



**NOVA
UNIVERZA**

FAKULTETA ZA DRŽAVNE
IN EVROPSKE ŠTUDIJE

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	Globalno pravo migracij
Course title:	Global migration law

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Mednarodne in diplomatske študije - 3. stopnja		1	1
International and Diplomatic Studies – 3 rd degree		1	1

Vrsta predmeta / Course type:	izbirni / elective
Koda predmeta / Course code:	

Predavanja	Seminar	Sem. vaje	Lab. vaje	Teren. vaje	Samost. delo	ECTS
Lectures	Seminar	Tutorial	Laboratory work	Field work	Individual work	
20	0	0	0	0	280	10

Študijska obremenitev študenta – skupaj/Student workload – total:

Nosilec predmeta / Lecturer:	doc. dr. Gregor Maučec
Jeziki/Languages: Lectures:	Predavanja / slovenski / Slovenian, optional Vaje / Tutorial: angleščina/english

**Pogoji za vključitev v delo oz. za
opravljanje študijskih obveznosti:**

Prerequisites:

Izpolnjevanje pogojev za vpis na doktorski študij Mednarodne in diplomatske študije in osnovno znanje s področja predmeta.

Meeting the general conditions for enrolment in the Doctoral Programme International and Diplomatic Studies with a basic knowledge of the subject.

Vsebina:

Predmet izhaja iz področja mednarodnega javnega prava, pri čemer pa je zaradi celovitosti obravnavanja problematike globalnih migracij treba upoštevati tudi spoznanja s področja mednarodnih in diplomatskih odnosov ter globalnega upravljanja.

Predmet se prilagaja aktualnim problemom z navedenih področij in predvsem razvoju pravnih pravil in sodne prakse. Osrednja pozornost bo namenjena obravnavi določenih vprašanj znotraj posamičnih tem. Temeljna poglavja znotraj katerih se bodo obravnavala posamična vprašanja so razvidna iz osnovne strukture predmeta:

- Pojem, izvor in temelji globalnega prava migracij
- Globalni sistem transnacionalne mobilnosti ljudi
- Vzroki in izvor sodobnih migracijskih vzorcev
- Globalne varnostne, politične, družbene in ekonomske posledice migracij v izvornih in namembnih državah
- Povezava med migracijami in razvojem
- Nejasne meje med meje med migracijskimi kategorijami in znotraj njih (prostovoljne/prisilne migracije, »neregularne« migracije, delovne migracije, trgovina z ljudmi)
- Globalne migracije in rasa, razred, spol, starost in drugi status
- Sekuritizacija migracij, okoljske migracije in »podnebni begunci«
- Fragmentacija in neenakomerna porazdelitev migracijskih norm, pravil, dejavnosti in institucij na mednarodni, regionalni, nacionalni in subnacionalni ravni

Content (Syllabus outline):

The course derives from discipline of public international law, however due to the need to address the topic of global migration in a comprehensive manner, the findings from the disciplines such as international and diplomatic relations and global governance need to be considered as well.

The course is adjusted to address the topical problems from the above-mentioned disciplines, especially the development of legal norms and case law. The focus of the course will be particular issues within the discussed topics. The fundamental questions discussed will be within the scope of the following structure of the course:

- Notion, origins and foundations of global migration law
- Global system of transnational human mobility
- Causes and origins of contemporary migration patterns
- Global security, political, social and economic implications of migration across sending and receiving countries
- The migration-development nexus
- The blurred boundaries between and within migration categories (voluntary/forced migration, "irregular" migration, labour migration, human trafficking)
- Global migration and race, class, gender, age, and other status
- The securitization of migration, environmental migration and "climate refugees"
- Fragmentation and uneven distribution of migration norms, rules, activities, and institutions at international,

