

Engaging with Domestic Law in International Adjudication: Factfinding or Transnational Law-Making?

WORKSHOP

Thursday, 28 February and Friday, 1 March 2019

Amsterdam Law School, building REC A, Nieuwe Achtergracht 166, Amsterdam

Day 1: Thursday, 28 February 2019	
09.45 – 10.30	Registration and coffee Room A3.01
10.30 – 11.00	Welcome and Introduction Stephan Schill (University of Amsterdam) Michail Risvas (IE Law School)
11.00 – 13.00	Panel 1: Domestic Law between Law and Fact Room A3.01 Chair: Ingo Venzke (University of Amsterdam) What Do We Actually Disagree About When Discussing the Fact-Law Dichotomy in International Adjudicators' Engagement with Domestic Law? Thomas Burri (University of St Gallen) What Should International Judges and Arbitrators Do When Faced with Domestic Law That Is Subject to Super Dynamic Change? Saïda El Boudouhi (University of Valenciennes) The Procedural Status of Domestic Law in International Adjudication Daniel Peat (University of Leiden) In Search of Fairness: The Tyranny of Choice and Treaty Interpretation
13.00 – 14.30	Lunch break <i>- change of rooms: from A3.01 to A3.15 -</i>

14.30 – 16.30	<p>Panel 2: Relationships between Domestic and International Law Room A3.15</p> <p>Chair: Pieter Jan Kuijper (University of Amsterdam)</p> <p>Alberto Alvarez-Jimenez (University of Waikato)</p> <p>Itai Apter (University of Haifa)</p> <p>Hayk Kupelyants (Cleary Gottlieb Steen & Hamilton LLP (London))</p> <p>Xuan Shao (University of Oxford)</p>
	<p>The Enforcement of Domestic Law in International Trade and Investment Adjudication</p> <p>Domestic Law as Evidence of State Practice in International Adjudication – Is The Road to Customary International Law Paved with Good Domestic Law Intentions?</p> <p>Conflict of Laws Before International Courts and Tribunals</p> <p>The judicial function in developing international law by drawing from domestic law and its democratic legitimacy: the case of international investment arbitration</p>
16.30 – 17.00	Coffee break
17.15 – 18.45	<p>Keynote lecture Professor H�el�ene Ruiz Fabri 'Domestic law in international adjudication - overcoming binary oppositions'</p>
19.30	<p>Speakers' Dinner Mama Makan Indonesian Kitchen, Hyatt Hotel, Spinozastraat 61, 1018 HJ Amsterdam</p>

Day 2: Friday, 1 March 2019

9.00 – 11.00	<p>Panel 3: Forms of Engagement with Domestic Law Room A3.15</p> <p>Chair: Stephan Schill (University of Amsterdam)</p> <p>Yuliya Chernykh (University of Oslo)</p> <p>Ana Maria Daza-Clark (University of Edinburgh)</p> <p>Johannes Hendrik Fahner (University of Amsterdam/ University of Luxembourg)</p> <p>Juan-Pablo Perez-Leon-Acevedo (Pluricourts / University of Oslo)</p>
	<p>Patterns of Domestic Law Avoidance: Contract Interpretation in the Public International Law Context</p> <p>Application of Domestic Law by Investment Arbitrators: Between Error and Abuse of Power</p> <p>Domestic Law in International Adjudication: Exploring the Limits of Deference</p> <p>Engaging International Criminal Procedure with Domestic Legal Traditions</p>

11.00 – 11.15	Coffee break
11.15 – 13.15	<p>Panel 4: International Economic Law Room A3.15</p> <p>Chair: Kevin J. Heller (University of Amsterdam)</p> <p>Andrea Leiter (Melbourne University / Vienna University) Internationalising Rules over Concession Agreements: From Domestic Law to International Investment Law</p> <p>Giorgio Riso (Cleary Gottlieb Steen & Hamilton LLP (Milan)) Pleas of Illegality and the Application of Domestic Law in Investment Treaty Arbitration</p> <p>Pedro A Villarreal (Max Planck Institute for Comparative Public Law and International Law) Fostering Interpretative Shifts Through Binational Adjudication: The Case of NAFTA Chapter 19 Dispute Settlement</p> <p>Roxana Vornicu & Dacian Cosmin Dragos (Babes Bolyai University) Protecting the Environment in Investor-State Disputes: Comparative Administrative Law as a Source for the Proportionality Test</p>
13.15 – 14.15	Lunch break
14.15 – 15.45	<p>Panel 5: Human Rights Law Room A3.15</p> <p>Chair: Yvonne Donders (University of Amsterdam)</p> <p>Jorge Contesse (Rutgers Law School) Inter-American Human Rights Adjudication and Domestic Constitutionalism</p> <p>Elena Corcione (University of Turin) European Court of Human Rights and Domestic Law: between Autonomy and Consensus</p> <p>Antonios Kouroutakis (IE Law School) Comparative Law Methodology and the European Court of Human Rights: Challenges and Perspectives</p>
15.45 – 16.00	Concluding Remarks: Stephan Schill