ESIL Research Forum 2019

“The International and Domestic Rule of Law – Synergies and Challenges”

Programme

Programme Committee: Veronika Bilková, Christina Binder and Peter-Tobias Stoll
Local Organisation: Peter-Tobias Stoll and Henner Gött

WEDNESDAY 3 APRIL: ESIL INTEREST GROUP EVENTS

Venues are located at the Central University Campus (Zentralcampus):

- Zentrales Hörsaalgebäude (ZHG), Platz der Göttinger Sieben 5, 37073 Göttingen, and
- Verfüngsgebäude (VG), Platz der Göttinger Sieben 7, 37073 Göttingen

ALL DAY EVENTS (09.00 – 19.00)

IG on International Environmental Law and IG on International Bio Law Joint Event
(Room ZHG 006)
Sound Science-Based Regulation in the Post-Truth Era: Domestic and International Rule of Law Under Fire

IG on Migration and Refugee Law Workshop (Room ZHG 005)
Migration and the Rule of Law

IG on Peace and Security Workshop (Room ZHG 003)
The Rule of Law in Cyberspace

IG on International Economic Law Workshop (Room ZHG 001)
Trade Agreements and the Rule of Law
THURSDAY 4 APRIL

Venue: Paulinerkirche (Church of the Paulines), Papendiek 14, 37073 Göttingen

08:00 Registration

09:00-09:30 Opening session
(Room: Alfred-Hessel-Saal)

Welcome by the ESIL President, Luis Hinojosa-Martínez, University of Granada

Welcome Address by the Local Organizer/Research Dean of the Faculty of Law, Peter-Tobias Stoll, Georg-August University Göttingen

09:30-11:00 Panel I: Conceptualizing the Rule of Law at International and Domestic Levels
(Room: Alfred-Hessel-Saal)

Chair: Ramses A. Wessel, University of Twente

- Kostiantyn Gorobets, University of Groningen
  Beyond ‘Thin’ and ‘Thick’: The International Rule of Law and the Idea of Normative Authority
- Lys Kulamadayil, Graduate Institute, Geneva
  The Rule of Law in Economic Theory
- Leander Beinlich, Max Planck Institute for Comparative Public Law and International Law
  Procedural Rights, Domestic Legal Systems and the (International) Rule of Law

Discussant: Till Patrik Holterhus, Georg-August University Göttingen

11:00-11:30 Coffee break
11:30-13:00  Parallel Session: Panel II: The Rule of Law and the Sources of International Law
(Room: Vortragsraum)

Chair: Gleider Hernández, KU Leuven

- Marina Fortuna, University of Groningen
  Rule of Custom - Rule of Law?
- Philipp Janig, University of Vienna
  The Rule of Law and the Paradoxical Nature of General Principles of Law
- Xuan Shao, University of Oxford
  The Role of General Principles of Law in Shaping the International Rule of Law

Discussant: Pål Wrange, Stockholm University

(Room: Alfred-Hessel-Saal)

Chair: Fulvio M. Palombino, University of Naples ‘Federico II’

- Leonardo Borlini, Bocconi University/ Luigi Crema, State University of Milan
  Human Rights Treaty Bodies: Mission Éducatrice, International Supervision or Authoritative Interpretations?
- Allan Francis Tatham, University San Pablo-CEU
  Popularising the Rule of Law: A ‘Mission Éducatrice’ of the International Bench?
- Maria-Louiza Deftou, University of Athens
  Fostering the Rule of Law in the Americas: Is there any room for Judicial Dialogue between the IACtHR and National Courts?

Discussant: Monika Polzin, University of Augsburg/Georg-August University Göttingen

13:00-14:30  Lunch

14:30-16:00  Panel IV: The Rule of Law, International Tribunals and the Domestic Level
(Room: Alfred-Hessel-Saal)

Chair: Christina Binder, Bundeswehr University Munich/ University of Vienna

- Lisa Sonnleitner, University of Graz
  Evolutive Interpretation and the Rule of Law in the European Convention on Human Rights
- Velimir Živković, Humboldt-University of Berlin
  International Investment Law, Domestic Law and Other International Legal Regimes: Rule of Law Synergies and Challenges
- Pierfrancesco Rossi, University of Naples ‘Federico II’
  Consistent Interpretation before National Courts: How Sharp a Weapon for the International Rule of Law?

Discussant: Evelyne Schmid, University of Lausanne

16:00-16:30  Coffee break
**FRIDAY 5 APRIL**

**Venue:** Paulinerkirche (Church of the Paulines), Papendiek 14, 37073 Göttingen

### 09:00-10:30

**Panel V: The Rule of Law in the European Union**

(Room: Alfred-Hessel-Saal)

**Chair:** Luis Hinojosa-Martínez, University of Granada

- Viktor Lőrincz, Hungarian Academy of Sciences - CSS/András Jakab, University of Salzburg
  Measuring Rule of Law and the EU Rule of Law Crisis
- Gjylbehare Murati/Sabiha Shala, University of Haxhi Zeka, Peja
  The EU Rule of Law Promoters: The Judicial Fairness of Internationalized Justice
- Jan Petrov, Masaryk University

**Discussant:** Frank Schorkopf, Georg-August University Göttingen

### 11:00-12:30

**Parallel Session: Panel VI: The United Nations – A Rule of Law Institution?**

(Room: Alfred-Hessel-Saal)

**Chair:** Pierre d’Argent, University of Louvain (UCL)

- Hannah Birkenkötter, Humboldt-University of Berlin
  “A Concept at the very Heart of the Organization’s mission”: Unpacking the Rule of Law at the United Nations
- Arnaud Louwette, Université Libre de Bruxelles
  Resisting the Rule of Law: A Tale of the United Nations’ Strategic Concession
- Lenneke Sprik, University of Groningen/Vrije Universiteit Amsterdam
  UN Peacekeeping and Local Rule of Law Initiatives in the Central African Republic

**Discussant:** Andreas L. Paulus, Georg-August University Göttingen/German Federal Constitutional Court
11:00-12:30  Parallel Session: Panel VII: The Rule of Law in a Diversified International Legal Landscape  
(Room: Vortragsraum)

Chair: Peter-Tobias Stoll, Georg-August University Göttingen

- Didem Doğar, McGill University, Montreal  
  Criminalization of Migration as a Danger to the Rule of Law
- Chin-Chia Tien, University of Glasgow  
  Rule of Law in the Seas: The International Struggle for Sustainability and Domestic Obstacles
- Nina Mileva, University of Groningen  
  The Under-representation of Third World States in the Formation of Customary International Law: Can Interpretation Bridge the Gap?

Discussant: Paolo D. Farah, West Virginia University

12:30-13:30  Lunch

13:30-15:00  Panel VIII: The Rule of Law under Pressure  
(Room: Alfred-Hessel-Saal)

Chair: Veronika Bílková, Institute of International Relations, Prague

- Viktor Kazai, Central European University, Budapest  
  The Illiberal Challenge to the Rule of Law Principle: The Neglected Procedural Aspect
- Justyna Łacny, Warsaw University of Technology  
  Suspension of EU Funds Paid to Member States Breaching the Rule of Law. Did the European Commission Get it Right?
- Ewa Kamarad, Jagiellonian University, Kraków  
  The Article 7 TEU Procedure and the Free Movement of Judgments in the EU

Discussant: Henner Gött, Georg-August University Göttingen

15:00-15:30  Closing Session