

15th ESIL Conference @Athens2019

12-14 September | septembre 2019



Sovereignty: A concept in flux? Souveraineté: Un concept en mouvement?

Under the Auspices of H.E. the President of the Hellenic Republic Mr. Prokopios Pavlopoulos



National and Kapodistrian
University of Athens



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PROGRAMME

Pre-conference meetings of the ESIL Interest Groups

Thursday, 12 September 2019

08.00-20.00: All day registration

Faculty Club

08.00-08.45: ESIL Board Meeting with Interest Group Convenors

Faculty Club

08.15-10.45: Parallel Interest Group sessions

Interest Group on Environmental Law

Faculty Club, Exhibition Room

Interest Group on International Courts and Tribunals

Faculty Club, Hall

Interest Group on the International Law of Culture

Faculty Club, Main Room

Interest Group on Business and Human Rights

Academias 45, Room 1

Interest Group on the EU as Global Actor

Academias 45, Room 2

Interest Group on Migration and Refugee Law

Academias 45, Room 3

Interest Group on International Economic Law

Law Faculty, Economides Hall

Interest Group on History of International Law

Law Library, Amphitheatre

Interest Group on International Health Law

Law Library, Hall

Interest Group on International Bio Law

Athens PIL

10.45-11.00: Coffee break

11.00-13.30: Parallel Interest Group sessions

Interest Group on Environmental Law

Faculty Club, Exhibition Room

Interest Group on International Courts and Tribunals

Faculty Club, Hall

Interest Group on the Law of the Sea

Faculty Club, Main Room

Interest Group on Feminism and International Law

Faculty Club, Rector's Room

Interest Group on International Organizations

Academias 45, Room 1

Interest Group on the EU as Global Actor

Academias 45, Room 2

Interest Group on Migration and Refugee Law

Academias 45, Room 3

Interest Group on International Economic Law

Law Faculty, Economides Hall

Interest Group on History of International Law

Law Library, Amphitheatre

Interest Group on International Human Rights Law

Law Library, Hall

13.30-14.00: Lunch boxes will be available at the Faculty Club and the Law Library

Conference Programme

Thursday, 12 September 2019

14.00-17.00: Opening Ceremony

Ceremonial Hall

Please, be on time: Badges required for security screening. Audience must be seated by 14.45

15.00-15.15: Welcome

Professor Meletios-Athanassios Dimopoulos Rector, National & Kapodistrian University of Athens

Professor Kalliopi Christakakou-Fotiadou Dean, Faculty of Law

Professor Luis Hinojosa President, European Society of International Law

Professor Photini Pazartzis Chair, ESIL@Athens2019 Programme Committee; Director, Athens PIL

15.15-16.00: Inaugural address

H.E. The President of the Hellenic Republic Mr Prokopios Pavlopoulos

16.00-17.00: Nicolas Politis Lecture

Sovereignty – The past and the future

Yves Daudet Professor emeritus, Université Paris I Panthéon-Sorbonne; President, Curatorium of The Hague Academy of International Law

17.00-17.30: Coffee break – kindly sponsored by Cambridge University Press

17.30-19.00: Parallel sessions

Forum I: [Re-]Defining sovereignty: The Montevideo principles revisited

Ceremonial Hall

Chair: Marcelo Kohen The Graduate Institute of International and Development Studies, Geneva

Sarah Nouwen Lauterpacht Centre for International Law, University of Cambridge

Hélène Ruiz-Fabri Director, Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law

Ineta Ziemele President, Constitutional Court of the Republic of Latvia

Forum II: Challenging sovereignty: Contested statehood

Argyriades Amphitheatre

Chair: Iulia Motoc Judge, European Court of Human Rights

Mariana Durney Legal Advisor, Ministry of Foreign Affairs, Chile

Tom Grant Lauterpacht Centre for International Law, University of Cambridge

Helena Torroja Mateu Universitat de Barcelona

20.00-21.30: Welcome reception

Presidential Palace



Friday, 13 September 2019

08.00-09.00: Parallel events

Faculty Club

Breakfast Meeting: ESIL Board with New Members

Breakfast Meeting with the editors of the *European Journal of International Law*

