

Transnational Judicial Dialogue: Concept, Method, Extent, Effects Oslo, 21-22 June 2013 Håndverkeren Conference Centre

Day 1: 21 June 2013

Welcome and Introduction to the Concept of Judicial Dialogue

- 09:00-09:20 Welcome
Geir Ulfstein, *Professor of Public International Law, University of Oslo*
André Nollkaemper, *Professor of Public International Law, University of Amsterdam*
Andreas Føllesdal, *Professor of Political Philosophy, University of Oslo*
- 09:20-09:35 Introduction to the Concept of Judicial Dialogue
Elaine Mak, *Associate Professor of Jurisprudence, University of Rotterdam*
- 09:35-09:50 ["Judicial Interaction rather than Judicial Dialogue?"](#)
Luca Pasquet, *PhD Candidate, Graduate Institute of International and Development Studies, Geneva*
- 09:50-10:20 General Discussion

Session I: Judicial Dialogue of National Courts

Chair: Amrei Müller

- 10:20-10:35 "Eastern European Judiciary and Transnational Judicial Dialogue"
Anna Wyrozumska, *Professor of Public International Law and European Institutional Law, Łódź University*
- 10:35-10:45 Comments by Helmut Aust, *Research Fellow, Law Faculty, Humboldt University of Berlin*
- 10:45-11:00 ["Judicial Dialogue on Human Rights: Constitutional Courts and the Use of Foreign Jurisprudence in South America"](#)
Michael Freitas Mohallem, *PhD Candidate, University College London*
- 11:00-11:10 Comments by Armin von Bogdandy, *Professor, Max Planck Institute for Comparative Public Law and International Law, Heidelberg*
- 11:10-11:25 **Coffee/tea break**
- 11:25-11:40 ["Engaging with Foreign Law: An Empirical Appraisal of the Supreme Court of Canada's Instances of Transnational Judicial Communication on Human Rights \(1982-2012\)"](#)
Gianluca Gentili, *PhD Graduate, University of Siena* and Elaine Mak, *Associate Professor of*

Jurisprudence, University of Rotterdam

- 11:40-11:50 Comments by Erik Voeten, *Professor of Geopolitics and Global Justice, Georgetown University*
- 11:50-12:30 General discussion
- 12:30-13:30 **Lunch**

Session I continued: Judicial Dialogue of National Courts

Chair: Matthew Saul

- 13:30-13:45 ["Ideological Barriers to Transnational Judicial Dialogue"](#)
Azizat Amoloye-Adebayo, PhD, Lecturer at the Department of Islamic Law, University of Ilorin
- 13:45-13:55 Comments by Hélène Ruiz Fabri, *Professor of International Law, University of Paris I – Panthéon Sorbonne*
- 13:55-14:05 ["Complementary Protection and the International Outlook of Domestic Courts"](#)
Naomi Hart, PhD Candidate, University of Cambridge
- 14:05-14:15 Comments by Mattias Kumm, *Research Professor, Wissenschaftszentrum Berlin für Sozialforschung*
- 14:15-14:45 General discussion
- 14:45-15:00 **Coffee/tea break**

Panel with Three National Judges

Process, method, extent, effects and aims of the respective courts' engagement in judicial dialogue

Chair: André Nollkaemper

- 15:00-16:30 Members of the Panel:
- Lord Carnwath
Judge, UK Supreme Court
- Andreas Paulus
Judge, Bundesverfassungsgericht, Germany and Professor for International Law, University of Göttingen
- Raffaele Sabato
Judge, Court of Cassation, Italy
- 16:30-17:00 General discussion
- 17:00-17:30 **Wrap-up of the Day**
Geir Ulfstein, Professor of Public International law, University of Oslo

Session II: The Aims and Purpose of Judicial Dialogue

Chair: *Andreas Føllesdal*

- 09:00-09:15 ["Judicial Dialogue as a Cosmopolitan Project"](#)
Knut Traisbach, *European Inter-University Centre for Human Rights and Democratisation, Venice*
- 09:15-09:25 Comments by Claudio Corradetti, *Post-Doctoral Fellow in Political Philosophy, University of Oslo*
- 09:25-09:40 ["From Judicial Dialogue to Cosmopolitan Norms"](#)
Clara Marsan Raventós, *Public Law Lecturer, Universitat Oberta de Catalunya*
- 09:40-09:50 Comments by Lynn Dobson, *Senior Lecturer in Political Theory, University of Edinburgh*
- 09:50-10:20 General discussion
- 10:20-10:35 **Coffee/tea break**

Session III: Judicial Dialogue of the European Court of Human Rights

Chair: *Geir Ulfstein*

- 10:35-10:50 ["The European Court of Human Rights and Judicial Dialogue: References to Foreign Law and the Quest for Justification"](#)
Carla Zoethout, *Associate Professor of Constitutional Law, University of Amsterdam*
- 10:50-11:00 Comments by Marlene Wind, *Professor of Political Science, University of Copenhagen*
- 11:00-11:15 ["Encouraging Judicial Dialogue: An Analysis of Human Rights NGOs' Briefs to the European Court of Human Rights"](#)
Laura Van den Eynde, *Doctoral Researcher of the National Fund for Scientific Research at the Centre for Public Law of the Free University of Brussels*
- 11:15-11:25 Comments by Yonatan Lupu, *Assistant Professor of Political Science, George Washington University*
- 11:25-11:40 ["The Construction of Rights of Same-Sex Families in Europe through Vertical and Horizontal Dialogue: The Role of Supranational Courts, National Judges and Legislators"](#)
Daniele Gallo, *Assistant Professor in EU Law, LUISS-Guido Carli University, Rome* and Matteo Winkler, *Contract Professor of International Law, Bocconi University, Milan*
- 11:40-11:50 Comments by Laurence Helfer, *Harry R. Chadwick Sr. Professor of Law, Duke Law School*
- 11:50-12:15 General discussion
- 12:15-13:15 **Lunch**

Panel with Three ECtHR Judges

Process, method, extent, effects and aims of the ECtHR's engagement in judicial dialogue

Chair: Hege Elisabeth Kjos

13:15-14:45 Members of the Panel:

Luis López Guerra, *Judge at the ECtHR*

Erik Møse, *Judge at the ECtHR*

Angelika Nußberger, *Judge at the ECtHR and Professor for Public International Public Law, Constitutional Law and Comparative Law, University of Cologne*

14:45-15:15 General discussion

15:15-15:30 **Coffee/tea break**

15:30-16:00 **Rapporteur**

Beth Simmons, *Clarence Dillon Professor of International Affairs, Harvard University*

16:00-16:30 **Summary and Outlook**

Andreas Føllesdal, Andre Nollkaemper, Geir Ulfstein