

Contingency in the Course of International Law

14-16 June 2018 Roeterseiland Campus (REC), Faculty of Law [\[Map\]](#)

Thursday, 14 June 2018		Room:
12:00-13:00	Welcome Lunch	
13:00-13:30	Introduction André Nollkaemper, Dean, Faculty of Law Kevin Jon Heller & Ingo Venzke, University of Amsterdam	A3.15
13:30-15:15	Panel 1 – Necessity, Possibility & Imagination Chair: Janne Nijman, University of Amsterdam <ul style="list-style-type: none"> • Umut Oszu, Carleton University <i>The Necessity of Contingency</i> • Karen Knop, University of Toronto <i>Utopia Without Apology</i> • Gerry Simpson, London School of Economics <i>gardening, instead</i> • Chase Madar, NYU, Gallatin School <i>The Picaresque Novel of International Law</i> 	A3.15
15:15-15:45	Coffee Break	
15:45-17:30	Panel 2.1 – Resources, Trade & Sea Chair: Mohsen Al-Attar, University of Warwick <ul style="list-style-type: none"> • Isabel Feichtner, Julius-Maximilians-Universität <i>Exploitation Bias</i> • Lucas Lixinski, University of New South Wales - Sydney & Mats Ingulstad, Norwegian University of Science and Technology <i>Permanent Sovereignty</i> • Alex Oude Elferink, Netherlands Institute for the Law of the Sea, Utrecht University <i>UNLCOS & The Deep Sea-Bed</i> • Surabhi Ranganathan, University of Cambridge <i>Law of the Sea</i> 	A3.15

Panel 2.2 – International Criminal Law A3.01

Chair: Kim Christian Priemel, University of Oslo

- Mark Drumbl, Washington and Lee University
A World Without Judge Pal's Dissent
- Nicola Palmer, King's College London
Legal and Individual Contingency in Dissenting Opinions in International Criminal Law
- Ioannis Kalpouzos, City, University of London
Conceptual history and the recognition of contingency in International Criminal Law
- Michele Tedeschini, SOAS, University of London
Challenging Unnecessary Paradigms: Legal Contingency as a Factor of Historical Necessity in the Tadic Case

17:45-18:45 Public Lecture A0.01

Fleur Johns, University of New South Wales - Sydney
On Nonevents

Moderator: Kevin Jon Heller, University of Amsterdam

19:30 **Speakers' Dinner**
Sotto, Kadijkplein 4, 1018 AB Amsterdam [\[Map\]](#)

Friday, 15 June 2018		Room:
08:30-09:00	Coffee and Tea with Small Breakfast	
09:00-10:30	Panel 3.1 – The State and its Absence Chair: André Nollkaemper, University of Amsterdam <ul style="list-style-type: none"> • Hannah Franzki, University of Bremen <i>Corporate Sovereignty and the Contingency of the Nation State</i> • Geoffrey Gordon, Asser Institute <i>Making time: Contingency and Determination in the Interaction of Time and Law</i> • Henry Jones, University of Durham <i>The Contingency of Borders</i> 	A3.15
	Panel 3.2 – Matters of Perspective A3.01 Chair: Karen Knop, University of Toronto <ul style="list-style-type: none"> • Filipe dos Reis, University of Erfurt <i>Different Disciplines, Different Histories? On the Contingency of the Observer and the Turn(s) to History in International Relations and International Law</i> • Edward J Kolla, Georgetown University School of Foreign Service, Qatar <i>Thinking the French Revolution: Towards an Historical Understanding of Change in International Law</i> 	

- Mark Hanna, Queen's University, Belfast
If the School of Salamanca Had Only Been More Sociological
- 10:30-12:00** **Panel 4 – Refugees, Migration & Treaty-Making** **A3.15**
Chair: Marjoleine Zieck, University of Amsterdam
- Simon Behrman, Royal Holloway, University of London
What Would Refugee Protection Have Looked Like Without the 1951 Refugee Convention?
 - Bas Schotel, University of Amsterdam
The Sovereignty Clause: Why the Admission of Aliens Under International Law Could Not Have Been Otherwise
 - Christopher Szabla, Cornell University
Decolonization of International Refugee and Migration Law
- 12:00-13:00** **Lunch**
- 13:00-14:30** **Panel 5 – Colonialism** **A3.15**
Chair: Surabhi Ranganathan, University of Cambridge
- Emma Stone Mackinnon, University of Cambridge
Torture, the Right to Rebel, and Contests over the Geneva Conventions in the Algerian War for Independence
 - Petra Gumplová, Max Weber Kolleg, University of Erfurt
Rights of Conquest, Discovery and Occupation, and Trade: The Colonial Invention of Natural Resource Injustice
 - Genevieve Painter, McGill University
Indigenous Declarations at the League of Nations: Speaking Jurisdiction as Another International Law
- 14:30-16:00** **Panel 6.1 – Decolonization and Economic Orders** **A3.15**
Chair: Umut Öszu, Carleton University
- Kevin Crow, University Halle-Wittenberg
Bandung's Missed Legacies: Alternative Normative Approaches to International Law?
 - Britta Redwood, Yale University/Princeton University
What if Bretton Woods Had been a Success? Contemplating International Law in the Absence of U.S. Financial Hegemony
 - Lys Kulamadayil, The Graduate Institute Geneva
Fairy-Tale International Law
- Panel 6.2 – Contingent Courts & Adjudication** **A3.01**
Chair: Corina Heri, University of Amsterdam (tbc)
- Aden Knaap, Harvard University
A Court by Another Name: What if the Court of Arbitral Justice Had Been Formed?

