

**ESIL Interest Group on Social Sciences and International Law**  
**Pre-workshop to 2023 ESIL Annual Conference in Aix-en-Provence**  
Temporary program (1 June, 2023)

## **The De-legalization of International Law: Social Science Perspectives**

**Wednesday 30 August 2023**

### **13:00 – Workshop opening**

Zuzanna Godzimirska, Moshe Hirsch, Eva van der Zee

### **Panel 1: 13:05 – 14:15**

#### **The Concept of Legalization: Theoretical and Critical Challenges**

- William Hamilton Byrne and Thomas Gammeltoft-Hansen, *'International Legal Theory as a Tower of Babel? An Epistemological Perspective on the De-Legalization of International Law'*
- Rafael Carrano Leis, *'Queer Unconventionality and Counter-Discourses of International Legality: Alternative Law-Making by LGBTI Transnational Activism'*
- Jean-Michel Marcoux and Ksenia Polonskaya, *'Sustainable Development as a Wicked Problem in Investment Arbitration: Narratives and Discontents'*
- Monica Hakimi

### **Panel 2: 14:30 – 15:40**

#### **The De-Legalization of Political and Security Regimes**

- Sophie Duroy, *'National Security Intelligence: From Legalization to De-legalization in a Heartbeat'*
- Ying Sun, *'Playing Politics: How States Resist International Adjudication by Framing Disputes as Political'*
- Fabian Simon Eichberger, *'The Struggle over National Security: between Self-Judgment and Legalization'*
- Cláudio Cerqueira B. Netto, *'The Use of Informality in International Law as a Power Struggle: a Study from the Perspective of Informal Counterterrorism Regulation'*

### **Panel 3: 16:10 – 17:30**

#### **Soft Law and Soft Institutions: Determinants and Processes**

- Nico Krisch, *'Paths of Least Resistance'*
- Mateus Kowalski, *'The Dogma of Consensus in the Comfort of a Graveyard'*
- Jaye Ellis, *'Legalisation, De-Legalisation, and Normativity: A Case Study of the UNGPs'*
- Jelena Protic, *'The De-legalization of International Law: How Does the Swiss Federal Assembly Cope with the Increasing Employment of Soft Law?'*
- Elissavet Tsioumani, *'Exploring De-legalization Trends in Global Biodiversity Law and Governance'*

### **Panel 4: 17:45 – 18:55**

#### **De-legalisation and the International Settlement of Disputes**

- Harlan G Cohen, *'Toward Best Practices for Trade-Security Measures'*
- Lai Huaxia Lai, *'Mediating with Chinese Characteristics: An Empirical Study of China's Approach to ADR in International Investment Disputes'*
- Kennedy Mbeva, *'Dejudicialization: the Constrained Authority of International Trade Courts in Environmental Governance'*
- Tomáš Morochovič, *'Glancing at the Human Rights Pick & Mix? Selective Engagement with Norms as a Driver of De-legalisation'*

#### **18:55 Workshop closing**

Eva van der Zee

**Interest Group Coordinating Committee:** Zuzanna Godzimirska; Moshe Hirsch; Tommaso Soave; Ezgi Yildiz; Eva Van de Zee