- Migracije in mednarodno običajno pravo
- Migracije in mednarodno pogodbeno pravo (mednarodni pravni standardi za zaščito migrantov: begunci, delavci migranti, trgovanje in tihotapljenje migrantov)
- Možnosti globalnega prava migracij
- Mehko pravo in globalno upravljanje migracij (funkcije in razvoj mehkega prava, arhitektura globalnega upravljanja migracij)
- Mednarodna organizacija za migracije in Visoki komisariat Združenih narodov za begunce
- Globalni dogovor o varnih, urejenih in zakonitih migracijah (vsebina, omejitve in potencial)
- Integrirano upravljanje meja in migracije
- Pomen in prednosti globalnega upravljanja migracij
- Vrzeli globalnega upravljanja z zaščito beguncev
- EU in migracije: prepletanje nacionalnega, regionalnega in mednarodnega prava
- Upravljanje z migracijami v majhnih državah (Slovenija)
- Prihodnost globalnega prava in upravljanja migracij v luči begunskih kriz in množičnih migracij

Dodatne vsebine se bodo dodajale glede na dosežen teoretični razvoj in znanstveni napredek na področju obravnavanih vprašanj v času izvajanja predmeta.

regional, national and subnational levels

- Migration and customary international law
- Migration and international treaty law (international legal standards for the protection of migrants: refugees, migrant workers, trafficked and smuggled migrants)
- Possibilities of global migration law
- Soft law and global migration governance (the functions and evolution of soft law, the architecture of global migration governance)
- International Organization for Migration and The United Nations High Commissioner for Refugees
- The Global Compact for Safe, Orderly and Regular Migration (content, limits and potential)
- Integrated Border Management and migration
- The importance and merits of global migration governance
- Gaps in the global governance of refugee protection
- The EU and migration: an interplay of national, regional and international law
- Migration governance of small countries (Slovenia)
- The future of global migration law and governance in light of refugee crises and mass migration

Additional issues will be added to the syllabus following new theoretical developments and scientific progress in the studied issues during the lecture period.

Temeljna literatura in viri / Readings:

Obvezna / Compulsory:

Knjige in učbeniki /Books and textbooks

- Antoine Pécoud and H el ene Thiollet (ur.), Research Handbook on the Institutions of Global Migration Governance, Edward Elgar Publishing, 2023.
- FERRIS, Elizabeth G. and DONATO, Katharine M., Refugees, migration and global governance: negotiating the global compacts, New York: Routledge, 2020.
- CHETAIL, Vincent, International Migration Law, Oxford: Oxford University Press, 2019.
- BETTS, Alexander, Global Migration Governance, Oxford: Oxford University Press, 2012.

Revije / journals:

- EU external migration policy and EU migration governance, Journal of Ethnic and Migration Studies, Vol. 49 (Special Issue), 2023, str. 2965- 3161.
- Vincent Chetail, The International Organization for Migration and the Duty to Protect Migrants: Revisiting the Law of International Organizations, v: Jan Klabbers (ur.), The Cambridge Companion to International Organizations Law, Cambridge: Cambridge University Press, 2022, str. 244-264.
- Gammeltoft-Hansen, Thomas & Hoffmann, F., Mobility and the legal infrastructure for Ukrainian refugees, International Migration, 60 (4), 2022, str. 213-216.
- Rother, Stefan, Global migration governance from below in times of COVID-19 and "Zoomification": civil society in „invited“ and „invented“ spaces, Comparative Migration Studies, 2022, str. 1-21.
- Agnese Pacciardi and Joakim Berndtsson, EU border externalisation and security outsourcing: exploring the migration industry in Libya, Journal of Ethnic and Migration Studies, 2022, str. 1-19.
- Stefania Panebianco, The EU and migration in the Mediterranean: EU borders' control by proxy, Journal of Ethnic and Migration Studies, Vol. 48, No. 6, 2022, str. 1398-1416.
- Piccoli, Lorenzo et al., Citizenship, Migration and Mobility in a Pandemic (CMMP): A global dataset of COVID-19 restrictions on human movement, PLoS ONE, 2021, str. 1-10.
- Gammeltoft-Hansen, Thomas, Extraterritorial human rights obligations in regard to refugees and migrants, v: M. Gibney, G. E. T urkelli, M. Krajewski, & W. Vandenhole (ur.), The Routledge Handbook on Extraterritorial Human Rights Obligations, Routledge, 2021, str. 153-168.
- Lavenex, Sandra and Piper, Nicola, Regions and global migration governance: perspectives 'from above', 'from below' and 'from beyond', Journal of Ethnic and Migration Studies, 2021, str. 1-18.
- Micheline van Riemsdijk, Marianne H. Marchand and Volker M. Heins, New actors and contested architectures in global migration governance: continuity and change, Third World Quarterly, 2021, str. 1-15.

