



**BIENNIAL CONFERENCE OF THE EUROPEAN SOCIETY OF INTERNATIONAL LAW
HEIDELBERG, 4 – 6 SEPTEMBER 2008**

INTERNATIONAL LAW IN A HETEROGENEOUS WORLD

PROGRAMME

Thursday, 4 September 2008 (Old University, Grabengasse 1, 69117 Heidelberg)

- 3:00 p.m. **Registration**
- 4:30 p.m. – 5:00 p.m. **Welcome**
Thomas Pfeiffer, Heidelberg
Rüdiger Wolfrum, Heidelberg
Hélène Ruiz Fabri, Paris
- 5:00 p.m. – 6:30 p.m. **Keynote address**
Universality of International Law from the Perspective of a
Practitioner
Bruno Simma, The Hague
- 6:30 p.m. – 7:00 p.m. Discussion

Reception (Atrium, New University)

Friday, 5 September 2008 (New University, Grabengasse 3, 69117 Heidelberg)

- 9:00 a.m. – 11:00 a.m. **Fora 1 – 2** [parallel sessions]
(60–70 minutes for presentations, plus discussion)
- Forum 1: International Law and Religions***
Chair: Joseph H. H. Weiler, New York
Lecture Hall 13

Florian Hoffmann (Pontifical Catholic University of Rio de Janeiro): A Mighty Fortress ... a Bulwark Never Failing?
International Law's Mission and the Rise of Human Security

Monica Garcia-Salmónes (University of Helsinki): Jurisdictional Colonization: Spanish and British Expansion by Spatial Law

Valerie Ona Morkevicius (University of Chicago): Tangled Roots: Western Just War Theory and the Laws of War

Christian Walter (University of Münster) Towards an Integrative International Law on Religion - a European Perspective

Forum 2: Immigration/Migration: How States Cope with Increasing Pluralism within their Societies – the Role of International Law

Chair: Helena Torroja, Barcelona

Lecture Hall 10

Nicola Wenzel (Max Planck Institute for Comparative Public Law and International Law, Heidelberg): Of Headscarves, Mosques and Occidental Values: Does International Law Require a Culturally Neutral State?

Jessica Almqvist (Center for Political and Constitutional Studies, Madrid): Coping with Multiculturalism through Cosmopolitan Law

Marina Vargas Gomez-Urrutia (Universidad Nacional de Educación a Distancia, Madrid): Le rôle du droit international privé face au « nouveau » modèle de migration « temporaire-circulaire »

Alison Kesby (University of Cambridge): The Right to Have Rights

Coffee Break

11:45 a.m. – 1:15 p.m. **Agorae 1 – 4** [parallel sessions]

Agora 1: History of International Law

Chair: Michael Stolleis, Frankfurt

Lecture Hall 6

Rémi Bachand (Université du Québec, Montréal): La « conception de l'État » chez Grotius et les pré-grotiens

Nishiimi Maki (Chuo University, Tokyo): Réception et application du droit international moderne par le Japon - son attitude évolutive de 1854 à 1945

Gregory Lewkowicz (Université Libre de Bruxelles): La référence à Hegel dans l'histoire doctrinale du droit international : comprendre les rapports entre droit et philosophie en context

Agora 2: International Organizations, Institutions and Administration

Chair: Jan Klabbers, Helsinki

Lecture Hall 7

Kigab Park (Korea University, Seoul): Legal Problems Arising from the Dissolution of an International Organization: the Case of the Korean Peninsular Energy Development Organization (KEDO): Dissolution de facto or Hibernation?

