

# **European Society of International Law Interest Group on International Legal Theory**

Workshop, held on the occasion of the 13th ESIL Annual Conference:  
'Global Public Goods, Global Commons and Fundamental Values:  
The Responses of International Law', Naples, 7–9 September 2017

Call for Papers

## **Democracy and Participation *versus* Global Public Goods and Commons: Theoretical Challenges**

Democratic and participatory principles, although not free from challenges, are nowadays held by many to be a necessary component of (legitimate) international law. These challenges increase with the entry into international law and legal scholarship of the ideas of 'global public goods' and 'global commons'. This panel will reflect on challenges arising from democratic and participatory ideals vis-à-vis global public goods and global commons.

For instance, in relation to commons within local domestic contexts a series of principles have been propounded, claiming to ensure success in managing commons on both the theoretical and on the practical level. Several among these relate to ideas of democracy and participation, for example the participation of users in decision-making processes and the development of rules; holding monitors accountable; or low-cost conflict resolution. However, these pose significant challenges when applied to global commons. Moreover, whether the management of global commons requires more or different design principles (e.g. as developed in relation to local commons) remains a largely open question.

In relation to the global public goods debate, the position of international law (and its scholarship) remains ambiguous. While some scholars argue that international institutions and international law are needed to provide for global public goods, others contest the adequacy of traditional international law mechanisms. In both cases, however, the place of democratic and participatory principles remains unclear.

Participants in this panel will critically examine whether and how international law might influence the development of democratic and participatory principles in the management of global public goods and commons, both in a positive and in a negative way. Simultaneously, this panel will evaluate whether the introduction of the language of global public goods and global commons by states, scholars or international institutions supports or detracts from the development of democratic and participatory principles in international law. Is the language of global public goods and global commons merely a convenient device legitimating undemocratic processes and elitism of international institutions? Are we instead correct to speak of a 'democratic turn' in the law-making and in the governance of international law? Would this mean a distinction between 'normal' and 'higher' law-making?

We invite reflections on this theme from a variety of perspectives, including interdisciplinary and critical approaches.

## **Application Process**

Please submit an abstract in Word of no more than 800 words to panel organisers Ekaterina Yahyaoui Krivenko ([ekaterina.yahyaoui@nuigalway.ie](mailto:ekaterina.yahyaoui@nuigalway.ie)) and Claudio Corradetti ([claudio.corradetti@uniroma2.it](mailto:claudio.corradetti@uniroma2.it)). The following information must be provided with each abstract:

- The author's name and affiliation;
- The author's CV, including a list of relevant publications;
- The author's contact details, including email address and phone number;
- Whether the author is an ESIL member; and
- Whether the abstract should be considered for the ESIL Young Scholar Prize.

Only one abstract per author will be considered.

Abstracts will be selected for inclusion in the IGILT panel proposal on the basis of their alignment with the panel description and objectives as well as the overall coherence of the panel. The selected abstracts will form the basis for the IGILT's agora proposal at the main conference, but IGILT will organise an autonomous interest group workshop if the proposal were not to be accepted.

Submissions in both English and French, the two official languages of the Society, are welcomed.

The deadline for the submission of abstracts is 10 December 2016. Applicants will be informed of the selection committee's decision no later than 9 January 2017.

The Interest Group is unable to provide funding for travel to and attendance at the conference. Please see the [ESIL web site](#) for information on finances and for other relevant information about the conference.