

# DEVELOPING DEMOCRACY

Conversations on Democratic Governance in  
International, European and Comparative Law



Cambridge Journal of International and Comparative Law  
Fourth Annual Conference

St John's College Divinity School  
8-9 May 2015



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# Programme

Friday, 8 May 2015

- 09.00–09.30 **Registration** MAIN HALL
- 09.30–10.00 **Welcome and Introduction of the Keynote Speaker** LECTURE THEATRE  
Clara Rauegger and Anika Seemann (CJICL Conference Conveners)  
Professor Richard Fentiman (Chair of the Faculty of Law, University of Cambridge)  
Professor Marc Weller (Director of the Lauterpacht Centre for International Law, University of Cambridge)
- 10.00–10.45 **Keynote Address:** LECTURE THEATRE  
**Democracy and International Law**  
Dame Rosalyn Higgins DBE QC (President of the International Court of Justice 2006–2009)
- 10.45–11.15 **Break** MAIN HALL
- 11.15–13.00 **Panel: Promoting Democracy Through International Law** LECTURE THEATRE  
**Chair:** Dr Sarah Nouwen (University Lecturer, University of Cambridge)
- Dr Amichai Magen (Senior Lecturer, Interdisciplinary Center Herzliya, Israel and Fellow, Hoover Institution, Stanford University, USA): The Right to Democratic Governance in the Age of Democratic Recession: Towards a New Species of Democratic Governance Treaties?
  - Kirsten Roberts (PhD Candidate, King's College London, UK): Effective Parliamentary Oversight of Human Rights
  - Dr Christian Pippan (Assistant Professor, University of Graz, Austria): Collectively Protecting Constitutionalism and Democratic Governance in Africa: A Tale of High Hopes and Low Expectations?
  - Dr Tiina Pajuste (Research Associate, Lauterpacht Centre for International Law, University of Cambridge): Democratic Governance and Transition Agreements
- 11.15–13.00 **Panel: Democratic Constitutional Development** LIGHTFOOT ROOM  
**Chair:** Professor John Bell (Director of the Centre for Public Law, University of Cambridge)

- **Dr Antoni Abat Ninet** (Professor, University of Copenhagen, Denmark): Constitutional Crowdsourcing to Reconcile Demos and Aristos
- **Silvia Suteu** (PhD Candidate, University of Edinburgh, UK): Developing Democracy through Citizen Engagement: The Advent of Popular Participation in Constitution-Making
- **Jurgen Goossens** (PhD Candidate, University of Ghent, Belgium): Direct Democracy and Constitutional Change in the US: Institutional Learning from State Laboratories

13.00–14.00

### Lunch Break

MAIN HALL

14.00–15.45

### Panel: Courts, Transparency and Perceptions of Democracy

LECTURE THEATRE

**Chair:** Dr Sophie Turenne (Lecturer, University of Cambridge)

- **Varvara Andrianova** (PhD Candidate, University of Oxford, UK): Images of Russian and English Lower Courts: Role of Court Administration and Procedural Models in Shaping People's Perceptions of Legal Institutions
- **Dr Eszter Bodnár** (Assistant Professor, Eötvös Loránd University, Hungary): In Need of Glass Walls? The Publicity and Transparency of the Constitutional Courts
- **Dr Maria Bertel** (Postdoctoral Researcher, University of Innsbruck, Austria): A Transparent, Efficient and Participative Democracy: A Long Way Off Or Just Around the Corner?

14.00–15.45

### Panel: Democracy, Transparency and International Dispute Settlement

LIGHTFOOT ROOM

**Chair:** Dr Lorand Bartels (University Senior Lecturer, University of Cambridge)

- **Dr Camilla Capucio** (Lecturer, Centro Universitário UNA, Brazil): Implementing Decisions of the WTO Dispute Settlement in Brazil: Is There a Place for Transparency and Participation?
- **Dominik Horodyski** (PhD Candidate, Jagiellonian University, Poland): Demoractic Deficit of Investment Arbitration in the View of Rules on Transparency and Mauritius Convention on Transparency
- **Dr Fernando Dias Simões** (Assistant Professor, University of Macau, China): Clear as Water? Transparency in Water Concession Arbitrations
- **Dr Andreas Kulick** (Assistant Professor, University of Tübingen, Germany): Investment Arbitration, Investment Treaty Interpretation and Democracy

