



**RIGA  
GRADUATE  
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EUROPEAN  
SOCIETY OF  
INTERNATIONAL  
LAW



Constitutional Court of  
the Republic of Latvia

**European Society of International Law**  
**12th Annual Conference**  
**How International Law Works in Times of Crisis**

**Rīga, 8 - 10 September 2016**

**Call for Papers**

The 12<sup>th</sup> Annual Conference of the European Society of International Law will take place in Rīga, Latvia, hosted by the Riga Graduate School of Law in cooperation with the Latvian Constitutional Court.

In addition to the plenary sessions and fora featuring invited speakers, the programme also includes a number of 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. Papers should present innovative ideas, be unpublished at the moment of presentation, and be at an advanced stage of completion. 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.

**The Theme of the Conference**

In recent years the world has yet again been confronted with events that required decisions going to the heart of the international legal order, which it has sought to build since the creation of the United Nations and, especially, since the fall of the Berlin Wall. The 2016 ESIL annual conference in Rīga is taking place at a time when the word 'crisis' frequently comes to mind, either with reference to the European public order or international law in general.

The territorial integrity of many States continues to be undermined. The rise of ISIS and the continued proliferation of other violent extremist groups provide serious challenges to the world order we have striven to build. Crises around the world range from more traditional threats to territorial integrity and security, through the use of modern technology or forms of warfare to more fundamental challenges to the planet through climate change and environmental threats. Problems in the global, European and national economies and financial markets provide yet further examples of crises. Many of these developments are interlinked. For example, the unprecedented flow of migrants and refugees into Europe is linked to security, the economy, and climate change. This is all taking place at a time when globalization is a reality and traditional societal boundaries are continually being eroded through ever-developing interdependencies while at the same time faced with growing nationalism.

These developments raise challenges at two levels. One is to ask whether international law itself is in crisis. Is it possible to identify challenges to the basic underpinnings of the traditional international legal order that would be qualitatively different from those faced previously? Another way of posing the question is to enquire whether international law is up to the task of dealing with particular crises.

It should, of course, be recognized that crises are not new for the discipline of international law. It has been argued that a sense of crisis is integral to the discipline. The role, relevance and institutions of international law have always been challenged, especially when faced with different kinds of crisis. Moreover, moments of crisis may offer new possibilities. Historically, such moments have led to new solutions in the world community, including new projects involving normative developments. Be that as it may, international lawyers should confront and address this sense of crisis embedded in their discipline. Against this background, the ESIL Conference in Rīga will address the theme ***How International Law Works in Times of Crisis***.

The conference will provide an opportunity to discuss the crisis of international law, the international law of crisis, and also different biases and assumptions that contribute to questions about crisis. Questions that will be discussed include: In times of crisis, how does international law work? More specifically: How is international law rising to the challenge of contemporary crises, of capturing old and factually new phenomena and dealing with them in a normative context? What is the role of international lawyers in addressing the old and new crises? What role is assumed by (regional) organizations and the European Union in particular as well as non-state actors in this context of multiple tensions and multiple visions of the past and the future? This focus invites legal and interdisciplinary approaches to address these issues more generally as well as in different specialised areas of international law.

## The Agora Themes

### **Agora 1: New Forms of Warfare and Armed Conflict**

Since its inception, international humanitarian law has been a constantly evolving field of international law. It has frequently been normatively out of step with events that it ought to have regulated *ex ante*. This Agora will discuss whether the existing normative framework of the law of armed conflict provides sufficient solutions to contemporary challenges, in particular those posed by new forms of warfare. Possible topics for papers in this Agora include challenges posed by new types of actors and conflicts, the impact of new technologies (especially weapons technology), and how new forms of warfare affect the relationship between international humanitarian law and other branches of international law, such as human rights.

### **Agora 2: European Human Rights Architecture: Progress and Setbacks**

While Europe is proud of its human rights protection mechanisms at national and European levels, especially with the European Court of Human Rights and the individual right of complaint to the Court, in recent years a number of fundamental issues have challenged the human rights architecture. Some States have posed difficult questions about the system and CJEU Opinion 2/13 prominently questioned the competences of and responsibilities for human rights protection in Europe. This Agora will discuss whether these developments are necessary element towards further progress or whether they are setbacks for the system. Possible topics for papers in this Agora include: the issue of overlaps and inefficiencies within the European architecture; whether too many mechanisms may lead to too little protection and progress; the problem of compliance and the issue of fragmentation of regimes in Europe; and, more generally, whether the European human rights architecture can address the challenges of globalization and the setbacks of nationalism, and what would then be the way forward.

