

Programa de Pós-graduação *Stricto Sensu* em Direito da Regulação

Plano de Ensino

▪ **Disciplina:** Tópicos de Aprofundamento em Regulação Internacional

▪ **Curso:** Doutorado

▪ **Tipo Disciplina:** Eletiva específica

▪ **Carga Horária:** 45h (3 créditos)

▪ **Ementa:**

Governança Global e Regulação Internacional: a Emergência de uma Nova Ordem Global; Governança Global e *Global Public Goods*; Novos Atores e Instrumentos Normativos da Ordem Global Contemporânea; O Papel da OIT na Regulação Internacional: *Standard-Setting Organization*; O Papel dos Órgãos Quase Judiciais na Regulação Internacional: Mecanismos de *Compliance* e *Enforcement*; Atores Não Estatais e Direitos Humanos: Responsabilidade Corporativa; Os Desafios de Atores não Estatais na Governança Global: *Legitimacy, Public Authority and Accountability*; Litigância Global e *Global Public Goods*: Procedimento vs. Substância perante ICTs; Participação Atores Estatais e Não Estatais; Litigância Global, *Judicial Law-Making* e *Soft Law*; Diálogos entre Cortes Internacionais: Jurisprudência como *Soft Law*; Arbitragem Internacional e *Soft Law*; Arbitragem Internacional e Atores não Estatais; Os desafios das ICTs na Governança Global; *Legitimacy* e *Public Authority*.

▪ **Objetivos:**

A partir do conhecimento adquirido na disciplina Regulação Internacional, oferecida no âmbito do Mestrado, a disciplina pretende aprofundar nos tópicos de Regulação Internacional considerados relevância para a disciplina, partindo do pressuposto de que estão presentes novas tendências nos processos de formulação normativa internacional por organizações internacionais e entes não estatais, que se materializam em normas de *Soft Law*. Após a contextualização da participação dos entes não estatais na governança global tendo em vista o reconhecimento de bens públicos globais, serão estudados casos específicos de Organizações Internacionais e Atores não estatais que influenciam o processo de tomada de decisão via *Soft Law* e seu respectivo impacto na estrutura clássica do Direito Internacional. Casos práticos envolvendo a OIT, *Quasi-judicial Bodies* e a temática envolvendo empresas e direitos humanos (responsabilidade corporativa) buscarão demonstrar o papel de relevância da *Soft Law* na governança global, bem como os mecanismos de *compliance* e de *enforcement*. Serão igualmente aprofundadas as questões envolvendo legitimidade, *accountability* e autoridade pública, bem como os procedimentos prescritos e as consequências pretendidas para a ordem jurídica global contemporânea.

A partir da análise do panorama normativo internacional e de seus desafios, o objetivo será de analisar a presença e participação dos Atores nos Estatais nas Cortes e Tribunais Internacionais em um contexto marcado pela emergência de bens públicos globais (*global public goods*). Visa também analisar paralelamente os processos de solução de controvérsias judiciais e arbitrais sob a perspectiva das normas de *Soft Law* e dos Atores não Estatais, bem como os desafios de legitimidade e autoridade pública global. Propõe-se a apresentar possíveis alternativas políticas e jurídicas para os desafios a serem apresentados por meio de uma agenda para o desenvolvimento de pesquisas no campo de Regulação Internacional e Governança Global, que busca ampliar o conhecimento sobre a prática da produção normativa nos diferentes contextos regulatórios, além de estimular o interesse no desenvolvimento de pesquisas sobre produção normativa dos órgãos reguladores em âmbito internacional.

▪ **Temas e Bibliografia:**

Apresentação: programa, bibliografia, metodologia de trabalho e de avaliação, distribuição e organização de seminários.

Apresentação do contexto em que se situa a disciplina.

GOVERNANÇA GLOBAL E REGULAÇÃO INTERNACIONAL: A EMERGÊNCIA DE UMA NOVA ORDEM GLOBAL

Bibliografia Obrigatória:

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ALVAREZ, Jose E. The Legitimacy of IO Rule-Making. In: The American Society of International Law Proceedings, vol. 112, 2018, p. 275-278.

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GOVERNANÇA GLOBAL E *GLOBAL PUBLIC GOODS*

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NOVOS ATORES E INSTRUMENTOS NORMATIVOS DA ORDEM GLOBAL CONTEMPORÂNEA

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ABI-SAAB, George. Éloge du “droit assourdi” Quelques réflexions sur le role de la soft law en droit international contemporain: Hommage à François Rigaux 1993. In: ABI-SAAB, George. Le développement du droit international: réflexions d’un demi-siècle. Genève: Graduate Institute Publications, 2013, p. 59-69.

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O PAPEL DA OIT NA REGULAÇÃO INTERNACIONAL: *STANDARD-SETTING ORGANIZATION*

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O PAPEL DOS ÓRGÃOS QUASE JUDICIAIS NA REGULAÇÃO INTERNACIONAL: MECANISMOS DE COMPLIANCE E ENFORCEMENT

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ATORES NÃO ESTATAIS E DIREITOS HUMANOS: RESPONSABILIDADE CORPORATIVA

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Regulamentação das atividades do PCN Brasil da OCDE:

MARCOS PRADO TROYJO. Secretaria Especial De Comércio Exterior e Assuntos Internacionais. Designa membros para comporem o Ponto de Contato Nacional para a implementação das Diretrizes da Organização para Cooperação e Desenvolvimento Econômico para as Empresas Multinacionais. Portaria nº 548, de 2 de setembro de 2019. Diário Oficial da União, publicado em 10 set. 2019, edição 175, seção 2, p. 10.

LUIS ANTÔNIO BALDUINO CARNEIRO. Secretário de Assuntos Internacionais do Ministério da Fazenda. Dispõe sobre a atuação do Ponto de Contato Nacional. Resolução PCN nº 01/2016, 16 de novembro de 2016. Ministério da Fazenda.

ANTÔNIO HAMILTON MARTINS MOURÃO, PAULO GUEDES. Atos do Poder Executivo. Institui grupo de trabalho interministerial denominado Ponto de Contato Nacional para a implementação das Diretrizes da Organização para Cooperação e Desenvolvimento Econômico para as Empresas Multinacionais. Decreto nº 9.874, de 27 de junho de 2019. Diário Oficial da União, publicado 28 jun. 2019, edição 123, seção 1, p. 13.

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OS DESAFIOS DE ATORES NÃO ESTATAIS NA GOVERNANÇA GLOBAL: *LEGITIMACY, PUBLIC AUTHORITY E ACCOUNTABILITY*

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