Frédéric Dopagne (University of Louvain): Sanctions by International Organizations: The Decentralized Society in the Heart of the Institutionalized Society

Eran Shamir-Borer (New York University): Meeting the Challenges of Global Governance: Administrative and Constitutional Approaches

Agora 3: Legitimacy of International Law

Chair: Volker Röben, Swansea

Lecture Hall 8

André Nollkaemper (University of Amsterdam): Rethinking the Supremacy of International Law

Mortimer Sellers (University System of Maryland): The Republican Foundations of International Law

Bebhinn Donnelly (Swansea University): Natural Law and the Possibility of Universal Normative Foundations

Russell Miller (Washington and Lee University, Lexington): Paradoxes in Personality: Transnational Corporations, Non-governmental Organizations and the Legitimacy of Human Rights Law

Agora 4: Social Justice and International Law

Chair: Angelika Nußberger, Cologne

Lecture Hall 9

Duncan A. French (University of Sheffield): The Ideal of the NIEO and the Continuing Desire for Social Justice

Ruth Wedgwood (Johns Hopkins University, Baltimore): The Relationship between Social Justice and Human Rights

James Harrison (University of Warwick, Coventry): Social Justice in International Investment Treaty Arbitration: The Value of Human Rights Interventions

Anne Trebilcock (Centre du Droit International, Paris X, Nanterre): From Social Justice to Decent Work: Is the Shift in the ILO Significant for International Law?

Lunch

2:30 p.m. – 4:30 p.m. **Fora 3 – 4** [parallel sessions]

Forum 3: The Multiplicity of Law-making Processes

Chair: Vera Gowlland-Debbas, Geneva

Lecture Hall 13

Jean d'Aspremont (University of Leiden): The Doctrinal Illusion of Heterogeneity in International Law-Making

Mia Swart (University of the Witwatersrand, Johannesburg): Filling the Gap: The ICTY and ICTR as International Lawmakers

Marko Milanovic (University of Cambridge): Norm Conflict in International Law: Whither Human Rights

Markus Gehring (University of Cambridge): Strategic Use of Litigation to Influence Negotiations: the WTO, the EU, and the UN

Forum 4: International Law and the Media / Interaction between International Law and the Media in a Heterogeneous World

Chair: Reinhard Müller, Frankfurt

Lecture Hall 10

Mario Prost (Keele University): The Power of Bauer: Popular Culture, Torture and the 'Mediatisation' of International Law

Achilles Skordas (University of Bristol): Media, World Public Sphere and Transnational Constitutionalism: a Critical Appraisal of Habermas' Divided West

Daniel Joyce (Trinity College, Cambridge): International Law and the Media: Envisioning the Media

Zhanna Kozhamberdiyeva (University of Basel): The Concept of International Information Security and International Law: A Novel Response to the Threats of Media Globalization?

Coffee Break

5:30 p.m. – 6:30 p.m.

Keynote address

Democracy after the Fall of the Berlin Wall: it has come, it is coming, it may come?

Rein Müllerson, London

Auditorium

6:30 p.m. – 7:30 p.m.

Discussion

Oxford University Press

Social Function and Launch of the Max Planck EPIL

Prinz Carl Palais, Am Kornmarkt 1, 69117 Heidelberg

Saturday, 6 September 2008 (New University, Grabengasse 3, 69117 Heidelberg)

9:00 a.m. – 10:30 a.m.

ESIL General Assembly Meeting

Auditorium

Coffee break

11:00 a.m. – 1:00 p.m.

Fora 5 – 8 [parallel sessions]

Forum 5: Heterogeneity Reflected in International Legal Traditions

Chair: Yasuaki Onuma, Tokyo

Lecture Hall 6

Rima Tkatova (Jean Moulin University Lyon 3): Le droit international post-sovietique en quête de son identité dans un monde hétérogène

Ludovic Hennebel (New York University): La tradition juridique interaméricaine des droits de l'homme: du particularisme à l'universalisme

Sana Ouechtati (Carthage University, Tunis): L'hétérogénéité dans la justice internationale: l'exemple de la Cour Internationale de Justice

Gleider Hernández (University of Oxford): On the Official Languages of International Law

Forum 6: The Role of the WTO in Balancing Heterogeneity of Interests in the Shaping of International Law

Chair: Markus Krajewski, Potsdam

Lecture Hall 7

Piet Eeckhout (King's College London): The Process of 'Weighing and Balancing' under Articles XX GATT and XIV GATS: Cost-Benefit Analysis, Proportionality, Necessity or Deference?