### **Agora 3: Minority Rights: Human Rights and Security Considerations**

The protection of minority rights has always posed challenges for international law. For fear of alleged secessionist movements and for other reasons, States have been reluctant to grant rights to minorities. This is demonstrated by the lack of clarity in international standards on minority rights, the fact that even a commonly accepted definition of the term 'minority' in international law is still lacking, and the weak international monitoring system. At the same time, national protection of minority rights is often perceived as being inconsistent and inadequate, and today the question of minorities is more pressing than ever. This Agora will discuss the limitations of the present international regime in the light of current threats to minorities. Possible topics include the use and limitations of human rights law for the protection of minorities, the interface between minority issues and security, which may undermine progress in development and application of international standards, and more generally how international law can contribute to improving this record.

### **Agora 4: Is Current International Law on State Immunity in Crisis?**

The international law on the jurisdictional immunities of foreign States, their organs and assets abroad remains highly controversial. The aim of this Agora is to discuss areas of uncertainty and controversy in the law of state immunity. One example is the question of whether fair trial rights must take priority over the protection of State sovereignty, especially in relation to grave violations of human rights committed by individual state organs. While a large scholarly movement claims and courts of some States have answered this question in the affirmative, other international and domestic judicial practice, along with the International Law Commission, appear more reluctant to accept such changes. Other questions are whether the old-fashioned distinction between *acta iure imperii* and *acta jure gestionis* is still workable or whether it should be updated, and whether the traditional distinction between immunity from jurisdiction and immunity from execution is still tenable. What ways forward can be identified that would better protect the human rights of individuals, the legitimate interests of foreign private entities, and the unimpeded exercise by States and their organs of their public functions abroad? To what extent are these developments linked to the ongoing discussion about the changing structures of statehood?

### **Agora 5: International Law and the Baltic States**

After a long period of Soviet occupation the Baltic States reclaimed their independence and joined the European Union and NATO. They have maintained their claims to State continuity and endorsed international human rights law. However, the episode of the occupation still gives rise to many questions that are of more than historical importance. This Agora will discuss how realism and a quest for justice have conflicted, both during the Soviet period and following the restoration of independence, and what solutions could be found. Examples of topics that could be discussed are the status of the right to truth as a human right, the effects and limits of the non-recognition obligation, the status and rights of Soviet time settlers, issues pertaining to the withdrawal of the Soviet armed forces, and the questions of borders. This panel also invites papers that address the question of what international responses and reactions concerning the Baltic dilemmas tell about the role of international law. Papers that place the various aspects of the Baltic case study in a broader context are encouraged.

## **Agora 6: Are Cyber Security and Privacy Reconcilable?**

The growth of information and communication technologies has created significant challenges. One of them is the protection of human rights in cyberspace, including the right to privacy, coupled with legitimate concerns of the industry and governments about cyber security and misuse of the Internet. The more the Internet becomes central to our daily lives, the more acute these challenges become. On one side, a recent report noted that state efforts to address the security of information technologies must go hand in hand with respect for human rights and fundamental freedoms. Similar sentiments were expressed by the UN General Assembly and the Human Rights Council in their resolutions on privacy in the digital age. On the other side, cybercrime, industrial and other espionage, the use of the Internet for propagating extremist ideologies and other forms of misuse of new technologies require growing (and costly) investment in cyber security. Users may even disengage if the perceived disadvantages of the use of Internet start outweighing the perceived advantages. This Agora will examine the lines drawn between security concerns and fundamental freedoms, who gets to make the relevant decisions and in what processes, and the role of international cooperation in this respect.

## **Agora 7: Implementing the 2030 Agenda for Sustainable Development: What Role for International Law?**

With the adoption of the 2030 Agenda for Sustainable Development, the General Assembly has taken a major step toward addressing one of the most structural sets of crisis of our time: the continuing poverty, inequality and injustice across the world, as well as the crisis in environmental sustainability. While the 2030 Agenda contains few express references, international law provides a powerful subtext for this Agenda. On the one hand, to a large extent, the very problems that the Agenda seeks to address are caused by structural biases of international law. On the other hand, international law may provide important building blocks for effective action in relation to poverty, inequality and environmental sustainability, including financing and investment for development. This panel invites proposals for papers addressing the role of international law in contributing to the crisis, and/or in offering solutions to it. Papers that expressly engage with the contents of the Agenda, and place the role of international law in the wider political, social and/or economic context of the Agenda, are encouraged.

