

Behavioural Approaches in International Law

Workshop I

17 November 2020, Leiden University

Organisers: Veronika Fikfak (*iCourts, University of Copenhagen*), Daniel Peat (*Leiden Law School*),

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The Project

Until recently, international legal scholarship has largely been premised on the assumption of rational action on the part of key actors in international law, whether those actors be states, international organizations, judges, arbitrators, or government officials. However, recent literature in cognate disciplines, such as international relations and political science, integrates insights from behavioural economics and cognitive psychology in order to construct more descriptively accurate models of decision-making, including those decisions that pertain to international law.

A series of workshops at Leiden University and the University of Hamburg will build on the nascent literature that aims to integrate empirical insights regarding the bounded rationality of decision-makers from neighbouring disciplines to the analysis of international law. The workshops will act as a forum in which international legal scholars whose research adopts a behavioural approach can present their works-in-progress and gain feedback from a broad range of peers, including scholars in economics and cognitive psychology as well as those conducting empirical and experimental research.

This first workshop, which will be held on-line on 17 November 2020, will act as a platform at which scholars can outline the conceptual framework for their project, their methodology, and their preliminary findings. The second workshop – held at the Institute of Law and Economics in Hamburg on 22-23 April 2021 – will give speakers an opportunity to gain feedback on a more developed piece of research, which will form the basis of an article.

Support for these workshops is provided by the Grotius Centre for International Legal Studies, the Leiden University Fund/Dr. H.A. van Beuningen Fonds (www.luf.nl) and by the European Research Council, as part of Dr Veronika Fikfak's project HRNUDGE.



Programme Tuesday, 17 November

Presentations should last **15 minutes**, with comments from a discussant lasting **5-10 minutes**. The remaining time will be taken up with Q&A from participants.

The event will take place via MS Teams and participants will be sent an invitation with a link to the workshop in advance of the event. Speakers and discussants will also be sent a link to a Dropbox file containing all papers.

Should participants wish to ask a question, they are requested to type their name into the chat function in Teams and wait to be called on by the moderator.

In case of questions, please contact the organisers at behaviouralinternationallaw@gmail.com

Session 1: 09.45hrs – 12.15hrs CET

09.45-10.00: Introduction to the first session of the workshop

10.00-10.30: Dr. Shiri Krebs (Deakin Law School), “What Do We Talk About When We Talk About Refugee Rights? The Movement of People Beyond National Borders and the Limits of International Human Rights Law”

Discussant: Dr. Emily Paddon Rhoads

10.30-11.00: Dr. Emily Paddon Rhoads (Swarthmore College) & Dr. Rebecca Sutton (Edinburgh Law School), “Empathy, Humanitarian Protection and the Application of IHL”

Discussant: Dr. Shiri Krebs

11.00-11.15: Coffee break

11.15-11.45: Prof. Moshe Hirsch (The Hebrew University of Jerusalem), “Behavioural Approaches to International Law”

Discussant: Prof. Anne van Aaken

11.45-12.15: Prof. Dr. José Reis (University of Hamburg) & Anne van Aaken (University of Hamburg), “Framing Trade”

Discussant: Prof. Moshe Hirsch



Session 2: 15.45hrs – 18.15hrs CET

15.45-16.00: Introduction to the second session of the workshop

16.00-16.30: Dr. Lauge Poulsen (University College London) & Prof. Michael Waibel (University of Vienna), “The Power and Peril of Default Rules in International (Investment) Law”

Discussant: Prof. Tomer Broude (Hebrew University of Jerusalem)

16.30-17.00: Dr. Catherine Blanchard (Utrecht University), “The Elusive Search for Sustainable High Seas Fisheries: Combining Values, Regulation and Behaviour”

Discussant: Dr. Eva van der Zee

17.00-17.15: Coffee break

17.15-17.45: Prof. Derek Jinks (University of Texas at Austin School of Law), “Toward a Behavioural Approach to Promoting Compliance with IHL”

Discussant: Dr. Rebecca Sutton

17.45-18.15: Prof. Harlan Grant Cohen (University of Georgia School of Law), “The Sociology of International Precedent”

Discussant: Prof. Derek Jinks

18.15-18.25: Closing remarks

