



**“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.

FRIDAY, 28 SEPTEMBER, 2007		
TIME	PROGRAM	THEME
Morning		Arrival, Registration, Interest group meetings
13:30 - 14:00	Opening statements	RUIZ FABRI, HÉLÈNE PROF. - President, ESIL-SEDI HUDECZ, FERENC PROF. - Rector, Eötvös Lóránd University FEKSZI, MÁRTA - Senior State Secretary
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 ZIEMELE, INETA JUDGE - European Court of Human Rights
15:15 - 15:45	Coffee break	
15:45 - 17:15	Parallel agora 1	MULTI-ETHNICITY IN PRACTICE: MINORITIES AT HOME – KINFOLK ABROAD Chair: KARDOS, GÁBOR PROF. - Eötvös Loránd University Csergo, Zsuzsa - Queen's University, Kingston, Canada & Vrdoljak, Ana Filipa , European University Institute, Florence, and University of Western Australia <i>Negotiating Boundaries: Language of Inclusion and Exclusion</i> Humphreys, Stephen - University of Cambridge & Ringelheim, Julie - Université Catholique de Louvain <i>Beyond D.H. and Others v. the Czech Republic – Ethnic Minorities and Institutional Discrimination: A New Frontier for European Human Rights Law?</i> Kalnina, Ieva - European University Institute, Florence <i>Assessment of Latvia's Citizenship Policy in the European Context</i> Kovács, Péter - Pazmany Peter University, Budapest <i>A propos de la légitimité des relations directes entre l'Etat-parent et la minorité voisine</i> Tóth, Norbert - University of Pécs <i>The Long-lasting 1990's of Macedonia or Minority Policy in the Vardar Valley</i>

FRIDAY, 28 SEPTEMBER, 2007

15:45 - 17:15	Parallel agora 2	<p>THE NEW PEACEKEEPERS: CENTRAL AND EASTERN EUROPE IN UN AND NATO ACTIONS BEYOND EUROPE</p> <p>Chair: GOWLLAND-DEBBAS, VERA PROF. (Graduate Institute of International Studies Geneva)</p> <p>Gazzini, Tarcisio - University of Glasgow <i>Junior Partners or Real Actors: Participation of Central and Eastern Europe in United Nations and NATO Military Actions outside Europe</i></p> <p>Pauwels, Ann - Radboud University of Nijmegen <i>NATO as a Peacekeeper</i></p> <p>Richmond, Daphné - Tel Aviv University <i>The New Peacekeepers? Private Military Companies and the Future of Peace-keeping Operations</i></p> <p>Sari, Aurel - University College London <i>International Legal Responsibility for the Conduct of EU Crisis Management Missions</i></p>
15:45 - 17:15	Parallel agora 3	<p>THE EXTENDED EXCEPTION – TERRITORIES IN WIDER EUROPE UNDER COMPETING CLAIMS OF LEGITIMATE RULE (TRANSNISTRIA, OSETIA, NORTHERN CYPRUS ETC.)</p> <p>Chair: SKOUTERIS, THOMAS - Secretary General, ESIL</p> <p>Cheytanova, Dessislava - OSCE, Vienna <i>Separatism or Legitimate Aspirations to Independence</i></p> <p>Christakis, Théodore - Université de Grenoble II <i>La sécession est-elle une question de pure fait?</i></p> <p>Constantinides, Aristotle - University of Cyprus <i>In the name of international law: The Greek-Cypriot rejection of the 2004 UN plan to reunify Cyprus</i></p> <p>Milano, Enrico - University of Verona <i>The doctrine(s) of non-recognition: theoretical underpinnings and policy implications with de facto regimes</i></p> <p>Wilde, Ralph - University College London <i>Exceptional zones and exceptional responsibility: ideas of extraterritorial human rights responsibility at the margins of Europe</i></p>
17:30 - 19:00	Forum	<p>BRIDGES OVER TROUBLED WATERS – ENVIRONMENTAL DISPUTES IN CENTRAL AND EASTERN EUROPE AND THE COMPETING SYSTEM OF NORMS CONTRIBUTING TO, OR PREVENTING, THEIR RESOLUTION</p> <p>SANDS, PHILIPPE PROF. - University College London, STEC, STEPHEN - program director, Regional Environmental Center for Central and Eastern Europe</p>
20:30 - 23:00	Gala Dinner	

