



**EILS**

European and International Law of Sustainable Development  
Jean Monnet Chair for European Union and Global Sustainable Development Through Law  
Trade - Environmental Protection - Investment - Social Justice - Rule of Law



Co-funded by the  
Erasmus+ Programme  
of the European Union

## ESIL Research Forum 2019

### “The International and Domestic Rule of Law – Synergies and Challenges”

#### Programme

**Programme Committee:** *Veronika Bilková, Christina Binder and Peter-Tobias Stoll*

**Local Organisation:** *Peter-Tobias Stoll and Henner Gött*

#### **WEDNESDAY 3 APRIL: ESIL INTEREST GROUP EVENTS**

Venues are located at the Central University Campus (Zentralcampus):

- Zentrales Hörsaalgebäude (ZHG), Platz der Göttinger Sieben 5, 37073 Göttingen, and
- Verfügungsgebäude (VG), Platz der Göttinger Sieben 7, 37073 Göttingen

ALL DAY EVENTS  
(09.00 – 19.00)

*IG on International Environmental Law and IG on International Bio Law Joint Event*  
(Room ZHG 006)

Sound Science-Based Regulation in the Post-Truth Era: Domestic and International  
Rule of Law Under Fire

*IG on Migration and Refugee Law Workshop* (Room ZHG 005)  
Migration and the Rule of Law

*IG on Peace and Security Workshop* (Room ZHG 003)  
The Rule of Law in Cyberspace

*IG on International Economic Law Workshop* (Room ZHG 001)  
Trade Agreements and the Rule of Law

AFTERNOON  
EVENTS  
(13:00 – 17:00)

*IG on International Organisations Workshop* (Room ZHG 004)  
An Ambivalent Engagement: International Organisations and the Rule of Law

*IG on the History of International Law Workshop* (Room VG 1.101)  
The Rule of Law and International Law in Historical Perspective

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## THURSDAY 4 APRIL

**Venue: Paulinerkirche (Church of the Paulines), Papendiek 14, 37073 Göttingen**

08:00 Registration

09:00-09:30 **Opening session**

(Room: Alfred-Hessel-Saal)

Welcome by the ESIL President, *Luis Hinojosa-Martínez, University of Granada*

Welcome Address by the Local Organizer/Research Dean of the Faculty of Law, *Peter-Tobias Stoll, Georg-August University Göttingen*

09:30-11:00 **Panel I: Conceptualizing the Rule of Law at International and Domestic Levels**

(Room: Alfred-Hessel-Saal)

**Chair:** *Ramses A. Wessel, University of Twente*

- *Kostiantyn Gorobets, University of Groningen*  
Beyond 'Thin' and 'Thick': The International Rule of Law and the Idea of Normative Authority
- *Lys Kulamadayil, Graduate Institute, Geneva*  
The Rule of Law in Economic Theory
- *Leander Beinlich, Max Planck Institute for Comparative Public Law and International Law*  
Procedural Rights, Domestic Legal Systems and the (International) Rule of Law

**Discussant:** *Till Patrik Holterhus, Georg-August University Göttingen*

11:00-11:30 *Coffee break*

11:30-13:00

**Parallel Session: Panel II: The Rule of Law and the Sources of International Law**

(Room: Vortragsraum)

**Chair:** *Gleider Hernández, KU Leuven*

- *Marina Fortuna, University of Groningen*  
Rule of Custom - Rule of Law?
- *Philipp Janig, University of Vienna*  
The Rule of Law and the Paradoxical Nature of General Principles of Law
- *Xuan Shao, University of Oxford*  
The Role of General Principles of Law in Shaping the International Rule of Law

**Discussant:** *Pål Wrangé, Stockholm University*

11.30 -13.00

**Parallel Session: Panel III: Persuasive Dimensions: Mission Éducatrice and Judicial Dialogue**

(Room: Alfred-Hessel-Saal)

**Chair:** *Fulvio M. Palombino, University of Naples 'Federico II'*

- *Leonardo Borlini, Bocconi University/ Luigi Crema, State University of Milan*  
Human Rights Treaty Bodies: Mission Éducatrice, International Supervision or Authoritative Interpretations?
- *Allan Francis Tatham, University San Pablo-CEU*  
Popularising the Rule of Law: A 'Mission Éducatrice' of the International Bench?"
- *Maria-Louiza Deftou, University of Athens*  
Fostering the Rule of Law in the Americas: Is there any room for Judicial Dialogue between the IACtHR and National Courts?