09.00-10.30: Parallel sessions

Agora I: Beyond Sovereignty: ABNJ and the Law of the Sea

Ceremonial Hall

Chair: Liesbeth Lijnzaad Judge, International Tribunal on the Law of the Sea

Rethinking Conservation of Marine Biodiversity beyond National Boundaries: Justice, Property and the Commons

Anna Aseeva National Research University 'Higher School of Economics', Moscow

Mare Liberum, Mare Clausum and Mare Geneticum or Mare Nostrum: Negotiating marine natural resources, including MGRs. Remarks from the theoretical and practical perspectives

Konrad Marciniak Polish Ministry of Foreign Affairs

Sovereignty and challenges of the future ILBI: How to reconcile the individual interest of States at sea and the 'common interest of mankind'?

Pascale Ricard Université Angers

Agora II: Exercising sovereignty: Managing migratory flows

Drakopoulos Amphitheatre

Chair: Philippe de Bruycker Université libre de Bruxelles

Digital Borders and Data Territories: Sovereignty, Territoriality and Data-Driven Infrastructures of Border Control

Dimitri Van Den Meerssche Asser Institute

Asylum processing in the post-refugee crisis EU: Holding the European Asylum Support Office accountable

Evangelia (Lilian) Tsourdi Assistant Professor, Faculty of Law, Maastricht University

Do Non-entrée Policies amount to Persecution? Death as a Feature of Extraterritorial Border Controls

Violeta Moreno-Lax Queen Mary University of London

Agora III: Expanding sovereignty: Extraterritoriality as a tool

Argyriades Amphitheatre

Chair: Yuval Shany Hebrew University of Jerusalem

Cosmopolitan Extraterritoriality: The Exercise of Unilateral Jurisdiction to Further Global Values and Common Interests

Cedric Ryngaert Utrecht University

Data and the Elasticity of Sovereignty

Roxana Vatanparast Università degli studi di Torino

How to Deal with Negative Cross-border Externalities of States' Domestic Economic and Social Policies: Functional Conceptions to Human Rights-Related Extraterritoriality

Elif Askin Max Planck Institute for Comparative Public Law and International Law, Heidelberg

10.30-11.00: Coffee break

11.00-12.30: Parallel sessions

Forum III: Diluting sovereignty: State finance and economic decision-making **Ceremonial Hall**

Chair: Geneviève Bastid-Burdeau Université Paris I Panthéon-Sorbonne
Lee C. Buchheit University of Edinburgh
August Reinisch University of Vienna, Member of the International Law Commission
Margot E. Salomon London School of Economics and Political Science

Forum IV: Adjudicating sovereignty: Consent in dispute settlement **Argyriades Amphitheatre**

Chair: Massimo Iovane Università di Napoli Federico II
Emilie Gonin Doughty Street Chambers
Christian Tams University of Glasgow
Sienho Yee Wuhan University

12.30-14.30: Lunch break

12.30-13.30: Meeting of Editors and Publishers of the International Law Journals **Drakopoulos Amphitheatre**

Chairs:

13.30-14.30: Mentoring Event

Argyriades Amphitheatre

Chair: Gleider Hernández Katholieke Universiteit Leuven; Open Universiteit Nederland
Mauro Politi Università di Trento
Freya Baetens University of Oslo
Lydia-Maria Bolani UNHCR Greece

14.30-16.00: Parallel sessions

Agora IV: Apportioning sovereignty: Delimitation as a sovereignty exercise **Ceremonial Hall**

Chair: Constantinos Salonidis Foley Hoag LLP

Natural Resources in Disputed EEZ and Continental Shelf Areas: Balancing between Development and Restraint by Neighbouring Coastal States
Youri van Logchem Institute of International Shipping and Trade Law, Swansea University

