

Application Number: ES418910 Project Number: 176413

Applicant

Project Owner

Project Owner (norwegian name)	Universitetet i Oslo
Faculty	Det juridisk fakultet
Institute	Norsk senter for menneskerettigheter
Departement	Forskergruppe i internasjonale relasjoner
Address	Postboks 6706 St. Olavs plass
City code	0130
City	Oslo
Country	Norge
E-mail	info@nchr.uio.no
Website	http://www.humanrights.uio.no/ http://www.jus.uio.no/forskning/grupper/intrel/
Enterprise number	971035854
Auditor	Office of the auditor general

Administrative responsibility

First name	Teis Daniel
Last name	Kjelling
Position/title	Kontorsjef
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Confirmation	✓ The application has been approved by the Project Owner

Project manager

First name	Ole Kristian
Last name	Fauchald
Institution / company (norwegian name)	Universitetet i Oslo
Faculty	Det juridiske fakultet
Institute	Institutt for offentlig rett
Departement	Forskergruppen i internasjonale relasjoner

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Address	Postboks 6706 St. Olavs plass
City code	0130
City	Oslo
Country	Norge
Position/title	Førsteamanuensis
Academic degree	Doktorgrad (Dr. juris)
Preferred language	Bokmål
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Project info

Project title

International tribunals: legalization and constitutionalization - implications for national constitutional structures

Principal objective and sub-goals

1. Identify the role played by international tribunals in legalization of treaty law.
 - 1.1 Carry out studies under selected international tribunals.
 - 1.2 Carry out comparative studies of the tribunals, focusing on identifying similarities and differences in their approach to legalization.
 - 1.3 Explore issues concerning legitimacy of the role played by the tribunals.
2. Identify effects on (Norwegian) constitutional structures.
 - 2.1 Carry out selected case studies on how decisions of international tribunals have been taken into account by public authorities and domestic courts.
 - 2.2 Examine constitutional issues related to the choice of how to implement the treaties in the domestic legal systems.
 - 2.3 Explore issues of legitimacy in the relationship between domestic and international law.
3. Identify options for how relevant domestic decision-making procedures can be reformed.
4. Publication of findings.
5. Dissemination of results to decision-makers and the public.

Project summary

The project is based on the assumption that treaties are increasingly defined and developed through decisions by international tribunals ("legalization"). The project will pursue two main objectives. The first is to identify the role played by a range of international tribunals in the legalization of treaty law. We will focus on four tribunals, namely human rights tribunals, tribunals facilitating international trade, tribunals protecting the rights of foreign investors, and international criminal tribunals. The second main objective is to identify the challenges that such legalization of treaty law poses for domestic constitutional structures, in particular in the context of Norway, and identify possible implications for reforms of domestic constitutional structures. The reference to constitutional structures is related to

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such issues as decision making procedures in national governments and parliaments, involvement of interested parties in the negotiations and decision making processes, distribution of competences among public authorities, and implications for the national judicial system. It will thus be an objective to analyse how international tribunals and their practice contribute to new forms of interplay and interdependence between national and international institutions, regarding lawmaking, administrative and judicial decision-making. We have chosen research issues that bring together researchers with backgrounds in different areas of international law. We expect the project to generate new insight into general phenomena and that researchers will be inspired to analyse their specialized research areas from new perspectives. We also consider the project to be directly relevant to discussions of the need to reform constitutional structures in view of changes in international cooperation and international institutions.

