

## International and Global Governance in the 21st century

### 1. Main Challenges of Responsibility in Law

Conceptual and methodological level

- Reforming the approach to *international law*, taking into account:
  - its sophistication/complexity and the need for coherence (mainly among autonomous regimes such as the law of different international organisations);
- institutional evolution and diversity;
- plurality of legal traditions;
  
- Finding a consequential conception of *international responsibility*<sup>1</sup>:
  - beyond modern subjectivity and its characteristics;
  - beyond the current conceptual division (*res, actio, persona*);
  - beyond tort and breach of international norms;
  - beyond the sanction/punitive approach to responsibility;
  - allowing cultural diversity and its expressions;
  - able to cope with the risks and threats to global security;

Technical and practical level

- Definition and use of *legal tools* to address the multifarious, evolving and new aspects of our reality (i.e. water, forests, ecological niches and *habitats*; past, new and endangered species; cells and biological components and processes, virtual processes and entities; etc) ;
  
- Reform of current international/regional *regulatory bodies* (in order to extend competencies and access/*locus standi*) and creation of new ones at different levels.

### 2. Main Challenges of the Responsibility of Jurists

- Reviving of the humanist conception of the *Jurisconsult*:
  - beyond the technical approach to law;
  - with a moral/ethical/philosophical dimension;
  - as a mediation/conciliation between different fields of knowledge and practice;
  - taking into account and drawing on different legal traditions;
  - as a driving and guiding force of governance (i.e. the organisation and regulation of society: *jurisperitus, id est politicus*) ;
- A more active role in proposing legal tools and problem-solving;
- Consequential education and training in the legal field/profession.

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<sup>1</sup> That is consistent with the reformed approach to international law.

### **3. A few questions in relation to Chinese perception**

#### **As to the Responsibility in law**

- the approach to international law and its role;
- the approach of responsibility as discussed in China (conceptual and methodological);
- the approach of international responsibility;
- its framework of implementation envisaged on the international level;
- what interpretation of the traditional principle of 'Harmony' is proposed on the international level;
- is 'responsibility' the main/right concept according to Chinese perception;
- about the current international regulatory bodies and mechanisms and their reform;
- what direction/orientation of the reform of international institutions is envisaged to face up to the challenges of global risks and threats;

#### **As to the Responsibility of jurists**

- the role envisaged for the jurists in international governance;
- about the possible conciliation between the traditional (Confucius; and see notably Liji text) and the 'post post-modern' approach to responsibility (to face up to the challenges of the 21st century);
- to whom/what the jurist is responsible for his/her work (in the Chinese society);
- about the policy of education/training of jurists/lawyers;

Texte de Liji:

« Ce qui marquait la pratique de la Grande voie, c'est que la responsabilité de l'univers était une charge publiquement ouverte, dévolue par choix du plus sage et du plus capable, exercée par la sincérité du langage et la bienveillance dans la conduite ».