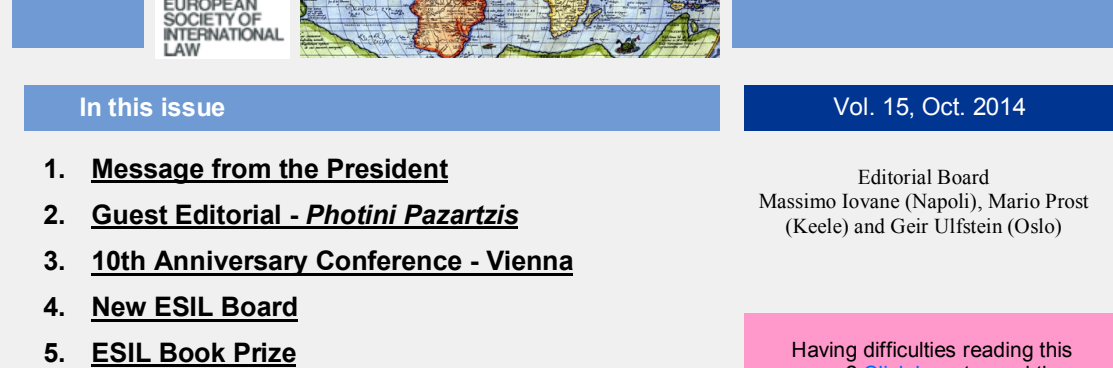


The newsletter in french suits the text in english. For y access directly, you will click on the link or click on the button below.



Vol. 15, Oct. 2014

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Dear ESIL Members,

In September 2014, at the ESIL 10th Anniversary Conference in Vienna and the meeting of the Executive Board that followed, I have all made a substantial contribution to the Society as Board members. The Board has welcomed four new members who were elected in Vienna: Christina Binder, Basak Cali, Photini Pazartzis, and Mario Prost. In addition, Ineta Ziemele has been co-opted to the Board for two years as the local organizer of our 2016 annual conference in Riga. I call all five of them to their willingness to devote their energy to our mutual aim of strengthening the study and role of international law in the world. I am particularly pleased to have Joyce Davies, Administrative Director of ESIL, who not only continues to keep the Society afloat but also helps to make it grow. The Society is grateful to the European University Institute in Florence for its continued support in providing a home for the ESIL Secretariat since the Society's first conference back in 2004.

At the end of the Society's first decade, all ESIL members can be proud of what we achieved. Inspired by the organizer, August Reinsch, and his team, the Vienna conference showed the Society at its creative and dynamic strengths and was a fitting celebration of the first ten years of the Society.

As we start the second decade of the Society, we can and should be ambitious. My aim as President is to promote the scientific reputation of our Society so that it becomes a central actor in the scholarly debate in Europe, reflects the diversity of legal and political conditions as well as the diversity of conceptions of international law in the almost 50 European states. I also intend to develop the Society's relationship with international law practitioners, including legal advisers and judges. The Society should use its largely untapped potential for contributing to the international legal debate on a wide variety of urgent practical questions of international law. We should also continue to work on the promotion of our members, particularly among lawyers, particularly advanced students and doctoral researchers. In turn, the Society as a whole can benefit greatly from their active participation. The newly-launched ESIL Research Forum, to be held for the first time in May 2015 in Florence, is a centerpiece of that ambition.

ESIL Interest Groups will play a key part in the further development of the Society. All thirteen groups provide an excellent opportunity for members of all generations, both scholars and practitioners, from all countries, to actively participate in the Society and contribute to our goals.

Finally, I intend to initiate improvements in the organization of the Society to make it even more professional. As ESIL continues to attract more members in more states, and engages in more activities with the staff at the ESIL Secretariat at the European University Institute to ensure that the Society is the most effective it can be, we need to consider steps to improve the organization of the Society. I am particularly interested in the management system for 2015 that will centralize the ESIL groups' membership administration, thus allowing conveners to focus on the substantive interests of their members.

As President, I welcome members' suggestions about how we can collect your thoughts and our Society so please feel free to contact me, in writing or in person, to discuss very detailed ideas. I very much look forward to working with you all over these next two years!

