CALL FOR PAPERS

The 10th Anniversary Conference of the European Society of International Law will take place in Vienna, Austria, hosted by the University of Vienna and organised by its Law School’s Section for International Law and International Relations.

In addition to the plenary sessions and fora featuring invited speakers, the programme also includes 15 agorae. Agora speakers will be selected on the basis of abstracts submitted in response to this call for papers.

The purpose of the agorae is to share cutting-edge research in specific areas of international law, to stimulate debate, and to foster contacts between participants. Papers presented in agorae may focus on any aspect of the branch of international law and the related field discussed in the agora, as long as they are connected with the overarching conference theme and the description of the agora. At the moment of presentation, papers should be unpublished, in an advanced stage of completion, and ready to be included in the conference proceedings. The general conference theme and the themes of the agorae are described below.

The working languages of the conference are English and French. Since no translation will be provided, participants should have passive understanding of both languages and active understanding of at least one of them.

APPLICATION PROCEDURE

Senior and junior scholars (including PhD students) are invited to participate in the agorae. Papers will be selected on the basis of abstracts submitted. Selection criteria are: originality of the work, links to the conference and agora theme, and geographical representation of the speakers. Only one abstract per author will be considered.

Abstracts must be submitted to the following email address: esil.vienna.2014@univie.ac.at. Abstracts must not exceed 800 words.

In addition, the following information must be provided on the submission:

- The name of the agora for which the abstract is submitted
- 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, if so, the date of affiliation
TIMELINE

- The deadline for the submission of abstracts is **15 January 2014**
- Successful applicants will be informed by 15 March 2014
- The deadline for the submission of the papers of accepted abstracts is 1 July 2014
- The conference begins on Thursday 4 September 2014 at noon and ends on Saturday 6 September 2014 in the early afternoon
- The deadline for the submission of final papers, to be included in a future conference publication, is 1 October 2014

FINANCES

All selected agora speakers will receive **free registration** to the conference, provided they are ESIL members. The organisation does not cover expenses for travelling and accommodation.

PUBLICATION

ESIL plans to publish high-quality papers in the Society’s SSRN Working Paper Series and a selection of the best ones in a future conference publication.

CONFERENCE THEME

**“INTERNATIONAL LAW AND …”**  
*Boundaries of International Law and Bridges to Other Fields and Disciplines*

International law has long been influenced by other fields of law and other disciplines and this conference will explore these influences and the way that they are intertwined. International law may regulate, mostly through treaties, other fields of law such as commercial, employment, family or environmental law; the use of international law is very different in each of these fields and international lawyers may be criminal lawyers, investment arbitrators or administrative law specialists while still considering themselves international lawyers. At the same time, international law needs to be understood in a broader context. The fluctuating content of international law – as a result of its decentralized norm-making process – and the various compliance and enforcement structures – due to the lack or weakness of centralized policing institutions – often require meta-legal reasoning when it comes to explaining the normative quality of international law and to understanding what the law is and why it should be followed. These trends have increased recently and threatened international law with fragmentation through over-specialization. In order to see the whole picture, international lawyers need to understand how international law is distinguished from and linked to other fields and disciplines.

The 2014 ESIL conference in Vienna will explore these interconnections and will also look at whether the boundaries of international law have been crossed, and in what ways. The title ‘International Law and …’ indicates that the focus is both on the interplay between international law and other fields of law and between international law and other disciplines.
AGORAE THEMES

Agora 1: International Law as a Generator of National Law

International law has greatly expanded. Today, almost all spheres of life regulated by law are to some extent pre-determined by international law. Often international law even inspires national legislation that would otherwise possibly not exist at all. In some areas international law may substitute for domestic law. Global Law, Global Governance, Global Administrative Law and International Public Authority discourses debate whether international law or some modification of international law is likely to make domestic law superfluous in some areas or whether it may rather generate more domestic law.

This agora is intended to focus on the role of international law in the domestic sphere. What are the quantitative and qualitative features of the influence of international law at the national level? Are the traditional concepts of incorporation/application still adequate? Are states still able to mediate and control the impact of international law? Is domestic social change through international legislation possible? Is it desirable?

