

Pre-Conference Meetings

Wednesday, 9 September 2015

09:00-17:00	Registration of Participants	<i>Service Centre</i>
11:00-17:00	<i>Interest Group on International Economic Law</i> Workshop	<i>Kjerka (DM)</i>
13:00-15:15	<i>Interest Groups on International Courts and Tribunals</i> Joint ESIL/ASIL Meeting	<i>Auditorium 14 (DB)</i>
13:00-17:15	<i>Interest Group on International Human Rights Law</i> Round table: Impact of and Backlash against Human Rights Courts and Quasi-Judicial Bodies	<i>Room 326 (DB)</i>
13:00-17:00	<i>Interest Group on Feminism and International Law</i> Meeting: Has Feminist Theory had any Substantive Effect on the Output of International Courts and/or Tribunals?	<i>Professorboligen, Meeting room on the 2nd floor</i>
14:00-17:00	<i>Interest Group on the History of International Law</i> Workshop: Dreaming of the International Rule of Law	<i>Auditorium 6 (DA)</i>
16:00-20:00	ESIL Board Meeting (ESIL Board Members only)	<i>Juridisk Eksamenssal (DA)</i>

DA: Domus Academica
DB: Domus Biblioteca
DM: Domus Media

See p. 16 for maps

The Judicialization of International Law - A Mixed Blessing? Programme

Thursday 10 September 2015

08:00-17:00	Registration of Participants	<i>Service Centre</i>
08:00-09:00	Breakfast Meeting: ESIL Board meets Interest Group Conveners All Interest Group conveners are invited to a breakfast meeting with members of the ESIL Board.	<i>Kjerka (DM)</i>
09:00-09:30	Opening Ceremony Ole Petter Ottersen , Rector, University of Oslo Bård Glad Pedersen , State Secretary, Ministry of Foreign Affairs, Norway Hans Petter Graver , Dean, Law Faculty, University of Oslo André Nollkaemper , ESIL President Geir Ulfstein , ESIL Conference Organizer	<i>Aula (DM)</i>
09:30-10:30	Keynote Panel: A Turn to the Rule of Law in International Politics: The Role of the International Judiciary	<i>Aula (DM)</i>
Moderator:	Jutta Brunnée (University of Toronto)	
Speakers:	Judge James Crawford (International Court of Justice) Martti Koskenniemi (University of Helsinki)	
10:30-11:00	Poster Session	<i>Frokostkjelleren</i>
10:30-11:00	Coffee Break	<i>Frokostkjelleren and Tent</i>
11:00-12:30	Agora 1: Between Law and Politics: How Judges Manage Political Constraints	<i>Aula (DM)</i>
Chair:	Ole Kristian Fauchald (University of Oslo) This roundtable discussion focuses on judicial responses to the legitimacy crises that a number of international courts and tribunals have experienced, and discusses the ways in which international judges and arbitrators attempt to manage their legitimacy in response to the discontent expressed by states and other stakeholders. Starting from theories of judicial behavior and the use of quantitative, qualitative and interpretive methods, this agora considers different ways of measuring the nature and extent of such judicial responses from the contrasting perspectives of law, political science and sociology.	
Speakers:	Daniel Behn & Malcolm Langford (University of Oslo), Managing Backlash: The Evolving Investment Treaty Arbitrator? Cosette Creamer (Harvard University), Between the Letter of the Law and the Demands of Politics: The Balancing of Trade Authority by WTO Dispute Panel Nicole De Silva (Oxford University), Beyond Adjudication: International Courts' Strategy of Legitimization through Socialization Mikael Rask Madsen (University of Copenhagen), The Legitimization Strategies of International Judges: The Case of the European Court of Human Rights	

11:00-12:30 **Agora 2: A Less Gendered Bench: What Difference does it Make?** Auditorium 4 (DA)

Chair: **Cecilia M. Bailliet** (University of Oslo)

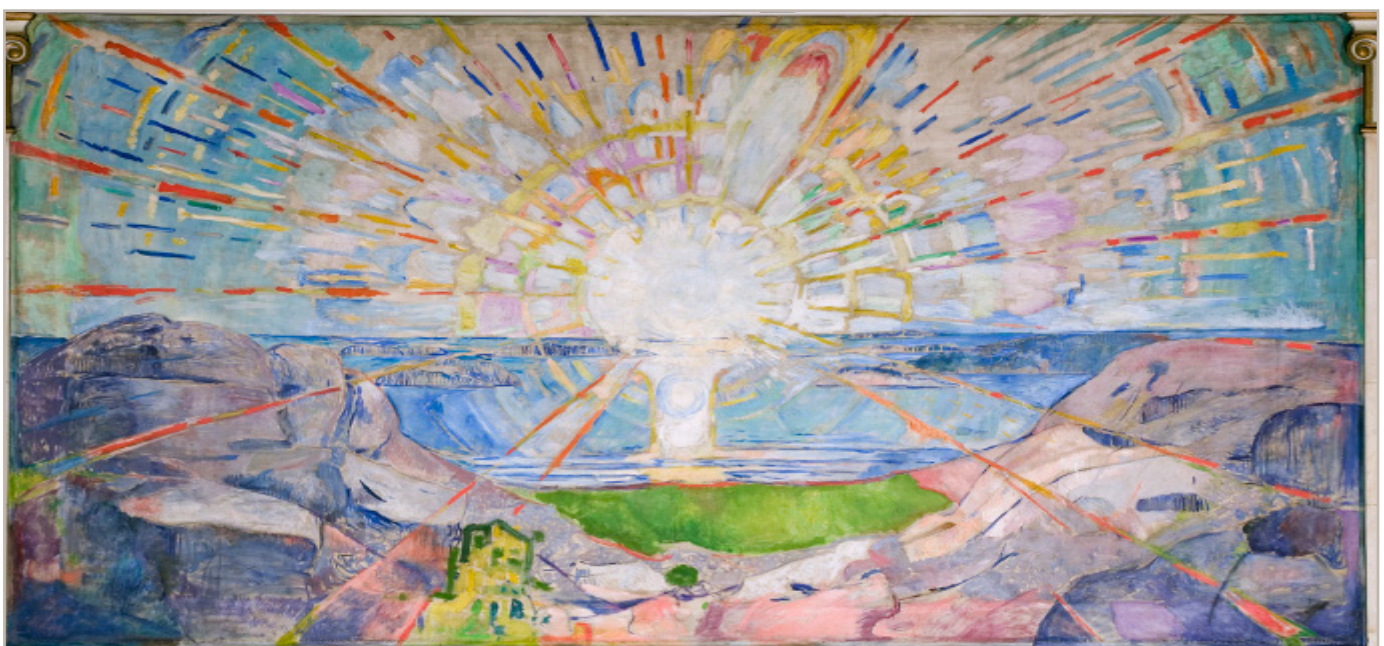
This agora presents empirical studies which confirm a significant gender imbalance in international courts, affecting both adjudicators and the legal teams appearing before them. A review of judicial selection for the European Court of Human Rights provides a case study on the dynamics of counter-mobilization against gender imbalance. The discussion also considers potential reform processes to improve the vetting of judicial candidates in order to strengthen the legitimacy of international tribunals. The agora seeks to explore whether gender imbalance affects the effectiveness of courts, whether it varies according to the area of law which the tribunal focuses on and what the potential consequences of pursuing these reforms might be