André Nollkaemper
President, European Society of International Law (ESIL)
P.A.Nollkaemper@uva.nl

2. IGs: Editorial

Dialogues juridiques et fonction juridictionnelle internationale

Photini Pazartzis - Professeure Associée, Faculté de droit, Université d'Athènes

Si le dialogue des juges suscite un intérêt dans le monde judiciaire ainsi que dans la doctrine, il est associé davantage aux juges nationaux, voire aux rapports entre juridictions nationales et juridictions étrangères, notamment en matière de exequatur. Ce principe a pris un nouvel essor en raison de la multiplication des juges au sein d'un même ordre juridique et de la fonction juridictionnelle comprend une créativité judiciaire : pour dire le juge, le juge doit le découvrir et l'interpréter. Dans ces conditions, le dialogue juridictionnel ajoute une nouvelle dimension au raisonnement judiciaire. Sous cette optique, les décisions judiciaires, bien que revêtues de l'autorité de la chose jugée à l'égard des parties, peuvent avoir une autorité interprétative qui dépasse les confines d'une affaire concrète et influence les interprétations ultérieures. Le dialogue entre divers juges nationaux, concernant la force obligatoire des mesures conservatoires, pour citer un exemple parmi les plus vivants, n'a-t-il pas conduit au renforcement du pouvoir judiciaire, sur un plan procédural, par voie judiciaire ? Le dialogue peut, au contraire, aller à contresens : les critiques adressées par certains à l'encontre de l'arrêt de la CJU au sujet des immunités juridictionnelles de l'Etat, pour avoir coupé court le dialogue inter-judicatoire au sujet des immunités étatiques, en sont un exemple.

Si l'on accepte cette ouverture entre juristes nationaux, une autre question qui se pose est de rechercher les fondements de cette pratique adoptée (explicitement ou implicitement) par le juge international dans son raisonnement. On pourrait s'interroger si, en l'absence de dispositions statutaires, un fondement de l'ouverture du juge à la jurisprudence « des autres » pourrait se trouver aux pouvoirs inhérents à l'exercice de sa fonction. Comme il a déjà été signalé par la doctrine, les juridictions internationales s'auto-organisent vers une harmonisation d'ensemble de leurs jurisprudences, notamment par le recours de plus en plus fréquent à des principes généraux, tels que la comity. On pourrait également se demander si les interactions juridictionnelles pourraient trouver un fondement au principe de bonne administration de la justice internationale, si l'on considère que bien administrer la justice internationale implique aussi fort en raison une motivation et une décision.

Voilà quelques interrogations à explorer. En tout cas, les questions soulevées au sujet de dialogues jurisprudentiels ne font que démontrer que la fonction juridictionnelle internationale est loin d'être statique et immuable.

3. 10th Anniversary Conference - Vienna

The 10th Anniversary Conference of the European Society of International Law took place in Vienna, Austria, hosted by the University of Vienna and organised by its Law School's Section for International Law and International Relations in cooperation with the European Society of International Law. The conference, entitled "International Law and ... Boundaries of International Law and Bridges to other Fields and Disciplines", was held on Friday 4th, Saturday 5th and Sunday 6th September 2014 and was attended by more than 400 participants. The formal opening took place at the Main Building of the University of Vienna in the presence of its main representatives, Professor Heinz Egon, as well as the Dean of the Law School, Heinz Mayer, and featured a keynote address by EUJF President Joseph Weiler. Most of the Conference's panels, devoted either to a wide range of topics or to a specific area of international law, were held in the so-called Juridicum building, home of Vienna's Law School.

The conference speakers set out to explore these interconnections between international law and other fields and disciplines in particular. The topics addressed by certain panels have been crossed, and in what ways. Individual panels dealt with such diverse topics as "International Law and Literature", "International Law and Feminism", "International Law and Sports", "International Law and Psychology", "International Law and Linguistics", "International Law and Philosophy", "International Law and Film", "International Law and Economics", but also did not neglect the traditional areas of international law such as "International Law and International Law and Theory", the Legitimacy and Liability of Governments and States, and Territories and Boundaries.

For the first time, this ESIL conference also offered poster sessions allowing young researchers to present their thoughts to the conference audience. At the closing session Vera Gowlland-Losky presented the conference's main conclusions and reflections.

A conference volume is currently in the making. Meanwhile photo impressions of the conference can be viewed on the [conference website](#).

We are looking forward to seeing the ESIL crowd again at the next conference in Oslo 2015!

August Reinsch

4. New ESIL Board

During the General Assembly of the Society in Vienna on Saturday 6 September, elections were held to elect eight Board members. Congratulations to Christina Binder, Basak Cali, Marko Milanovic, and André Nollkaemper. Photini Pazartzis, Mario Prost, and Geir Ulfstein who were elected or re-elected in Vienna to join the other seven Board members who continue their term on the Board. Ineta Ziemele has been co-opted to the Board for two years as local organizer of the 2016 Annual Conference.

Following the elections, the ESIL Board has established a new Executive Committee which has the full support of all Board members. In line with the Society's Articles of Association, the Executive Committee includes the President, one or more Vice-Presidents, and the Secretary-General. Now that the Society is getting larger and more complex, a decision was taken to appoint three Vice-Presidents to deal with the increased workload.