SATURDAY, 29 SEPTEMBER, 2007

TIME	PROGRAM	THEME
9:30 - 10:30		INFORMATION SESSION
10:30 - 12:00	Parallel agora 1	<p>DON'T MOVE – DON'T SHOOT: BORDER CONTROLS, EXIT AND ENTRY THROUGH THE DIVIDING LINES</p> <p>Chair: NAGY, BOLDIZSÁR PROF. - Eötvös Loránd University</p> <p>Hurwitz, Agnes - ICTY, The Hague <i>Where have the refugees gone?</i></p> <p>Papastavridis, Efthymios - University College London <i>Interception of Asylum Seekers and Migrants on the High Seas under International Law</i></p> <p>Uruena, René - University of Helsinki <i>The UN's 1267 Committee and the Hidden Role of International Law in Anti-Terrorist Policy</i></p>
10:30 - 12:00	Parallel agora 2	<p>WILSON - LENIN - BADINTER – SELF DETERMINATION OR OTHERWISE IN EAST AND WEST</p> <p>Chair: PETERS, ANNE PROF. - University of Basel</p> <p>Cronenbold, M. von - School of Oriental and African Studies, London <i>How to Prevent and Punish Genocide: An Inquiry into the Law of Nations</i></p> <p>Oklopčić, Zoran - University of Toronto <i>New 'Self-Determination' After the End of the Cold-War: From the Self-Determination of Peoples to Principles of Polity Creation?</i></p> <p>Skordas, Achilles - University of Bristol <i>Self-determination and global governance</i></p>
10:30 - 12:00	Interest group workshop	<p>THE ORIENTATIONS OF EUROPEAN INTERNATIONAL LAW - MEETING OF THE LEGAL THEORY INTEREST GROUP</p> <p>Chair: IAIN SCOBIE - SOAS, London Commentator: AKBAR RASULOV - University of Glasgow</p> <p>García-Salmones, Mónica - University of Helsinki Mäliksoo, Lauri - University of Tartu Özsu, Umut - University of Toronto Rasilla del Moral, Ignacio de la - HEI (Geneva), Universidad Pablo de Olavide (Seville) Šturma, Pavel - Charles University of Prague</p>
12:00 - 12:30	Coffee break	
12:30 - 14:00	Forum	<p>THE ICJ UNDER SIEGE: THE BALKAN CASES BEFORE THE COURT</p> <p>SIMMA, BRUNO JUDGE - ICJ, VÁRADY, TIBOR PROF. - CEU, BANNELIER-CHRISTAKIS, KARINE - Institut d'Etudes Politiques de Grenoble</p>
14:00 - 15:00	Buffet lunch	

SATURDAY, 29 SEPTEMBER, 2007

TIME	PROGRAM	THEME
15:00 - 16:30	Parallel agora 1	<p>TALES OF "CIVILISATION"; IMPERIALISM AND TRANSFER OF VALUES (SOVIET UNION – CEE, EU – CEE)</p> <p>Chair: MOTOC, IULIA PROF. - University of Bucharest</p> <p>d'Aspremont, Jean - University of Leiden <i>Transfer of Values Through International Law: The Lessons from Eastern Europe</i></p> <p>Kosar, David - Masaryk University <i>Freedom of Speech and Permissible Degree of Criticism of Judges: East v. West</i></p> <p>Llorente, Mercedes Guinea - Universidad Complutense de Madrid <i>Tales of 'Civilisation': Transfer of Values through the Eastern Neighbourhood Policy</i></p> <p>Raisz, Anikó, University of Miskolc <i>Transfer of Values as to Regional Human Rights Tribunals</i></p>
15:00 - 16:30	Parallel agora 2	<p>INTERNATIONAL PRESENCE / STATE BUILDING IN THE WESTERN BALKANS; KOSOVO, BOSNIA- HERZEGOVINA</p> <p>Chair: KRISCH, NICO PROF. - London School of Economics</p> <p>Delcourt, Barbara - Université Libre de Bruxelles <i>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?</i></p> <p>Jankov, Fernanda Fernandez - British Institute of International and Comparative Studies & Vesna Coric, Institute of Comparative Law, Belgrade <i>The legality of uti possidetis in the Kosovo's dissolution</i></p> <p>Matijevic, Milica - Belgrade <i>Multiculturalism as a Foundation for a New Legal System: The Case of Kosovo</i></p> <p>Pippan, Christian - University of Graz <i>The European Union and the Final Status of Kosovo: From Stabilization (and Association) to State Building?</i></p>
16:30 - 16:45	Interval	Participants should move to the venue hosting the final plenary
16:45 - 18:00	Plenary	<p>NEW CAPITALISM AND OLD HUMAN RIGHTS – THE PAINS OF TRANSITION AND THEIR MITIGATION BY HUMAN RIGHTS</p> <p>KIS, JÁNOS PROF. - CEU - Budapest, NYU - New York</p>
18:10 - 18:30		Formal close

SUNDAY, 30 SEPTEMBER, 2007

PROGRAMME ALTERNATIVES

1	"Culture" (eg. museums, art galleries etc.)
2	Sightseeing excursion

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.

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.

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”.

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.

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...

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).

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.

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.