**Discussant:** *Monika Polzin, University of Augsburg/Georg-August University Göttingen*

13:00-14:30

*Lunch*

14:30-16:00

**Panel IV: The Rule of Law, International Tribunals and the Domestic Level**

(Room: Alfred-Hessel-Saal)

**Chair:** *Christina Binder, Bundeswehr University Munich/ University of Vienna*

- *Lisa Sonnleitner, University of Graz*  
Evolutionary Interpretation and the Rule of Law in the European Convention on Human Rights
- *Velimir Živković, Humboldt-University of Berlin*  
International Investment Law, Domestic Law and Other International Legal Regimes: Rule of Law Synergies and Challenges
- *Pierfrancesco Rossi, University of Naples 'Federico II'*  
Consistent Interpretation before National Courts: How Sharp a Weapon for the International Rule of Law?

**Discussant:** *Evelyne Schmid, University of Lausanne*

16:00-16:30

*Coffee break*

16:30-17:30      **Keynote Speech by Angelika Nußberger, European Court of Human Rights**  
(Room: Alfred-Hessel-Saal)

*Evening*              *Conference Dinner*

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## FRIDAY 5 APRIL

**Venue: Paulinerkirche (Church of the Paulines), Papendiek 14, 37073 Göttingen**

09:00-10:30      **Panel V: The Rule of Law in the European Union**

(Room: Alfred-Hessel-Saal)

**Chair:** *Luis Hinojosa-Martínez, University of Granada*

- *Viktor Lőrincz, Hungarian Academy of Sciences - CSS/András Jakab, University of Salzburg*  
Measuring Rule of Law and the EU Rule of Law Crisis
- *Gjylbehare Murati/Sabiha Shala, University of Haxhi Zeka, Peja*  
The EU Rule of Law Promoters: The Judicial Fairness of Internationalized Justice
- *Jan Petrov, Masaryk University*  
Supranational Guardians of the Rule of Law? European Courts v. Populist Judicial Reforms

**Discussant:** *Frank Schorkopf, Georg-August University Göttingen*

10:30-11:00      *Coffee break*

11:00-12:30      **Parallel Session: Panel VI: The United Nations – A Rule of Law Institution?**

(Room: Alfred-Hessel-Saal)

**Chair:** *Pierre d'Argent, University of Louvain (UCL)*

- *Hannah Birkenkötter, Humboldt-University of Berlin*  
"A Concept at the very Heart of the Organization's mission": Unpacking the Rule of Law at the United Nations
- *Arnaud Louwette, Université Libre de Bruxelles*  
Resisting the Rule of Law: A Tale of the United Nations' Strategic Concession
- *Lenneke Sprik, University of Groningen/Vrije Universiteit Amsterdam*  
UN Peacekeeping and Local Rule of Law Initiatives in the Central African Republic

**Discussant:** *Andreas L. Paulus, Georg-August University Göttingen/German Federal Constitutional Court*

11:00-12:30

**Parallel Session: Panel VII: The Rule of Law in a Diversified International Legal Landscape**

(Room: Vortragsraum)

**Chair:** *Peter-Tobias Stoll, Georg-August University Göttingen*

- *Didem Doğar, McGill University, Montreal*  
Criminalization of Migration as a Danger to the Rule of Law
- *Chin-Chia Tien, University of Glasgow*  
Rule of Law in the Seas: The International Struggle for Sustainability and Domestic Obstacles
- *Nina Mileva, University of Groningen*  
The Under-representation of Third World States in the Formation of Customary International Law: Can Interpretation Bridge the Gap?

**Discussant:** *Paolo D. Farah, West Virginia University*

12:30-13:30

*Lunch*

13:30-15:00

**Panel VIII: The Rule of Law under Pressure**

(Room: Alfred-Hessel-Saal)

**Chair:** *Veronika Bílková, Institute of International Relations, Prague*

- *Viktor Kazai, Central European University, Budapest*  
The Illiberal Challenge to the Rule of Law Principle: The Neglected Procedural Aspect
- *Justyna Łacny, Warsaw University of Technology*  
Suspension of EU Funds Paid to Member States Breaching the Rule of Law. Did the European Commission Get it Right?
- *Ewa Kamarad, Jagiellonian University, Kraków*  
The Article 7 TEU Procedure and the Free Movement of Judgments in the EU

**Discussant:** *Henner Gött, Georg-August University Göttingen*

15:00-15:30

Closing Session

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