

# CALL FOR PAPERS

5<sup>TH</sup> BIENNIAL CONFERENCE OF THE EUROPEAN SOCIETY OF INTERNATIONAL LAW  
VALENCIA, 13 - 15 SEPTEMBER 2012

## Regionalism and International Law

The 5<sup>th</sup> Biennial Conference of the European Society of International Law (ESIL) will take place in Valencia, Spain, organised in association with the University of Valencia and the *Centro de Estudios de Derecho y Relaciones Internacionales* (CEDRI). The overarching theme of the conference is “Regionalism and International Law”.

The programme consists of two plenary sessions, eight fora and eight agorae. Speakers have been invited for the plenary sessions and the fora, and agora speakers will be selected on the basis of abstracts submitted in response to this call for papers.

A preliminary programme of the conference can be found at [www.uv.es/esil2012](http://www.uv.es/esil2012), **that will be launched in November.**

The purpose of the agorae is to share cutting-edge research in specific areas of international law, to stimulate debate, and to foster contacts among participants. Papers may focus on any aspect of the branch of international law being discussed in an agora, as long as there is a connection with the conference theme and the agora description. At the time of presentation, papers should be unpublished, in an advanced stage of completion, and ready to be included in the conference proceedings.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 eight 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

Agora speakers will be selected on the basis of abstracts submitted in response to this call for papers.

Senior and junior scholars (PhD students included) are invited to participate in the agorae. Selection criteria are: scientific quality and originality of the work, links to the conference and agora themes, and geographical representation of the speakers. Only one abstract per author will be considered.

Abstracts must be submitted online by filling out the appropriate form, available at [www.uv.es/esil2012](http://www.uv.es/esil2012) **from 10 November 2011 onwards.** Abstracts must not exceed 500 words, in English or French. In addition, the following information must be provided on the form:

- The name of the agora for which the abstract is submitted;
- The context in which the research is being conducted (e.g. forthcoming book, thesis, article);
- The author's name and institutional affiliation;
- The author's cv, including a list of relevant publications;
- The author's contact details, including email address and phone number;
- The proposed language to be used (French or English);
- Whether the author's participation is conditional upon receipt of a bursary, and if so, a letter of request and, for PhD students, a letter of recommendation from their supervisor.

## TIMELINE

- Publication of the Call for Papers is **19 October 2011**
- Submissions of abstracts will begin on **10 November 2011**
- The deadline for the submission of abstracts is **20 January 2012**
- Successful applicants will be informed by **23 March 2012**
- The deadline for the submission of the papers of accepted abstracts is **1 August 2012**
- The conference begins on Thursday **13 September 2012** at 12.30 and ends on Saturday 15 September 2012 at 18.30 pm
- The deadline for the submission of the final paper, to be included in the conference proceedings, is **5 October 2012**

## FINANCES

Agora speakers will be **exempted** from the conference fee, **provided they are ESIL members**. The organisation does not cover expenses for travelling and accommodation.

A limited number of bursaries will be available to cover agora speakers' accommodation costs and to make a contribution towards their travelling expenses. Priority will be given to graduate students of European universities who are unable to obtain support by other means and to scholars from other universities for whom financial support is a *sine qua non* for participation. A special bursary programme in Valencia will be open to applicants from universities around the Mediterranean basin thanks to the Casa Mediterráneo.

## CONFERENCE THEME

### ***Regionalism and International Law***

*For better or for worse, Europe has historically been the centre of the world from the modern era onwards, creating different peripheries that were required to adopt European faiths, social organisation and legal systems. The influence of Europe in the other continents is an historical fact that deserves to be revisited from a legal point of view. So too, 'feedback' from the other regions about Europe and its approach to international law, if there is any, needs to be examined. Spain —again, for better or for worse— has had an influence on these regional perspectives. This is one of the reasons why regionalism was chosen as the theme of the Biennial Conference in Valencia. Another reason is that regionalism, from a legal perspective, revisits one of the leitmotifs of ESIL, i.e. the unity and fragmentation of current international law. We have already discussed this from a specialisation perspective, from a purely theoretical perspective and from a judicial perspective. A regional perspective will now be added to ESIL's research acquis.*

## AGORA THEMES

The themes selected for the agorae in 2012 are:

### **1) International Law Making**

*The concept of 'region' may suggest different, if not contrasting, points of view in relation to international law in general or more particularly to some specific areas of its rules. Indeed, today we find regional challenges to some rules that are vested with 'sacred cogent quality'. Could this go against the unity of international law? Some other rules are simply regional or specific. How do they impact on a universal legal order? Is there a regional jus cogens? How might regional international courts and tribunals impact on the unity of international law?*

### **2) The internal dimension of self-determination**

*This agora will provide an opportunity to discuss legal issues regarding the relation between self-determination and democracy, and between self-determination and human rights. We will also focus on the legal questions arising from revolutionary processes in certain Arab countries and how international rules on the succession of states in respect of treaties can be applied. Legal questions in relation to non-international armed conflicts and the application of the*

