



Call for Papers

The Working Group of Young Scholars in Public International Law (*Arbeitskreis junger Völkerrechtswissenschaftler*innen* – Ajv) and the German Society of International Law (*Deutsche Gesellschaft für Internationales Recht* – DGIR) are pleased to invite the submission of papers for a conference on

Cynical International Law?

Abuse and Circumvention in Public and Private International Law as well as European Law

6 - 7 September 2019, Freie Universität Berlin

Cynicism in international law appears to be ubiquitous. Actors seem to abuse international law or circumvent the purpose of its rules on many occasions. This is particularly evident where illiberal, populist or autocratic actors try to profit from the legitimacy of lawful conduct, while arguably acting against the spirit of the law. Situations in which states advance international legal arguments of self-determination and humanitarian intervention in this manner in order to justify the use of force have received much attention. Further, one could call it cynical when states undermine international organizations, e.g. by obstructing the election process of the organizations' organs, or when international standards are eroded due to minimalist implementation, e.g. by reducing climate law's 'nationally determined contributions' to zero. Likewise, non-state actors might use international law in a cynical way. Examples include the potential abuse of investment protection mechanisms and of strategic litigation before international judicial bodies.

From an analytical point of view, one can explore which forms cynical legal argumentation can take and if it has become more prevalent. One example are tendencies to use international law not merely as an argument but as a 'weapon' in the sense of 'lawfare'. Moreover, not only individual actors could make cynical use of the law, but several actors might act in concert to do so, e.g. when they create new forms of regulations or new institutions which aim at circumventing existing structures. The relationship between national, transnational and international law may also appear to be shaped in a cynical manner, e.g. when national courts refer to constitutional law in order to circumvent international obligations.

However, one may also inquire whether a certain cynicism is inherent in international law or whether it is 'merely' used in a cynical way. Is international law more cynical than other areas of law and, if so, why? Is the value basis of international law cynical in nature because it might universalize regional preferences and entrench existing power structures? Does the idealism that, for some, is distinctive of international law facilitate or impede its cynical use?

The conference aims to examine these aspects of cynicism in international law from different perspectives. How can cynicism, as a (potential) phenomenon in international law, be understood in *theory*? How could it be defined? Is it merely a moral problem when law seems to be used to justify illegitimate conduct or does that conduct become *unlawful*, e.g. under general principles of law such as the ‘abuse of rights’? Are there any *historical* developments towards more or less cynicism in international law? For example, it might seem plausible that the increased number of subjects of international law also increased the number of actors which abuse and circumvent the law. What is the role of international legal *scholars* in this context? Do they themselves at times adopt a cynical attitude towards international law? And how should cynicism be dealt with *normatively*? Is a certain cynicism unavoidable in international law or is it a sign of dysfunctional law? Are there ways to counteract potentially cynical tendencies of international law and its cynical use by actors? Does international law provide tools to react to such cynicism?

Contributions on public and private international law as well as European law, also from an interdisciplinary perspective, are welcome.

The conference seeks to be a forum for dialogue between young and established scholars. Young scholars’ contributions will be commented on by established scholars. The conference keynote speech will be held by Professor Gerry Simpson (LSE).

Anonymized abstracts in German or English (max. 500 words) should be submitted **by 31 January 2019** only via the application form on the conference website. Selected candidates will be notified by 28 February 2019. Full Papers (max. 7,000 words, including footnotes) must be submitted by 30 June 2019. A basic understanding of German is recommended to follow the conference. It is envisaged to publish the contributions.

Current information and the application form can be found on the conference website at www.jura.fu-berlin.de/ajv2019.

Organization: Björnstjern Baade (FU Berlin), Dana Burchardt (KFG International Rule of Law / HU Berlin), Prisca Feihle (FU Berlin), Alicia Köppen (KFG International Rule of Law / HU Berlin), Linus Mührel (TU Dresden), Lena Riemer (FU Berlin), Raphael Schäfer (MPI Heidelberg)