Speakers: **Nienke Grossman** (University of Baltimore), Shattering the Glass Ceiling in International Adjudication
Stephanie Hennette Vauchez (Université Paris Ouest Nanterre La Défense), More Women - but Which Women? The Rule and Politics of Gender Balance at the European Court of Human Rights
Cecily Rose (Leiden University), A Study of Lawyers Appearing before the International Court of Justice, 1999-2012

11:00-12:30 **Agora 3: Arbitration and Other Forms of Dispute Settlement** Auditorium 6 (DA)

Chair: **August Reinisch** (University of Vienna)

This agora brings together such diverse aspects as the question of non- or half- or quasi-participation in arbitration under the UN Convention on the Law of the Sea, the extent of judicial dialogue with regard to the administrative tribunals of international organizations, the potential of arbitration involving tax-payers in hitherto inter-state dispute settlement proceedings under double taxation treaties, and also the possibility to achieve real settlement of disputes by arbitrating transboundary freshwater disputes. While focusing on arbitration as a quasi-judicial dispute settlement technique, the contributions reflect on the merits of more consensual forms of dispute settlement.



Edvard Munch, "The Sun", 1911, The University Aula. Photo: Sidsel De Jong

Speakers: **Erik Franckx** (Vrije Universiteit Brussel), The People's Republic of China's (PRC) Position Paper on the Philippines v. PRC Arbitration: Having Its Cake and Eating It?
Judge Celia Goldman (Administrative Tribunal of the European Stability Mechanism), Legitimacy and Community: A Systems Approach to Understanding the Authority of the International Administrative Tribunals
Roland Ismer & Sophia Piotrowski (Friedrich-Alexander-University, Erlangen-Nuremberg), How Best to Resolve Tax Treaty Disputes?
Tamar Meshel (University of Toronto), Interstate Arbitration and the Peaceful Resolution of Transboundary Freshwater Disputes

11:00-12:30 **Agora 4: The Functions of International Courts** *Old Ceremonial Hall (Gamle Festsal) (DA)*

Chair: **Judge Allan Rosas** (Court of Justice of the European Union)

Whilst this agora takes as a point of departure the proliferation of international adjudicatory bodies as well as the increasing use of existing bodies during the last twenty or so years, it focuses rather on the actual role played by such bodies and their varying functions in this regard. Specific topics include the place of the concept of compulsory jurisdiction in Hans Kelsen's approach to the future of the universal legal system, the move from retrospective remedies to an increased use of injunctions and other prospective remedies awarded by international courts and tribunals, the role of universal human rights treaty bodies, with a particular focus on a tendency towards proceduralisation of human rights violations, and the incremental approach of the European Court of Justice in the development of EU law, based on a quantitative empirical as well as a qualitative analysis. Overall, the agora not only sheds light on the actual functions of international adjudicatory bodies and the diversity which exists in this regard, but also attempts to identify the main trends and perspectives and what they may tell us about the future of the international judicial and quasi-judicial system.

Speakers: **Kasey McCall Smith** (University of Edinburgh), Human Rights Treaty Bodies, Proceduralisation and the Development of Human Rights Jus Commune
Urska Sadi (University of Copenhagen), Incrementalism and Supranational Judicial Authority : Evidence from the Complete Citation Web of the EU Case Law
Geraldo Vidigal (Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law), From Reparation to Regulation: Prospective Remedies and the Shifting Function of International Courts and Tribunals
Jochen von Bernstorff (University of Tübingen), Hans Kelsen on the Role and Function of the International Judge: A theory of Global Judicial Imperialism?

12:30-14:00 Lunch *Frokostkjelleren*

12:30-14:00 Meet the Jurist - ESIL Mentoring Event *Kjerka (DM)*

14:00-15:30 **Agora 5: Sociological Aspects of International Adjudication** *Aula (DM)*

Chair: **Carlos Esposito** (Autónoma University of Madrid)

This agora brings together various sociological inquiries into international adjudication, offering methodological, theoretical, and empirical tools for the study of international courts. Is it appropriate to use international judicial proceedings to construct or affect collective memories? What is the role of international courts in the European and global governance of religious and cultural diversity? What are the conceptual and structural consequences of focusing on judicial decisions to define the conversation about international law?

How are courts affected by the increasingly automated, non-human dimensions of their work, and what does this phenomenon mean for the judicialization of international law? All these questions take international courts as objects of inquiry, providing a sociological view of these institutions through fundamental discussions on legitimacy, social structure, and agency, which ultimately, should shed light on the meaning of international adjudication and its place in the formation and application of international law.

Speakers: **Jessica Almqvist** (Autónoma University of Madrid), Global Judicial Governance in Times of Diversity: The Role of the European Judge
Moshe Hirsch (Hebrew University of Jerusalem), International Courts and Collective Memories: A Sociological Perspective
Fleur Johns (University of New South Wales), Automating Judgment, Judging Automation: Human-Nonhuman Alliances in International Law and Policy

14:00-15:30 **Agora 6: Governance of International Courts** Auditorium 4 (DA)

Chair: **David Caron** (King's College London)
This agora deals with critical questions pertaining to the governance of international courts and tribunals. Key concepts are independence, accountability, legitimacy and effectiveness. The agora starts with a comparative look at the functioning of the 'governance institutions' of the courts, such as the Assembly of States Parties (ICC), the Committee of Ministers and Parliamentary Assembly of the Council of Europe (ECtHR) and the Meeting of States Parties to the UNCLOS (ITLOS). How do their actions affect the functioning of 'their' courts? Second, we focus on the work of international secretariats and registries that deal with arbitration. What influence does this 'institutional staff' have on preserving the legitimacy and consistency of arbitral decisions and on selecting or removing arbiters? Do they function as 'gatekeepers'? Third, how do (former) staff members of international criminal tribunals devise strategies and practices which influence the evolution of courts and of substantive international criminal law? Last but not least, what is the cost of international justice from the viewpoint of parties to international proceedings? To what extent do costs influence the choice between judicial proceedings and arbitration? Is there a correlation between expenses incurred and final outcomes?