Disputed Territories on Land: Why the Administrative Status Quo Is More Important than Sovereignty
Constantinos Yiallourides British Institute of International and Comparative Law

Shared Natural Resources and Territorial Disputes: Environmental Paradigm Shift against Fragmentation of Sovereignty
Dragutin Nenezic University of Belgrade

Agora V: Questing sovereignty: The corporation in international law and the role of non-State actors **Drakopoulos Amphitheatre**

Chair: Niki Aloupi Université Paris II Panthéon Assas

Functional Limits of State Sovereignty: Direct International Legal Rights and Obligations of Collective Non-State Entities
Klara Polackova Van der Ploeg University of Nottingham

Why Can't the Creations of Sovereigns Also Be Sovereign? International Organizations and the Legal Concept of Sovereignty
Fernando Lusa Bordin University of Cambridge



Sovereign Corporations in a Global Legal Order

Dorothea Endres The Graduate Institute of International and Development Studies, Geneva

The evolution of the concept of territorial sovereignty. From the traditional Westphalian system to the State-peoples binomial

Michele Nino Università degli studi di Salerno

Agora VI: Extending sovereignty: Space activities and new frontiers

Argyriades Amphitheatre

Chair: Mahulena Hoffmann Université de Luxembourg

There's sovereignty in outer space; it's just not what you think

Charles Stotler University of Mississippi

Property Rights in Outer Space: Space Material Resources & data collected through Machine Learning Technologies

Anthi Koskina Athens PIL, National & Kapodistrian University of Athens; Collège IdEF-Université Paris 13

Space Debris: The Atomisation of Sovereignty

Ward Munters Katholieke Universiteit Leuven

16.00-16.15: Coffee break

16.15-18.00: ESIL General Assembly

Ceremonial Hall

18.00-19.30: Parallel sessions

Agora VII: Enforcing sovereignty: The rapidly expanding international tax law

Ceremonial Hall

Chair: Nicola Bonucci Director of Legal Affairs, OECD

Imposing Customs on Taxes: Customary International Law in International Tax Law

Céline Braumann University of Vienna

Examining the modern practices of sovereignty and its relationship to territory through the lens of international tax law

Akbar Rasulov & Gail Lythgoe University of Glasgow

Can the OECD anti-BEPS paradigms be adopted within the EU? Juridical problems as regards the "Anti-Tax Avoidance Directive"

María Cruz Barreiro Carril Universidad de Vigo

Agora VIII: Defending sovereignty: Protectionism in international trade and investment

Drakopoulos Amphitheatre

Chair: Gabrielle Marceau Legal Affairs Division, WTO; University of Geneva

Constitutional Courts' narratives on investment arbitration: Overcoming anxieties towards engagement

José Gustavo Prieto Muñoz Università degli studi di Torino

WTO Security Exceptions and Countermeasures

Danae Azaria University College London

Managing the Trade Rule of Law

Kathleen Claussen University of Miami

Agora IX: Attacking sovereignty: Terrorism and the use of force

Argyriades Amphitheatre

Chair: Antonios Tzanakopoulos University of Oxford

The Law and Ethics of Foreign Troop Withdrawals in the Global Fight against Terrorism

Jessica Almqvist Universidad Autónoma de Madrid

The Institutionalisation of Drone Programmes: Entering the Normal Functioning of the State

Rebecca Mignot-Mahdavi European University Institute

The Implication of Sovereignty in Contemporary Interpretative Debates in International Humanitarian Law

Abhimanyu George Jain The Graduate Institute of International and Development Studies, Geneva