- Cali, B., Costello, C. and Cunningham, S., Hard Protection through Soft Courts? Non-Refoulement before the United Nations Treaty Bodies, *German Law Journal*, Vol. 21, 2020, str. 355–384.
- Symposium on COVID-19, Global Mobility and International Law, *AJIL Unbound*, 2020, Vol. 114.
- Vincent Chetail, Crisis without Borders: What Does International Law Say About Border Closure in the Context of Covid-19?, *Frontiers in Political Science*, 2020, str. 1- 6.
- Vincent Chetail, The Global Compact for Safe, Orderly and Regular Migration: a Kaleidoscope of International Law, *International Journal of Law in Context*, 2020, str. 253 – 268.
- Likić-Brborić, Branka, Global migration governance, civil society and the paradoxes of sustainability, in Carl-Ulrik Schierup et al. (eds.), *Migration, Civil Society and Global Governance*, Routledge, 2019.
- Zanker, Franzisca, Managing or Restricting Movement? Diverging Approaches of African and European Migration Governance, 7 (17) *Comparative Migration Studies*, 2019, str. 1–18.
- Ramji-Nogales, Jaya et al., Symposium on Framing Global Migration Law, *AJIL Unbound*, 2017, Vol.111.
- Vincent Chetail, Sovereignty and Migration in the Doctrine of the Law of Nations: An Intellectual History of Hospitality from Vitoria to Vattel, *European Journal of International Law*, 27(4), 2016, str. 901-922.
- Crépeau, François and Atak, Idil, Global Migration Governance: Avoiding Commitments on Human Rights, Yet Tracing a Course for Cooperation, *Netherlands quarterly of human rights*, 2016, str. 113-146.

Priporočena / recommended:

Knjige in učbeniki / Books and textbooks

- Cathryn Costello, Michelle Foster, and Jane McAdam, *The Oxford Handbook of International Refugee Law*, Oxford University Press, 2021.
- James C. Hathaway, *The Rights of Refugees under International Law*, 2nd edition, Cambridge: Cambridge University Press, 2021.
- P. Sivakumar and S. Irudaya Rajan (eds.), *Sustainable Development Goals and Migration*, Routledge, 2021.
- Megan Bradley, *The International Organization for Migration: Challenges, Commitments, Complexities*, Routledge, 2020.
- Mariagiulia Guiffré, *The Readmission of Asylum Seekers under International Law*, Hart Publishing, 2020.
- Matthew Scott, *Climate Change, Disasters, and the Refugee Convention*, Cambridge University Press, 2020.

- Mathilde Crepin, *Persecution, International Refugee Law and Refugees*, Routledge, 2020.
- Trimikliniotis, Nicos, *Migration and the Refugee Dissensus in Europe: Borders, Security and Austerity*, Routledge, 2020.
- Hein de Haas, Stephen Castles and Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World*, sixth edition, Red Globe Press, 2020.
- Satvinder Singh Juss (ed), *Research Handbook on International Refugee Law*, Edward Elgar Publishing, 2019.
- *Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, UNHCR, 2019.
- Agnieszka Weinar, Saskia Bonjour and Lyubov Zhyznomirska (eds.), *The Routledge handbook of the politics of migration in Europe*, Routledge, 2018.
- Mary Bosworth et al. (eds), *Race, Criminal Justice, and Migration Control: Enforcing the Boundaries of Belonging*, Oxford University Press, 2018.
- S. Irudaya Rajan and R.B. Bhagat (eds.), *Climate change, vulnerability and migration*, Routledge, 2018.
- Ferreira, Susana, *Human Security and Migration in Europe's Southern Borders*, Springer, 2018.
- Prabha Kotiswaran (ed), *Revisiting the law and governance of trafficking, forced labor and modern slavery* Cambridge University Press, 2017.
- Benoît Mayer and François Crépeau (eds.), *Research handbook on climate change, migration and the law*, Edward Elgar Publishing, 2017.
- Dimitra Manou et al. (eds.), *Climate Change, Migration, and Human Rights: Law and Policy Perspectives*, Routledge, 2017.
- Mann, Itamar, *Humanity at Sea: Maritime Migration and the Foundations of International Law*, Cambridge University Press, 2016.
- Kay Hailbronner and Daniel Thym (eds), *EU Immigration and Asylum Law: A Commentary*, Hart Publishing, 2016.
- Steve Peers, Violeta Moreno-Lax, Madeline Garlick, and Elspeth Guild (eds), *EU Immigration and Asylum Law (Text and Commentary)*, Second Revised Edition, Brill Nijhoff, 2015.
- Costello, Cathryn, *The Human rights of Migrants and Refugees in European Law*, Oxford: Oxford University Press, 2015.
- Richard Plender, *Issues in International Migration Law*, Nijhoff, 2015.
- Pieter Boeles et al. (eds), *European Migration Law*, Intersentia, Antwerp, 2nd edition, 2014.
- Vincent Chetail and Céline Bauloz (eds), *Research Handbook on International Law and Migration*, Edward Elgar Publishing, 2014.