Speakers: **Niels Blokker** (Leiden University), The Governance of International Courts and Tribunals
Kathleen Claussen (Office of the U.S. Trade Representative), Gatekeepers: The Role of Secretariats in the International Arbitration Regime
Mikkel Jarle Christensen (University of Copenhagen), From Symbolic Surge to Closing Courts: The Professional Agents Behind the Transformation of International Criminal Justice
Alina Miron (University Paris Ouest Nanterre la Défense), The Costs of International Justice

14:00-15:30 **Agora 7: Comparing Regional Human Rights Courts and Commissions** Auditorium 6 (DA)

Chair: **Lorna McGregor** (University of Essex)
This agora examines international human rights law's claim to universalism through the prism of the regional human rights courts and commissions. The regional human rights systems are often regarded as a vehicle for the development and implementation of a

universal understanding of human rights. However, the regional systems have different political histories and until recently have operated relatively autonomously with the result that they have sometimes produced different interpretations and institutionalisations of the same norms in human rights law. This agora examines universality and regional particularisms through a regional comparativist approach. It uncovers the directionality of trends, reflecting on whether one region is leading the way in universalistic interpretations and the extent to which regional systems interact with one another despite catering for diverse constitutional systems in their respective regions. In exploring these themes, the agora first reflects on the political history of the three regions before exploring what is meant by comparative regional human rights law in greater depth. It then takes a comparative approach to regional human rights law through the themes of access to regional human rights courts and commissions, interpretation, and remedies.

- Speakers: **Laurence Burgorgue-Larsen** (École de droit de la Sorbonne), The Methods of Interpretation of the three Regional Human Rights Courts
Başak Çali (Koç University), Comparing Regional Human Rights Courts and Commissions: Remedies
Laurence R. Helfer (Duke University), African Sub-regional Courts and Human Rights: Access, Interpretation and Remedies
Alexandra Huneus (Wisconsin University) & **Mikael Rask Madsen** (University of Copenhagen), A Comparative Political History of the Regional Human Rights Courts and Commissions
Claudia Martin (American University Washington) & **Frans Viljoen** (University of Pretoria), Comparing Access to Regional Human Rights Courts and Commissions in Europe, the Americas and Africa

14:00-15:30	Agora 8: The International Court of Justice	<i>Old Ceremonial Hall (Gamle Festsal) (DA)</i>
-------------	--	---

- Chair: **Attila Tanzi** (University of Bologna)
- This agora focuses on the impact of the ICJ and its case law on contemporary international law. The discussion starts with a general and thought-provoking presentation placing the jurisprudential activity of the World Court in relation to the consolidation of secondary rules of international law. This is followed by addressing the judicial strategies of the ICJ in the identification of customary international law. The above general considerations will be tested in relation to a specific body of international law, i.e. human rights. To that end, the contribution of the ICJ, in its procedural and substantive law aspects, from the development and enforcement aspects of international human rights, is critically considered. The agora also addresses the controversial question of whether the principle, or judicial technique, of the margin of appreciation is appropriate for the ICJ. The analysis will consider ICJ case law, with special regard to the recent decision in the Whaling Case

- Speakers: **Jean d'Aspremont** (University of Manchester), The ICJ and System-Design in International law: Architecture or Art
Niels Petersen (University of Münster), The Political Economy of the International Court of Justice: Judicial Strategies to Identify Customary International Law
Dominika Švarc (Office of the Prosecutor, International Criminal Tribunal for the former Yugoslavia), The International Court of Justice as a Tool for Promotion and Protection of Human Rights
Théodore Christakis (Universite Grenoble-Alpes), The 'Margin of Appreciation' as an 'Axiom' of Internatioanl Law for Judicial Review? Some Thoughts on the Position of the ICJ

15:30-16:00	Poster Session	<i>Frokostkjelleren</i>
15:30-16:00	Coffee Break sponsored by Foley Hoag	<i>Frokostkjelleren and Tent</i>
16:00-17:30	Forum 1: International Courts and Tribunals: Effective and Legitimate?	<i>Aula (DM)</i>
Moderator:	Cesare Romano (Loyola Law School) The increased judicialization of international law and international relations has sparked criticism on issues related to the effectiveness and legitimacy of international courts and tribunals (ICs). This forum asks whether ICs are legitimate in terms of their composition, access of relevant stakeholders, procedure, efficiency and democratic accountability. Are ICs effective with regards to dispute settlement and problem-solving? Do ICs promote the rule of law? How do ICs ensure national implementation of their decisions?	
Speakers:	Chiara Giorgetti (University of Richmond) Judge Erik Møse (European Court of Human Rights, former Judge and President of the International Criminal Tribunal for Rwanda) Judge Peter Tomka (Former President, International Court of Justice) Erik Voeten (Georgetown University)	
16:00-17:30	Forum 2: Should We (Still) Worry about Fragmentation?	<i>Old Ceremonial Hall (Gamle Festsal) (DA)</i>
Moderator:	Ruth Mackenzie (University of Westminster) Much concern has been expressed with regards to the potential dangers of fragmentation due to the multiplication of ICs. This forum revisits issues such as whether the increasing number of ICs is in fact leading to interpretative fragmentation, whether there is a danger of forum shopping and competing jurisdiction between ICs, and whether regional courts undermine the global rule of law.	
Speakers:	Alain Pellet (University Paris Ouest Nanterre La Défense) Yuval Shany (Hebrew University of Jerusalem)	
Comments:	Laurence Boisson de Chazournes (University of Geneva)	
17:30-18:15	Parallel ESIL Interest Group Business Meetings	
	Interest Group on International Economic Law	<i>Kjerka (DM)</i>
	Interest Group on International Human Rights Law	<i>Room 326 (DB)</i>
	Interest Group on the History of International Law	<i>Auditorium 6 (DA)</i>
	Interest Group on the Law of the Sea	<i>Professorboligen, Stue 1</i>
	Interest Group on the EU as a Global Actor	<i>Professorboligen, Meeting room on the 2nd floor</i>
19:00-21:00	Reception	<i>Astrup Fearnley Museum</i>

Friday, 11 September 2015

08:00-09:00 **Breakfast Meeting: ESIL Board meets new ESIL Members** *Kjerka (DM)*
All new members of the Society are invited to a breakfast meeting with members of the ESIL Board

09:00-10:30 **Forum 3: The Emperors Strike Back: Backlashes against International Courts and Tribunals** *Aula (DM)*

Moderator: **Eva Brems** (Ghent University)

There have been mixed reactions by states to the influx of more powerful ICs, including protests not only against particular judgments but also about their function, ambitions and even existence. Is the demise of the Tribunal of the Southern African Development Community an exception or a precedent? What are the repercussions of the backlashes against the European Court of Human Rights and the Inter-American Court of Human Rights? Has the recent reform strengthened or weakened the UN human rights treaty bodies? Is the investment regime doomed? Should states fix or exit ailing courts?