Placement

Research Council funding division - supplementary info from applicant

Program / activity	JUSISP
Application type	Institusjonsforankret strategisk prosjekt
Other relevant programmes/activities	The project will be part of the activities of the Research Group on the Internationalization of Law
Discipline(s)/specialist field	Jus / folkerett og forfatningsrett
If applying for additional funding, specify project number	
Have any related applications been submitted to the Research Council and/or any other public financing scheme	No
If yes, enter further information	

Project timetable

Main activities and milestones in the project period (year and quarter)

Milestones throughout the project	From		To	
Post doctoral researcher	2007	1	2009	4
One research assistant	2006	3	2007	1
PhD researcher	2007	1	2009	4
One research assistant	2007	1	2007	4
Two guest researchers, 1-2 months	2008	1	2008	1
Conference on international tribunals	2008	1	2008	1

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Two guest researchers, 1-2 months	2009	4	2009	4
Conference on constitutional issues	2009	4	2009	4

Project period

From date (yyyymmdd)	20060901
To date (yyyymmdd)	20091231

Project publication plan

Working language of the project will mainly be English. Norwegian will be used in the context of specific Norwegian issues. We aim at establishing a separate web page for the project when starting up. It will part of the web pages of the Research Group on Internationalization of Law. A web-based working paper series related to the project will be established, in which all papers published in the context of the project will be published or referred to. The page will also be open to papers in the process of publication. We will organise two main conferences. The first will be on the role of international tribunals in the development of treaty law. This will be a conference with international participation and we will in particular seek to ensure participation by persons having practical experience with international tribunals. The conference will be paper based, and a call for papers will be issued nine months before the conference. The second conference will be on domestic constitutional issues related to the role of international tribunals. This conference will have a certain focus on Norwegian issues, but it will seek international participation and aim at contributing to a comparative and general examination of the issues. This conference will be paper based. The post doctoral researcher will be asked to carry out limited research projects with the aim of producing articles. The person will contact members of the research group and international partners with a view to take initiatives to joint research projects. The post doctoral researcher will be expected to publish 4-6 articles in recognised international journals. In addition, it will be expected that the researcher participates in a similar number of articles in cooperation with others. The PhD researcher will be asked to carry out a major research project at the core of the project. This project will result in the publication of a book. The researcher will be encouraged to publish articles as part of the project. Guest researchers will be invited with a view to encourage joint or comparative projects. The objective is that each of the permanent staff engaged in the project shall publish 2 articles in recognised journals during the project period. The research assistants will be asked to do their research in a way that may benefit the production of publications. It will be an objective that at least one of the student theses shall lead to the publication of an article in a recognised journal, either by the student alone, or in cooperation with the student's supervisor. As there is need for public debate concerning the topics to be addressed in the project, project participants will be encouraged to publish newspaper articles and participate in meetings and debates. The conferences will be designed so that they may generate press interest.

Budget

Cost plan (in NOK 1000)

	2006	2007	2008	2009	2010	2011	2012	2013	Sum
Personnel costs and indirect costs	272	1924	1867	1867					5930

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Purchase of R&D services									0
Equipment									0
Other operating costs	17	30	150	150					347
<i>Totals</i>	289	1954	2017	2017	0	0	0	0	6277

Specifications

The figures for 2006 and 2007 include 1,5 research assistants. According to the policy of the Faculty of Law, the figures used for for these assistants are calculated at rates set at 182.500 each pr. year. They are mentioned below in the box "Allocations from the Research Council" as "Researcher positions". The figures for 2008 and 2009 include 126,000 each year to fund guest researchers. The figures on operating costs for 2008 and 2009 include 120,000 each year to cover costs of organising conferences. In addition, the figures on operating costs (17,000 in 2006 and 30,000 in the subsequent years) shall cover administrative costs and funding for project participants' travels.

Cost code (in NOK 1000)

	2006	2007	2008	2009	2010	2011	2012	2013	Sum
Business and industry									0
R&D Institute sector									0
University sector	289	1954	2017	2017					6277
Other sectors									0
Abroad									0
<i>Totals</i>	289	1954	2017	2017	0	0	0	0	6277

Funding plan (in NOK 1000)

[illegible]

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Other private funding									0
From Research Council	109	805	868	868					2650
<i>Totals</i>	289	1954	2017	2017	0	0	0	0	6277

Specifications

The "own funding" includes one post doctoral researcher starting up in 2007, and permanent staff participating in the project on a monthly basis. The monthly costs for the Faculty staff is estimated at 60,000. For a list of permanent staff that will participate in the project, see the project description. The overall participation is estimated at three months work the first year, and thereafter eight months each of the consecutive years. This means that each participant will use at least three months worth of research in the context of the project. The timing and amount of the participation of each researcher may, however, not be exactly scheduled at this point in time. It will be an aim to ensure continuous participation of the researchers throughout the project.