## **Agora 8: International Response to Challenges of Climate Change: The Law of Politics and the Politics of Law**

The Rīga Conference will meet at a defining moment in international policy and law-making. As science indicates, time is running out. A new agreement (scheduled for adoption in December 2015) is a unique chance to put the world on a path to a climatically safe future. This Agora will discuss how international law has responded, and can respond, to increasingly alarming warnings from science on climate change, with a particular focus on the intersection between law and politics in this area. Questions to be discussed include: What are the roles of politics and law in relation to climate change and how do they intersect or deviate? What can we learn about the fairness and effectiveness of international legal responses in the context of problems involving collective action and strong political interests? Is there a limit to the ability of international law to deal with a problem of this complexity and with such a long-term horizon? Are the processes of international law-making attuned to the sense of urgency conveyed by scientific reports? What are the advantages and promises – and the pitfalls and limitations – of multilateralism? Is UN-based multilateralism past its sell-by date? Are there any (acceptable) alternatives?

### **Agora 9: Law of the Sea: As Ever, between Selden and Grotius**

In recent years European seas have faced several challenges, such as a dispute over the Arctic continental shelf, attempts by Georgia and Ukraine to limit merchant shipping to and from occupied territories in the Black Sea and, more generally, increasing competition for scarce maritime resources, including fisheries, oil and gas resources, and deep seabed mining. Moreover, activities such as human trafficking, migration and piracy all pose challenges to what appeared to be a stable body of law. While these particular challenges are new, they are also part of a long-standing tension between territoriality (as reflected in the work of Selden) and freedom of the seas (associated with Grotius). This Agora will discuss whether current developments pose structural challenges for the law of the sea or whether they can be accommodated within the dominant regime. Is there a need for new solutions within or beyond the UN Law of the Sea Convention? What approaches should be taken to deal with new challenges in the law of the sea?

### **Agora 10: The Challenge of Illiberal Actors and Movements to the Liberal International Legal Order**

The international legal order is oftentimes characterised as a liberal one. The post-second world war international law promises autonomy, territorial integrity, the right to self-defence and the right to self-determination to States. In return it imposes duties on States to respect human rights internally. The current *realpolitik* seems to be far removed from this. Authoritarianism and totalitarianism are on the rise. Globally and at the local level, there has been a surge in violent movements such as ISIL/Da'esh in the Middle East, and Boko Haram in Nigeria and surrounding countries. Radicalization finds support in many parts of the world. Vulnerable groups, in particular women, are at the receiving end of illiberal actors and movements. Has the consensus on the liberal international legal order come to an end? How does the liberal international legal order combat illiberal forces and actors? Does it succeed?

### **ESIL Young Scholar Prize**

At the Rīga conference, ESIL will award the Young Scholar Prize (YSP) for the second time. The ESIL Young Scholar Prize is generously sponsored by the law firm WilmerHale. The winner of the YSP will be announced in the conference brochure and the Prize will be awarded at the conference dinner.

This prize will be awarded for the best paper submitted to the conference by scholars at an early stage in their academic career. Early-career scholars are either PhD candidates or those who have had their oral defence no longer than 2 years prior to the submission of the abstract. Candidates for the prize have to be ESIL members at the time of submitting their abstract. Co-authored articles will only be considered for the prize if all authors fulfil the eligibility criteria.

In order to be considered, please provide all the following information when submitting the abstract:

- An expression of interest in competing for the ESIL Young Scholar Prize
- Date of enrolment in PhD programme / date of PhD defence
- Date of joining ESIL

Upon acceptance of the abstract for presentation at the conference and notification that they are eligible for the YSP, authors must submit a paper of between 8,000 and 12,000 words (including footnotes) by 1 July 2016 which will then be considered by the YSP jury.

## Submission of Paper Proposals

A selection committee will review abstracts. Joint submissions are possible, but, if selected, only one person will be eligible for a reduced registration fee at the conference.

### Selection criteria are:

- Originality and innovativeness of the work
- Links to the conference theme
- Geographical and gender balance
- Only one abstract per author will be considered
- Abstracts (in word or PDF format) must be submitted via e-mail to [esil.papers@rgsl.edu.lv](mailto:esil.papers@rgsl.edu.lv)
- Abstracts must not exceed 800 words.

### 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
- Whether the abstract should be considered for the ESIL Young Scholar Prize

## Timeline

- The deadline for submission of abstracts is **31 January 2016**
- Successful applicants will be informed no later than **31 March 2016**
- The deadline for submission of full papers is **1 July 2016**
  
- The conference begins on Thursday 8 September and ends on Saturday 10 September 2016
  
- The deadline for submission of final papers (to be included in the ESIL SSRN series, a future conference publication, and / or the Baltic Yearbook of International Law) is **1 November 2016**

## Finances

All selected agora speakers must register for the conference and, if ESIL members, will be eligible for a reduced conference registration fee and an invitation to the conference dinner. ESIL does not cover expenses for travel and accommodation.

## Publication

After the conference, ESIL provides the opportunity to publish papers in the ESIL SSRN Series and also plans to publish selected high-quality papers in a book series with a renowned publisher. Some papers will be selected for publication in the Baltic Yearbook of International Law for 2016.