Speakers: **Freya Baetens** (Leiden University), *Once Given, Now Withdrawn: State Denunciation of Consent to Jurisdiction*
David Caron (King's College London), *Backlashes Against What: Untangling the Changes in Foreign Investment Protection Arrangements*
James Thuo Gathii (Loyola University Chicago), *Backlash Against International Courts in West, East and Southern Africa: Causes and Consequences*

09:00-10:30 **Forum 4: Beyond International Courts and Tribunals** *Old Ceremonial Hall (Gamle Festsal) (DA)*

Moderator: **Oran Young** (University of California)

ICs exercise jurisdiction over different areas of international law, yet some matters are still neglected. Many other institutions exercise public authority and contribute to global governance. This forum focuses on formal and informal dispute resolutions, quasi-judicial bodies, Alternative Dispute Resolution, fact finding missions, commissions, special courts, and other alternatives to permanent ICs. This forum will also analyze whether it is better to have more ICs and whether they should cover more issues, areas and sectors.

Speakers: **Sara Kendall** (Kent University)
Tim Stephens (University of Sydney)
Guglielmo Verdirame (King's College London)

10:30-11:00 Poster Session

Frokostkjelleren

10:30-11:00 Coffee Break

Frokostkjelleren and Tent

11:00-12:30 **Agora 9: The Performance of International Criminal Courts** *Aula (DM)*

Chair: **Marjolein Cupido** (VU University Amsterdam)

This agora explores the performance and legitimacy of international criminal justice by discussing its blind spots, with each of the panelists focusing on a specific aspect of legitimacy. One panelist discusses legitimacy by taking on board the critique of the ICC as an instrument of neo-colonial Western imperialism. This perception could be corrected by prosecuting corporate actors from the North who fuel conflict in the South.

Another blind spot concerns the role of NGOs and their impact on international criminal justice. The embeddedness of NGOs raises questions as to their simultaneous claim as impartial monitors. Also, there is a dimension of class and situatedness that contrasts NGOs' claims of being universalist. Another blind spot concerns the role of international courts as instruments of social communication and didactic legality. Discussing expressive theories illuminates the micro-politics of meaningful production in international criminal trials. Particularly illuminating is a presentation on the victim/perpetrator divide. This divide is central to the parsimony of international criminal law's world-view, which posits the trial as punishing evil and redeeming the virtuous. However, the ambiguity of the human experience in times of collective violence is dispelled when we adhere to this divide. Each of the panelists discusses whether and how an informed interdisciplinary and critical dialogue can advance the current debates on the performance and judicialization of international criminal law.

Speakers: **Mark Drumbl** (Washington and Lee University), *Victims as Victimizers, the Victimizer as Victim: Transcending International Criminal Law's Binaries*
Joanna Kyriakakis (Monash University), *The Political Legitimacy of International or Regional Criminal Courts and the Case for Competence over Transnational Corporations*
Kjersti Lohne (University of Oslo), *From Moral Entrepreneurs to Moral Advocates: Human Rights NGOs in International Criminal Justice*
Barrie Sander (Graduate Institute of International and Development Studies), *The Expressive Limits of the International Criminal Justice: Trauma and Local Culture in the Iron Cage of the Law*

11:00-12:30	Agora 10: Reasserting State Leadership: Can Governments Step Back from Judicialization?	<i>Auditorium 4 (DA)</i>
-------------	--	--------------------------

Chair: **Eric de Brabandere** (Leiden University)

This agora aims to analyze the specific features of the judicialization of international trade and investment law through the extensive resort to international courts and tribunals to settle disputes. The interplay between multilateral negotiations and arbitral decision-making in international investment law is evaluated, including an examination of three failed attempts to negotiate multilateral conventions on investment, illustrating the conditions under which stalled negotiations foster judicialization. Further, the agora compares the approaches taken in international trade law (particularly within the WTO) and international investment law to three key elements of good governance - procedural fairness, transparency, and reasonable administration of measures - to demonstrate that decisions from either of these branches of international economic law may provide states and other actors with valuable insights into the conduct required by nebulous good governance obligations. The agora also addresses the link between State limits placed on the mandate and function of dispute settlement bodies and the exercise of such a mandate by these bodies as well as looking at how decisions are made in the light of the political and legal constraints placed by States.

Speakers: **Christiane Gerstetter** (Ecologic Institute), *Substance and Style – How the WTO Adjudicators Legitimize their Decisions*
Andreas Kulick (University of Tübingen), *States' Reassertion of Control over International Investment Treaty Arbitration*
Andrew Mitchell (University of Melbourne), *The Judicialization of Governance: A Comparative Analysis of International Trade and Investment Law*
Taylor St. John (University of Oxford), *Amid Failure: Judicialization in the Wake of Stalled Multilateral Negotiations*

11:00-12:30 Agora 11: Comparative Judicial Practice*Old Ceremonial Hall (Gamle Festsal) (DA)***Chair:** **Caroline Foster** (University of Auckland)

This agora addresses the theme of comparative judicial practices. The speakers 'open up' the black box of international tribunals and provide an insider's look into the different practices at different courts; they address the methodological issues raised by the 'practice turn' in research on international courts and tribunals and they discuss how different practices have an impact on judicial outcomes, including the structure of and rhetorical strategies in judicial opinions. They investigate what may underpin or motivate the adoption of differing judicial practices, and how a concern for authority may condition the work of judicial institutions internally. Depending on the court or tribunal, working to sustain institutional authority may involve challenging trade-offs in the development of judicial practices.

Speakers: **Jeffrey Dunoff & Mark A. Pollack** (Temple University), Comparative International Judicial Practice: A Theoretical Framework and Application to Two European Courts
Gleider Hernandez (Durham University), An Inquiry into Judicial Practices at the International Court of Justice
Nicolas Lamp (Queens University), The Judicial Practice of the Appellate Body**Discussants:** **Judge Joan Donoghue** (International Court of Justice)
Hélène Ruiz Fabri (Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law)**11:00-12:30 Agora 12: The Forest and the Trees: Adjudication of International Environmental Disputes***Auditorium 6 (DA)***Chair:** **Jaye Ellis** (McGill University)

It seems trite to say that few environmental disputes are heard on their merits, though the truth of this statement depends on how one defines the category of 'environmental' disputes. The impact of adjudication on international environmental law is largely a matter of speculation, though important insights can be gleaned from adjudication of disputes before instances specialised in bodies of law other than environmental. Calls for the creation of specialised tribunals flow from observations about international environmental law: its highly specialised, technical nature, but also the unique legitimation issues presented by environmental protection. However, another feature of international environmental law is its interdependence with other bodies of law, raising questions about the virtues of specialisation. While adjudication clearly has an impact on the shape of legal norms, this impact does not necessarily lie in the direction of progressive development; much will depend on the contours of the dispute and the interests involved. Much will depend as well on the nature of adjudicatory instances – not just their degree of specialisation but also their modes of functioning, for example their openness to participation by non-state actors. Finally, questions regarding the appropriate division of labour between adjudication and law-making are raised.