Agora 2: National Law as a Generator of International Law

National law, both statutory and case-law, can influence international law in many ways. National law may serve as a template for treaties or lead to the development of customary law and, most importantly, national law may evidence general principles of law. Classic examples are the impact of the US Foreign Corrupt Practices Act on the OECD Anti-Bribery Convention or the Truman Proclamation’s influence on the customary international law of the continental shelf. A particularly fascinating role is played by domestic courts; their jurisprudence may take on a special law-making role as relevant state practice and, often at the same time, as *opinio iuris* evident in many immunity and extraterritorial jurisdiction cases.

This agora will address the various ways that national law and jurisprudence influence international law. What is the particular role of domestic courts? Does this role depend on national traditions? Is it shaped by transnational judicial dialogue or are courts in different states acting as isolated agents? How have international courts incorporated national law or national law concepts in their reasoning? How do international courts and tribunals ‘select’ the domestic case law on a particular matter?

Agora 3: Trade and Investment between International and European Law

Trade and investment are core issues at the crossroads of international and European law. The EU has gradually expanded its trade competences and succeeded into its member states’ position in global trade arrangements like the GATT and other WTO agreements. Most recently, the take-over of member state powers in the field of concluding investment treaties with third parties has led to contested new external powers of the EU.

Trade and investment issues are meanwhile litigated before a multiplicity of fora, such as the WTO dispute settlement system, regional trade agreements, the Court of Justice of the
EU, investment arbitration tribunals as well as national courts. Host states invoke EU law as a defence in investment cases and traders try to rely on international law before regional and national courts. This agora will analyze the frictions and bridges between the global and the regional, between international and European law, in regulating common problems at different levels. It will also focus on the role of international law in the European legal order addressing trade and investment disputes and vice versa.

Agora 4: International Law and Economics

‘Law and economics’ has become an established branch of interdisciplinary research. Many fields of the law have been analyzed from a ‘law and economics’ perspective (assuming rational behaviour and using economic tools) and also from a ‘behavioural law and economics’ perspective (a joint enterprise between economists and psychologists). However, international law appears to have been analyzed to a lesser extent although it is an especially interesting topic due to the missing centralized enforcement power. It thus appears worthwhile to investigate whether ‘(behavioural) law and economics’ approaches could be applied more widely to core issues of international law ranging from treaty negotiation to treaty compliance, the development of customary law, the design of international institutions, international dispute settlement, and so on. This agora welcomes all contributions on international law using a (behavioural) economics approach, including empirical studies on international law.

Agora 5: International Law and Literature

Law and literature has become an established research interest and has found its way into a number of law school curricula. Obviously both academic fields are primarily about the interpretation of texts. But there are many other overlaps between the two fields, from lawyers turning novelists to novelists pushing legal change. However, international law seems to have been rather on the fringe of these developments. Even so, issues central to international law have been reflected in literature (e.g. terrorism, from Joseph Conrad’s 1907 novel ‘The Secret Agent’ to the 2006 book ‘Terrorist’ by John Updike). Though more rarely, international lawyers have even become protagonists in literature like Frederic Martens in Jan Kross’ 1984 novel ‘Professor Martens’ Departure’, depicting the 19th century international lawyer already torn between apology and utopia. Conversely, international lawyers have taken a closer look at literature and studied the reflection of international law in Shakespeare’s plays like Theodor Meron in his 1994 study on ‘Henry’s Wars and Shakespeare’s Laws’ followed by his 1998 book ‘Bloody Constraint: War and Chivalry in Shakespeare’.

Building on this interest of international lawyers in literature, this agora will address general issues: Is there anything that law and literature can learn from each other? Is there a deeper overlap in the methodology? How would a lawyer cope with the prevailing subjectivist approach to art? Can writers adapt to the stringent interpretative canons of
(international) lawyers? To what extent should lawyers draw on the methodology developed in the context of literary studies, e.g. as regards text analysis or interpretation?

