

The New International Law Conference, Oslo 2007

Preliminary Programme

*This programme and the presentations listed herein are preliminary and subject to revision.
This programme is intended for distribution among conference participants only.
All events take place at the Soria Moria Hotel and Conference Center, Oslo (<http://uk.soriamoria.no/>).
Further information is available at the conference website:
<http://www.jus.uio.no/forskning/grupper/intrel/nil-conference/>*

Thursday, March 15:

- 14.00-16.00 Registration
- 16.00-16.30 Opening reception
- 16.30-16.45 Opening: Marius Emberland and Christoffer C. Eriksen, Heads of the organizing committee
- 16.45-17.00 Welcome: Tore Schei, Chief Justice, The Supreme Court of Norway
- 17.00-17.30 Opening Speech: Martti Koskenniemi, Helsinki University
- 17.30-17.45 Break
- 17.45-19.30 Opening round-table discussion: The New International Law and its theoretical implications.

‘New’ international law builds on a number of fundamental theoretical schemes central to traditional conceptions of international law, including but not limited to theories of legitimacy, democracy, rule of law, sovereignty, compliance, and interpretation. At the same time the new international law challenges the stability of prevalent dichotomies such as international/domestic, private/public, and even the legal/non legal spheres

On this basis we invite the roundtable participants to discuss:

What implications does new international law have for central theoretical schemes in international legal discourse?

Andreas Føllesdal, University of Oslo
Eyal Benvenisti, Tel Aviv University
Inger-Johanne Sand, University of Oslo and Copenhagen Business School
Malgosia Fitzmaurice, Queen Mary, University of London

Chair: Christopher Wilson

- 20.00- Reception

Friday, March 16:

08.45-10.45 Plenary Session:

Key note: Christian Joerges,
European University Institute

*Re-Constitutionalising Transnational Governance
Through Conflict of Laws: The Example of
International Trade*

Key note: Benedict Kingsbury,
New York University

*Accountability, Participation, Transparency: Will
Global Administrative Law Lead Anywhere?*

Chair: Inger-Johanne Sand, University of Oslo and Copenhagen Business School

10.45-11.00	Break
11.00-13.00	Work-Shops: Presentation of submitted papers

Work-shop # 1 New international law and interpretation

Panizzon, Marion; World Trade Institute, Bern	<i>WTO Procedural Justice: Fairness, Promptness, and Effectiveness</i>
Emberland, Marius; University of Oslo	<i>Structuring Ethos and Telos in Treaty Interpretation</i>
Balendra, Natasha; New York University Oxford University	<i>The Exception Shouldn't Swallow the Rule: Lex Specialis and the Relationship between IHL and HRL</i>
Salomonsen, Torunn; University of Oslo	<i>The Role of Principles in the Interpretation of International Criminal Law: The ICTY's Definition of Co-perpetration in the Tadic and the Stakic Trial and Appeal Judgments Revisited.</i>
Commentator # 1:	Cathrine Bröllmann, University of Amsterdam
Commentator # 2:	Federico Ortino, British institute of International and Comparative Law
Chair:	Nicolai Nyland, University of Oslo

Work-shop # 2 Interaction between regimes and its impact on legal doctrine

Alvik, Ivar; University of Oslo	<i>The Hybrid Nature of Investment Treaty Arbitration – Straddling the National/International Divide</i>
Baetens, Freya; University of Cambridge	<i>Systemic integration in the MOX Plant OSPAR Arbitration and the EC Biotech WTO Report: Are we moving towards more coherence in international law?</i>
Burke-White, William W.; University of Pennsylvania	<i>Double-Edged Tribunals: The Domestic Political Effects of International Courts in the Enforcement of International Criminal Law</i>
Lavranos, Nikolaos; University of Amsterdam	<i>Jurisdictional Competition between International Courts and Tribunals: How to Square the Circle?</i>
Mehling, Michael and Lindroos, Anja.; University of Greifswald and University of Helsinki	<i>Unity or Self-Containedness of Regimes: Interaction of Regimes.</i>
Commentator # 1:	Thomas Skouteris, Leiden University
Commentator # 2:	Benedict Kingsbury, New York University
Chair:	Cecilia Bailliet, University of Oslo