Speakers: **Alan Boyle** (University of Edinburgh), Progressive Development of International Environmental Law: Legislate or Litigate?
Jerneja Penca (University of Oslo), Escaping from Law, Appealing to it: Experiences of Environmental Disputes before Courts
Alexander M. Solntsev (People's Friendship University of Russia), Creating the International Environmental Court
Christina Voigt (University of Oslo), The Role of International Courts and Tribunals in "Environmental Cases"

12:30-14:00	Lunch	<i>Frokostkjelleren</i>
12:30-14:00	Meeting of International Law Journal Editors	<i>Kjerka (DM)</i>
14:00-15:30	Forum 5: Squaring the Circle? International Courts, Sovereignty and Subsidiarity	<i>Old Ceremonial Hall (Gamle Festsal) (DA)</i>
Moderator:	Makane Moïse Mbengue (University of Geneva)	
	Ever more ICs are deciding ever more disputes among and within sovereign states. The principle of subsidiarity is one of several ways to balance the power between national and international courts. This forum addresses such questions as: Is the margin of appreciation in human rights a sign of deference or disintegration? What is the role of subsidiarity in trade and investment? What are the implications of subsidiarity as a general principle of international law?	
Speakers:	Eirik Bjørge (University of Oxford), Subsidiarity in Trade and Investment Disputes Marcelo Kohen (Graduate Institute of International and Development Studies), Is Subsidiarity a General Principle in International Law? Judge Paulo Pinto de Albuquerque (European Court of Human Rights), The European Court of Human Rights as the European Constitutional Court and the Subsidiarity Principle	
14:00-15:30	Current Events: International Law and the Fight against ISIS	<i>Aula (DM)</i>
Moderator:	Théodore Christakis (University Grenoble-Alpes)	
	The fight against ISIS raises multiple questions of International Law. This forum, sponsored by the ESIL Interest Group on Peace and Security, will first focus on some important jus ad bellum issues. It will discuss if the theory of intervention by invitation is a valid and sufficient legal basis for the strikes against ISIS, if the fight against ISIS challenges the alleged prohibition of intervention in civil wars, the issue of self-defence against attacks by non-state actors, the doubts surrounding the use of the 'unable or unwilling' doctrine and the role of the UN Security Council. The panel will then try to disentangle the various armed conflicts (traditional non-international armed conflict, non-international armed conflict of a transnational character, potentially international armed conflict) to which the fight against ISIS has given rise and will seek to identify the relevant applicable rules. Special attention will be given to the status of 'foreign fighters' under the law of armed conflicts.	
Speakers:	Karine Bannelier (University Grenoble-Alpes), External Intervention Against ISIS and the Legal Basis of Consent Olivier Corten (Université libre de Bruxelles), The 'Unable or Unwilling' Theory; Has it Been, and Could it Be, Accepted? Vaios Koutroulis (Université libre de Bruxelles), The Fight Against ISIS and Jus in Bello Issues Nicholas Tsagourias (University of Sheffield), Self-defence and Non-State Actors	
15:30-16:00	Poster Session	<i>Frokostkjelleren</i>
15:30-16:00	Coffee Break	<i>Frokostkjelleren and tent</i>

16:00-16:45	Conversation with the Winner of the ESIL Book Prize	<i>Old Ceremonial Hall (Gamle Festsal) (DA)</i>
16:45-17:30	ESIL General Assembly	<i>Old Ceremonial Hall (Gamle Festsal) (DA)</i>
17:30-19:30	Women in International Law - Happy Hour A meeting for networking and discussion of relevant careers	<i>Kjerka, (DM)</i>
20:00-22:30	Conference Dinner Award of the ESIL Book Prize and the ESIL Young Scholar Prize	<i>Hotel Continental</i>

Saturday, 12 September 2015

09:00-10:30 **Current Events: The Accession of the European Union to the European Convention on Human Rights** *Auditorium 4 (DA)*

Moderator: **Mattias Kumm** (New York University)

Accession of the European Union to the European Convention on Human Rights (ECHR) has been discussed for decades. Following the entry into force of the Lisbon Treaty in 2009, accession to the ECHR even became a legal obligation. When, after several years of negotiations, agreement between the EU and the 47 state parties to the ECHR was finally struck in late 2013, it seemed as if the obligation would be fulfilled. However, on 18 December 2014 the Court of Justice of the European Union delivered Opinion 2/13, declaring that the Draft Agreement on the Accession of the EU to the ECHR was incompatible with the constituent treaties of the Union. This forum will dissect Opinion 2/13, examining its impact on the accession process, and attempt to identify the possible ways forward.

Speakers: **Daniel Halberstam** (University of Michigan)
Sionaidh Douglas-Scott (University of Oxford)
Judge Allan Rosas (Court of Justice of the European Union)

09:00-10:30 **Current Events: The Situation in Ukraine** *Aula (DM)*

Moderator: **Marko Milanovic** (University of Nottingham)

This forum will consist of an interactive discussion on various aspects of the ongoing Ukrainian crisis, ranging from the use of force, collective non-recognition of territorial changes in violation of international law, of state responsibility for the conduct of non-state actors and the applicability of human rights law extraterritorially and in armed conflict. It will also look at the pending or future litigation of (some of) these questions before the European Court of Human Rights, including inter-state cases between Russia and Ukraine, as well as possible cases regarding the downing of the Malaysian Airlines flight MH17.

Speakers: **Stefan Talmon** (University of Bonn)
Jure Vidmar (University of Maastricht)
Judge Ineta Ziemele (Constitutional Court of Latvia)

10:30-11:00 Coffee Break *Frokostkjelleren and Tent*

11:00-12:00	Final Lecture: Developments in Geopolitics – The End(s) of Judicialization?	<i>Aula (DM)</i>
Moderator:	Andreas Føllesdal (University of Oslo)	
Speaker:	Philippe Sands (University College London)	
12:00-12:30	Closing Ceremony André Nollkaemper , ESIL President Geir Ulfstein , ESIL Conference Organizer	<i>Aula (DM)</i>
14:30-18:00	ESIL Board Meeting (ESIL Board Members only)	<i>Juridisk Eksamenssal (DA)</i>



PERSONALIZED PROGRAM. VIBRANT CITY. GLOBAL FACULTY.