President: André Nollkaemper
Vice-Presidents: Anne van Aaken, Luis Hinjosa, Marko Milanovic
Secretary-General: Basak Cali

Marko Milanovic will continue in his role as Secretary-General until 1 April 2015 and will then take over as Vice-President when Basak Cali takes over as Secretary-General. As in the past, the role of Treasurer will be carried out by the President, the Secretary-General, and the Board member co-opted for liaison with the EUJF.

You can find details of [all Board members](#) on the ESIL website. ESIL members are invited to contact members of the Board about any matters related to the Society, and the Board warmly welcomes your suggestions and ideas. Should you wish to contact all Board members in one email, please write to ESIL@esil.org or write to me directly as follows:

5. ESIL Book Prize

During the 10th Anniversary Conference in Vienna, this year's ESIL Book Prize was awarded for an outstanding work in the field of international law published in the previous two years. For the first time, the jury decided that the ESIL Prize should be awarded to two books which, although very different, are of equal excellence.

The Society warmly thanks the jury members, Professors Philip Alston, Armin von Bogdandy and Hélène Ruiz Fabri, for their work.

The considerations of the jury and details of all ESIL Book Prize winners can be found on the [website prize](#).

The two prize-winning books are:

[The Law of Non-International Armed Conflict](#)
by Oxford University Press, 2012

[How Interpretation Makes International Law. On Semantic Change and Normative Twists](#)
by Oxford University Press, 2012

6. Call for Papers - 2015 Research Forum

The 2015 Research Forum of the European Society of International Law (ESIL) will take place on 14 - 15 May 2015 at the European University Institute in Florence. The [Call for Papers](#) is now open, and the deadline for submissions of abstracts is 1 December 2014.

The forum targets in particular scholars at an early stage of their careers, especially advanced PhD students and post-doctoral researchers. Approximately 10-15 papers will be selected from among the submissions, and during the forum paper presenters will receive comments on their papers from members of the ESIL Board and invited experts. This year, the Research Forum calls for papers addressing the following set of issues in International Law:

- The Use of Force,
- Statehood, Secession, the Creation of States
- The Legitimacy and Liability of Governments and States
- Territories and Boundaries

7. News from ESIL Interest Groups

ESIL International Economic Law Interest Group – Future Activities and Calls for Papers
The ESIL Interest Group on International Economic Law, chaired by Elisa Baroncin, Marlon Panizzon, and Peter-Tobias Stoll, discussed and planned its own future activities in the closing part of the successful Workshop held in Vienna on 3 September 2014, devoted to non-commercial international trade law, preferential trade agreements and global trade, and the EU direct investment Treaty modes.

While working to gather all the papers presented in Vienna, together with the comments of the discussions and chairs, the ESIL IEL IG will soon launch a call for papers for an International Economic Law and Bridges to other Fields and Disciplines, to be held on Friday 4th, Saturday 5th and Sunday 6th September 2015 in Oslo. The selected papers will be published in a book edited by the three Co-Chairs, similar to the publication coming out from the 2014 Vienna Workshop.

Furthermore, the ESIL IEL IG will start discussing the topics on which to organize the ESIL IEL IG Workshop to be held at the 2015 ESIL Annual Conference in Oslo, as well as how to best conceive an ESIL IEL IG newsletter, open to all the ESIL IEL IG Members, concerning important developments and updates in all the fields of international economic law.

On Wednesday, 3 September 2014, on the occasion of the Tenth ESIL Anniversary Conference, the IGCT held its inaugural meeting, which was divided into three parts.

Part I was devoted to the presentation of research relevant projects by IG members. In particular, Geir Ulfstein, one of the IG founding chairs together with Yuval Shany and Fulvio M. Palombino, presented the OSLO PluriCourts Centre, whose aim is to promote the study of the legitimate roles of the judiciary in the global order.

During the second part, four speakers (including the three IG founding chairpersons and Armin von Bogdandy) presented their papers on the substantive role of international courts and tribunals (Ulfstein), the effectiveness of international courts and tribunals (Shany), the relationship between international courts and tribunals (Palombino), and the legitimacy of international courts and tribunals (Bogdandy).

Part III aimed at discussing some issues related to the IG's activities. In detail, with regard to the IG's thematic focus, the decision to extend it to other areas of interest, like international arbitration, was taken. As to future activities, it was proposed to improve the IG's website and make it more attractive through a number of initiatives. One of these lies in the decision to put together all the papers on the question of the law applicable to such forums, and the location of the proceedings, published recently, and ask the authors to draw up an English summary. In addition, some IG members made clear their willingness to set up permanent observatories on the main international courts and tribunals' case law. Lastly, a general interest in holding an IG meeting on the margins of the upcoming Oslo Annual ESIL Conference was expressed.

