



## **13th Annual Conference of the European Society of International Law**

### **Global Public Goods, Global Commons and Fundamental Values: The Responses of International Law**

Federico II University, Naples (Italy)

**7-9 September 2017**

#### **PROGRAMME**

#### **■ Wednesday 6 September 2017**

**Law Department, University of Naples Federico II**

- 10:00 – 17:00 Registration
- 11:00 – 18:00 Pre-conference ESIL Interest Groups Events

#### **■ Thursday 7 September 2017**

**Theatre of the Royal Palace of Naples**

- 09:00 – 10:00 Registration at Theatre

- 10:00 – 10:45 **Welcome and Introduction**

André Nollkaemper (University of Amsterdam, ESIL President)  
 Massimo Iovane (Chair of International Law, University of Naples Federico II)  
 Gaetano Manfredi (Chancellor, University of Naples Federico II)  
 Lucio de Giovanni (Director of the School of Law, University of Naples Federico II)  
 Fulvio Maria Palombino (Chair of International Law, University of Naples Federico II)

- 10:45 – 12:00 **Keynote Lecture:** Sundhya Pahuja (University of Melbourne)

**Walk from the Royal Palace to Castel dell'Ovo; all events from this point on will be at Castel dell'Ovo**

- 11:00 – 18:00 Registration at Castel dell'Ovo

12:30 – 14:00                      Lunch (*Venue: Ramaglietto*)

14:00 – 15:30                      **Parallel Agora**

▪ **Agora 1: The Right to Water in International Law**

*Venue: Sala Compagna*

*Chair:* Pierre Thielbörger (Institute for International Law of Peace and Armed Conflict)

*Speakers:*

- Catherine Brölmann (University of Amsterdam) “SDG 6 as a factor in the international - legal framework for the protection of the world’s fresh water”
- Virginie Barral (University of Hertfordshire) “Water and Procedural Rights - A Comparative Enquiry into the Procedural Dimension of the Right to Water”
- Roberta Greco (Adjunct Professor at LUMSA – University of Rome; Associate at Studio Legale Saccucci and Partners) “The role of the human right to water in the context of dispute settlement: Where do we stand and what comes next?”

▪ **Agora 2: Global Public Goods: Regulatory and Governance Challenges**

*Venue: Sala Italia*

*Chair:* Ramses Wessel (University of Twente)

*Speakers:*

- Freya Baetens (University of Oslo) “Judicial governance of global public goods: Establishing locus standi for erga omnes claims before the International Court”
- Anna-Maria Hubert (University of Calgary) “International Law and the Governance of Geoengineering Research and Innovation as a Global Public Good”
- Harlan Grant Cohen (University of Georgia) “Global Goods in a Multipolar Era”

▪ **Agora 3: Solidarity and the Promotion of Peace and Security**

**(Agora proposed by the ESIL IG on Peace and Security)**

*Venue: Sala Megaride*

*Chair:* Paulina Starski (Max Planck Institute for Comparative Public Law and International Law, Heidelberg)

*Speakers:*

- Anne Lagerwall (Université libre de Bruxelles) “La condamnation des violations graves du jus contra bellum et de leurs conséquences comme forme privilégiée d’une solidarité destinée à garantir la sécurité internationale?”
- Aristotelis Constantinides (University of Cyprus) “International solidarity in the implementation of peace agreements: the role of guarantor states”
- Vassilis Pergantis (Aristotle University of Thessaloniki) “Solidarity, but with nothing to offer? The role of the UN in regional peacekeeping and peace enforcement operations in Africa”
- Themistoklis Tzimas (PhD in Public International Law and Political Science, Aristotle University of Thessaloniki) “Solidarity from whom and to whom, in cases of intervention under invitation: the Saudi-led intervention in Yemen”

15:50 – 17:10                      **Parallel Fora**

▪ **Forum 1: Common Heritage, Common Concern and Common Areas: The Changing Role of States and International Organizations**

*Venue: Sala Compagna*

*Chair:* Malgosia Fitzmaurice (Queen Mary, University of London)

*Speakers:*

- Usha Natarajan (The American University in Cairo)
- Nilufer Oral (Istanbul Bilgi University)
- Ana Filipa Vrdoljak (University of Technology Sydney)

■ **Forum 2: Global Public Goods: Between International Law and Economics**

*Venue: Sala Italia*

*Chair:* Ernst-Ulrich Petersmann (European University Institute)

*Speakers:*

- Giovanna Adinolfi (University of Milan)
- Isabel Feichtner (University of Würzburg)
- Jan Wouters (Catholic University of Leuven)

17:10 – 17:40                      Coffee Break (*Venues: Sala Sirena and Antro di Virgilio*)

