

Contingency in the Course of International Law: *How International Law Could Have Been*

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

Thursday, 14 June 2018		Room:
12:00-13:00	Welcome Lunch	1 st floor, 'Eiland'
13:00-13:30	Introduction André Nollkaemper, Dean, Faculty of Law Kevin Jon Heller & Ingo Venzke, University of Amsterdam	A0.01
13:30-15:15	Panel 1 – Necessity, Possibility & Imagination Chair: Janne Nijman, University of Amsterdam <ul style="list-style-type: none"> • Umut Öszo, Carleton University <i>The Necessity of Contingency</i> • Karen Knop, University of Toronto <i>The Appeal of Contingency: Utopias vs International Law Histories as International Law Genres</i> • Gerry Simpson, London School of Economics <i>gardening, instead</i> • Chase Madar, NYU, Gallatin School <i>The Picaresque Novel of International Law</i> 	A0.01
15:15-15:45	Coffee Break	3 rd floor
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>Might International Law Loose its Exploitation Bias?</i> • Lucas Lixinski, University of New South Wales - Sydney & Mats Ingulstad, Norwegian University of Science and Technology <i>Permanent Sovereignty over Natural Resources: A revisionist (and alternative) history</i> • Alex Oude Elferink, NILOS, Utrecht University <i>What if the United Nations Convention on the Law of the Sea had entered into force without amending the regime for deep seabed mining: Business as usual or chaos for the oceans?</i> • Surabhi Ranganathan, University of Cambridge <i>Contingency and false contingency in the making of the law of the sea</i> 	A3.15

Panel 2.2 – International Criminal Law A3.01

Chair: Harmen van der Wilt, University of Amsterdam

- Mark Drumbl, Washington and Lee University
A World Without Justice Pal's Dissent
- Ioannis Kalpouzos, City, University of London
Conceptual history and the recognition of contingency in International Criminal Law
- Michele Tedeschini, SOAS, University of London
Unveiling Historical Necessity in International (Criminal) Law

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** Mama Makan, Spinozastraat 61, 1018 HJ Amsterdam [\[Map\]](#)

Friday, 15 June 2018		Room:
08:30-09:00	Coffee and Tea with Small Breakfast	3 rd floor
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 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> • Mark Hanna, Queen's University, Belfast <i>If the School of Salamanca Had Only Been More Sociological</i> • Matthias Goldmann, University of Frankfurt <i>The Economic and the Social in Sovereign Debt Crises: Why Human Rights Discourse Came so Late and Helped so Little</i> 	A3.01

10:45-12:15	Panel 4.1 – Refugees & Migration Chair: Marjoleine Zieck, University of Amsterdam <ul style="list-style-type: none"> • Bas Schotel, University of Amsterdam <i>The Sovereignty Clause: Why the Admission of Aliens Under International Law Could Not Have Been Otherwise</i> • Christopher Szabla, Cornell University <i>Crossroads of Contingency? Differential Decolonizations of International Refugee and Migration Law and Governance</i> 	A3.15	14:45-15:15	Coffee Break	3 rd floor
			15:15-17:00	Panel 6.1 – War Chair: Kim Christian Priemel, University of Oslo <ul style="list-style-type: none"> • Amanda Alexander, Australian Catholic University <i>Histories of Contingencies in International Humanitarian Law</i> • Yaniv Roznai, Radzyner Law School <i>Anecdotes and the Development of International Law</i> • Nicholas Mulder, Columbia University & Boyd van Dijk, King’s College London <i>Why Did Starvation Not Become the Paradigmatic War Crime in International Law?</i> • Timothy William Waters, Indiana University <i>The Kaiser in the Castle: a Neo-Kakanian Perspective on our Present Predicament</i> 	A3.15
	Panel 4.2 – Colonialism Chair: Surabhi Ranganathan, University of Cambridge <ul style="list-style-type: none"> • Emma Stone Mackinnon, University of Cambridge <i>Torture, the Right to Rebel, and Contests over the Geneva Conventions in the Algerian War for Independence</i> • Petra Gumplová, Max Weber Kolleg, University of Erfurt <i>Rights of Conquest, Discovery and Occupation, and the Freedom of the Seas: the Colonial Invention of International Law and the Natural Resource Injustice</i> • Genevieve Painter, McGill University <i>Indigenous Declarations at the League of Nations: Speaking Jurisdiction as Another International Law</i> 	A3.01			
12:15-13:15	Lunch	3 rd floor			
13:15-14:45	Panel 5.1 – Decolonization and Economic Orders Chair: Umut Öszu, Carleton University <ul style="list-style-type: none"> • Kevin Crow, University Halle-Wittenberg <i>Bandung’s Missed Legacies: Alternative Normative Approaches to International Law?</i> • Britta Redwood, Yale University/Princeton University <i>What if Bretton Woods Had been a Success? Contemplating International Law in the Absence of U.S. Financial Hegemony</i> • Lys Kulamadayil, The Graduate Institute Geneva <i>Fairy-Tale International Law</i> 	A3.15			
	Panel 5.2 – Contingent Courts & Adjudication Chair: Corina Heri, University of Amsterdam <ul style="list-style-type: none"> • Aden Knaap, Harvard University <i>A Court by Another Name: What if the Court of Arbitral Justice Had Been Formed?</i> • Daniel Litwin, McGill University <i>Forgetting the Permanent Court of International Justice</i> • Saïda El Boudouhi, University of Valenciennes <i>The ICJ as a World Court for Foreign Investment Cases: Imagining Another Outcome for the Barcelona Traction Case</i> 	A3.01			
				Panel 6.2 – Norm Structures Chair: Jacob Katz Cogan, University of Cincinnati <ul style="list-style-type: none"> • Teimuraz Antelava, European University Institute <i>From Early Codes of the 19th Century to Lagonissi Conference: What International Law on Peremptory Norms Could Have Been</i> • Athanasios Chouliaras, Panteion University of Social and Political Sciences <i>International Crimes of State: Simply an old Idea or Better an Actual Necessity?</i> • Ana Delić, Tilburg Law School <i>If a Cholera Outbreak Had Not Cancelled Mancini’s Congress</i> • Tom Eijssbouts, University of Amsterdam <i>What of EU without 09 November 1989? An ABC of Chance and the Evolution of Public Law</i> 	A3.01

Saturday, 16 June 2018	Room:
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09:00-09:30 **Coffee and Tea with Small Breakfast** 3rd floor

09:30-11:00 **Panel 7.1 – 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
International Human Rights Histories and Utopia Thought Otherwise
- Itamar Mann, University of Haifa
Population Exchange

Panel 7.2 – 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

11:15-12:30 **Panel 8.1 – 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

Panel 8.2 – 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 Ostránský, MIDS Geneva
From 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

12:30-13:30 **Lunch** 3rd floor

13:30-15:00 **Panel 9 – Possibilities of Change** A0.01

Chair: Kiki Brölmann, University of Amsterdam

- Frederic Mégret, McGill University
A Road Not Taken: Open Borders, The Human Right to Migrate and the History of International Law
- 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** A0.01

Samuel Moyn, Yale University

Moderator: 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.

Wireless Internet: UvA Open Wi-Fi

#ContingencyFest2018