**Agora 6: International Law and Feminism: Anything New Under the Sun?**

In the 1990s an intense debate on feminism and international law started to permeate journals and learned societies. Core concepts of international law were critiqued and de-constructed from a feminist perspective. Most recently, the ILA re-established a committee on ‘Feminism and International Law’ in 2010 focusing on the economic empowerment of women and the possible contribution of international law. Other initiatives, like the journal ‘Feminist Legal Studies’, continue; others were recently revived, such as the ‘IntLawGrrls’ blog. Feminist methodological approaches to international law include the detection of silences in the law and the question of how to respond to the many (cultural, linguistic, religious, ethnic, economic) differences among women. Feminist international lawyers have added to the understanding of international law in various ways, e.g. through a feminist perspective on international criminal law and on women in armed conflicts. These issues will be discussed in this agora, including questions such as: What is the current status of the debate? Is there still momentum in international law and feminism? What are the fields where international law and feminism might best contribute to the development of international law?

**Agora 7: International Law and History: The Return of the Past?**

International law has developed a distinctively historical and historiographic turn in the last 15 years, rediscovering a historical approach to the study of international law and international lawyers which had largely faded from view since 1945. In part it has been revitalized by a renewed preoccupation with understanding the political and normative foundations of international law, its relationship with empire and colonialism, and as part of the search for clues about the origins of the present. But it has also been revitalized by the resurgence of intellectual history, postcolonial history and international history, which are reinvigorating the study of ‘classical’ figures in international political and legal thought, and trying to understand the origins of the political, social and economic foundations of the contemporary international legal order. Along with groundbreaking work in the history of international law in general, recent years have seen new studies in the history of the laws of war, renovations of the legal thought of classical figures such as Gentili and Vattel, and new histories of international institutions such as the League of Nations. This agora will bring together intellectual historians, historians of law and historians of international thought to consider the ways in which new research into the history of international law is changing our understanding of past and present.
Agora 8: International Law and Political Science: The Need to Learn From Each Other

Political science has rediscovered international law – either through the constructivist turn in international relations thought, rational choice modeling, or more recently through the attempt to develop data-driven empirical inquiries into the ways in which international law ‘works’ in shaping state and non-state behaviour. The result has been a scholarly agenda preoccupied with understanding whether international law rules ‘matter’, whether and why states comply, and how various kinds of legalization of political decisions impact upon those decisions. These studies, both in the methodologies and in their outcome, raise important questions about how we think about the impact of law on international politics, what qualifies as an impact, and whether we can use this knowledge to better design international legal regimes and institutions. It also challenges some important self-understandings of international lawyers as to the significance and relevance of norms and their interpretation.

This agora will bring together political scientists and lawyers to consider both how this discipline understands international law, and how legal science might shape the methods of political science.

Agora 9: International Law and the Human Sciences: Anthropology and Sociology

The last decade has seen anthropologists and sociologists turn their attention to the study of international law and international institutions, mostly in the field of human rights, but increasingly in the areas of international criminal law, international humanitarian law and international investment law. The results have been varied, but are sometimes startling and illuminating. Turning international law and international lawyers into objects of sociological and anthropological analysis promises a new lens through which to address some perennial questions about international law: how do global legal norms develop legitimacy? How do they travel between national and international realms? How do international legal institutions socialize global actors and generate structures of social action at the international level? How does the normativity generated by international legal norms in human rights and international criminal law interact with national and local contexts? What forms of social power does it generate, and what kinds of power and knowledge does it marginalize? These are the questions that anthropological and sociological studies of international law can help address. They can also help to better understand the multiple ways in which international law is being transformed in this epoch of ‘Global Law’, a development that systematically challenges many of the key distinctions and categories upon which our concept of international law and its identity are premised.

This agora will bring together anthropologists and sociologists whose work centres on the study of international law and international institutions and place them in discussion with international lawyers.
Agora 10: International Law and Sports: Competing for Governance?

International sports associations, like the International Olympic Committee, the Fédération Internationale de Football Association, the International Cricket Council or the Fédération Internationale de l’Automobile, are examples of self-governing transnational institutions managing sports issues in a highly efficient and often rather secretive manner. Allegations of corruption, mismanagement, the lack of sufficient measures against doping and bribery suspicions have raised serious concerns over their self-regulatory governance structures. Furthermore, general questions of due process and fair trial have been raised in recent highly publicized cases of sanctions against athletes or sports clubs. Another question that continuously surfaces in the context of major sporting events, such as the Olympic Games, is to what extent sport has to get involved in politics. In particular, might sport be a means of inducing compliance with rules of international law?

