



Cynical International Law? Abuse and Circumvention in International and European Law

Conference of the Working Group of Young Scholars in Public International Law (AjV) and the German Society of International Law (DGIR)

Berlin, 6-7 September 2019



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FRIDAY, 6 SEPTEMBER 2019

Conference Venue: Henry Ford Building, Freie Universität Berlin (Garystraße 35, 14195 Berlin), Welcome and Keynote Speech: Lecture Hall A (*Hörsaal A*), Panels: Senate Hall (*Senatssaal*)

9.30-9.45

Welcome

Prisca Feihle (Freie Universität Berlin) / Dr. Björnstjern Baade (Freie Universität Berlin)

Prof. Dr. Klaus Hoffmann-Holland (Vice President, Freie Universität Berlin)

9.45-11.00

Keynote Speech

Prof. Dr. Gerry Simpson (London School of Economics and Political Science)

11.00-11.20

Coffee Break

11.20-13.20

Panel 1: Cynical Foundations of International Law

Chair: Dr. Dana Burchardt (KFG International Rule of Law / Humboldt-Universität zu Berlin)

Prof. Dr. Theresa Reinold (Universität Duisburg-Essen)

“Cynicism and the Autonomy of International Law”

Comment: **Prof. Dr. Martti Koskenniemi** (University of Helsinki)

Ass. Prof. Gabriel Lentner (Danube University Krems)

“Beyond Cynicism and Critique: International Law and the Possibility of Change”

Comment: **Prof. Dr. Janne Nijman** (University of Amsterdam)

Prof. Hengameh Saberi (Osgoode Hall Law School of York University)

“Cynicism in International Law: A Path to Political Entrepreneurship”

Comment: **Prof. Dr. Andreas von Arnould** (Christian-Albrechts-Universität zu Kiel)

13.20-14.20 Lunch Break

14.20-16.20 Panel 2: Cynical Actors in International Law

Chair: Raphael Schäfer (Max Planck Institute for Comparative Public Law and International Law)

Konstantin Kleine (Graduate Institute Geneva)

“The International Law Commission as a Club of Cynics? Originalism and Legalism in the Commission's Contemporary Work”

Comment: **Prof. Dr. Patrícia Galvão Teles** (Autonomous University of Lisbon)

Daniel Ricardo Quiroga-Villamarin (Graduate Institute Geneva)

“From Speaking Truth to Power to Speaking Power's Truth: Transnational Judicial Activism in an Increasingly Illiberal World”

Comment: **Prof. Dr. Andreas Paulus** (Universität Göttingen)

Christian Pogies (Goethe-Universität Frankfurt)

Oceans of Cynicism? Norm-Genesis, Lawfare and the South China Sea Arbitration Case

Comment: **Prof. Dr. Nele Matz-Lück** (Christian-Albrechts-Universität zu Kiel)

16.20-16.40 Coffee Break

16.40-18.15 Panel 3: Cynicism in EU Law

Chair: Linus Mührel (Technische Universität Dresden / Freie Universität Berlin)

Ass. Prof. Tamas Ziegler (Eötvös Lorand University)

“The Anti-Enlightenment Tradition as a Source of Cynicism in the EU”

Comment: **Prof. Dr. Christian Calliess** (Freie Universität Berlin)

Jesse Claassen (Radboud University Nijmegen)

“Assessing the Strategic Use of the EU Preliminary Ruling Procedure by National Courts”

Comment: **Prof. Dr. Sigrid Boysen** (Helmut-Schmidt-Universität Hamburg)

20:00 Dinner at Restaurant “Luise“, Königin-Luise-Straße 40 - 42, 14195 Berlin

SATURDAY, 7 SEPTEMBER 2019

9.00-11.00 **Panel 4: Cynicism in the Sub-Fields of International Law**

Chair: Lena Riemer (Freie Universität Berlin)

Caroline Omari Lichuma (Universität Göttingen)

“In International Law We (Do Not) Trust: the Persistent Rejection of Economic and Social Rights as a Manifestation of Cynicism”

Comment: **Prof. Dr. Dominik Steiger** (Technische Universität Dresden)

Dr. Shiri Krebs (Deakin University School of Law)

“The War on International Law: Legal Cynicism in the Israeli-Palestinian Conflict”

Comment: **Prof. Dr. Marco Sassòli** (Université de Genève)

Elisabeth Baier (Defence Counsel at *Danckert, Bärlein, Sättele*)

“Zynismus? Ja Bitte! Embracing Cynicism at the International Criminal Court”

Comment: **Elisabeth Baumgartner, LL.M.** (International Institute for Democracy and Electoral Assistance)

11.00-11.15 Coffee Break

11.15-13.15 **Panel 5: Cynicism and Abuse of Rights**

Chair: Alicia Köppen (Humboldt-Universität zu Berlin)

Philipp Janig (Universität der Bundeswehr München)

“Cynical” Outgrowths of Nationality Planning in Investment Law”

Comment: **Prof. Dr. Campbell McLachlan** (Victoria University of Wellington)

Andrea Faraci (Italian qualified lawyer) and **Luigi Lonardo** (King’s College London)

“Abuse of Right in International Law: A Roman Law Analogy”

Comment: **Prof. Dr. Helmut Aust** (Freie Universität Berlin)

Dr. Helene Hayden (Judge in Vienna, assigned to the Austrian Ministry of Justice)

“The European Concept of Abuse of Rights - an Analysis Based on Aggressive Tax Practices”

Comment: **Prof. Dr. Franz C. Mayer** (Universität Bielefeld)

13.15-13.30 **Concluding Remarks**

Prof. Dr. Heike Krieger (Freie Universität Berlin)

13.30 Light Lunch

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