LEARN MORE ABOUT THE RICHMOND LL.M. AT LAW.RICHMOND.EDU.

ACCESS THE *EUROPEAN JOURNAL OF INTERNATIONAL LAW*


ON THE MOVE



Read articles and full issues on your smartphone or tablet.

Read a free sample issue.

FIND EJIL IN THE APP STORE NOW
<http://appstore.com/ejil>




ASHGATE

Follow us on Twitter
[twitter.com@AshgateLaw](https://twitter.com/AshgateLaw)

Sign up to our monthly email update to receive special offers:
www.ashgate.com/updates

ESIL members receive 20% discount on Ashgate books:
www.ashgate.com/ESIL

Visit our stand and buy our display copies @ 50% discount
www.ashgate.com/law



ASHGATE

CAMBRIDGE

CAMBRIDGE STUDIES IN INTERNATIONAL AND COMPARATIVE LAW



Visit cambridge.org/CSIL for more information and to see our forthcoming titles

CAMBRIDGE UNIVERSITY PRESS

Practical Information

Badges

In order to have access to the conference venues, the reception at the Astrup Fearnley museum and the conference dinner at the Hotel Continental, attendees must wear their conference badges at all times. Attendees will receive their badges during registration at the Service Centre.

Breaks and Book Exhibitions

All the scheduled breaks are found in the program. Lunch and coffee will be served in Frokostkjelleren and in the tent situated on the University Square. All attendees are also welcome to take a walk in the University garden and to have a look at the book exhibitions in the tent on the University Square.

Evening Events

Reception, 10 September 2015

The reception will take place at the Astrup Fearnley Museum situated on Strandspromenaden 2. This is a short walk from the University Square, near the harbour. After the reception, conference participants will have the possibility to visit the museum. The dress code for the reception is business casual. All participants must wear their conference badge for identification.

Conference Dinner, 11 September 2015

The conference dinner will take place at 20:00 at the Hotel Continental situated on Stortingsgata 24/26. This is a short walk from the University Square. The dress code for the dinner is business casual. The conference dinner is restricted to those who have registered for the event. All participants must wear their conference badge for identification.

Food and Beverage inside the Venues

Except for water, no food and beverages are allowed inside the historic buildings of the University.

General Enquiries

For general enquiries, please visit the Service Centre or contact us at:

E-mail: esil-2015@jus.uio.no

In case of emergency, you can contact our staff members on (Phone number: +47 90222076).

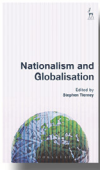
Lost & Found

All lost & found objects will be available at the Service Centre.

Non-Smoking Policy

Please note that smoking is not permitted inside any buildings of the University of Oslo.

**Forthcoming Titles
from Hart Publishing**



Nationalism and Globalisation
Edited by
Stephen Tierney

Oct 2015 9781849466745
274pp Hbk RSP: £50



The UK and European Human Rights
A Strained Relationship?
Edited by *Katja S Ziegler, Elizabeth Wicks and Loveday Hodson*

Oct 2015 9781849467957
480pp Hbk RSP: £65



Fundamental Rights in EU Internal Market Legislation
Vasiliki Kosta

Nov 2015 9781849467117
322pp Hbk RSP: £60



The EU Charter of Fundamental Rights as a Binding Instrument
Five Years Old and Growing
Edited by *Sybe de Vries, Ulf Bernitz and Stephen Weatherill*

Nov 2015 9781782258254
384pp Hbk RSP: £65

Photography and Filming

During the conference, pictures will be taken and some sessions will be filmed and streamed. The pictures and recordings will be available on the conference website.

Registration

Registration for the conference will take place at the Service Centre.

Service Centre

The Service Centre is located in Professorboligen. The opening hours are Wednesday 09:00 – 17:00, Thursday 08:00 – 17:00, Friday 09:00 – 17:00 and Saturday 09:00 – 13:00. The Service Centre staff will provide you with practical information and any other assistance you may need. All participants should visit the Service Centre on arrival in order to register.

Wi-Fi

Wi-Fi internet access will be available for the duration of the conference.
Username: conferences
Password: andromeda



www.asser.nl



**ASSER
PRESS**

www.asserpress.nl



Making the Charter of Fundamental Rights a Living Instrument

Edited by **Giuseppe Palmisano**

- April 2015
- ISBN 978 90 04 29184 3
- Hardback (viii, 412 pp.)
- List price EUR 160.- / US\$ 222.-
- brill.com/nijhoff



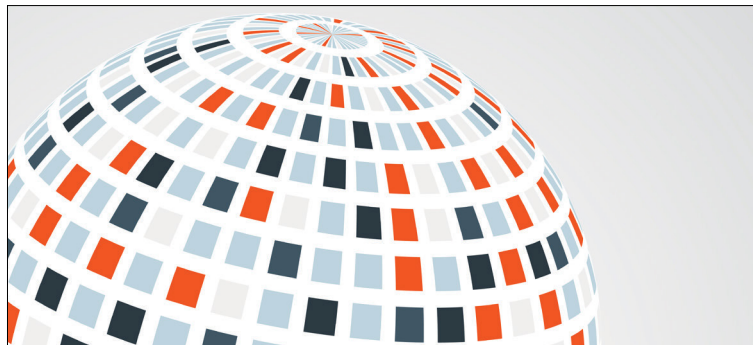
Baltic Yearbook of International Law, Volume 14 (2014)

Edited by **Lauri Mälksoo, Ineta Ziemele, Dainius Žalimas**

- March 2015
- ISBN 978 90 04 29112 6
- Hardback (Approx. 332 pp.)
- List price EUR 350.- / US\$ 487.-
- Baltic Yearbook of International Law, 14
- brill.com/balt

Map of the University Square

- 52 Professorboligen (Service Centre)
- 53 Frokostkjelleren
- 54 Domus Bibliotheca (DB)
- 55 Domus Media (DM)
- 56 Domus Academica (DA)



Leaders in International Arbitration.

