



**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 - 2. stopnja		1,2	2,4
International and Diplomatic Studies – 2 nd degree		1,2	2,4

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

Predavanja Lectures	Seminar Seminar	Sem. vaje Tutorial	Lab. vaje Laboratory work	Teren. vaje Field work	Samost. delo Individual work	ECTS
10	0	0	0	0	140	6

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:

Poznavanje temeljev mednarodnega in evropskega prava, mednarodnih odnosov ter delovanja in nastanka EU.
Vsaj 80% prisotnost na predavanjih.

Knowledge of the foundations of international and European law, international relations, functioning and establishment of EU.

At least 80% attendance at lectures.

Vsebina:

- 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
- 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)

Content (Syllabus outline):

- 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, 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)

- Mednarodna organizacija za migracije in Visoki komisariat Združenih narodov za begunce
- Globalni dogovor o varnih, urejenih in zakonitih migracijah
- 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

- International Organization for Migration and The United Nations High Commissioner for Refugees
- The Global Compact for Safe, Orderly and Regular Migration
- 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

Temeljna literatura in viri / Readings:

Obvezna / Compulsory:

Knjige in učbeniki / Books and textbooks

- Antoine Pécoud and Hélène 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 Klabbbers (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.
- 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.
- 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 limited, 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 limited, 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.

Cilji in kompetence:

Študentje bodo razvili **splošne kompetence:**

- sposobnost za reševanje in kritično presojo konkretnih strokovnih problemov z uporabo znanstvenih metod in postopkov v primerih migracij in migrantov;
- koherentno obvladovanje temeljnega znanja, pridobljenega predvsem pri obveznih predhodnih predmetih ter interdisciplinarnega povezovanje znanja z različnih področij in njegova uporaba v primerih povezanih z migracijami in migranti;
- razumevanje splošne zgradbe in vsebine družboslovnih ved ter povezanosti med njenimi poddisciplinami, predvsem

Objectives and competences:

Students will develop the following **general competences:**

- a good command of research methods and procedures, and the ability of critical judgement in concrete cases concerning migrations and migrants;
- a coherent understanding of the basic aspects of previous lectures and interconnecting and applying knowledge interdisciplinary in cases concerning migrations and migrants;
- the knowledge of the general structure and content of social sciences and of the connections between its subdisciplines, notably

mednarodnim pravom in mednarodnimi odnosi ter diplomacijo;

- razumevanje in uporaba kritične analize in razvoja teorij ter njihova uporaba pri reševanju konkretnih problemov migracij in migrantov;
- sposobnost opazovanja, iskanja in identificiranja ustreznih informacij v zvezi z migracijskimi vprašanji;
- dovezetnost za nove pristope in metode reševanja problemov pri transnacionalnih migracijah;
- sposobnost oblikovanja različnih modelov upravljanja migracij in povzemanja rešitev, ki iz njih izhajajo.

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

- sposobnost poglobljene analize, sinteze in predvidevanja rešitev ter posledic pojavov na področju globalnega upravljanja migracij, kakor tudi prava, politik in delovanja EU na področju migracij, azila ter integriranega upravljanja meja,
- sposobnost uporabe znanj s področja mednarodnega prava in mednarodnih odnosov ter diplomacije v praksi pri obravnavanju situacij, povezanih z migracijami, azilom, begunci, razseljenimi osebami ter drugimi posebno ranljivimi skupinami migrantov,
- avtonomnost pri strokovnem delu in pri sprejemanju pravih

international law and international relations, and diplomacy;

- a good understanding, critical analysis and development of theories and their application in solving concrete problems concerning migrations and migrants.
- the ability to observe, search for and identify appropriate information regarding migration issues;
- susceptibility to new approaches and methods of solving problems in transnational migrations;
- the ability to design different models of migration governance and summarise solutions deriving from them.