17.40 – 19:10                      **Parallel Agora**

■ **Agora 4: The Protection of Cultural Heritage in International Law**

*Venue: Sala Compagna*

*Chair:* Riccardo Pavoni (University of Siena)

*Speakers:*

- Andrzej Jakubowski (Institute for Legal Studies, Polish Academy of Sciences) “Global Commons, Cultural Nationalism and the International Protection of Cultural Heritage”
- Giulio Bartolini (University of Roma Tre) “Disasters: An Additional (Legal) Dimension for the Protection of Cultural and Natural Heritage”
- Ann Marie Spiteri (Court Attorney at Superior Courts of Malta) “The Intentional Destruction of Cultural Heritage as a Genocidal Act and a Crime against Humanity”

■ **Agora 5: New Challenges in the Fight against Terrorism**

*Venue: Sala Italia*

*Chair:* Roger O' Keefe (University College London)

*Speakers:*

- Uglješa Grušić (University College London) “Private International Law and the Fight against Terrorism: UK Perspective”
- Silvia Venier and Denise Venturi (Scuola Superiore Sant’Anna, Pisa) “Linking Counter-Terrorism and Refugee Law: Unravelling the (Un)due Nexus with International Law”
- C. Cora True-Frost (Syracuse University College of Law) “Addressing the “Conditions Conducive to Terrorism” and the Evolving Roles of Civil Society in International Security”

■ **Agora 6: International Adjudication as a Global Public Good?**

**(Agora proposed by the ESIL IG on International Courts and Tribunals)**

*Venue: Sala Megaride*

*Chair:* Serena Forlati (University of Ferrara)

*Speakers:*

- Joshua Paine (Max Planck Institute, Luxembourg) “Evaluating the distinctive contribution of international adjudication as a global public good”
- Paula W Almeida (Getulio Vargas Foundation Law School) “Enhancing ICJ procedures in order to promote global public goods: overcoming the prevailing tension between bilateralism and community interest”
- Ralph Wilde (University College London) “International human rights adjudication as a global public good: the special case of extraterritoriality”

19.15 – 20.15                      **Interview**

*Venue: Sala Italia*

Joseph Weiler interviews Philippe Sands on his book “*East West Street*”

20:30

Pizza Evening (*Venue: Ristorante Fresco, via Parthenope 8*)

## ■ **Friday 8 September 2017**

09:00 - 10:30

### **Parallel Agora**

#### ■ **Agora 7: The Climate Regime: A Post-Paris Assessment**

*Venue: Sala Compagna*

*Chair:* Jutta Brunnée (University of Toronto)

*Speakers:*

- Anne Saab (Graduate Institute of International Law and Development Studies, Geneva) “IP Rights and Climate-Related Technologies in the Paris Agreement”
- Sandrine Maljean-Dubois (Centre National de la Recherche Scientifique) “L’Accord de Paris ou le renouvellement des formes d’engagement de l’État”
- Christina Voigt and Felipe Ferreira (University of Oslo) “Ways of Differentiation in the Paris Agreement”

#### ■ **Agora 8: Liberalizing Trade and Investment as a Global Public Good**

*Venue: Sala Megaride*

*Chair:* Zachary Douglas (Graduate Institute of International Law and Development Studies, Geneva)

*Speakers:*

- Andrej Lang and Christian Tietje (Martin Luther University Halle-Wittenberg, Halle) “Community Interests in World Trade Law”
- Daniel Behn, Kristian Fauchald and Malcolm Langford (University of Oslo) “Private or Public Good? An Empirical Perspective on International Investment Law and Arbitration”
- Jenya Grigorova (Université Paris 1 - Panthéon-Sorbonne) “Protection of Public Goods, Right of States to Regulate and Non-Discrimination: A Comparative Analysis of Non-Discrimination in International Trade and Investment in the Energy Sector”

#### ■ **Agora 9: The Fight against Impunity: An Appraisal**

*Venue: Sala Italia*

*Chair:* Lorna McGregor (University of Essex)

*Speakers:*

- Patricia Jimenez Kwast (University of Oxford) “Testing the Limits of Obligations to Cooperate with the ICC”
- Patryk Labuda (Geneva Academy of International Humanitarian Law and Human Rights) “Assessing the Impact of International Criminal Tribunals on the Fight against Impunity”
- Patricia Uribe (Leiden University) “Assessing the Enforcement of the IACtHR's Order to Prosecute and Punish Past Human Rights Violations”

10:30 – 11:00

Coffee Break (*Venues: Sala Sirena and Antro di Virgilio*)

11.10 – 12:40

### **Parallel Fora**

#### ■ **Forum 3: Identifying and Implementing *Erga Omnes* Obligations: The Role of Procedure**

(Forum sponsored by the Max Planck Institute Luxembourg)