15.45-16.15

**Break**

MAIN HALL

16.15-18.00

**Panel: Democratic Challenges in (Post-) Crisis Europe**

LECTURE THEATRE

**Chair:** Dr Alicia Hinarejos (University Lecturer, University of Cambridge)

- **Dr Matej Avbelj** (Professor, Graduate School of Government and European Studies, Slovenia): Challenges of Transnational Law for the European Union: The Case of Democracy
- **Dr Antonia Baraggia** (Research Fellow, University of Milan, Italy): Conditionality Measures within the Euro-Crisis: A Challenge to the Democratic Principle?
- **Ioanna Pervou** (PhD Candidate, Aristotle University of Thessaloniki, Greece) and **Theano Maneta** (Practitioner, Marangopoulos Foundation for Human Rights, Greece): Human Rights in Times of Crisis: The Greek Cases before the ECtHR, or the Polarization of a Democratic Society
- **Carlino Antpöhler** (PhD Candidate, Max Planck Institute for Comparative Public Law and International Law, Germany): Legitimate Transnational Redistribution? Judicial Means to Enhance the Democratic Legitimacy of the Troika

16.15-18.00

**Panel: Definition and Development of Democracy by Courts**

LIGHTFOOT ROOM

**Chair:** Dr Veronika Fikfak (Lecturer, University of Cambridge)

- **Dr Maria Elena Gennusa** (Professor, University of Pavia, Italy): We, the Court: Constitutionalising the International Legal Order through Case Law
- **Dr Stefania Ninatti** (Associate Professor, University of Milano-Bicocca, Italy) and **Dr Maurizio Arcari** (Professor, University of Milano-Bicocca, Italy): Patterns of Democracy in the CJEU and ECtHR Case Law
- **Dr Diletta Tega** (Assistant Professor, University of Bologna, Italy): Judicial Activism in an Institutional Crisis: A Case Study on Italy (2011-2015)
- **Lisa Heemann** (PhD Candidate, Justus-Liebig University Giessen, Germany): Constitutional Review and Democratization in Francophone West Africa: Patterns in Decision-Making

18.00-19.30

**Drinks Reception**

MAIN HALL

Saturday, 9 May 2015

9.30–11.15 **Panel: Parliamentary Democracy in Times of Crisis** LECTURE THEATRE

**Chair:** Professor Kenneth Armstrong (Director of the Centre for European Legal Studies, University of Cambridge)

- **Dr Edmondo Mostacci** (Associate Professor, Bocconi University, Italy): Be Aware of the Consequences: EMU, the New Coordination of Economic and Fiscal Policy and Its Implications for Democratic Process
- **Dr Adam Cygan** (Professor, University of Leicester, UK): After the Storm: Constitutional Implications for National Parliaments arising from the Financial Crisis
- **Dr Diane Fromage** (Max Weber Postdoctoral Fellow, European University Institute, Italy): Towards a (Too Extensive?) Diversification of the Forums for Interparliamentary Cooperation in an Always More Diverse European Union
- **Afroditi Marketou** (PhD Candidate, European University Institute, Italy): Economic Emergency and the Loss of Faith in the Greek Constitution

9.30–11.15 **Panel: Rethinking Democratic Participation** LIGHTFOOT ROOM

**Chair:** Dr Fernando Lusa Bordin (Lecturer, University of Cambridge)

- **Dr Irma Johanna Mosquera Valderrama** (Lecturer, Hague University of Applied Sciences, The Netherlands): Democratic Legitimacy and the Making of International Tax Law: The Challenges of Multilateralism
- **Glenn Patmore** (Senior Lecturer, Melbourne Law School, Australia): Public Law, Democratization and Protest: The Case of Hall
- **Linda Hamid and Samuel Cogolati** (PhD Candidates, Leuven Centre for Global Governance Studies, Belgium): Global Public Goods and Democracy: What Role for International Law?

11.15–11.45 **Break** MAIN HALL

- 11.45-12.00 **Introduction of the Keynote Speaker** LECTURE THEATRE  
Professor Catherine Barnard (Professor of EU Law and Employment Law, University of Cambridge)
- 12.00-12.45 **Keynote Address:** LECTURE THEATRE  
**Democracy in the European Union:**  
**What Has the Court of Justice to Say?**  
Judge Christopher Vajda (The Court of Justice of the European Union)
- 12.45-14.30 **Lunch Break** MAIN HALL
- 14.30-15.15 **Guest Lecture:** LECTURE THEATRE  
**Developing Democracy through Liberal International Law**  
Dr Russell Buchan (Senior Lecturer, University of Sheffield, UK and author of 'International Law and the Construction of the Liberal Peace', Hart Publishing 2013)  
**Commentary**  
Jessica Corsi (PhD Candidate, University of Cambridge)  
**Chair:** Naomi Hart (CJICL Editor-in-Chief)
- 15.15-15.45 **Break** MAIN HALL
- 15.45-16.15 **Guest Lecture and Book Launch:** LECTURE THEATRE  
**Sovereignty, Statehood and State Responsibility:**  
**Contributions to Democracy**  
Dr Freya Baetens (Associate Professor, Leiden University, The Netherlands and co-editor of 'Sovereignty, Statehood and State Responsibility: Essays in Honour of James Crawford', Cambridge University Press 2015)  
**Chair:** Ana Júlia Maurício (CJICL Editor-in-Chief)
- 16.15-16.45 **Break** MAIN HALL

