



The Conflicts-Law Approach on Trial

Seminar at the Evangelische Akademie Loccum

Monday, 17 October, 14:30 – Wednesday, 19 October 2011, 15:00

CONTEXT

This seminar is both a concluding and an opening event. It is the concluding workshop of the project “Transnational governance and constitutionalism”, a contribution to the European RECON project, which started in January 2007 and will end in December 2011.¹ It marks at the same time the commencement of the third phase of the project on “Trade liberalisation and social regulation in transnational constellations” which Josef Falke and Christian Joerges will be directing for further four years in the context of the Collaborative Research Centre “Transformations of the State” in Bremen.² The workshop will explore the potential to conceptualise in legal terms the transformation of the state and the postnational constellation – and to orient normative evaluations of the conflict constellations which these processes have generated and still generate.

This is by no means to suggest that the conflicts-law approach as developed so far should be privileged in our discussions. Our agenda should instead further three objectives, namely, first, to contrast the conflicts-law approach with pertinent international debates, second, to intensify discussion of its interdisciplinary background, and, third, to inspire the development of frameworks for exemplary case studies.

The proceedings of last year’s seminar (“Loccum I”) are being published in the RECON Report Series: Christian Joerges (ed.) in co-operation with Tommi Ralli (“After Globalisation – New Patterns of Conflict and their Sociological and Legal Re-constructions”, RECON Report No. 15). The Report is available in print and can be downloaded from the RECON web-page

http://www.reconproject.eu/projectweb/portalproject/Report15_AfterGlobalisation.html .

Loccum II is considerably more ambitious in intellectual and production terms. and will require considerable efforts. We envisage a book publication with Hart Publishing, Oxford. The book should address our stated objectives in a transparent and coherent manner. We therefore urge you to take your preparation for Loccum seriously, but also be prepared to invest time and energy in the elaboration of your contribution in the light of our discussions in Bremen and further editorial activities.

¹ <http://www.reconproject.eu/>.

² <http://www.sfb597.uni-bremen.de/pages/ueberPresseStimmen.php?SPRACHE=en..>

Steps to be taken

Here is how we hope to proceed:

1. Think-pieces of some 12-14 pages by Monday, 10 October. Please take this date seriously, consider that in particular the commentators need some time and that we should all try to get prepared comprehensively.
2. An elaborated version of the seminar contributions should be delivered by 10 January 2012. We are not envisaging a follow-up meeting but will discuss your work intensively in our project meetings in Bremen. You will receive comments and be hopefully prepared to take them into account in your final version.
3. Delivery of final versions: 14 August 2012.

Organisational matters: Please contact Olga Batura: Batura@zerp.uni-bremen.de

Seminar Agenda

Presentations should be not much longer than **20 minutes** so that we have enough space for discussion.

Please note that our hosts in Loccum take the timing of meals very strictly.

Monday, 17 October

14.30 Arrival at Loccum

15.00 Coffee and Welcome

Section I: Theoretical and Sociological Reconstructions of Postnational Conflict Patterns

15:30 – 17:00

Chair: Christian Joerges, Bremen

Poul F. Kjaer, Frankfurt aM

Towards a General Socio-Legal Theory of Constitutionalism Beyond the State

Regina Kreide, Gießen

Repressed Democracy: Legitimacy Problems in World-Society

Discussion impulse: Karl-Heinz Ladeur, Bremen

17:00 – 18:30

Chair: Florian Rödl, Frankfurt a.M.

Sabine Frerichs, Helsinki

Conflicting Laws? On the Legal Dimension of the Globalized Market Society

Tommi Ralli, Bremen

National Responsibility and Conflict of Laws

Discussant impulse: Regina Kreide, Gießen

18:30 Supper

Free evening

Tuesday, 18 October 2011

8:30 Breakfast

Section II: Re-conceptualising the Law of Postnational Conflict Constellations: Holistic Approaches

9:15 – 11:00

Panel on Conflicts Law and Democracy

Chair: Tobias Pinkel, Bremen

Florian Rödl, Frankfurt a.M.:

On the Problems of Democratic and Social Union

Rainer Nickel, Frankfurt aM and Alicia Cebada Romero, London

Conflicting Constitutional Laws and Constitutional Pluralism in an Asymmetric World

Discussant: Daniel Augenstein, Tilburg

11:00 – 11:15 Coffee Break

11:15 – 12:30

Section III: The Legitimacy problématique of Global Administrative Law

Chair: Robert Wai, Toronto

Karl-Heinz Ladeur, Bremen

The Emergence of Global Administrative Law and Transnational Regulation – On the Necessity to Broaden the “Conflicts of Law” Approach

Ming-Sung Kuo, Coventry (Warwick)

Judging Constitutional (Un)Ambition in Academic Minds: A Critical Juxtaposition of the Constitutional Deficit of Global Administrative Law and the Democratic Aspiration of the Conflicts-Law Approach

Discussant: Harm Schepel, Brussels/ Kent

12:30 Lunch

Section IV: Conflict-Resolution and Mediation: Applications

14.15 – 15.30

Chair: Joost Pauwelyn, Geneva

Alexia Herwig, Antwerp

The Precautionary Principle as a Conflicts-of-Laws Norm

Carola Glinski, Bremen

General Clauses and Private Regulation – Regime Collisions in Tuna-Dolphin III

Robert Wai, Toronto

Dealing with True and False Conflicts in the Transnational Law Market

15.30 – 16.00 Coffee Break

16.00 – 16.30

Discussion

Impulse: Hui-Wen Chen, Harvard law School

Section V: Complementary and Competing Approaches

16.30 – 18.30

Panel on Alternative Queries with Conflicts-Law Constitutionalism

Chair: Rainer Nickel, Frankfurt a.M.

Joost Pauwelyn, Geneva

Public International Law and the Conflicts-Law Approach

Discussant: Ulf Uetzmann, Bremen

Ralf Michaels, Durham, NC

Post-critical Private International Law: From Politics to Technique

Discussant: Harm Schepel, Brussels/ Kent

18: 30 Supper

Free evening

Wednesday, 19 October

8.30 Breakfast

9.15 – 10.15

Section VI: Interinstitutional and Administrative Conflict Resolution in the EU

Chair: Alexia Herwig, Antwerp

Henning Deters, Bremen

Comitology's Lightbulb-Moment. The Role of Committee-Governance in Facilitating (Over)ambitious Environmental Standard-Setting

Josef Falke, Bremen and Olga Batura, Bremen

Comitology after the Lisbon Treaty and the Turn to Agencification

Discussant: Anna Baumann, Bremen

10:15 – 10:30 Coffee Break

Section VII: Genetically Modified Organisms as Regulatory Challenge

10.30 – 11.30

Chair: Josef Falke, Bremen

Maria Weimer, Maastricht

Constitutionalising Transnational Governance of GMOs Through Conflicts Law – in the Search for Legitimate Meta-Norms

Karolina Zurek, Stockholm

Escape from the Rule of Sound Science: The Impact of Socio-economic and Trans-Scientific Concerns in the Regulation of GMOs

Discussant: Alexia Herwig, Antwerp

11:30 – 12.15

Epilogue, Outlook and Organisational Issues

Christian Joerges, Bremen

Contested Legitimacy in Conflicts-Law Perspectives

12.30 Lunch

13.30 Departure for Wunstorf