



EILS

European and International Law of Sustainable Development
Jean Monnet Chair for European Union and Global Sustainable Development Through Law
Trade - Environmental Protection - Investment - Social Justice - Rule of Law



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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
- Verfügungsgebäude (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

AFTERNOON
EVENTS
(13:00 – 17:00)

IG on International Organisations Workshop (Room ZHG 004)
An Ambivalent Engagement: International Organisations and the Rule of Law

IG on the History of International Law Workshop (Room VG 1.101)
The Rule of Law and International Law in Historical Perspective

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 Wrangé, Stockholm University*

11.30 -13.00

Parallel Session: Panel III: Persuasive Dimensions: Mission Éducatrice and Judicial Dialogue

(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*
Evolutionary 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

16:30-17:30 **Keynote Speech by Angelika Nußberger, European Court of Human Rights**
(Room: Alfred-Hessel-Saal)

Evening *Conference Dinner*

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*
Supranational Guardians of the Rule of Law? European Courts v. Populist Judicial Reforms

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

10:30-11:00 *Coffee break*

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
