



## 2019 ESIL-ELTE Joint Workshop

### ATTRIBUTION, CAUSALITY, AND EVIDENTIARY RULES:

### MERE TECHNICALITIES OR THE HEART OF THE MATTER?

### — SECONDARY RULES OF PRIMARY IMPORTANCE —

Budapest, 16-17 May 2019

#### Venue:

ELTE Law School, Budapest, Egyetem tér 1-3.

Registration, lunches, and coffee breaks are offered in 'Aula Magna' (1st floor)

Sessions are held in the 'Faculty Council Room' (Ground floor)

#### Draft Programme:

#### Thursday 16 May 2019

**8.30-9.00** Registration

**9.00-9.10** Welcome note by Pal Sonnevend, Vice-dean for International Relations, Dean-elect, Head of Department, Department of International Law

**9.10-9.15** Opening remarks on behalf of ESIL by Basak Cali and Marko Milanovic

**9.15-9.45** Keynote speech by Eyal Benvenisti: *Standards of Review in International Adjudication*

**9.45-10.00** Coffee break

#### **10.00 – 12:00 Section 1. Causality**

Chair: Pal Sonnevend

Speakers:

Alice Ollino: *A call for coherence: causality in the establishment of the international wrongful act*

Martin Jarrett: *A Theory of Causation for International Investment Law*

Catherine Gascoigne: *A Consistent Causal Fallacy in the Jurisprudence of the Law of the World Trade Organization*

Alexandra Hansen-Tilmann Altwicker: *Presumptions in International Human Rights Adjudication*



**12.00 – 13.30 Lunch**

**13:30 – 15:30 Section 2. Standard of review**

Chair: Basak Cali

Speakers:

Katalin Sulyok: *Extending the judicial purview in science-intensive cases – trends in setting the standard or review*

Lukasz Gruszczynski: *Saving regulatory space for states through standard of review: A case study of tobacco-related disputes*

Raymond Yang Gao: *Standards of Review in Investor-State Arbitration—Inconsistency, Fragmentation, and Overlooked Significance*

Vladyslav Lanovoy: *The Identification and Application of Standards of Review by International Courts and Tribunals: A Critical Analysis*

**15.30-16.00** Coffee break

**16:00 – 18:00 Section 3. Evidence**

Chair: Tamas Hoffmann

Speakers:

Francoise Hampson: *Proving violations of norms in international law from the perspective of the applicant*

Basak Cali: *Proving bad faith in international law: Lessons from the Article 18 case law of the European Court of Human Rights*

Sara Mansour Fallah: *The Admissibility of Unlawfully Acquired Evidence before International Courts and Tribunals*

Christopher Lentz: *The Evidentiary Implications of a Party's Non-Participation in the Proceedings*

**19.00** Conference dinner



**Friday 17 May 2019**

**9.00-10.30 Section 4. Attribution I.**

Chair: Tatjana Papic

Speakers:

Marko Milanovic: *Does the European Court of Human Rights employ special rules of attribution?*

Christina Binder & Stephan Wittich: *A Comparison of the Rules of Attribution in the Law of State Responsibility, State Immunity and Custom*

Carlos Esposito: *New Technologies challenges for the Theory of Attribution: Old Wine in New bottles (cyber operations and AWS)*

**10.30-11.00** Coffee break

**11.00-12.30 Section 5. Attribution II.**

Chair: Marko Milanovic

Speakers:

Jure Zrilic: *Attribution and Due Diligence in Investment Law: Breaking the Binary*

Deborah Russo: *Internationally wrongful acts committed by Enterprises acting on Behalf of States: is there a case for a shared attribution test?*

Gabor Kajtar: *Fragmentation of Attribution in International Law*

**13.00-13.30** Endnote speech by André Nollkaemper

**13:30** Conference photo

**13:45** Lunch