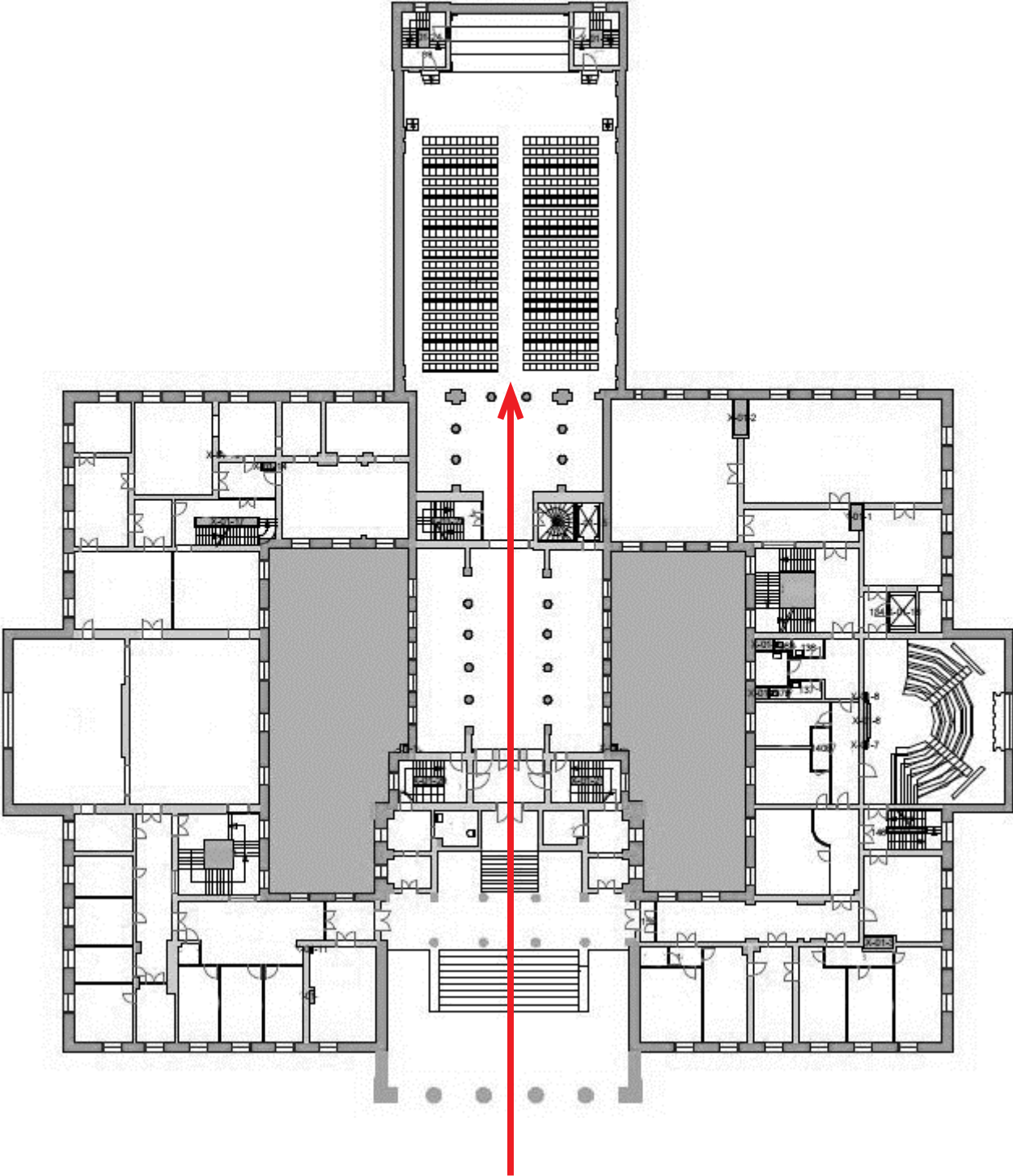
Our international team—consisting of arbitration specialists from civil and common law jurisdictions—combines an absolute commitment to clients’ needs with unsurpassed experience and advocacy skills.

WILMERHALE® 

wilmerhale.com Attorney Advertising © 2015 Wilmer Cutler Pickering Hale and Dorr LLP

Domus Media (DM)

The University Aula



Domus Biblioteca

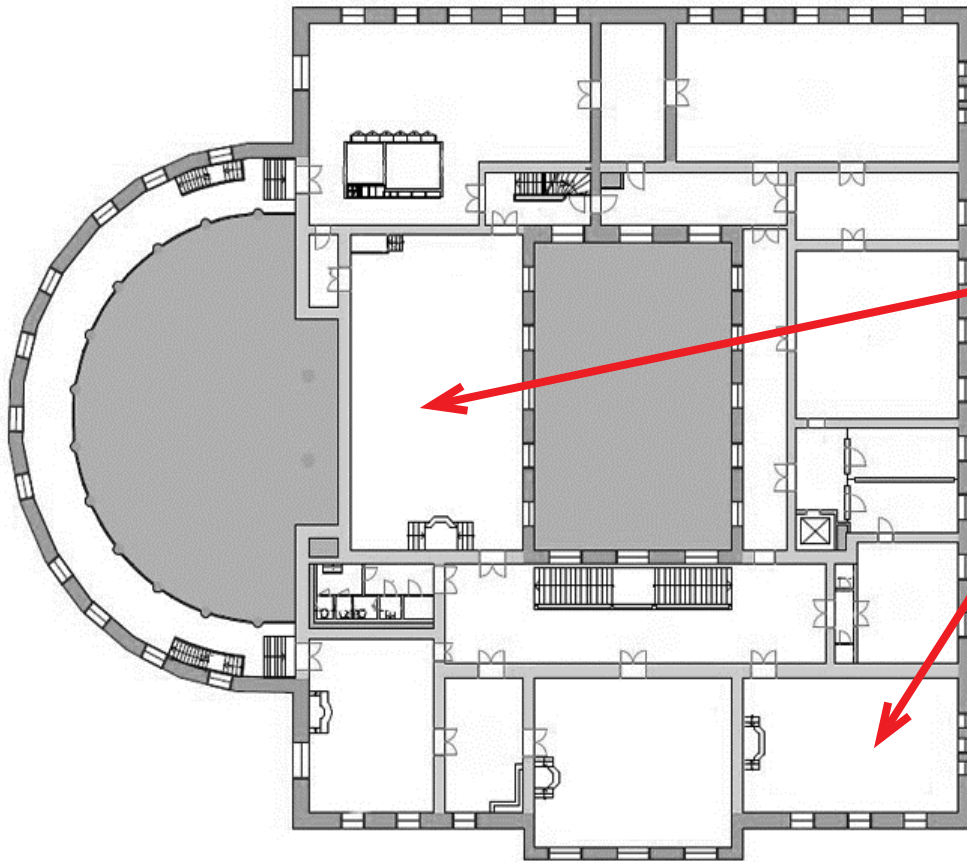
University Square

Domus Academica



Domus Academica (DA)