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

- the ability to analyse in depth, synthesise and anticipate solutions and consequences of phenomena 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,
- the ability to use knowledge of international law and international relations, and of diplomacy in practice when dealing with situations, connected with migrations, asylum, refugees and internally displaced persons and other particularly vulnerable migrant groups,
- the autonomy in making professional and correct decisions in the field of

odločitev na področju migracij, azila in upravljanja državnih in zunanjih meja EU,

- sodelovalnost, delo v skupini ter strpno sprejemanje in upoštevanje tvornih kritik in pripomb.

migration, asylum and state and EU external borders' management,

- propensity to cooperation and teamwork, the ability to handle and take into consideration constructive criticism and comments.

Predvideni študijski rezultati:

Znanje in razumevanje:

Študent bo:

- spoznal poglobljene značilnosti razvoja pravne ureditve in politik migracij skozi prizmo globalnega upravljanja;
- razumel analitično povezavo med mednarodnim pravom, mednarodnimi odnosi in diplomacijo;
- razumel vpliv globalizacije in transnacionalne mobilnosti oseb na globalno varnost, mednarodni mir, gospodarski razvoj, trgovino, zaposlovanje, zdravstvo in izobraževanje;
- spoznal različne koncepte globalnega upravljanja;
- ločil med vlogo, načini in posledicami migracij v preteklosti ter v času globalizacije;
- poznal delovanje multilateralne diplomacije in oblikovanje zavezujočih norm ter mehkega prava (resolucije, deklaracije, sklepi, smernice ipd.) v mednarodnih in regionalnih organizacijah na področju migracij;
- razumel delovanje, procese odločanja in s tem povezane izzive na področju celovite politike EU o migracijah in azilu;
- poznal diplomatske aktivnosti EU na področju migracij;

Intended learning outcomes:

Knowledge and understanding:

Students will:

- get fully acquainted with main features of the development of migration law and policies through the prism of global governance;
- understand the analytical interlink between international law, international relations and diplomacy;
- understand the effects of globalisation and transnational human mobility on global security, international peace, economic development, trade, employment, health and education;
- get to know different concepts of global governance;
- distinguish between the role, types and implications of migration in the past and in the time of globalisation;
- know the functions of multilateral diplomacy in developing and making binding norms and soft law (resolutions, declarations, decisions, guidelines, etc.) in international and regional organizations;
- understand the functioning, decision-making and related challenges concerning a comprehensive EU migration and asylum policy;
- understand the EU diplomatic activities concerning migration;

- razlikovati prioritete pri migracijskih in azilnih politikah EU;
- razumel vlogo in načine financiranja EU za migracijske, azilne in integracijske politike;
- poznal ustanovna načela in delovanje mednarodnih multilateralnih institucij, ki se ukvarjajo z vprašanji migracij ter potek mednarodnih pogajanj na tem področju;
- razumel področje delovanja multilateralnih mednarodnih institucij (npr. Mednarodna organizacija za migracije in Agencija ZN za begunce) ter regionalnih migracijskih ureditev (npr. EU);
- znal pravno pravilno urejati primere v zvezi z migranti in migrantstvom;
- znal ustrezno voditi postopke v zvezi z azilom in azilanti;
- znal povezati aktualna mednarodna dogajanja na področju migracij ter vplive, ki jih slednja povzročajo za vsakdanje življenje v Sloveniji ter razumel vlogo multilateralne diplomacije v tem kontekstu.

- discern the priorities of EU migration and asylum policies,
- understand the role and various EU funding forms for migration, asylum and integration policies;
- know the foundational principles and functioning of international multilateral institutions dealing with migration issues and the process of international negotiations in the field;
- understand the scope of multilateral international organizations (e.g., IOM and the UN Refugee Agency) and regional migration arrangements (e.g., EU);
- be able to legally correctly solve cases with migrations and migrants;
- be able to correctly apply procedures for asylum seekers;
- be able to connect the present international events in the field of migration and the consequences that they cause for everyday life of people in Slovenia and understand the role of multilateral diplomacy in this context.

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:

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 pravosodju, 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 Univeritetni 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>.