This agora will address complex issues regarding the tension between self-regulation and state control, the reach of national criminal and tort law, and the role of sports arbitration and other dispute settlement mechanisms in securing the accountability of international sports associations.

Agora 11: International Law and Film: The Power of Pictures

This agora proposes a discussion on international law as portrayed in films. What can we learn from the popular representation of our discipline in fiction and documentary movies dealing with issues of general international law or its specific fields? A major area of conversation may, of course, be criminal international law, an area with such classics as ‘Judgment at Nuremberg’ (1961). However, more recent movies could considerably expand the discussion, e.g. ‘Argo’ (2012) on the Iran hostage crisis, ‘Zero Dark Thirty’ (2012) on the manhunt for Osama Bin Laden, or ‘The Whistleblower’ (2010) on the responsibility of the UN for covering up a sex scandal in post-war Bosnia. Moreover, documentary films may also lead us to discuss the capacity of films to show a more accurate description of international law and its institutions or even to transform it. Examples include ‘Granito: How to Nail a Dictator’ (2011) on the Mayan genocide or ‘U.N. Me’ (2009) drawing an obscure picture of the organization. The discussion may also include specific advocacy projects on films and human rights, e.g. dealing with the abolition of the death penalty.

Agora 12: International Law and the Aesthetic

In contemporary society it is axiomatic that the world of the arts is infinitely international in nature. Yet, the relationship between international law and the various manifestations of art, which range from the visual arts such as painting, sculpture, video, sound and installation art, photography and printmaking, to performing arts such as music, dance and theatre, is rarely explored.
The aim of this agora is to examine some aspects of the relationship between international law and the arts from a public and private international law perspective. Topics for the panel may cover any form or representation of the visual arts, including the legal or illicit sale, distribution and exhibition of works of art or other cultural objects. It may further include issues relating to the loan (or bailment) of works of art for exhibition, recovery of lost or stolen or looted art, and intellectual property rights such as copyright and digital rights that may attach to works of art. Similarly, the performing arts may give rise to issues of representation and performance in the public or private international law sphere.

Agora 13: International Law and Philology/Linguistics

Philology and linguistics matter per definitionem for the analysis of legal texts, for instance, as regards techniques/canons of interpretation and text analysis. They are of even greater importance to international law as a multilingual discipline. The necessary translation and subsequent interpretation of treaty texts authenticated in different language versions is only one example. Questions of philology or linguistics gain increased significance since treaties are often deliberately imprecise, reflecting the inability or unwillingness of the negotiating parties to agree upon clear standards. This agora will expand on these issues, addressing questions such as: To what extent can international law draw on the disciplines of philology/linguistics? Should it make increasing use of their methods? Is there a need for more interaction between the disciplines with regard to the education and training of experts/professionals?

Agora 14: International Law and New Information Technologies

Rapidly developing new information technologies impact international law in various ways. On the one hand, they offer incredible potential, such as the use of evidence gathering in the field of international criminal law, and they open up new approaches, such as emission checks/controls in international environmental law. On the other hand, new information technologies pose various challenges to international law; for example, cross-boundary data protection/data transfers challenge human rights/privacy rights, while espionage, drone attacks/cyber war/armed robots challenge international humanitarian law and defy basic concepts of international law, such as attribution, state/individual responsibility, etc.

This agora will focus on questions including: What are the challenges posed to international law by new technologies? Is there a need for additional regulation? Do new technologies require the development of new standards? To what extent do new technologies imply a necessary re-conceptualization of traditional international law approaches (e.g. as regards attribution/responsibility)? What is the potential of new technologies to usefully contribute to international law?
Agora 15: International Law and Theology

This is not an agora on international law and religion, focusing on freedom of religion or other human rights aspects of religious beliefs and practices. Rather, this panel will focus on the similarities and differences concerning international law and the academic ‘discipline’ of religion, theology. Questions addressed could be: How are texts becoming part of the ‘canon’? Who decides on the teaching/preaching of the gospel? How is the ‘invisible clergy of international lawyers’ and the ‘visible college of priests’ formed? How do we deal with heretics and schisms? Did the fact that most founding fathers of international law from Vitoria to Grotius were theologians have an impact on the early formation of the *ius gentium*? Papers should also address the different or similar ways in which lawyers and theologians deal with custom or with the demands of conscience and morality in their normative orders.