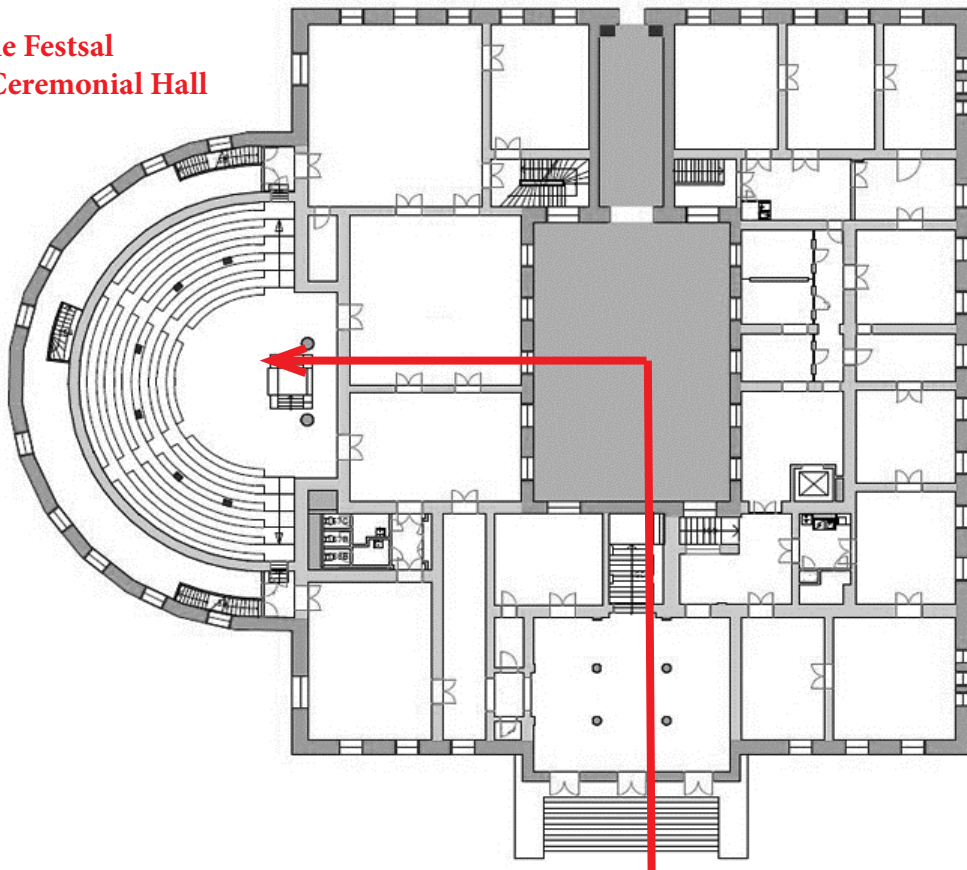
2nd Floor



Auditorium 4

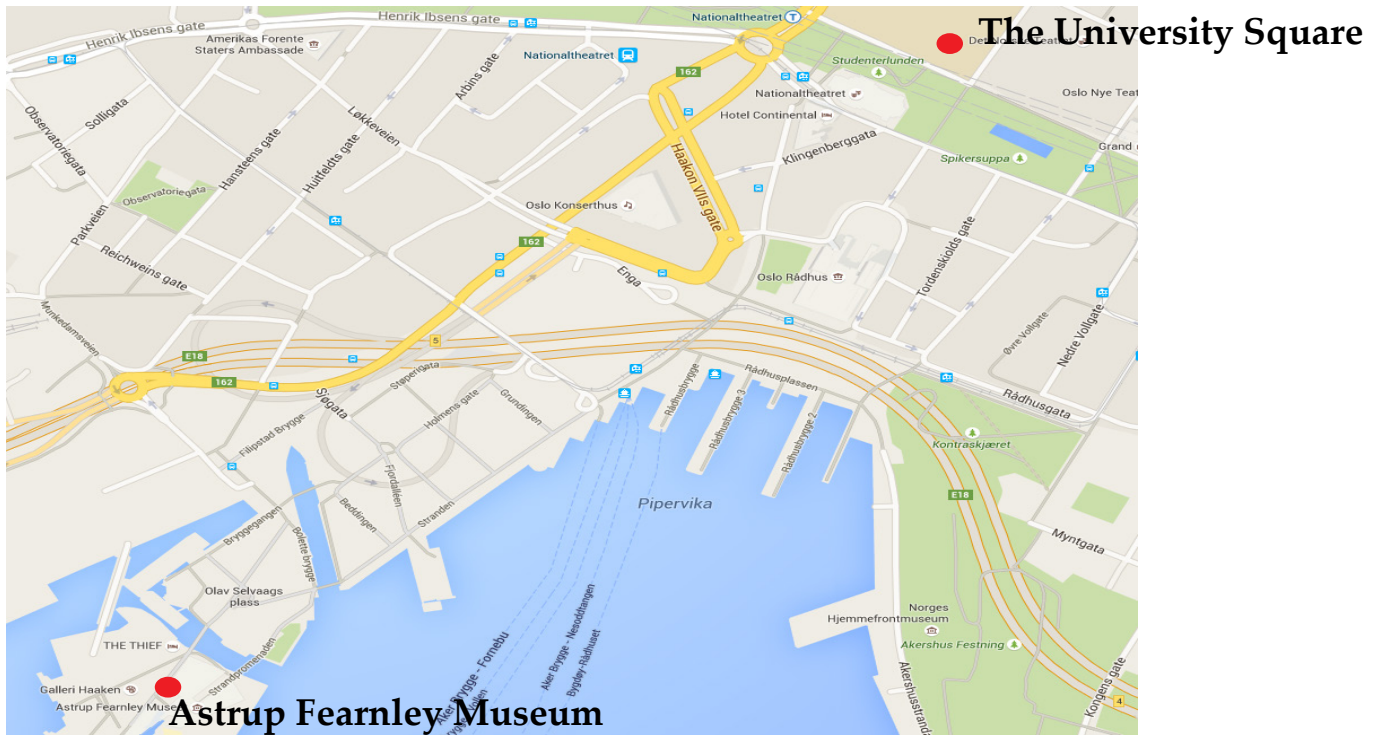
Auditorium 6

1st Floor



Gamle Festsal
Old Ceremonial Hall

The University Square to the Welcome Reception - Astrup Fearnley Museum



The University Square to the Conference Dinner - Hotel Continental



Sponsors of the ESIL Annual Conference 2015



ESIL Premium Institutional Members



Max Planck Institute
for Comparative Public Law
and International Law



ESIL Standard Institutional Members



ESIL Annual Conference 2015
Copyright: PluriCourts, University of Oslo
Photos: Colourbox.com, Twitter,
University of Oslo

www

uio.no/esil2015



esil-2015@jus.uio.no



[#ESIL2015](https://twitter.com/pluricourts)