- Fiddian-Qasmiyev E., Loescher G., Long K. and Sigona N., The Oxford Handbook of Refugee and Forced Migration Studies, Oxford: Oxford University Press, 2014.
- Anne T. Gallagher and Fiona David, The International Law of Migrant Smuggling, Cambridge University Press, 2014.
- Bilgic, Ali, Rethinking Security in the Age of Migration: Trust and Emancipation in Europe, Routledge, 2013.
- Gregory White, Climate change and migration security and borders in a warming world, Oxford University Press, 2011.

Nabor literature se sprti dopolnjuje z aktualnimi deli s področja problemov, ki se obravnavajo.

The list of readings is regularly updated with new publications on the issues and themes that are subject of this course.

Cilji in kompetence:

Cilj predmeta je poglobljen študij izbranih poglavij s področja mednarodnega prava migracij in globalnega upravljanja migracij, vključno z aktualnimi izzivi pri delovanju mednarodnih organizacij in služb na tem področju. Posamezni primeri se obravnavajo interdisciplinarno.

Študentje bodo razvili **splošne kompetence:**

Pridobili bodo poglobljeno teoretično znanje nekaterih teoretično in praktično najzahtevnejših vprašanj mednarodnega prava, politik in globalnega upravljanja na področju transnacionalnih migracij. Zlasti bodo pridobili:

- sposobnost za raziskovanje teoretskih in praktičnih problemov prava in še posebej mednarodnega prava, mednarodnih odnosov in diplomacije,
- sposobnost samostojnega teoretičnega in praktičnega opazovanja ter analiziranja, primerjanja in sintetiziranja družbenih pojavov in procesov, vezanih na migracije ter na zgodovinsko-

Objectives and competences:

The objective of the course is a detailed study of the selected chapters and issues within the discipline of international migration law and global migration governance, including the topical challenges related to the functioning of international organizations and services in these areas. Individual issues will be discussed in an interdisciplinary manner.

Students will develop the following

general competences:

They will acquire a thorough theoretical knowledge of some of the theoretically and practically most complicated issues of international law, policies and global governance regarding transnational migration. In particular, they will gain:

- the skills of researching theoretical and practical problems of law and in particular of international law, international relations and diplomacy,
- an ability to make independent theoretical and practical

družbeni okvir njihovih konkretnih pojavnih oblik,

- sposobnost za samostojno, sistematično in reflektirano znanstvenoraziskovalno delo s skrbno pozornostjo do podrobnosti,
- sposobnost znanstvenega analiziranja problemov, vrednotenja različnih teoretičnih izhodišč, uporabe primerjalno pravne metode, kritičnega analiziranja prakse držav in mednarodne judikature ter pisnega oblikovanja zahtevnejše pravne argumentacije.