16.45-18.30

**Panel: Interactions of International and Domestic Democracy**

LECTURE THEATRE

**Chair:** Dr Michael Waibel (University Lecturer, University of Cambridge)

- Dr Denise Brühl-Moser (Adjunct Professor, University of Basel, Switzerland) and Elif Askin (PhD Candidate, Max Planck Institute for Comparative Public Law and International Law, Germany): Switzerland's Direct Democracy and its Risk of Conflicts with International Agreements
- Nneka Okechukwu (Research Fellow, Max Planck Foundation for International Peace and the Rule of Law, Germany): A Broadened Scope for Self-Determination beyond Democracy: A Study of Power-Sharing Arrangements in Africa
- Vladyslav Lanovoy (Graduate Institute Geneva, Switzerland): Self-determination in International Law: A Democratic Phenomenon or an Abuse of Right?
- Peng Wang and Guo Jianping (PhD Candidates, Xi'an Jiaotong University, China): Interactions between International Democracy and Domestic Democracy: A Chinese Perspective

16.45-18.30

**Panel: Democratic Legitimacy of Courts: Comparative Perspectives**

LIGHTFOOT ROOM

**Chair:** Dr Philip Murray (Lecturer, University of Cambridge)

- Dr Eva Maria Belser (Professor, University of Fribourg, Switzerland) and Dr Rekha Oleschak Pillai (Senior Research Fellow, University of Fribourg, Switzerland): The Counter-majoritarian Role of Courts in (Direct) Democratic Systems: Revisiting Constitutional Review in Switzerland
- Dr Tom Hickey (Lecturer, Dublin City University, Ireland): The Republican Virtues of the New Commonwealth Model of Constitutionalism
- Dr Jason Mazzone (Professor, University of Illinois, USA): Democracy and International Courts

19.30

**Conference Dinner**

GREAT HALL, CLARE COLLEGE

After Dinner Speech by Professor James Crawford AC SC (Judge of the International Court of Justice)

# Information

Up-to-date information is available on the conference website (<http://cjicl.org.uk/conference-2015/>).

## Conference Location

Registration and all conference sessions will take place at the Divinity School, St John's College, University of Cambridge, All Saints' Passage/St John's Street, Cambridge, CB2 1TP, located directly opposite St John's College in the centre of Cambridge.

## Conference Dinner

The conference dinner on Saturday, 9 May 2015 will take place in the 17th century Great Hall of Clare College, University of Cambridge, Trinity Lane, Cambridge, CB2 1TL. The multi-award winning catering team of Clare College will be preparing a locally sourced three-course meal. There is a maximum capacity for the dinner in the traditional dining hall and places will be allocated on a first come first served basis.

## Registration

Delegates are encouraged to register online. Numbers are limited and early registration is highly recommended.

## CPD Points

We are eager to invite both scholars and practitioners to participate in our conference. Attendance at the conference is CPD accredited (11.5 CPD hours).

## Costs

The fee for the conference is £95. The fee provides admission to the conference sessions and the drinks reception on Friday, lunch and refreshments on both conference days and a conference package. A reduced

fee of £45 applies to students and PhD candidates. Those purchasing student tickets are required to upload confirmation of their student status. The conference dinner on Saturday costs £48 (including wine). The fee for an accompanying guest is £70, giving admission to the drinks reception on Friday and the conference dinner on Saturday.

## Accommodation

Speakers and delegates are required to secure their own accommodation and are encouraged to book early. A list of accommodation options is available on the conference website.

## Conference Committee

### Conference Conveners:

**Clara Rauchegger**

(PhD Candidate, University of Cambridge)

**Anika Seemann**

(PhD Candidate, University of Cambridge)

### Conference Assistants:

**Michele Grassi**

(LLM Student, University of Cambridge)

**Massimo Lando**

(PhD Candidate, University of Cambridge)

**Astha Pandey**

(LLM Student, University of Cambridge)

**Jing Zhao**

(BA Student, University of Cambridge)

## Contact

The conference committee can be reached at [conference@cjicl.org.uk](mailto:conference@cjicl.org.uk).

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