Interest Group on Peace and Security

The European Society of International Law Interest Group on Peace and Security (ESIL IGPS) and the Research Project on Shared Responsibility in International Law (SHARES Project) have announced the launch of the 10th ESIL Anniversary Conference on 4-6 September 2014, a joint symposium entitled "The Changing Nature of Peacekeeping: Challenges for *Jus ad Bellum*, *Jus in Bello* and Human Rights". This very interesting symposium was organized against the background of an ongoing evolution in UN peacekeeping operations, especially in relation with the increasing number of missions for the protection of civilians and the particularly relevant role of the UN Security Council. The Security Council's peacekeeping missions such as the ones in the Democratic Republic of the Congo (Intervention Brigade), Mali (MINUSMA) and Central African Republic (MINUSCA). The Symposium provided the opportunity to discuss several important legal issues in relation with these missions, in particular the question of the law applicable to such forces, and the location of responsibility in situations where members of peacekeeping forces act in contravention of their international obligations. You can find the program in the [ESIL IGPS](#) or [SHARES](#) website or download it [here](#) in pdf form.

This workshop was followed by the ESIL IGPS administrative meeting which provided the opportunity to discuss several interesting ideas of future activities and partnerships submitted by members. During this meeting the members of the Interest Group elected a new ESIL IGPS Coordinating Committee which will be constituted by the following colleagues: Jean Pictet, Armin von Bogdandy, Karine Bannier, Christina Binder, Theodor Christakis, Olivier Corten, Sarah McCosker, Valios Koutroukios, Enrico Milano, Christian Pippas, Antonello Tancredi, Nicholas Tsagourias, Antonios Tzanakopoulos and Maria Varaki.

Interest Group on Feminism and International Law, Sept 2014 Report of Activities
The Interest Group on Feminism and International Law held its first meeting during the closing part of the 10th ESIL Anniversary Conference (4th-6th Sept), held in Vienna, Austria, on 3 September 2014. Following the overarching theme of the Conference, "International Law and ... Boundaries of International Law and Bridges to other Fields and Disciplines", we instead focused on the interplay between the representation of women in international law and other disciplines.

The first panel looked at the theme of women, film, and international law. Anne Lagerwall from the Université libre de Bruxelles presented her paper, *Screening International Criminal Law: What Part do Women Play?* Her presentation explored how women have been represented through cinema as uncritical supporters of international justice. This was followed by Keina Yoshida, London School of Economics, *Spectacles of Justice: Gender Crimes in Law and Screen*, who questioned what we are not seeing in images that depict international legal processes, the silencing of the feminist critique.

The next panel turned to consider women as representatives. Ursula Tracy Dowler from Northern Kentucky University explored the extraordinary and little-known life of Patricia Roberts Harris, *A Woman First: Examining the Legacy of the Diplomat, Lawyer and Academic*. Wendy Guns, from the University of New South Wales, in *The Gender of the Open University*, explored the ideology over gender in the feminist movement. Katrina Jansson, from the Stockholm Arbitration and Litigation Centre, brought us up-to-date with national developments in *Women as State Representatives in Sweden: A Feminist Party Entering Parliament in 2014*.

The Final Presenter was Cheah Wui Ling, National University of Singapore, discussed the ASIL's *Mentorship and Women in International Law Career's* scheme. This review of this scheme highlighted some of the positive aspects of the mentoring as well as its limitations. One interesting point, of the many Ling mentioned, was that if a woman was mentoring a junior colleague it was found that she would advance faster than if a woman was mentoring her.

The Interest Group benefited from a valuable range of interesting and challenging papers during its session that not only examined the role and institutions of women but impact of feminist theory on popular culture, international institutions and international law.

Interest Group on International Legal Theory

(1) On Wednesday, 3rd September 2014, on the occasion of the Tenth ESIL Anniversary Conference, six speakers in two panels discussed the central dynamics and logic that make the discipline, as shaped by the discourse itself, its argumentative techniques and rationales, and explanations found in extra-legal phenomena.

(2) On Monday 8th September 2014, the IGLT took the lead in organising the Third ASIL-ESIL -MPL Workshop "International Legal Theory", hosted by the Institute of European and International Law at the Vienna University of Business and Economics. This year's topic was "Authority in International Law: New and Traditional Forms and Approaches" and nine speakers presented papers on the following topics: *The Disciplinary Core of International Law* (Enrico Milano), *Constitutional Court as a Constitutional Court* (Enrico Milano), *International Law and the Legitimacy of the World Bank* (Wendy Guns), *Gender and International Law* (Keina Yoshida), *International Law and the Legitimacy of the World Bank* (Wendy Guns), *International Law and the Legitimacy of the World Bank* (Wendy Guns), *International Law and the Legitimacy of the World Bank* (Wendy Guns), *International Law and the Legitimacy of the World Bank* (Wendy Guns), *International Law and the Legitimacy of the World Bank* (Wendy Guns).

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