Študentje bodo razvili **predmetno-specifične kompetence**:

- potrebna teoretska, metodološka in analitska znanja za razumevanje, obravnavo in obvladovanje aktualnih problemov na področju globalnega upravljanja migracij, kakor tudi prava, politik in delovanja EU na področju migracij, azila ter integriranega upravljanja meja,
- odlično razumevanje delovanja mednarodnih organizacij in drugih institucij in služb, ki delujejo na področju globalnih migracij,
- sposobnost inovativnega razmišljanja o transnacionalnih migracijah in njihove interdisciplinarne aplikativnosti.

observations and to analyse, compare and synthesize social phenomena and processes related to migration and to the historical and social fabric of its manifestations,

- an ability to conduct an independent, systematic and reflective scientific research with scrupulous attention to detail,
- the skills of scientific analysis of problems, evaluation of different theoretical starting points, use of the comparative legal methods, critical analysis of state practice and international jurisprudence, and drafting of complex legal argumentation.

Students will develop the following **subject-specific competences**:

- a necessary theoretical, methodological and analytical knowledge for understanding, contending with and handling topical issues in the field of global migration governance, as well as the EU law, policy and functioning in the field of migration, asylum and integrated border management,
- an excellent understanding of functioning of international organizations and other institutions and services that operate in the field of global migration,
- an ability of innovative thinking about transnational migrations and their interdisciplinary applicability.

Predvideni študijski rezultati:

Intended learning outcomes:

Znanje in razumevanje:

Študent bo:

- poglobil in razširil svoje znanje o značilnostih in razvoju pravne ureditve in politik migracij skozi prizmo globalnega upravljanja;
- pridobil sposobnost podrobne in skrbne znanstvene analize problemov z navedenih pravnih in sorodnih področij (mednarodni odnosi, diplomacija), vrednotenja različnih teoretičnih stališč, poglobljene analitične razlage odločitev sodišč in drugih nadzornih organov ter pisnega oblikovanja zahtevnejše pravne argumentacije.
- razumel analitično povezavo in interakcijo med mednarodnim pravom, mednarodnimi odnosi in diplomacijo na področju urejanja migracij;
- razumel in kritično presojal področje delovanja multilateralnih mednarodnih institucij (npr. Mednarodna organizacija za migracije in Agencija ZN za begunce) ter regionalnih migracijskih ureditev (npr. EU).

Knowledge and understanding:

Students will:

- deepen and further expand their knowledge of main features and of the development of migration law and policies through the prism of global governance;
- gain the skills of a detailed and rigorous scientific analysis of problems from the discussed legal and cognate fields (international relations, diplomacy), evaluation of various theoretical positions, thorough analytical interpretation of decisions of courts and other monitoring bodies, and drafting of complex legal argumentation;
- understand the analytical interlink and interaction between international law, international relations and diplomacy in the field of regulating migration;
- understand and critically assess the scope of multilateral international organizations (e.g., IOM and the UN Refugee Agency) and regional migration arrangements (e.g., EU).

Metode poučevanja in učenja:

Oblike dela:

- Frontalna oblika poučevanja
 - Delo v manjših skupinah oz. v dvojicah
 - Samostojno delo študentov
 - e-učenje
 - drugo (vpišite)
- _____
-

Metode (načini) dela:

Learning and teaching methods:

Types of learning/teaching:

- Frontal teaching
- Work in smaller groups or pair work
- Independent students work
- e-learning
- other _____

Teaching methods:

- Explanation
- Conversation/discussion/debate

<input checked="" type="checkbox"/> Razlaga
<input checked="" type="checkbox"/> Razgovor/ diskusija/debata
<input checked="" type="checkbox"/> Delo z besedilom
<input checked="" type="checkbox"/> Proučevanje primera
<input type="checkbox"/> Igra vlog
<input checked="" type="checkbox"/> Druge vrste nastopov študentov
<input type="checkbox"/> Reševanje nalog
<input type="checkbox"/> Študijski obiski podjetij ipd.)
<input type="checkbox"/> Vključevanje gostov iz prakse
<input checked="" type="checkbox"/> Udeležba na okrogli mizi, na konferenci

