

Call for Papers

International Interdisciplinary Conference
Working Group of Young Scholars in Public International Law

The Transnational in International Law

University of Bremen
25 - 27 March 2015

International legal scholarship has since long tried to comprehend the diversification of actors, rules, and authorities in international law. Almost 60 years ago, Philip Jessup, who was later appointed as a judge at the International Court of Justice, developed the idea of a “transnational law”, including “all law which regulates actions or events that transcend national frontiers”. His approach aimed at substituting and expanding the traditional notion of international law which used to be confined to inter-state relations. Recently, similar approaches have regained significance in analyzing the impact of what is commonly called globalization on the law. It still remains unclear, however, how such approaches affect the conventional concepts, instruments, and methods of international law.

To grasp the alleged transformation of international law is all the more difficult since the notion of transnationalism, or transnationalization, is employed in various meanings with regard to the law. At the outset, two conceptions may be distinguished. According to a more comprehensive understanding, transnationalization of law denotes the intertwinement and interaction of different legal actors or orders (state, sub-state, inter-state, supra-state, non-state). Pursuant to narrower conception, by contrast, transnationalization of law only points to the inclusion of non-state actors in regulating cross-border issues. Both notions are not mutually exclusive. They depart from the shared observation that the law regulating cross-border issues has become more complex than ever before. Law-making authority is no longer solely claimed by states, but also by international and supranational organizations as well as non-state actors. In the resulting plurality of actors, fora, norms, and implementation procedures, the relationship of the different constituencies is not always clearly defined.

Against this background, the conference seeks to explore the significance of the concept of transnationalism within and beyond international law. On the one hand, it intends to define and demarcate the potential and limits of the concept of transnationalism in law. On the other hand, it strives to inquire into the consequences of a possible transnationalization for international law. From an empirical perspective, it calls upon to ascertain the remaining role of the state in cross-border regulation. From a normative perspective, it invites to argue whether the state deserves any preponderance as a resource of legitimacy in global governance.

The general subject allows for various topics and approaches. Empirical, normative, and legal-dogmatic contributions are equally welcome. Interdisciplinary studies would be particularly helpful, especially from the fields of history, sociology, philosophy, and economics. Possible subjects may include:

Concepts

What does transnationalism, or transnationalization, mean with regard to international law? How does the transnationalization of law affect the concepts, instruments, and methods of international law?

Legality

Against which rules and principles of law is the action of transnational corporations and arbitration panels to be scrutinized? Are non-state actors bound by human rights?

Legitimacy

Under what conditions may the practice of international institutions which interpret their competencies and legal instruments dynamically be deemed legitimate? Does the participation of non-governmental institutions enhance or impair the legitimacy of law-making processes across borders?

Coordination

In which way may the interaction of different legal orders and actors be regulated? How can conflicts of norms be solved?

The two-day conference will take place at the Center for Transnational Studies of the University of Bremen from 25 until 27 March 2015. It is supposed to provide a forum of dialogue between junior and senior researchers. Therefore, established professors will comment on the contributions of younger scholars (advanced doctoral and post-doctoral stages). Proposals for papers of no more than 500 words and a short CV should be submitted to Transnational_Law@gmx.com by 31 October 2014. Selected participants will be notified by 30 November 2014. Elaborated papers of no more than 10.000 words (including footnotes) are expected by 28 February 2015. Expenses for travel and accommodation will be covered to a certain extent.

Organizing committee: Dr. Anuscheh Farahat, LL.M. (Max Planck Institute for Comparative Public Law and International Law Heidelberg), Dr. Birgit Peters, LL.M. (Westfälische Wilhelms-Universität Münster), Dr. Lars Viellechner, LL.M. (Humboldt-Universität zu Berlin).

Submission of abstracts: **31 October 2014**
(max. 500 words, to: Transnational_Law@gmx.com)

Notification of participants: **30 November 2014**

Submission of papers: **28 February 2015**
(max. 10.000 words)