



**“THE POWER OF INTERNATIONAL LAW IN TIMES OF EUROPEAN INTEGRATION”  
BIENNIAL RESEARCH FORUM OF  
THE EUROPEAN SOCIETY OF INTERNATIONAL LAW  
BUDAPEST, 28-29 SEPTEMBER 2007**

**PROGRAMME**

This programme is final as to the events but only contains those names which have been confirmed. Accepted agora participants' names are not yet shown as the deadline for their confirmation of participation is 2 July.

FRIDAY, 28 SEPTEMBER, 2007		
TIME	PROGRAM	THEME
Morning	Arrival, Registration, Interest group meetings	
13:30 - 14:00	Opening statements	PROF. HÉLÈNE RUIZ FABRI (President, ESIL-SEDI) PROF. FERENCZ HUDECZ (University Rector)
14:00 - 15:15	Plenary session	Does international law have legitimacy “pull” or has the European Union pre-empted its normative space? The role of international law in regulating region-specific relations and resolving regional disputes
15:15 - 15:45	Coffee break	
15:45 - 17:15	Parallel agorae	Multi-ethnicity in practice: minorities at home – kinfolk abroad Chair: PROF. GÁBOR KARDOS (Eötvös Loránd University)
		The new peacekeepers: Central and Eastern Europe in UN and NATO actions beyond Europe Chair: PROF. VERA GOWLLAND-DEBBAS (Graduate Institute of International Studies Geneva)
		The extended exception – territories in wider Europe under competing claims of legitimate rule (Transnistria, Osetia, Northern Cyprus etc.) Chair: JUDGE INETA ZIEMELE (European Court of Human Rights)
17:30 - 19:00	Forum	Bridges over troubled waters – Environmental disputes in Central and Eastern Europe and the competing system of norms contributing to, or preventing, their resolution Prof. PHILIPPE SANDS (two more discussants to be announced)
20:00 - 23:00	Dinner	

## SATURDAY, 29 SEPTEMBER, 2007

TIME	PROGRAM	THEME
9:00 - 10:30		General Assembly of the Society
10:30 - 12:00	Parallel agorae	Don't move – don't shoot: border controls, exit and entry through the dividing lines Chair: <b>PROF. BOLDIZSÁR NAGY</b> (Eötvös Loránd University)
		Wilson - Lenin - Badinter – self determination or otherwise in East and West Chair: <b>PROF. ANNE PETERS</b> (University of Basel)
	Interest group "workshop"	The Orientations of European International Law - Meeting of the legal theory interest group
12:00 - 12:30	Coffee break	
12:30 - 14:00	Forum	The ICJ under siege: the Balkan cases before the Court <b>JUDGE BRUNO SIMMA</b> (ICJ), <b>PROF. TIBOR VÁRADY</b> (CEU) and a third discussant
14:00 - 15:00	Buffet lunch	
15:00 - 16:30	Parallel agorae	Tales of "civilisation"; imperialism and transfer of values (Soviet Union – CEE, EU – CEE) Chair: <b>PROF. IULIA MOTOC</b> (University of Bucharest)
		International presence / state building in the Western Balkans; Kosovo, Bosnia- Herzegovina Chair: <b>PROF. NICO KRISCH</b> (London School of Economics)
16:30 - 16:45	Interval	Participants should move to the venue hosting the final plenary
16:45 - 18:00	Plenary	New capitalism and old human rights – the pains of transition and their mitigation by human rights <b>PROF. JÁNOS KIS</b> (CEU Budapest, NYU -New York)
18:10 - 18:30		Formal close

## SUNDAY, 30 SEPTEMBER, 2007

### PROGRAM ALTERNATIVES

1	"Culture" (eg. museums, art galleries etc.)
2	Sightseeing excursion
3	"Encounter" – talk with professionals or visit to a sociologically relevant institution (anything from Parliament to a refugee reception centre)

## THE OVERALL GOAL

As this is the first event to be organized by the ESIL Central Europe, the Society thought it appropriate to concentrate on the region which belonged to another political system during the Cold War period.

The research forum intends to focus on two dominant questions:

Is international law relevant in the resolution of Central- and Eastern Europe's present regional or bilateral conflicts?

Are states of the region ready to look beyond their immediate neighbourhood towards participating in the resolution of conflicts beyond Europe, including global threats?

## BRIEF DESCRIPTION OF PROGRAMME ITEMS

### **1. Does international law have legitimacy “pull” or has the EU pre-empted its normative space? The role of international law in regulating region- specific relations and resolving regional disputes. / Plenary**

The assumption is that the EU accession process, including the desire to become a member or newly-admitted members, has left little or no room for traditional international law in the minds of the political elit.

