



THE NETWORK



The Dynamics of Contestation and Cooperation in International Law

2022 Conference of the Belgian Society for International law

Leuven Centre for Global Governance Studies (KU Leuven)
Centre Charles de Visscher pour le droit international et européen (UC Louvain)
Belgian Network of Junior Researchers in International Law

12-13 May 2022
College De Valk, Auditory Zeger Van Hee
Tiensestraat 41 Leuven

Theme

A paradox lies at the heart of today's global governance. On the one hand, the ongoing globalization process and increasing intertwinement of States, together with the intrinsically transnational nature of many challenges, result in an ever deepening connectivity, which has the potential for, and often does lead to, new dynamics of multilateral cooperation in international law. On the other hand, though, we see new forms of contestation by a variety of States – emerging powers, countries from the Global South, recently even the US and the UK – against established principles, norms and institutions of international law. In some cases this contestation has triggered novel – but not necessarily inclusive – forms of cooperation, which contribute to the further development of international law, but also trigger new forms of contestation, especially by non-participants. In some cases, like the current Ukraine crisis, contestation takes a violent turn and involves military aggression, leading to yet other international responses and strengthened cooperation among various State and non-State actors.

The “contestation – cooperation paradox” is visible in many different fields of international law, from international trade law to international humanitarian law, space law and the law of international organizations. But is it truly a new phenomenon? Has international law not always oscillated between cooperation and contestation, the latter especially by new(er) members of the international community? Do we witness a new form of *realpolitik*, where States seek the most efficient way to serve their interests, sometimes even through a revival of military aggression? Are we seeing the emergence of new types of international instruments, forms of cooperation and solidarity that reflect changing normative preferences of States? Or are these the signs of a international rule of law in decline? This conference aims at addressing these questions, by looking at four different fields of international law – international trade law, institutional law, humanitarian law and space law – and by inviting experts from both academia and practice.

Programme

Thursday 12 May 2022

3:00 - 3:15 pm: Welcome and introductory remarks

Prof. Dr. **Reine Meylaerts**, Vice-Rector of the Humanities and Social Sciences, KU Leuven

Prof. Dr. **Frédéric Dopagne**, Professor of Public International Law, UC Louvain, Secretary-General of the Belgian Society of International Law

Prof. Dr. **Jan Wouters**, Jean Monnet Chair *ad personam*, Full Professor of International Law and International Organizations, Director Leuven Centre for Global Governance Studies – Institute for International Law, KU Leuven

3:15 – 4:00 pm: Keynote Address: On the effects of contestation for cooperation in international law

Moderator: Prof. Dr. **Stephan Keukeleire**, Jean Monnet Professor in European Foreign Policy, Faculty of Social Sciences, KU Leuven

Speaker: Prof. Dr. **Antje Wiener**, Chair of Political Science and Global Governance, University of Hamburg

4:00 - 5:30 pm: Panel 1. New challenges for international organizations

International organizations have gradually moved beyond constituting mere fora for negotiations among States and have assumed a more active role in global governance. They have become important actors in regulatory cooperation, both facilitating cooperation between their Member States and engaging themselves in cooperation networks with States, non-State actors and other international organizations. They participate in new forms of partnerships, develop innovative lawmaking processes, and strengthen global governance. Simultaneously, international organizations have also become fora for contestation of international rules and the international system, sometimes leading to the expulsion, suspension or withdrawal of members. This panel aims at understanding this paradox and what it implies in terms of challenges and opportunities.

Moderator: Prof. Dr. **Gleider Hernández**, Professor of Public International Law, KU Leuven – Open Universiteit

Speakers:

Prof. Dr. **Niels Blokker**, Professor of International Institutional Law, Leiden University
Rita Guerreiro Teixeira, PhD Researcher and Fellow, Leuven Centre for Global Governance Studies – Institute for International Law, KU Leuven

Marianna Karttunen, Head of Unit, International Regulatory Cooperation, OECD
Dr. **Jed Odermatt**, Lecturer in International Law, City University, London

5:30 - 6:00 pm: Coffee/tea break

6:00 - 7:30 pm: High-level panel of academics and practitioners: tales of contestation and cooperation in international law and relations

Moderator: Prof. Dr. **Jan Wouters**, Jean Monnet Chair *ad personam* and Full Professor of International Law and International Organizations, KU Leuven

Speakers:

Prof. Dr. **Eyal Benvenisti**, Whewell Professor of International law and the Director of the Lauterpacht Centre for International Law, University of Cambridge

Prof. Dr. **Frank Hoffmeister**, Director for General Affairs and Chief Legal Officer, European External Action Service, Vrije Universiteit Brussel

Marianna Karttunen, Head of Unit, International Regulatory Cooperation, OECD

Prof. Dr. **Petros Mavroidis**, Edwin B. Parker, Professor of Foreign and Comparative Law, Columbia University

Alexandre Stutzmann, Special Adviser to the President of the United Nations General Assembly

Prof. Dr. **Antje Wiener**, Chair of Political Science and Global Governance, University of Hamburg