*Venue: Sala Italia*

*Chair:* Giorgio Gaja (International Court of Justice)

*Speakers:*

- Andrea Bianchi (Graduate Institute of International and Development Studies, Geneva)
- Lorenzo Gradoni (Max Planck Institute Luxembourg)
- Andrea Hamann (University of Strasbourg)

■ **Forum 4: Global Public Goods, Global Commons and Fundamental Values: The Impact of Fragmentation**

*Venue: Sala Compagna*

*Chair:* Ellen Hey (Erasmus University Rotterdam)

*Speakers:*

- Nico Krisch (Graduate Institute of International and Development Studies, Geneva)
- Surabhi Ranganathan (University of Cambridge)
- Peter-Tobias Stoll (University of Göttingen)

12:40 – 14:00                      Lunch (*Venue: Ramaglietto*)

12:40 – 14:00                      Lunch Meeting for IL Journals Editors (*Venue: Sala Sirena*)

12:40 – 14:00                      ESIL Mentoring Event (*Venue: Antro di Virgilio*)

14:00 – 15:00                      **ESIL General Assembly** (*Venue: Sala Italia*)

15:00 – 15:45                      **Conversation with the winner of the 2017 ESIL Book Prize**

15:45 – 16:15                      Coffee Break

16.20 – 17:50                      **Parallel Agora**

■ **Agora 10: Financial Stability as a Global Public Good?**

*Venue: Sala Megaride*

*Chair:* Paolo Sestito (Banca d'Italia)

*Speakers:*

- Maziar Peihani (Centre for International Governance Innovation, Vancouver) "Ending the Too-Big-To-Fail Conundrum: An Elusive Objective for International Law?"
- Lucía Satragno (World Trade Institute, Bern) "International Monetary Stability as a Common Concern of Humankind"
- Matthias Goldmann (Goethe Universität, Frankfurt am Main) "The Complicity of International Law in Global Financial Instability"

■ **Agora 11: Refugee Protection: A Test for European Fundamental Values?**

*Venue: Sala Compagna*

*Chair:* Siobhán Mullally (Irish Centre for Human Rights, National University of Ireland, Galway)

*Speakers:*

- Cecilia M. Bailliet (University of Oslo) "The Alienation of Adjudication and the Weakening of Procedural Rule of Law within the Context of Asylum in Europe"
- Rebecca Torburn Stern (Uppsala University) ""You are not our responsibility": On state sovereignty, border controls, and challenges posed to the principle of non-refoulement and the right to seek asylum"
- Dana Schmalz (Max Planck Institute for Comparative Public and International Law, Heidelberg) "Layered vs. alternative responsibility: The overlapping schemes of Responsibility-sharing for refugees in Europe"

■ **Agora 12: The Defence of General Interests in Cyberspace**

*Venue: Sala Italia*

*Chair:* Karine Bannelier (University Grenoble Alpes)

*Speakers:*

- Shin-Yi Peng (National Tsing Hua University) “Private Standards in the Context of International Economic Order: Cybersecurity standards as a Case Study”
- Yuval Shany (Hebrew University of Jerusalem) “HR in cyberspace: final frontiers for extra-territorial jurisdiction”
- Nicholas Tsagourias (University of Sheffield) “Due diligence in cyberspace”

17:50 – 18:50 ESIL Board meets IG Conveners

17:50 – 18:50 ESIL Board meets new members

19:45 Guided Tour of San Gennaro Catacombs and Conference Dinner at San Gennaro  
*Extra Moenia Cathedral*

## ▪ Saturday 9 September 2017

09.00 – 10:30 **Parallel Fora**

### ▪ Forum 5: Fundamental Values and International Law

*Venue: Sala Compagna*

*Chair:* Samantha Besson (University of Fribourg)

*Speakers:*

- Carlos Esposito (Autónoma University of Madrid)
- Mattias Kumm (Humboldt University of Berlin)
- Gerry Simpson (London School of Economics and Political Science)

### ▪ Forum 6: Current Events: Brexit and International Law

*Venue: Sala Italia*

*Chair:* Attila Tanzi (University of Bologna)

*Speakers:*

- Antonio Crivellaro (Of Counsel at Bonelli Erede, Milan)
- Nikolaos Lavranos (European Federation for Investment Law and Arbitration – EFILA)
- Kenneth Armstrong (University of Cambridge)

10:30 -11:00 Coffee Break (*Venues: Sala Sirena and Antro di Virgilio*)

11:10 -12:10 **Closing Keynote Lecture**

*Venue: Sala Italia*

Riccardo Pisillo Mazzeschi (University of Siena)

12.10 – 12.40 **Closing Session**

*Venue: Sala Italia*