



Call for Papers
Workshop of the ESIL International Economic Law Interest Group

Civil Society and International Economic Law

Utrecht, 31 August 2022

Abstract submission deadline: midnight Monday 11 April 2022 (CET)

The ESIL Interest Group on International Economic Law organises a Workshop on “Civil Society and International Economic Law” as a side event to the 2022 ESIL Utrecht Conference. The ESIL IEL IG Workshop will take place on **31 August 2022 (09.00-13.00 & 14.00-18.00)**.

The event is foreseen to take place as a hybrid event. Further details will follow in due course.

The workshop will address the following topics:

- 1) *Issues of Economic Sanctions and Security in International Economic Law*
- 2) *The Inclusion (or Exclusion) of Civil Society in International Economic Law Agreements and Institutions*

1) Issues of Economic Sanctions and Security in International Economic Law

In recent years, economic sanctions have been imposed on several occasions. Economic sanctions as such aim at *excluding* the target country/countries (and their businesses and individuals) from ordinary (international) commercial relations in the form of primary and secondary sanctions.

Economic sanctions raise numerous questions, including:

- a) the legality of economic sanctions under international (economic) law, e.g. with regard to their adoption as a unilateral remedy or as a form of countermeasures towards the State, which allegedly violates international law;
- b) WTO legal framework regarding economic sanctions;
- c) consequences of economic sanctions for third countries’ business and individuals and the question of extraterritorial effect, the issue of “secondary sanctions”;
- d) consequences for the target country’s business and individuals, *inter alia*, the issue of proportionality between the goal of economic sanctions and their impact on human rights in the target country (access to medicines, the right to education etc.);
- e) possible conflicts of economic sanctions and international investment law rules;
- f) responses addressing the illegality of economic sanctions: domestic courts; international investment tribunals; international trade law mechanisms (WTO, FTAs);
- g) economic sanctions and cyberspace issues.

Proposals are welcome on any of the above indicated (or related) issues.

2) The Inclusion (or Exclusion) of Civil Society in International Economic Law Agreements and Institutions

Global economy, entangled with global environmental, social and public health challenges, needs an innovative, dynamic and rules-based global governance, as it has the highest impact on the public, professional, and personal life of people. So far, mainly politicians, diplomats and other officials have negotiated and implemented treaty instruments. However, increasingly civil society, NGOs and the private sector is called for in when drafting trade policies and designing and applying trade tools. Parliaments are struggling to consider and give their contribution when policies and measures of international economic law are proposed, discussed, negotiated and approved, thus guaranteeing the sovereign power of the citizens voting for them.

It is therefore important to explore:

- a) whether and how civil society may participate in the negotiations of free trade agreements;
- b) what is the involvement of civil society, once FTAs enter into force, within the institutional structure of FTAs, both in the monitoring, implementation and enforcement phases, assessing in all the above recalled dimensions the level of inclusion -or exclusion- of civil society. Likewise, the level of involvement, thus of inclusion or exclusion, of civil society in the activities and negotiations of the WTO system needs to be explored;
- c) transparency and involvement of civil society in negotiations and dispute settlement in the WTO and the role of civil society in free trade agreements.

The role of civil society – i.e. its increasing *inclusion* as relevant player – has been gaining *momentum* also in international investment law and financial law: suffice to recall

- a) the increasing engagement of civil society with international investment arbitration thanks to the submission of *amicus curiae* briefs, which have been used to incorporate public policy considerations (including social rights, like the right to water, the right to health and/or labour rights) into the dispute resolution process;
- b) the increasing transparency in investor-state arbitration procedure, with the aim (also) to promote public confidence in the investment dispute settlement mechanism (as recognized by the arbitral tribunal in Phillip Morris, when “investment disputes involve a public interest component [...] information about the dispute [needs to] be made available not only to parties and the tribunal but also to civil society at large” - *Philip Morris v. Australia, PCA Case 2012-12, Proc. Order 5*, 30.11.2012, para. 51);
- c) the practice of foreign investors of concluding *memoranda of understanding* with local communities in the host state in order to ensure the respect, protection and fulfilment of local communities’ rights; or
- d) The role of civil society in the global financial architecture, including the influence that local communities have in the accountability and transparency of sovereign debt operations and prudential standard-setting processes.

Proposals are welcome on any one of the above indicated (or related) issues.

Paper submission procedure

Abstracts may be submitted in English or French in accordance with the timeline as set out below.

Submissions must not exceed 800 words, and have to be submitted to the following mail addresses: elisa.baroncini@unibo.it; pstoll@gwdg.de; mfedorova@law.uni-kiel.de; gustavo.prieto@ugent.be; cristani@iir.cz; a.a.marhold@law.leidenuniv.nl

In addition to the abstract, each submission should contain a **separate file** containing information on:

- The topic of the call for papers for which the abstract is submitted;
- The author's name and affiliation;
- A short (one page) author's CV, including a list of relevant publications;
- The author's contact details, including email address and phone number;
- Whether the author is an ESIL member and the date of affiliation
- Whether the author, if selected, is interested in being considered for the ESIL Young Scholar Prize, if (s)he meets the [eligibility conditions](#) as stated on the ESIL website.

Timeline

The deadline for the submission of abstracts is **midnight 11 April 2022 (CET)**. We expect to be able to inform successful applicants by 20 April 2022.

Please consider that the Interest Group is unable to provide funding for travel and accommodation. Selected speakers will be expected to bear the costs of their own travel and accommodation.

Some **ESIL travel grants** and **ESIL carers' grants** will be available to offer partial financial support to speakers who have exhausted other potential sources of funding.

Please see the **ESIL website** for all relevant information about the conference.

All participants at ESIL Interest Group workshops are required to register for the Annual Conference. There will be an option to register just for one day to attend the workshop; however, all participants are warmly invited to attend the entire event.

Speakers selected for this workshop can indicate their interest in being considered for the **ESIL Young Scholar Prize**, if they meet the **eligibility conditions** as stated on the ESIL website. The ESIL Secretariat must be informed of all selected speakers who wish to be considered for the Prize before 30 April 2022.

Convenors

Prof. Elisa Baroncini, *Alma Mater Studiorum* - Università di Bologna

Dr. Federica Cristani, Institute of International Relations, Prague

Dr. Anna Marhold, Leiden University

Dr. Gustavo Prieto, Ghent University

Prof. Peter-Tobias Stoll, Georg-August-Universität Göttingen

Dr. Marina Trunk-Fedorova, Kiel University