



# **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 Brunnée (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*

Tonya Putnam (Columbia University): *Between Practice and Precedent: The Politics of Constructing Authoritative Evidence of Legal Rules*

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