Friday 13 May 2022

9:00 - 10:30 am: Panel 2. Reform of the World Trade Organization

The calls for World Trade Organization (WTO) reform have been mounting. The Doha Development Agenda negotiation has come to a dead end. The dispute settlement mechanism faces major challenges because of the demise of the Appellate Body. To overcome the institutional crisis, the WTO needs a reform agenda that addresses systemic concerns. A wide range of issues has called for immediate attention, such as subsidies, state-owned enterprises, industrial policy, digital trade governance etc. On the other hand, WTO Members cooperate extensively on various issues relating to trade, such as services domestic regulations, agricultural notifications, plastic pollution, and post-pandemic economic recovery. The co-existence of contestation and cooperation within the WTO opens many avenues to rethink institutional reform, while also adding additional layers of complexity. This panel aims to

discuss the contestation-cooperation paradox in crucial policy areas that affect the smooth functioning of the WTO.

Moderator: Dr. **Ines Willemyns**, University of Antwerp / Managing Associate, Sidley Austin, Brussels

Speakers:

Dr. **Dominic Coppens**, Senior Associate, Sidley Austin, Brussels

Vineet Hegde, PhD Researcher and Fellow, Leuven Centre for Global Governance Studies – Institute for International Law, KU Leuven

Prof. Dr. **Gabrielle Marceau**, Counsellor, Research Division, World Trade Organization

Prof. Dr. **Petros Mavroidis**, Edwin B. Parker, Professor of Foreign and Comparative Law, Columbia University

10:30 - 11:00 am: Coffee/tea break

11:00 am - 12:30 pm: Panel 3. International humanitarian law

Over the last two decades, international humanitarian law (IHL) has been marked by States contesting the development of new legally binding instruments and even the existence of certain (customary) norms. On the other hand, States seem to be willing to cooperate “informally” in this field: the Montreux Document on Private Military and Security Companies, on the one hand, and the Safe Schools Declaration, on the other, are only but a few examples. Next to the informality of new instruments, IHL is also characterized by enforcement informality. States appear particularly reluctant to see any new enforcement mechanisms created and contest or ignore those that already exist. This panel will analyze informal international law-making and enforcement as an alternative way forward in light of the current “deadlock” caused by States’ unwillingness to be bound by IHL provisions. Speakers will investigate and assess the opportunities, and the challenges, presented by informality, by looking into examples of informal international lawmaking and enforcement within IHL, while paying attention to important new dynamics triggered by the Russia – Ukraine war.

Moderator: Prof. Dr. **Raphael Van Steenberghe**, UC Louvain

Speakers:

Bruno Demeyere, Editor-in-Chief, International Review of the Red Cross, International Committee of the Red Cross

Pauline Janssens, PhD Researcher and Fellow, Leuven Centre for Global Governance Studies – Institute for International Law, KU Leuven

Prof. Dr. **Marco Sassòli**, Professor of International Law, University of Geneva

Sebastiaan Van Severen, PhD Researcher, Ghent Rolin-Jaequemyns International Law Institute, Ghent University

12:30 - 2:00 pm: Lunch break

2:00 - 3:30 pm: Panel 4. Outer space

In many branches of international law, globalization has gone hand in hand with the expansion and diversification of actors involved in activities that were initially a privilege only of state actors or international organizations. This is also the case in the area of space law, where a progressive “democratization” of access to space has led to significant growth and diversification of the players, as well as to the consequent rise of new threats and the question of whether international law, and international space law in particular, is still fit for purpose, or if new means of cooperation are needed today to address emerging security challenges. This panel aims to discuss the contestation-cooperation paradox in the field of space security, with a particular emphasis on the issue of responsible behaviour in space.

Moderator: Dr. **Philip De Man**, Lecturer of Space Law, Master of Space Studies Ghent University – KU Leuven

Speakers:

Regina Peldszus, Senior Policy Officer, European External Action Service

Ward Munters, PhD Researcher and Fellow, Leuven Centre for Global Governance Studies – Institute for International Law, KU Leuven

Giulia Pavesi, PhD Researcher and Fellow, Leuven Centre for Global Governance Studies – Institute for International Law, KU Leuven

Dr. **Cassandra Steer**, Deputy Director (Mission Specialists), Australian National University Institute for Space

3:30 - 4:00 pm: Coffee/tea break

4:00 – 5:30 pm: Closing panel debate: the Russia – Ukraine war as “contestation – cooperation case-study”

Moderator: Prof. Dr. **Dimitri Van Overbeke**, Faculty of Law, University of Tokyo

Speakers:

Dr. **Alina Cherviatsova**, Marie Sklodowska-Curie Research Fellow, Human Rights Centre, Ghent University

Prof. Dr. **Olivier Corten**, Professor of International Law, Centre de droit international, Université libre de Bruxelles

Prof. Dr. **Pierre d’Argent**, Professor of Public International Law, UC Louvain, President of the European Society of International Law (ESIL)

Prof. Dr. **Marco Sassòli**, Professor of International Law, University of Geneva

Prof. Dr. **Lien Verpoest**, Associate Professor in Russian and Diplomatic History, KU Leuven