<input checked="" type="checkbox"/> Work with texts
<input checked="" type="checkbox"/> Case studies
<input type="checkbox"/> Role-play
<input checked="" type="checkbox"/> Different presentation
<input type="checkbox"/> Solving exercises
<input type="checkbox"/> Field work (e.g. company visits)
<input type="checkbox"/> Inviting guests from companies
<input checked="" type="checkbox"/> Attending round table and conference

Načini ocenjevanja:

Assessment:

Način (pisni izpit, ustno izpraševanje, naloge, projekt)

Delež (v %) / Weight (in %)

Type (examination, oral, coursework, project)

Sprotno ustno (aktivno sodelovanje pri kontaktnih urah)		Oral verification and assessment of knowledge
Sprotno pisno preverjanje znanja (krajši pisni izdelki)		Written verification and assessment of knowledge (short written casework)
Daljši pisni izdelki (seminarska naloga, projektna naloga)	20	Longer written casework
Javni nastop ali predstavitev	10	Presentations
Končni ustni izpit	70	Final examination (oral)
Končni pisni izpit		Final examination (written)
Drugo (vpišite)		Other:

Pogoj za pristop k izpitu:

Vsaj 80% prisotnost na predavanjih in vajah.		At least 80% attendance at lectures and tutorials.
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Reference nosilca / Lecture's references:

Gregor Maučec je docent za področje mednarodnega in kazenskega prava. Doktoriral je iz mednarodnega javnega prava na Pravni fakulteti Univerze v Mariboru. Svojo znanstveno-strokovno usposobljenost je nadgrajeval kot podoktorski raziskovalec na Pravni fakulteti Univerze v Københavnu (kot Marie Skłodowska-Curie Fellow), Evropskem univerzitetnem inštitutu v Firencah (kot Max Weber Fellow) in Pravni fakulteti Univerze v Kyotu (kot JSPS Postdoctoral Fellow). Njegovo raziskovanje in objave se ukvarjajo z mednarodno sodno

funkcijo, zlasti s tem, kako jo razumejo in izvajajo sodniki raznih mednarodnih sodnih teles; z vedenjem in odločanjem mednarodnih sodnikov; z mednarodno sodno zaščito manjšin in avtohtonega prebivalstva; z mednarodnimi in internacionaliziranimi kazenskimi sodišči in tribunali; z diskriminacijo in poštenim sojenjem v kazenskem pravosuđu, zlasti pri uporabi smrtne kazni; z vprašanji tranzicijske pravičnosti v pokonfliktnih družbah; ter s politikami in pravom EU na področju upravljanja meja, migracij in azila. Redno se udeležuje znanstvenih simpozijev in odmevnih konferenc, kakor tudi raznih pedagoških usposabljanj na področju visokošolskega izobraževanja. Izvedel je več gostujočih predavanj na tujih univerzah (Univerza v Københavnu, Univerza v Firencah in Univerzitetni kolidž v Londonu). Od leta 2010 je tudi član uredniškega odbora Zbirke mednarodno pravo.

Bibliografija: <http://splet02.izum.si/cobiss/bibliography?code=30834>.

Gregor Maučec is an assistant professor of international and criminal law. He received his PhD in Public International Law from the University of Maribor Faculty of Law. Previously, he was a Marie Skłodowska-Curie Fellow at iCourts - the Centre of Excellence for International Courts at the University of Copenhagen Faculty of Law, Max Weber Postdoctoral Fellow in Law at the European University Institute and JSPS Postdoctoral Fellow at the School of Law, Kyoto University. His research and writing has focused on the international judicial function, and particularly how it is understood and carried out by the judges of different international adjudicative bodies; international judicial behavior and decision-making; protection of minorities and indigenous populations through international courts; international(ised) criminal courts and tribunals; discrimination, fair trial, criminal sentencing and the death penalty; various transitional justice issues in the post-conflict societies; and EU policies and law on the management of borders, migration and asylum. He regularly participates in scientific symposia and outstanding conferences, and attends various pedagogical trainings in the field of higher education. He has also guest lectured at the University of Copenhagen, University of Florence and University College London. Since 2010, he has been a member of the editorial board of Book collection on international law.

Bibliography: <http://splet02.izum.si/cobiss/bibliography?code=30834>.