Person for whom a fellowship/position is being sought

First name	Last name	Personal number
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Documentation for calculation of position

Type of fellowship	From date (yyyymmdd)	To date (yyyymmdd)
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Post-doctoral fellowships

	2004	2005	2006	2007	2008	2009	2010	2011
Position-%								

Documentation for calculation of overseas fellowships and guest researcher fellowship

Name	Travelling with family	Travelling expenses
Address		
City code		Period
City		From date (yyyymmdd)
Country		To date (yyyymmdd)

Allocations from the Research Council (in 1000 NOK)

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	2006	2007	2008	2009	2010	2011	2012	2013	Sum
Student fellowships									0
Doctoral fellowships		592	592	592					1776
Post-doctoral fellowships									0
Fellowships for visiting researchers			126	126					252
Overseas fellowships									0
Researcher positions	92	183							275
Hourly-based salary including indirect costs									0
Purchase of R&D services									0
Equipment									0
Other operating expenses	17	30	150	150					347
<i>From Research Council</i>	109	805	868	868	0	0	0	0	2650

Partners

1

Institution/ company	Amsterdam Center for International Law
Responsible name	Erika de Wet
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Partner's role	exec.+fin.

3

Institution/ company	The Hebrew University of Jerusalem
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Partner's role	exec.+fin.

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Institution/ company	Centre for Energy, Petroleum & Mineral Law & Polic
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Partner's role	exec.+fin.

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Institution/ company	Centre for Energy, Petroleum & Mineral Law & Polic
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Partner's role	exec.+fin.

7

Institution/ company	European University Institute
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Partner's role	exec.+fin.

Attachments

Project description

Filename	ISPprosjektbeskrivelse_rev.pdf
Reference	ES418910_001_1_Prosjektbeskrivelse_20060707

Curriculum vitae (CV) with list of publications

Filename	CVFauchald.pdf
Reference	ES400071_002_1_CV_20060316
Filename	CVFollesdal.pdf
Reference	ES400071_002_2_CV_20060316
Filename	CVMoss.pdf
Reference	ES400071_002_3_CV_20060316
Filename	CVSand.pdf

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Reference	ES400071_002_4_CV_20060316
Filename	CVUlfstein.pdf
Reference	ES400071_002_5_CV_20060316
Filename	CVEmberland.pdf
Reference	ES400071_002_6_CV_20060316
Filename	CVBailliet.pdf
Reference	ES400071_002_7_CV_20060316

Course marks (grades) (Doctoral and student fellowships)

Filename
Reference
Filename
Reference

Experts

Filename
Reference

Recommendation and invitation (overseas fellowship)

Filename
Reference

Confirmation from partner(s)

Filename	confirmWet.pdf
Reference	ES400071_008_1_AktiveSamarbeidspartnere_20060316
Filename	confirmCEPMLP.pdf
Reference	ES400071_008_2_AktiveSamarbeidspartnere_20060316
Filename	confirmHirsch.pdf
Reference	ES400071_008_3_AktiveSamarbeidspartnere_20060316
Filename	confirmWaelde.pdf
Reference	ES400071_008_4_AktiveSamarbeidspartnere_20060316
Filename	confirmJoerges.pdf

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Reference	ES400071_008_5_AktiveSamarbeidspartnere_20060316
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Other items

Filename	Strategivedlegg.pdf
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Reference	ES400071_010_1_Annet_20060316
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