

Max-Planck-Institut für  
ausländisches öffentliches Recht und Völkerrecht

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Beiträge zum ausländischen öffentlichen Recht und Völkerrecht 210

Armin von Bogdandy · Rüdiger Wolfrum  
Jochen von Bernstorff · Philipp Dann  
Matthias Goldmann (eds.)

# The Exercise of Public Authority by International Institutions

## Advancing International Institutional Law



Springer

Max-Planck-Institut für ausländisches  
öffentliches Recht und Völkerrecht



# Beiträge zum ausländischen öffentlichen Recht und Völkerrecht

Begründet von Viktor Bruns

Herausgegeben von  
Armin von Bogdandy · Rüdiger Wolfrum

Band 210

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# **The Exercise of Public Authority by International Institutions**

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**Springer**

the language of science

ISSN 0172-4770

ISBN 978-3-642-04530-1

e-ISBN 978-3-642-04531-8

DOI 10.1007/978-3-642-04531-8

Springer Heidelberg Dordrecht London New York

Die Deutsche Nationalbibliothek verzeichnet diese Publikation in der Deutschen Nationalbibliografie; detaillierte bibliografische Daten sind im Internet über <http://dnb.d-nb.de> abrufbar.

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*Einbandentwurf:* WMXDesign GmbH, Heidelberg

Gedruckt auf säurefreiem Papier

Springer ist Teil der Fachverlagsgruppe Springer Science+Business Media ([www.springer.com](http://www.springer.com))

## Preface

The concept of global governance, which first emerged in the social sciences, has triggered different responses in the discipline of law. This volume contains our proposal. It approaches global governance from a public law perspective which is centered around the concept of international public authority and relies on international institutional law for the legal conceptualization of global governance phenomena.

This proposal results from a larger project which started in 2007. The project is a collaborative effort of the directors of the Max Planck Institute for Comparative Public Law and International Law, research fellows and friends of the Institute, as well as eminent members of the Law Faculty of the University of Heidelberg. Most of the materials contained in this volume were first published in the November 2008 issue of the German Law Journal (<http://www.germanlawjournal.com>). We would like to express our sincere gratitude to the journal's editors in chief, Professors Russell Miller (Washington and Lee University School of Law) and Peer Zumbansen (Osgoode Hall Law School, York University, Toronto), for the opportunity to publish our papers as a special issue of their journal. The 2008-2009 University of Idaho College of Law German Law Journal student editors deserve special recognition for their hard and diligent work during the publication process. At the Institute, Eva Richter, Michael Riegner and the editorial staff of this publication series were instrumental in bringing this publication to fruition.

The comments on some of the contributions in this volume reflect the discussions at an international workshop held at the Max Planck Institute in April 2008. We are grateful to all discussants for their valuable input. Two articles at the end of the book develop contrasting conceptualizations of the same phenomena.

This volume mirrors the authors' current views within a longer process of reflection on contemporary governance at the international level. As

a matter of course, those views are not entirely homogeneous, but comprise diverging and critical voices. The discussion continues.

Heidelberg, January 2009

Armin von Bogdandy

Rüdiger Wolfrum

Jochen von Bernstorff

Philipp Dann

Matthias Goldmann

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## **I. Concept**

# Developing the Publicness of Public International Law: Towards a Legal Framework for Global Governance Activities

*By Armin von Bogdandy, Philipp Dann & Matthias Goldmann\**

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- B. From Global Governance to Public Authority: A Focus for Legal Research
  - I. Global Governance: Strengths and Weaknesses of the Dominant Approach
  - II. The Deficiencies of Global Governance from a Public Law Perspective
  - III. The Exercise of International Public Authority as the New Focus
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\* The authors are grateful to Eyal Benvenisti, Giacinto della Cananea, Sabino Cassese, Stephan Leibfried, Erika de Wet, Jan Klabbbers, Stefan Kadelbach, Nico Krisch, Ute Mager, Christoph Möllers, Christian Tietje, Christian Walter, as well as the members of the Max Planck Institute for Comparative Public Law and International Law participating in this project for comments on an earlier version, and to Lewis Enim for language review.