State behaviour is governed by the desire to join the club (meet its expectations) or to influence it (once already in). However, there are many fields in which the normative expectations of the EU and of traditional international law (or the main global actors) differ - one may think of trade law or refugee law, to name just two. The plenary will be delivered by one or two persons, with the focus on comparing the normative power of two legal systems in fields where international law has competence.

### **2. Multiethnicity in practice: minorities at home – kinfolk abroad / Agora**

Treating minorities in their country of residence and extending protection to kin people in other states - there is much scope for discussion of new possibilities available in international law for protecting minorities within a country's borders and offering (or withholding) tools to (from) states to protect their own kin people who find themselves on other states' territories. The Baltics, Russia, former Czechoslovakia, Albania and Hungary immediately come to mind as examples, and the list can be extended.

**Zsuzsa Csergo**, Queen's University, Kingston, Canada & Ana Filipa Vrdoljak, European University Institute, Florence, and University of Western Australia  
*Negotiating Boundaries: Language of Inclusion and Exclusion*

**Stephen Humphreys**, University of Cambridge & Julie Ringelheim, Université catholique de Louvain  
*Beyond D.H. and Others v. the Czech Republic – Ethnic Minorities and Institutional Discrimination: A New Frontier for European Human Rights Law?*

**Peter Kovacs**, Pazmany Peter University, Budapest  
*A propos de la légitimité des relations directes entre l'Etat-parent et la minorité voisine*

**Norbert Toth**, University of Pécs  
*The Long-lasting 1990's of Macedonia or Minority Policy in the Vardar Valley*

**Ieva Kalnina**, European University Institute, Florence  
*Assessment of Latvia's Citizenship Policy in the European Context*

### **3. The new peacekeepers: Central and Eastern Europe in UN and NATO actions beyond Europe / Agora**

Becoming members of the EU and NATO and having transcended the ideological dividing line between East and West have made countries of the region a valuable source of military and other personnel in Iraq, Afghanistan etc. Have they been smoothly integrated? Have these states become more potent actors as a result? The agora could provide a chance to investigate more general issues of peacekeeping, command responsibility in international units and other related issues.

**Daphné Richmond**, Tel Aviv University  
*The New New Peacekeepers? Private Military Companies and the Future of Peacekeeping Operations*

**Ann Pauwels**, Radboud University of Nijmegen  
*NATO as a Peacekeeper*

**Tarcisio Gazzini**, University of Glasgow  
*Junior Partners or Real Actors: Participation of Central and Eastern Europe in United Nations and NATO Military Actions outside Europe*

**Aurel Sari**, University College London  
*International Legal Responsibility for the Conduct of EU Crisis Management Missions*

### **4. The extended exception – territories in wider Europe under competing claims of legitimate rule (Transdnistria, Osetia, Northern Cyprus etc.) /Agora**

While Western Europe largely consists of “well governed” territories where there is no question as to the person of the supreme (final) power, this is not the case in large parts of Eastern Europe. Transdnistria, Osetia, and other areas have been black holes for well over a decade. The agora could deal both with theoretical issues relating to these types of “outlaw” entities and international efforts to lead them back to “normalcy”.

**Dessislava Cheytanova**, OSCE, Vienna  
*Separatism or Legitimate Aspirations to Independence*

**Aristotle Constantinidis**, University of Cyprus  
*In the name of international law: The Greek-Cypriot rejection of the 2004 UN plan to reunify Cyprus*

**Enrico Milano**, University of Verona  
*The doctrine(s) of non-recognition: theoretical underpinnings and policy implications with de facto regimes*

**Ralph Wilde**, University College London  
*Exceptional zones and exceptional responsibility: ideas of extraterritorial human rights responsibility at the margins of Europe*

**Théodore Christakis**, Université de Grenoble II  
*La sécession est-elle une question de pure fait?*

## 5. Bridges over troubled waters – Environmental disputes in Central and Eastern Europe and competing systems of norms contributing to or preventing their resolution / Forum

A large number of major environmental disputes erupted after the collapse of communism (though their roots may frequently be found in socialist ignorance of the value of natural resources) – from the Gabčíkovo-Nagymaros Project case, to the cyanide spill on the river Tisza, the present dispute over a major goldmine planned in Romania and the Romanian-Ukrainian differences over the Danube delta. No doubt, many more may be cited. The forum could elaborate on the role of international law (and its competition with EU law) in resolving disputes among new EU Member States and among Member States and third states. The ECJ judgment in the MOX case (Commission v Ireland (C-459/03 30 May 2006) will certainly give food for thought about the role of dispute resolution mechanisms created by international conventions to which the EC is a party.