20.00 / 20.30-23.00: Conference Dinner

S Niarchos Foundation Cultural Center

Welcome drinks - kindly sponsored by Oxford University Press

Launch of the Max Planck Encyclopedia of International Procedural Law - MPEiPro

Saturday, 14 September 2019

09.00-10.30: Parallel sessions

Agora X: Circumventing sovereignty: The challenges of environmental regulation

Ceremonial Hall

Chair: Malgosia Fitzmaurice Queen Mary University of London

The Paris Agreement and the Empowerment of State Sovereignty

Anne Saab The Graduate Institute of International and Development Studies, Geneva

Circumventing Sovereignty through Transnationalization of Environmental Law

Mona Agha Seyed Jafar Kashfi University of Tehran

Circumventing Sovereignty: Rethinking Climate Change from a Relational, Embodied and Unbounded Perspective

Marie-Catherine Petersmann European University Institute; Copernicus Institute of Sustainable Development, Utrecht University

Whose Atmosphere? Sovereignty, Acquisition, and Responsibility for Atmospheric Harms

Tom Sparks Max Planck Institute for Comparative Public Law and International Law, Heidelberg

Agora XI: Culture as or against sovereignty

Drakopoulos Amphitheatre

Convened by the Interest Group on the International Law of Culture

Chair: Hanna Schreiber University of Warsaw

Can cultural heritage be all things to all people? On cultural value and sovereignty

Sophie Starrenburg Universiteit Leiden

The protection of cross-border culture under international law and State Sovereignty: Transcending borders through Intangible Cultural Heritage?

Aliki Gkana National and Kapodistrian University of Athens

Cultural Expertise and State Sovereignty in Europe

Livia Holden University of Oxford

Agora XII: Spatio-temporal dimensions of sovereignty in international law

Argyriades Amphitheatre

Convened by the Interest Group on International Legal Theory & Philosophy

Chair: Ekaterina Yahyaoui Krivenko National University of Ireland Galway

Difference in the Concept of Sovereignty in Spatial Dimension: Reflecting the Legal Approach to the East Asian Territorial Disputes

So Yeon Kim University of Cambridge



National and Kapodistrian
University of Athens



Rethinking International Law and Remoteness: Topophilia, Resource Extraction, and the History of International Law in the Americas (Atacama Desert)

Christopher R. Rossi University of Iowa

Spatio-Temporal Dimensions of Indigenous Sovereignty in International Law

Valentina Vadi Lancaster University

10.30-11.30: Coffee break – kindly sponsored by the Max Planck Institute for Comparative Public Law and International Law

Launch of the Max Planck Trialogues on the Law of Peace and War

10.30-11.30: Conversation with the ESIL Book Prize Winner

Drakopoulos Foyer

11.30-13.00: Parallel sessions

Forum V: Sovereignty resurgent: Crisis of the multilateral institutional system?

Ceremonial Hall

Chair: Maria Telalian Principal Legal Adviser, Hellenic Ministry of Foreign Affairs

Laurence R. Helfer Duke University

Stelios Perrakis Panteion University, Athens

Giorgio Sacerdoti Università Bocconi, Milan

Forum VI: Bypassing sovereignty: Enforcing rules in cyberspace

Argyriadis Amphitheatre

Chair: Theodore Christakis Université Grenoble Alpes

Tatiana Jančárková National Office for Cyber- and Information Security, Czech Republic

Nicholas Tsagourias University of Sheffield

Andrés Muñoz Mosquera ACO/SHAPE, NATO

Mariarosaria Taddeo Oxford Internet Institute, University of Oxford

13.00-14.00: Round-Table Discussion

Ceremonial Hall

Foundations of international law: The way ahead

Moderator: Linos Alexander Sicilianos President, European Court of Human Rights; National & Kapodistrian University of Athens

Georges Abi-Saab The Graduate Institute of International and Development Studies, Geneva

James Crawford International Court of Justice

Anne Peters Max Planck Institute for Comparative Public Law and International Law, Heidelberg

Catherine Redgwell University of Oxford

Christos Rozakis National & Kapodistrian University of Athens

14.00-14.30: Closing ceremony

Ceremonial Hall





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