of stakeholders in decision-making processes held at the supranational level is perceived as counterproductive, rather than beneficial, for the effectiveness of international decision-making. By contrast, it is argued that a smaller number of participants, working with no influence from the outside, could guarantee faster decisions and would reduce the organizational expenses.

The most direct consequence of these shortcomings is that while the efforts put by civil society representatives into increasing supranational regulators' transparency and openness might well result in changes relevant to the legitimacy of specific decision-making processes, it might not be as significant for influencing the formation of a global system of governance in which principles and values are shared. **The suggestion that global civil society's active role in the supranational legal space is fostering the harmonious growth of different legal systems may thus be clashed.** If, as critical voices maintain, the discourse over the risks and the costs behind the greater involvement of stakeholders in supranational policy-making proves to be exact, it might then be suggested that the presence of civil society at the supranational level reflects, and perhaps encourages, the fragmentation – and thus the weakening – of the supranational legal order. In such a fragmented international legal regime we should recognize that the various legal systems are governed by principles and rules that have little or nothing in common.

## Course description

This course is aimed at **exploring the role of transnational civil society actors (mainly Non-Governmental Organizations) in fostering democracy in the global arena.** Topics will include: (a) the definition of transnational civil society; (b) the causes and consequences of legal globalization; (c) the understanding of networking activities among civil society actors. Particular focus will be put on the problems of accountability and effectiveness of civil society actors.

## Method of Instruction

Lessons will be delivered following a **case-by-case analysis**. Drawing from the examination of specific case studies, participants will be encouraged to develop a critical approach to the related topics.

Participants will also be encouraged in delivering **short and informal presentations** during each lesson. When presenting a topic participants will be responsible for leading the class through it. The goal is to understand the argumentative strategy employed in the case as well as possible, and to start debating its counter-arguments.

## Learning objectives

The course intends to familiarize participants to a **critical analysis of globalization, democracy and civil society**. By the end of the course participants will have developed:

- a. Understanding of the benefits and problems of legal globalization;
- b. Knowledge of the activities carried by civil society actors at the supranational level;
- c. Familiarity with the way International organizations and other supranational regulators interact with civil society actors.

## Readings

The readings for this course are designed to be manageable. **Participants are strongly encouraged to read the materials before the beginning of the course.** This is because we will be discussing each assigned text in detail during classes. Other readings will be provided to participants in a PDF version at each class.

Please note that most readings will be taken from the Chapter I authored with Springer.

AHNEIER, H. et al (2009), *Introducing Global Civil Society*, London School of Economics

EUROBAROMETER (2013), *Europeans' Engagement in Participatory Democracy*

SGUEO, G. (2011), *Interlocutory Coalitions and Administrative Convergence*. In CHITI, E. and MATTARELLA, B.G., *Global Administrative Law and European Administrative Law*, Springer

## Course Calendar

Day	TOPIC	Presentation from Participants
<i>Tuesday – 19th</i> 10,30 - 11,00	<b>Globalization and Democracy</b>	X
<i>Wednesday – 20th</i> 10,30 - 11,00	<b>Accountability and Effectiveness in Transnational civil Society</b>	Yes
<i>Thursday – 21th</i> 09,00 - 10,30	<b>Networks of Civil Society Actors</b>	Yes

## Contacts

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