## 6. Don't move – don't shoot: border controls, exit and entry through dividing lines / Agora

One of the greatest (sad) ironies of history may be seen in pre/post 1989 border regulations. Prior to 1989, the communists demanded “do not move”, now it is the West with this order, and whereas earlier the GDR border guard had orders to shoot, now the Schengen states build their barbed wire barriers. (True, they do not shoot – yet). Obviously the new EU Member States are caught in-between and their situation will “deteriorate” in 2008 when they start to apply the Schengen rules. The agora will deal with border control standards, the theory of borders, its “dematerialisation” through visas, carrier sanctions etc, and the human rights aspects of biometric tools and the fight against illegal immigration.

**Agnes Hurwitz**, ICTY, The Hague  
*Where have the refugees gone?*

**Efthymios Papastavridis**, University College London  
*Interception of Asylum Seekers and Migrants on the High Seas under International Law*

**René Uruena**, University of Helsinki  
*The UN's 1267 Committee and the Hidden Role of International Law in Anti-Terrorist Policy*

## 7. Wilson – Lenin – Badinter: Self determination (or else) in East or West / Agora

The time has come to interpret the process of dissolution of states in the region and to seek to understand whether it had any impact on the theory of self determination. Has a separate right to secede developed? If so, what would its preconditions be? Chechen and Basque participants will be as attentive as Bavarians and our Scottish colleagues...

**Zoran Oklopcic**, University of Toronto  
*New 'Self-Determination' After the End of the Cold-War: From the Self-Determination of Peoples to Principles of Polity Creation?*

**Achilles Skordas**, University of Bristol  
*Self-determination and global governance*

**M. von Cronenbold**, School of Oriental and African Studies, London  
*How to Prevent and Punish Genocide*

## 8. Legal theory interest group “workshop”: The Orientations of European International Law

Issues envisaged: The “European tradition of international law” from an Eastern European perspective; “Europe” as a thought-product of international legal thought; Integrationist projects and the concept of regions in classical and contemporary international law; International legal theory and the legacies of Eastern Europe.

## **9 . The ICJ under siege: the Balkan cases before the Court / Forum**

Nothing exceeds the importance for Europe during the past two decades than the collapse of the Berlin wall and the Balkan transformation, starting with the horrors, continuing with the pain, which is indeed still felt. The ICJ has delivered its judgement in the Bosnia/ Yugoslavia case. The forum should not be limited to the “Had Yugoslavia standing and when” question but could look at the role of international law in general and the ICJ in particular in the resolution of disputes.

## **10. Tales of “civilisation”; imperialism and the transfer of values (Soviet Union – CEE, EU – CEE) / Agora**

This agora will address the argument of the self-repeating narrative of the “good” actor coming to civilise the “backward” region. Are we confronted with Aufheben in Hegel’s sense or does the “political conditionality” of the EU differ from the earlier (less gentle) transfer of values by the Soviet Union (or now Russia and its neighbours).

**Mercedes Guinea Llorente**, Universidad Complutense de Madrid

*Tales of ‘Civilisation’: Transfer of Values through the Eastern Neighbourhood Policy*

**Anikó Raisz**, University of Miskolc

*Transfer of Values as to Regional Human Rights Tribunals*

**Jean d’Aspremont**, University of Leiden

*Transfer of Values Through International Law: The Lessons from Eastern Europe*

**David Kosar**, Masaryk University

*Freedom of Speech and Permissible Degree of Criticism of Judges: East v. West*

## **11. International presence / state building in the Western Balkans: Kosovo, Bosnia-Herzegovina / Agora**

This title is self-explanatory: the agora will take stock of the efforts under way in this region and draw theoretical conclusions as to the potential of state-building through international presence.

**Barbara Delcourt**, Université libre de Bruxelles

*Peut-on réellement considérer que l’action de l’UE au Kosovo participe d’une stratégie de construction d’un Etat et quelle est la place réservée au droit international dans la mise en place de ce projet?*

**Christian Pippan**, University of Graz

*The European Union and the Final Status of Kosovo: From Stabilization (and Association) to State Building?*

**Milica Matijevic**, Belgrade

**Fernanda Fernandez Jankov**, British Institute of International and Comparative Studies & Vesna Coric, Institute of Comparative Law, Belgrade

*The legality of uti possidetis in the Kosovo's dissolution*

## **12. New capitalism and old human rights – the pains of transition and their mitigation by human rights / Plenary**

Transition has undermined many of the earlier practical benefits experienced in the region, ranging from job security to limited crime and the lack of open interethnic conflict. But transition has brought intellectual freedom, entitlement to participate in the political process etc. These “new” rights in turn have generated excesses in terms of xenophobia, racism, disrespect of privacy, hate speech, etc. The closing plenary will look at how human rights law and its universal and regional institutions can come to grips with this new phenomena.