PATHS Workshop
The Paths of Change in International Law

6-7 June, 2019
Auditorium Jacques-Freymond, 132 rue de Lausanne, 1202 Geneva (Morning)
Villa Moynier, Rue de Lausanne 120B, Geneva (Afternoon)

Preliminary Program

The aim of our two-day workshop, which brings together scholars from international law, international relations, and international political sociology, is to explore informal change in the international legal order. This workshop is a part of the PATHS project funded by the European Research Council. We would like to use our collective expertise 1) to trace different accounts of informal change as it is seen from different disciplinary lenses, 2) to take stock of various theoretical approaches and 3) to better understand the strengths and weaknesses of those different approaches in light of empirical examples. This should help us to make a significant contribution to the study of the dynamics of international law, and to inform both legal scholars’ attempts at reconstructing the way international law changes, and political scientists’ and sociologists’ efforts at understanding when, why and how such change occurs.

Thursday, 6 June 2019

09:00 Arrival & Coffee

09:30-10:00 Introduction & Framing Paper
Nico Krisch & Ezgi Yildiz (Graduate Institute, Geneva): The Paths of International Law: Stability and Change in the International Legal Order
10:00-11:00 International Legal Change in a Shifting International Order
Eyal Benvenisti (University of Cambridge): International Law in the Age of Bilateralism
Mark Pollack (Temple University): The Eternal Optimism of the International Law Scholar and the Fragility of the International Legal Order
Discussant: Stephanie Hofmann (Graduate Institute, Geneva)
Chair: Ezgi Yildiz (Graduate Institute, Geneva)

11:30-13:00 Competing Accounts of Change
Kenneth Abbott (Arizona State University) & Duncan Snidal (University of Oxford): Filling in the Folk Theorem: Gradualism and Change in International Law
Jutta Brunnee (University of Toronto): Interactional International Law: Examining Stability and Change in the Right to Self-Defence against Non-state Actors
Matthew Windsor (University of Reading): Justifying Change in International Law
Discussant: Benedict Kingsbury (New York University)
Chair: Nico Krisch (Graduate Institute, Geneva)

13:00-14:00 Lunch

14:00-15:30 The Construction and Evolution of Rules
James Hollway & Umut Yüksel (Graduate Institute, Geneva): Convergent Institutional Evolution and the Limits of Delimitation
Ezgi Yildiz & Umut Yüksel (Graduate Institute, Geneva): When Pathways of Change Crisscross: Courts, Consensus, Custom
Discussant: Erik Voeten (Georgetown University)
Chair: Laurence Helfer (Duke University)

15:45-16:45 Actors of Change in International Law
Moshe Hirsch (Hebrew University of Jerusalem): Political Sociology, Social Movements and Increasing Application of Human Rights Law in Investment Jurisprudence
Sebastián Rioseco (University of Melbourne): COPs as a Legal Pathway
Discussant: Tanja Aalberts (VU Amsterdam)
Chair: Diana Panke (University of Freiburg)
17:00-18:00 Repetition & Recursivity as Drivers of Change
Susan Block-Lieb (Fordham University): Recursive Incrementalism: The Role of Sub-State and Non-State Actors in Translating Soft International Law
Wouter Werner (VU Amsterdam): Repetition Expert Bodies and the Formation of Customary Law
Discussant: Anna Leander (Graduate Institute, Geneva)
Chair: Jutta Brunée (University of Toronto)

20:00 Dinner for participants

Friday, 7 June 2019
08:45-09:00 Coffee

09:00-10:00 Mechanisms of Change
Giovanni Mantilla (University of Cambridge): Pathways of Change in International Humanitarian Law
Niccolò Ridi (University of Liverpool): Constraint, Coherence, Adjustment: Using the Past to Effect Change in International Adjudication
Discussant: Nina Reiners (University of Potsdam)
Chair: Tonya Putnam (Columbia University)

10:15-11:15 Accounting for Change: Practices versus Fields?
Tanja Aalberts (VU Amsterdam): Practices, Performances and the Magic of International Law
Grégoire Mallard (Graduate Institute, Geneva): Approaching Law as Fields: New Theoretical Developments in Socio-Legal Studies
Discussant: Andrew Hurrell (University of Oxford)
Chair: Madeline Baer (San Diego State University)

11:30-13:00 Regional Change Dynamics
Matheus Hernandez (UFGD, Brazil) & Adriana Erthal (Igarapé Institute, Brazil): Negotiating Boundaries in International Law: Legal Change and Stasis in the Inter-American Human Rights System
Laurence Helfer (Duke University) & Erik Voeten (Georgetown University): Walking Back Human Rights in Europe
Stephanie Hofmann (Graduate Institute, Geneva): The Use of Force and Regional Order
Discussant: Wayne Sandholtz (USC)
Chair: Thomas Biersteker (Graduate Institute, Geneva)
13:00-14:00 Lunch

14:00-15:00 Norm Challenges, Contestation and Death

Madeline Baer (San Diego State University): Contesting Rights: Champions and Challengers of Economic, Social and Cultural Rights
Diana Panke (University of Freiburg): Norm Challenges in the International Systems. Exploring Pathways towards Norm Changes and Norm Death
Discussant: Fuad Zarbiyev (Graduate Institute, Geneva)
Chair: Mark Pollack (Temple University)

15:15-16:30 Final Round table: Dynamics of Change in International Law

Andrew Hurrell (University of Oxford)
Benedict Kingsbury (New York University)
Anna Leander (Graduate Institute, Geneva)
Thomas Biersteker (Graduate Institute, Geneva)
Chair: Nico Krisch (Graduate Institute, Geneva)

17:00 Apéro