



“The law behind rule of law transfers” - GoJIL Call for papers

In 2018, with Till Patrik Holterhus as special issue editor, the Goettingen Journal of International Law (GoJIL) will publish a special issue on “The law behind rule of law transfers”.

Description

Globalization and internationalization have led to drastically increased interaction between state and non-state actors, both on the international and supranational level. Such interactions provide a fertile soil for the “transfer” of legal concepts – transfer here to be understood as the inter-regime process of promoting, implementing and safeguarding a legal concept.

One fundamental legal concept that has been and still is a main subject of these transfer processes is the “rule of law”. With roots reaching back into ancient Athens and Rome, the late Middle Ages, the Enlightenment-fostered great Revolutions of the 18th century, and its final conceptual formation in the 19th and 20th century, the rule of law can best be described as a set of principles organizing the relationship between a community and its governing institutions, with the aim of subjecting power to law by institutional and procedural means – namely the existence of general, predictive and enforceable laws; a public monopoly of power; the governing institutions being bound by the law and legitimized by the governed community, and the separation of powers.

The process of transferring the rule of law in regime interactions has extensively been studied in academia. This GoJIL special issue intends to contribute to these efforts by adopting a specific legal perspective that has not yet received much attention – the law that applies to these transfer processes. For this purpose, the issue will feature several case studies that identify and explore the legal sources, norms and procedures that drive and govern the various transfer processes, with a particular focus on transfers occurring in complex, interdependent supranational and international contexts.

Topics

Against this background a plethora of relevant and interesting legal regime interactions come to mind. To name only a few, topics could include

- the European Union’s mandate and mechanisms of promoting the rule of law in accession and association processes, as well as the European Union’s enforcement and safeguarding instruments regarding rule of law standards in its member states
- the United Nations’ mandate and methods to promote the rule of law in its member states, e.g. by means of Security Council resolutions
- the normative basis of rule of law implementation in situations and by means of post-conflict administration (by the United Nations or other international actors)
- belligerents’ obligation under international humanitarian law to restore, maintain, and ensure law and order in occupied territories
- rule of law clauses in bi- or plurilateral trade agreements, and the design of interlinked sanction and suspension mechanisms
- the World Bank’s mandate and current rule of law assistance/reform programs and the legal design of their implementation mechanisms
- rule of law-dialogues and their intergovernmental legal arrangements
- integrated and institutionalized rule of law-dialogues between national/European courts and their legal foundations and implications



Procedure

The submissions deadline for full papers is December 31st, 2017.

For this call for papers, GoJIL will accept abstracts of paper projects submitted before October 15th, 2017. If an abstract is submitted, the author will be informed before October 31st, 2017 whether or not GoJIL considers the topic particularly relevant and would appreciate to receive the full paper. The submission of abstracts is not mandatory, but offers an opportunity for early communication with the editors.

All full papers received will be submitted to a double-blind peer review. They must be written in English and should not exceed 15,000 words, including footnotes.

The GoJIL article guidelines can be found at <http://gojil.eu/article-guidelines.pdf>. In case of any questions feel free to contact the special issue editor (tholter@uni-goettingen.de) or the GoJIL Editors-in-Chief (info@gojil.eu).

Deadlines

- October 29th, 2017 – Submission of paper abstracts
- October 31st, 2017 – Selection of abstract authors to submit a full paper
- **December 31st, 2017** – Submission of full papers (with or without previous abstract)
- January 15th, 2018 – Final selection of published papers