*“Responsibility to Protect” doctrine will also be addressed. Last but not least, this agora will allow room for discussion on the role of international law in domestic constituent processes.*

### **3) Frozen regions: the Arctic and the Antarctica in the new Millennium**

*In recent years, globalisation has increasingly affected polar regions, once considered remote and isolated areas of the globe. With the Arctic and the Antarctic becoming more exposed to the activities of global industrial players and transnational commercial interests, several complex issue-areas for international law regulation have arisen. The most acute issues include: bioprospecting of genetic resources in the Arctic and the Antarctic; illegal, unreported and unregulated (IUU) fishing; increased possibility of maritime navigation in polar waters, especially in the Arctic, drawing attention to issues ranging from the safety of navigation to the introduction of alien, potentially invasive, species by vectors such as ballast water and ship fouling; the status and prospects for seabed mineral resources in the Arctic and the Antarctic; the regulation of increased human activities, such as tourism in polar regions.*

### **4) Development and international economic law**

*Development has been a major concern of international economic law ever since the 1949 Havana Charter and the 1974 New International Economic Order. Currently, this issue is the focus of the WTO Doha Round – the “Development” Round – and plays a role in the areas of sustainable development and investment law. But what does development mean today? And how might international economic law promote it? These questions are particularly pertinent when taking a regional view: do the answers look different when we focus on Asia or Africa? If so, what are the implications for global and regional governance?*

### **5) “Lost in Translation”: Migration, Culture, and Religion**

*Migration, Culture and Religion represent transnational engagements by individuals which have led the notion of “nation” to be divorced from the concept of “state”. Whereas the nation state is thus confronted with ideas of cosmopolitanism and transnationalism, there are tendencies towards renationalization, for example in the context of migration, which is seen as a last stronghold of state sovereignty. How has international law reacted to this paradigm shift and to these expressions of a post-Westphalian notion of state? Which concepts are employed by international law to protect the individual in its transnational engagements? Dual citizenship, responsibility to protect, liberalizing the cross-border movement of persons are examples in case for migration, multiculturalism, pluralism and diversity used in the cultural and religious context. Moreover, existing sources of international law have scarcely addressed these issues, with the exception of some multilateral and bilateral treaties in the realm of migration and culture. Are theories of fragmentation and coherence sufficient to address the transnational movements which individuals generate when crossing borders of nation states and engaging in different cultural and religious practices? Is there a cosmopolitan shared value in migration, culture or religion which could materialize in emerging principles of international law and policy? The agora will address the tension between protection and liberalization which underlies these three emerging bodies of international law. It will furthermore query to what extent migration, culture and religion are emerging and distinct areas of international law and what tools, principles and theories international law has at its disposal to translate potential fragmentations into a coherent plurality of an international legal order.*

### **6) Global environment and regional responsibilities**

*This agora will address some crucial questions that link the global environment with different rights, duties and responsibilities in diverse regions. For example,*

- *the identification and preservation of biodiversity in areas within a State’s jurisdiction and in areas beyond national jurisdiction such as the high seas, particularly through marine protected areas; and the situations in lesser developed countries;*
- *the sustainable development of fisheries;*
- *rises in sea level and what States are doing to cooperate with developing nations to solve that problem;*
- *threats to the marine environment posed by bunker fuel or hazardous cargo from shipwrecks;*
- *the development of green energy technologies such as wind, solar, and wave technologies, and what States are doing to assist lesser developed nations in developing and using these technologies;*
- *what are nations doing to develop eco-cultural tourism in their own regions and in lesser developed nations?; or*
- *what are States in different regions doing to prevent pollution from natural hazards that are expected to increase in frequency as a result of climate change?*

## **7) Regional traditions and universal judicial institutions**

*This agora will explore the theme of regionalism and international law in the context of courts and tribunals. Among the issues that may be explored are: the relationship between and respective roles of regional and international courts; the function of regional representation on the bench of international courts and tribunals, and the operationalization of regional representation requirements; the relevance of regional approaches to international law for international courts, for example in the fields of trade and human rights; the expanding jurisdiction of regional tribunals and implications for the unity or disunity of international law; the role of regional courts in interpreting and applying international law; or the proper role of regional courts in reviewing regional implementation of international obligations, such as those arising under Security Council resolutions.*

## **8) Failed states, international administrations, occupation and neo-protectorates**

*This agora will consider some of the pressing and controversial questions that contemporary international law has to face with regard to diverse phenomena such as collapsed States, international administrations, occupations and neo-protectorates — legal characterisations variably used to describe and conceptualise states of suspended or heavily conditioned sovereignty in today's international relations. Papers are invited on all relevant legal questions involving the above phenomena. Ideally, they should address issues such as: the international legal norms protecting state sovereignty and their interplay with the increasing demands for international security and for human rights protection in situations of 'default' of governmental authorities; the forms and instruments of multilateral interventions, including through the UN and through regional actors; the possible (and desirable?) legal interactions between ius ad bellum and ius in bello in contemporary occupations; the similarities and differences with legal concepts and institutions developed in the context of pre-1945 international law.*

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