Isabel Feichtner (Max Planck Institute for Comparative Public Law and International Law): The Waiver Power of the WTO. Opening the WTO for Political Deliberation on the Reconciliation of Public Interests

Andrew Lang (London School of Economics): Inter-regime Encounters: International Institutions and the Mediation of Normative Pluralism

Stefan Oeter (University of Hamburg): Is the WTO the Right Forum to Balance Heterogeneity of Interests in the Regulation of Culture Markets?

Forum 7: International Law and the Millennium Development Goals

Chair: Jutta Brunnée, Toronto

Lecture Hall 8

Muthucumaraswamy Sornarajah (National University of Singapore): The Right to Development and the International Law of Greed: Tensions in the International Law on Foreign Investment and Trade

Kerry Rittich (University of Toronto): Development by Measurement: The MDGs in Global Governance

Ellen Hey (Erasmus University Rotterdam): The MDGs, Fragmentation and International Institutional Law

Annamaria La Chimia (University of Nottingham): Achieving the MDGs: Enhancing Aid Effectiveness through the Legal Framework for International Trade

Forum 8: Refocusing the Rules on Warfare

Chair: Marco Sassòli, Geneva

Lecture Hall 9

Dominika Švarc (University of Ljubljana): Rules of Warfare and the Challenges of Contemporary Peace Operations

Robin Geiß (International Committee of the Red Cross): The Principle of Military Necessity - Archaic Vestige or Fountain of Youth

Giulio Bartolini (Roma Tre University): The "Civilianization" of Contemporary Armed Conflicts

Mamadou Hebie (Graduate Institute of International and Development Studies, Geneva) : La responsabilité internationale de l'État pour les actes des compagnies privées de sécurité et son impact sur leur régulation

Lunch

2:30 p.m. – 4:30 p.m.

Agorae 5 – 7 [parallel sessions]

Agora 5: Sexuality and Gender in International Law

Chair: Dianne Otto, Melbourne

Lecture Hall 6

Aeyal Gross (Tel Aviv University): The Dilemmas of 'Thinking Queer' in International Human Rights Law

Marjolein van den Brink (Utrecht University): The Miss(ing) Link: An Inquiry into the Existence of a Legally Relevant Connection between the IL Concept of State Sovereignty, National Identity and Beauty Pageants

Zoe Pearson (Keele University): Between Resistance and Compliance? Feminist Perspectives on International Law in an Era of Anxiety and Terror

Sari Kouvo (International Centre for Transitional Justice):
Taking Women Seriously – A Personal Reflection on Gender
Mainstreaming in the State-Building Process in Afghanistan

Agora 6: International Crime

Chair: William Schabas, Galway

Lecture Hall 7

Jernej Letnar Cernic (University of Aberdeen): The Prosecution
of Crimes against Humanity Committed in Slovenia after the
Second World War

Gauthier de Beco (Catholic University of Louvain): Victim
Participation before the International Criminal Court

Cristina Villarino Villa (European University Institute, Florence):
Beyond McLeod: Foreign State Officials and Wrongful Conduct.
Outlining the Limits of Functional Immunity

Agora 7: International Environmental Law

Chair: Laurence Boisson de Chazournes, Geneva

Lecture Hall 8

Gareth Davies (VU University Amsterdam): The Law and Policy
of Unilateral Geoengineering

Jaye Ellis (McGill University, Montreal): Sustainable
Development as a Legal Principle: A Rhetorical Analysis

Judith Fischer (Utrecht University): Reconciling Shared yet
Conflicting Interests: The Case for Fisheries-specific
Countermeasures in the Collective Interest of Marine
Biodiversity

Saverio di Benedetto (University of Salento, Lecce): The
Standards of Compensation for Environmental or Human Rights
Expropriations: What Relevance for Principles of Balance and
Equity?

Coffee break

5:30 p.m. – 7:30 p.m.

Final Round Table

Mark Villiger, Jan Klabbers, Panu Minkkinen, Rein Müllerson,
Jutta Brunnée, Vera Gowlland-Debbas

Auditorium

Dinner, Castle Heidelberg
(Buses will leave directly after the Round Table)

Sunday, 7 September 2008

10:00 a.m.

Optional function: Bus trip to Speyer. Visit of ancient Jewish Bath and Cathedral of Speyer. (Please register upon arrival on Thursday)