



ESIL Annual Conference 2023, pre-conference workshop

The De-legalization of International Law: Social Science Perspectives

Wednesday 30 August 2023

**Faculty of Law and Political Sciences
3 avenue Robert Schuman, Aix-en-Provence
Building Portalis, Room 0.35**

13:00-13:10 – Workshop opening

Zuzanna Godzimirska (University of Copenhagen), Moshe Hirsch (Hebrew University), Eva van der Zee (University of Hamburg)

13:10 – 14:20: Panel 1

The Concept of Legalization: Theoretical and Critical Challenges

Chair: Zuzanna Godzimirska

- *Two Visions for International Law* - Monica Hakimi (Columbia University)
- *International Legal Theory as a Tower of Babel? An Epistemological Perspective on the De-Legalization of International Law* - William Hamilton Byrne (University of Copenhagen) and Thomas Gammeltoft-Hansen (University of Copenhagen)
- *Queer Unconventionality and Counter-Discourses of International Legality: Alternative Law-Making by LGBTI Transnational Activism* - Rafael Carrano Lelis (Geneva Graduate Institute)
- *Sustainable Development as a Wicked Problem in Investment Arbitration: Narratives and Discontents* - Jean-Michel Marcoux (Carleton University) and Ksenia Polonskaya (Carleton University)

14:35 – 15:45: Panel 2

The De-Legalization of Political and Security Regimes

Chair: Moshe Hirsch

- *Perverse Effects: How the Legalization of Intelligence Enables its De-Legalization* - Sophie Duroy (University of Essex)
- *Playing Politics: How States Resist International Adjudication by Framing Disputes as Political* - Ying Sun (European University Institute)
- *The Struggle over National Security: between Self-Judgment and Legalization* - Fabian Simon Eichberger (University of Cambridge)
- *The Use of Informality in International Law as a Power Struggle: a Study from the Perspective of Informal Counterterrorism Regulation* - Cláudio Cerqueira B. Netto (Université de Lausanne)

16:10 – 17:20: Panel 3

Soft Law and Soft Institutions: Determinants and Processes

Chair: Eva van der Zee

- *Paths of Least Resistance* - Nico Krisch (Geneva Graduate Institute)
- *Legalisation, De-Legalisation, and Normativity: A Case Study of the UNGPs* - Jaye Ellis (McGill University)
- *The De-legalization of International Law: How Does the Swiss Federal Assembly Cope with the Increasing Employment of Soft Law?* - Jelena Protic (University of Lausanne)
- *Exploring De-legalization Trends in Global Biodiversity Law and Governance* - Elissavet Tsioumani (University of Trento)

17:40 – 18:50: Panel 4

De-legalization and the International Settlement of Disputes

Chair: Zuzanna Godzimirska

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

18:50-19:00: Workshop closing

Eva van der Zee (University of Hamburg), Moshe Hirsch (Hebrew University), Zuzanna Godzimirska (University of Copenhagen)

Interest Group Coordinating Committee:

Zuzanna Godzimirska; Moshe Hirsch; Tommaso Soave; Ezgi Yildiz; Eva Van de Ze