13.00-14.00	Lunch
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14.00-16.00	<u>Plenary Session:</u>	
	Key Note: Karel Wellens, Radboud University	<i>Some Interim Reflections and Questions on the Effective Enforcement Debate in State Practice and Doctrine</i>
	Key Note: Michael Zürn, Social Science Research Centre, Berlin and Hertie School of Governance	<i>International Law Between Constitutionalization and American Empire.</i>
	Chair: Geir Ulfstein, University of Oslo	
16.00-16.15	Break	
16.15-18.15	Work-shops: Presentation of submitted papers	

Work-shop # 3: Domestic fragmentation and resistance – new challenges to the role of state

Buyse, Antoine; Leiden University	<i>Piercing the Tattered Veil: Housing Restitution in Bosnia as a Case Study of Researching Human Rights with the Help of International Relations Theory</i>
Bourdon, Natalie Michigan State University	<i>NGOs, Human Rights and State Responsibility in Tanzania</i>
Bailliet, Cecilia; University of Oslo	<i>Constitutional Underpinnings for Conscientious Objection in Allegiance to International Public Law Norms Pertaining to War.</i>
Mégret, Frédéric; University of McGill	<i>Civil Disobedience in Defense of International Law: Sketch for a Theoretical Argument</i>
Commentator # 1:	Matthew Craven, SOAS, University of London (tbc)
Commentator # 2:	Mads Andenæs, University of Leicester
Chair:	Kristin Sandvik, University of Oslo and Harvard Law School

Work-shop # 4: The response of law and doctrine to economic, environmental, social, and technological changes

Chatzimanoli, Despina; European University Institute	<i>(Global Administrative) Law and (New) Governance as Potential Tools for a New 'International' Law-some Examples from the EU Financial Sector</i>
Haar, Beryl Ter; Leiden University	<i>Open Methods of Coordination: a New Stepping Stone in the International and European Legal Order</i>
Voigt, Christina; University of Oslo	<i>Climate Change and the Mandate of Sustainable Development: Observations from a Legal Perspective</i>
Webster, Timothy; District of Massachusetts	<i>Bilateral Regionalism: Paradoxes of East Asian Integration</i>
Commentator # 1:	Karel Wellens, Radboud University
Commentator # 2:	Andrew Lang, London School of Economics
Chair:	Ingunn Ikdahl, University of Oslo

18.15-20.00 Break

20.00- Dinner
 Dinner speech: David Kennedy, Harvard Law School

Saturday, March 17:

08.30-10.30 Work-shops: Presentation of submitted papers

Work-shop # 5: The impact of identity in new international law

Alkoby, Asher; Ryerson University, Ontario	<i>International Law and Constructivism: Taking Culture Seriously?</i>
Constantinides, Aristotle; University of Cyprus	<i>Security, development and peace-building: The role of the Security Council in ("securitizing") development</i>
Lang, Andrew; London School of Economics	<i>Regime Pluralism and Institutional Learning</i>
Lorca, Arnulf Becker; Harvard Law School	<i>International Lawyers at Ease with a Fragmented International Legal Order? Revisiting Vernacular Cosmopolitanisms in the History of Modern International Law</i>
Commentator # 1:	Rosa Comella, Harvard Law School
Commentator # 2:	Inger Johanne Sand, University of Oslo and Copenhagen Business School
Chair:	Ole Jacob Sending, Norwegian Institute of International Affairs

Work-shop # 6: Constituting authority in a fragmented legal landscape

Andersson, Christine; Örebro University	<i>An Unredeemed Necessity: Tension between Legal Certainty and Legal Efficiency in Sanction Systems</i>
Björklund, Martin; University of Helsinki	<i>Boisterous Deference – Attempts at Establishing Authority in a Fragmented world?</i>
García-Salmones Rovira, Monica; University of Helsinki	<i>Ethos of the Rule of Law in the International Legal Discourse</i>
Harbo, Tor-Inge; University of Oslo	<i>The Function of a Constitutional Treaty: A Question of Legitimacy?</i>
Commentator # 1:	Eyal Benvenisti, Tel Aviv University
Commentator # 2:	Malgosia Fitzmaurice, Queen Mary University of London
Chair:	Jo Stigen, University of Oslo

