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 Godzimirskà (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 Godzimirskà

- Two Visions for International Law - Monica Hakimi (Colombia 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 Lelís (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 Godzimirsk

- 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 Godzimirksa (University of Copenhagen)

*Interest Group Coordinating Committee:*

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