

INTEREST GROUP ON
INTERNATIONAL LEGAL THEORY
IGILT

**The Approaches of Liberal and Illiberal Governments to International Law:
A Conference Marking 25 Years since the Collapse of Communist Regimes in
Central and Eastern Europe**

The theory that liberal democracies are more peace-loving and generally 'better' members of the international community is usually attributed to the philosopher Immanuel Kant. In fact, variations of this argument have been prevalent throughout the history of international law. For example, Friedrich Martens (1845-1909), the leading Tsarist Russian scholar, when constructing his international law of 'civilized peoples', defined civilization as government's respect for individual rights and liberties. In the 1990s, this thesis again emerged when Anne-Marie Slaughter made a similar argument specifically in the context of post-Cold War international law. In Slaughter's view, liberal states were best situated to produce an international legal order geared towards human rights and 'real' integration, as opposed to more general calls within the international legal community for a 'universal' architecture that bound and called for participation from liberal and illiberal states.

The University of Tartu and the European Society of International Law's Interest Group on International Legal Theory (IGILT) invite submissions that will examine whether liberal (and illiberal) ideas make a difference in the context of international law along three general themes. First, how should we define liberalism, and to what extent is liberalism bound to a 'Western'-centric orientation or embedded within the 19th century colonial legacy? Second, what are the defining features of illiberalism (or authoritarianism, traditionalism, etc.), and how might international law address the tension between illiberal state regimes and the doctrine of sovereign equality? And third, in addressing these above questions, what new empirical, historical or theoretical studies would help test the validity of the theory that liberal states 'behave better' in the context of international law?

In particular, applicants are encouraged to address these questions in relation to former Eastern Bloc countries. For instance, with the exception of Belarus, all of these countries are subject to the jurisdiction of the European Court of Human Rights, sometimes with troubling records. Moreover, if we treat EU law as a regional manifestation of international law, then EU membership based on the Copenhagen criteria related to rule of law, democracy and human rights, has in a way become one of the new dividing lines in Eastern Europe. Yet the protection of human rights and respect for democracy has remained problematic not just in countries like the Russian Federation and Ukraine (i.e., outside the EU), but also in countries such as Hungary and Romania. Thus, can it be true that the EU law is the regional integration law of 'liberal' European states while the post-Communist states that resist more liberal ideas have remained outside it? Have greater spaces of the EU and the CIS, or in the context of international trade, the EU and the Russian-led Customs Union, been built up based on geopolitics and history or also on different understandings of liberal and traditionalist values?

Similarly, the Russian Federation, due to its size and weight in the international community as a permanent member of the UN Security Council and the G8, remains a particularly relevant testing ground in the context of (il)liberal ideas and international law. How has Russia's official approach to such central themes in international law as *jus ad bellum* and human rights evolved since the collapse of the USSR and the decline of Communist ideas? Do Russia, the US and West European nations interpret key articles in the UN Charter in a similar or different manner, and what importance do they still attribute to the Charter? To the extent that the Russian government remains protective of state sovereignty, does it attempt to fight liberal ideas and the penetration of human rights with traditionalism and (Orthodox-influenced) critiques of the West? Now that the Russian Federation has finally become a member of the WTO, does it also accept 'liberal' ideas about trade and international governance?

The conference will take place on June 12-13, 2014 at the University of Tartu History Museum, featuring keynote talks by José E. Alvarez (NYU) and Gerry Simpson (Melbourne). Due to a generous grant from the European Research Council, successful applicants will receive full scholarships to cover flight and accommodation costs, on the condition that they develop their presentation into an article of publishable quality and that they are ESIL members. Approximately ten articles from the conference will be selected for publication in the 15th volume of the Baltic Yearbook of International Law, which will be edited by Lauri Mälksoo and Ineta Ziemele.

Please submit your paper proposal, along with your CV, to the e-mail address esil.tartu.2014@gmail.com by November 30, 2013. Applicants will be notified by December 15, 2013.