- Daniel Litwin, McGill University
Forgetting the Permanent Court of International Justice
- Mala Loth, University of Oslo
Europe's Manpower: How the European Court of Justice Could Have Shaped Temporary Work

16:00-16:30 **Coffee Break**

- 16:30-18:15** **Panel 7.1 – War** **A3.15**
Chair: Kevin Jon Heller, University of Amsterdam
- Amanda Alexander, Australian Catholic University
Histories of Contingencies in International Humanitarian Law
 - Yaniv Roznai, Radzyner Law School
Anecdotes and the Development of International Law
 - Nicholas Mulder, Columbia University & Boyd van Dijk, King's College London
Why Did Starvation Not Become the Paradigmatic War Crime in International Law?
 - Timothy William Waters, Indiana University
The Kaiser in the Castle: a Neo-Kakanian Perspective on our Present Predicament

- Panel 7.2 – Norm Structures** **A3.01**
Chair: Jacob Katz Cogan, University of Cincinnati
- Teimuraz Antelava, European University Institute
From Early Codes of the 19th Century to Lagonissi Conference: What International Law on Peremptory Norms Could Have Been
 - Athanasios Chouliaras, Democritus University of Crete
International Crimes of State: Simply an old Idea or Better an Actual Necessity?
 - Anna Delic, Tilburg Law School
Reimagining Private International Law Sans Outbreak of Cholera in Rome (1885)
 - Tom Eijsbouts, University of Amsterdam
What of the EU Treaty if the Berlin Wall Had Not Fallen on 9 November 1989?

Saturday, 16 June 2018	Room:
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09:00-09:30 Coffee and Tea with Small Breakfast

09:30-11:00 Panel 8.1 – Human Rights and Displacement A3.15
Chair: Yvonne Donders, University of Amsterdam

- Anna Lukina, Hertford College, University of Oxford
Who Was Right in the 1948 Debate? Soviet Constitutionalism and the Universal Declaration of Human Rights
- Kathryn McNeilly, Queen's University Belfast
The Universal Declaration of Human Rights and International Human Rights Law's Contingent Utopia
- Itamar Mann, University of Haifa
Population Exchange

Panel 8.2 – International Investment Law (I) A3.01
Chair: Isabel Feichtner, Julius-Maximilians-Universität

- Kathryn Greenman, University of Amsterdam/University of Melbourne
The Law of State Responsibility and the Persistence of Investment Protection
- Silvia Steininger, MPI Heidelberg & Jochen von Bernstorff, University of Tübingen
Who Turned Multinational Corporations into Bearers of Human Rights? On Corporate 'Human' Rights in International Investment Protection
- NtinaTzouvala, University of Melbourne
Neither an Accident nor a Destiny: Aleatory Materialism and the Battle for the History of International Investment Law

11:00-12:30 Panel 9.1 – International Humanitarian Law A3.15
Chair: Terry Gill, University of Amsterdam

- Bianca Maganza, The Graduate Institute Geneva
Historical Contingency in the Adoption of Art. 3 Geneva Conventions
- Anthony J. Gaughan, Drake University Law School
D-Day, Collateral Damage, and the 1923 Hague Draft Rules of Aerial Warfare
- Helen Kinsella, University of Wisconsin - Madison
Harm to Ways of Life: the Radical Potential of the Concepts of Superfluous Injury and Unnecessary Suffering in International Humanitarian Law

Panel 9.2 – International Investment Law (II) A3.01
Chair: Stephan Schill, University of Amsterdam

- Mary Footer, University of Nottingham & Michelle Staggs-Kelsall, University of Nottingham
Cooperation, Organization and Conduct: Tripartite Contingencies and the Role of Voluntary Instruments in Shaping the Place of the Corporation in International Law

- Josef Ostřanský, MIDS Geneva
On a Fortuitous Transplant to a Fundamental Principle of Law? A Short History of the Doctrine of Legitimate Expectations and the Political Economy of International Investment Law
- Saïda El Boudouhi, University of Valenciennes/Hainaut-Cambrésis
The ICJ as a World Court for Foreign Investment Cases: Imagining Another Issue to the Barcelona Traction Case (or Re-writing the Success Story of Diplomatic Protection)

12:30-13:30 Lunch

13:30-15:00 Panel 10 – Possibilities of Change A3.15
Chair: Kiki Brölmann, University of Amsterdam

- Frederic Mégret, McGill University
Freedom of Movement
- Vidyar Kumar, University of Leicester
Revolutionary Contingency in International Law: People, Places, and Things
- Justin Desautels-Stein, University of Colorado, Boulder
The Realist and the Visionary: on the Problem of Social Change in the History of International Legal Thought, 1919-2019

15:00-16:00 Closing A1.02

Samuel Moyn, Yale University
Moderated by Marc de Wilde, University of Amsterdam

Limited space is available for additional attendees. To register, please send an email to acil-fdr@uva.nl. Participation is free of charge.

Updates and (a selection of) presentations will be made available at acil.uva.nl.