

1. Record Nr.	UNINA9910154925203321
Autore	Petersmann Ernst-Ulrich
Titolo	Multilevel constitutionalism for multilevel governance of public goods : methodology problems in international law // Ernst Ulrich Petersmann
Pubbl/distr/stampa	Oxford ; ; Portland, Oregon, USA : , : Hart Publishing, an imprint of Bloomsbury Publishing Plc, , 2016
ISBN	1-5099-0913-3 1-5099-0906-0
Descrizione fisica	1 online resource (415 pages)
Disciplina	342/.042
Soggetti	Constitutional law International and municipal law - Political aspects International law and human rights International organization Law and globalization
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Introduction : from democratic and republican to cosmopolitan constitutionalism in multilevel governance of public goods -- Human rights, "constitutional" treaty interpretation and judicial protection of individual rights in multilevel governance of public goods -- Constituting, limiting, regulating and justifying multilevel governance through multilevel "republican constitutionalism" -- Civilizing and constitutionalizing "disconnected" UN, WTO and EU governance require "cosmopolitan constitutionalism" : legal methodology challenges.
Sommario/riassunto	This is the first legal monograph analysing multilevel governance of global 'aggregate public goods' (PGs) from the perspective of democratic, republican and cosmopolitan constitutionalism by using historical, legal, political and economic methods. It explains the need for a 'new philosophy of international law' in order to protect human rights and PGs more effectively and more legitimately. 'Constitutional approaches' are justified by the universal recognition of human rights and by the need to protect 'human rights', 'rule of law', 'democracy' and other 'principles of justice' that are used in national, regional and UN

legal systems as indeterminate legal concepts. The study describes and criticizes the legal methodology problems of 'disconnected' governance in UN, GATT and WTO institutions as well as in certain areas of the external relations of the EU (like transatlantic free trade agreements). Based on 40 years of practical experiences of the author in German, European, UN, GATT and WTO governance institutions and of simultaneous academic teaching, this study develops five propositions for constituting, limiting, regulating and justifying multilevel governance for the benefit of citizens and their constitutional rights as 'constituent powers', 'democratic principals' and main 'republican actors', who must hold multilevel governance institutions and their limited 'constituted powers' legally, democratically and judicially more accountable