10.30-10.45 Break

10.45-12.45 Work-shops: Presentation of submitted papers

Work-shop # 7: Application of ‘old’ doctrine to new international legal problems

Barnidge, Robert P. Jr.; Queen’s University Belfast	<i>Assessing the Due Diligence Obligation of States in the Context of Non-State Actors that Engage in Terrorism: Theoretical Issues;</i>
Linderfalk, Ulf; Lund University	<i>The Effect of Jus cogens Norms - Whoever Opened the Pandora’s Box, Did You Ever Think About the Consequences?</i>
Stigen, Jo; University of Oslo	<i>Delegating sovereignty to the ICC - power politics, cooperative gains, shared norms or trading sovereignty for protection?</i>
Tzevelekos, Vassilis P; European University Institute	<i>The Use of Article 31(3)(c) of the Vienna Convention on the Law of Treaties in the Case-Law of the European Court of Human Rights: an Effective Anti-fragmentation Tool or a Selective Loophole Facilitating Judicial Activism?</i>
Commentator # 1: Commentator # 2: Chair:	Ole Spiermann, University of Copenhagen Gro Nystuen, University of Oslo (tbc) Christina Voigt, University of Oslo

Work-shop # 8: Inclusion and exclusion in new modes of legal decision making

Manfred Elsig; Graduate Institute of International Studies, Geneva and World Trade Institute, Bern	<i>Spoiling the Party? Multilateralism, Participation, and International Cooperation</i>
Ikdahl, Ingunn; University of Oslo	<i>Designing National Legislation at a Distance: International Attempts at Transforming Local Property Rights</i>
Nyland, Nicolai; University of Oslo	<i>What is the New International Environmental Law?</i>
Paz, Moria; Harvard Law School	<i>A Non-territorial Ethnic Network and the Making of Human Rights Law: the Case of the Alliance Israélite Universelle</i>
Sending, Ole Jacob; Norwegian Institute of International Affairs	<i>Accountability, Administrative Action, and Productive Power?</i>
Commentator # 1: Commentator # 2: Chair:	Leonard Seabrooke, Copenhagen Business School David Kennedy, Harvard Law School (tbc) Ivar Alvik, University of Oslo

12.45-13.45 Lunch
13.45-15.45 Work-shops: Presentation of submitted papers

Work-shop # 9: New dynamics of sovereignty in international legal discourse

Beaulac Stéphane;	<i>Thinking Outside the "Westphalian" Box that</i>
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University of Montreal, European University Institute	<i>Remains: Dualism, Legal Interpretation and the Contextual Argument</i>
Hartmann, Jacques; University of Cambridge	<i>Extradition and the 'War on Terror' Compliance with International Legal Norms</i>
Jacobs, Dov; European University Institute	<i>When Sovereignty is the Goal, not the Enemy: New Perspectives on International Criminal Law</i>
Traisbach, Knut; European University Institute	<i>Complementarity versus Hierarchy in International Law</i>
Turner, Catherine; University of Ulster,	<i>Fractured Conceptions of Justice? Kant, Rawls and Contemporary International Law</i>
Commentator # 1:	Jan Wouters, Catholic University of Leuven
Commentator # 2:	Rolf Einar Fife, Legal Department, Royal Norwegian Ministry of Foreign Affairs
Chair:	Tor- Inge Harbo, University of Oslo

Work-shop # 10 Self-reflection and critique in new international legal discourse

Comella, Rosa; Harvard Law School	<i>Troubled Connections: New Governance, Administration and Democracy in the European Union</i>
Eriksen, Christoffer C.; University of Oslo	<i>Democratic Blindspots in New International Legal Discourse</i>
Sandvik, Kristin B.; Harvard Law School, University of Oslo	<i>The Politics of Rapprochement: Humanitarianism as Human Rights Practice</i>
Tanaka, Maki; Oxford University	<i>'New' International Law in the Era of Global Governmentality</i>
Commentator # 1:	Christian Joerges, European University Institute
Commentator # 2:	Iver B. Neumann, University of Oslo
Chair:	Torunn Salomonsen, University of Oslo

15.45-16.00 Break

16.00-18.00 Closing - round-table discussion: The Future of New International Law

Matthew Craven, SOAS, University of London
Thomas Skouteris, University of Leiden
Catherine Brölmann, University of Amsterdam
Geir Ulfstein, University of Oslo

Chair: Ole Spiermann, University of Copenhagen

18.00-20.00 Break

20.00- Dinner
Dinner speech: Rolf Einar Fife, Legal Department, Royal Norwegian Ministry of Foreign Affairs

Sunday, March 18:

Guided tour to the Norwegian Museum of Cultural History [optional] [<http://www.folkemuseet.no/>]