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 (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 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

- *National Security Intelligence: From Legalization to De-legalization in a Heartbeat* - Sophie Duroy (Berlin Potsdam Research Group)
- *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 – 17:30: Panel 3
Soft Law and Soft Institutions: Determinants and Processes
Chair: Eva van der Zee

• Paths of Least Resistance - Nico Krisch (Geneva Graduate Institute)
• The Dogma of Consensus in the Comfort of a Graveyard - Mateus Kowalski (Universidad Autonoma de Lisboa)
• Legalisation, De-Legalisation, and Normativity: A Case Study of the UNGPs - Jaye Ellis (Geneva Graduate Institute)
• 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)

17:45 – 18:55: 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 - Lai 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)

18:55-19:00: Workshop closing
Eva van der Zee (University of Hamburg), Moshe Hirsch (Hebrew University), Zuzanna Godzimirsk (University of Copenhagen)

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