



GEM DIAMOND

# PhD POSITION IN INTERNATIONAL LAW & EUROPEAN LAW

Fellowship Call for Application

DEADLINE: July 3rd, 2022 – 17.00 CET

EARLY-STAGE RESEARCHER 16

The European Constitutional Counter-Revolution



Doctoral Fellowships are funded as part of a European Joint Doctorate supported by the European Commission's Marie Skłodowska-Curie Action.

## RESEARCH PROJECT

---

### ENVIRONMENT

---

This 3-Year-long doctoral fellowship is offered as part of a specific collective project within a multiannual international research effort on **Globalisation, Europe, and Multilateralism (GEM)**. This project (2022-2026), coordinated by the Institut d'études européennes (IEE) at the Université libre de Bruxelles (ULB), will assess the EU's capacity to act given the challenges facing **Democratic Institutions**, the rise of **Alternative MOdels** and mounting **Normative Dissensus (DIAMOND)**.

**GEM-DIAMOND** is a *Marie Skłodowska Curie Action - Doctoral Network (MSCA-DN)* involving 7 European and 4 international degree-awarding Higher Education Institutes (HEIs) alongside 6 well-established non-academic institutions. The project will hire and train 16 doctoral fellows to help address knowledge gaps associated with the growing normative tensions undermining multilateral and democratic practice – for further information see [www.gem-diamond.eu](http://www.gem-diamond.eu).

GEM-DIAMOND's overall research program will collectively tackle three shared knowledge gaps regarding contemporary strains on liberal democracy:

- **Objective 1:** Conceptualising the seemingly mounting dissensus surrounding liberal democracy.
- **Objective 2:** Unpacking the ambiguous role different actors can play as both champions and challengers of liberal democratic norms, values and practices.
- **Objective 3:** Assessing the impact of increased dissensus regarding liberal democracy on the policy instruments of the EU and its capacity to act in its internal and external policies.

Early-Stage Researcher n°16 (**ESR16**) - the fellowship and individual project advertised in this call - is part of **GEM-DIAMOND's** 3<sup>rd</sup> Work Package (WP3) entitled '*Internal contestation and its impact on the EU*'. WP3 includes 5 individual doctoral projects that will each develop a detailed analysis of a given case studies elucidating the processes by which contestation regarding liberal democracy shapes the EU's capacity to act.

Both individually and collectively, the 4 PhD fellows associated with WP3 will produce detailed analyses of a range of case studies. These will elucidate the processes by which contestation regarding liberal democracy shapes the EU's capacity to act. The five IRPs involved will adopt a process-centric approach, with each Researcher working on a different type of EU policy instrument. Ultimately, WP3 will **process-trace the institutional mechanisms connecting evolutions of the EU's regulatory, parliamentary, legal and trade instruments with the internal contestation** shaping these controversial policy fields.

## INDIVIDUAL RESEARCH PROJECT (IRP)

---

Entitled ‘The European Constitutional Counter-Revolution’ the individual research project of **ESR16** is in the fields of **International** and **European Law**.

**ESR16** will focus on legal constitutional contestation. This IRP will analyse how contestation surrounding the principle of primacy impacts the “constitutional model” of EU law.

In 2005, EU failed to adopt a Constitutional Treaty that would have had important consequences as regard the consolidation of the structure of EU Law. Despite this failure, the Lisbon Treaty (2007) introduces many improvements in the primary law of the EU, among other by eliminating the dual structure of EC/EU. Thus, the EU, which “replace and succeed the European Community (TEU, art. 1 al. 3). One of the strong constitutional elements of the inherited EU legal order is the principle of primacy of EU law. However, this principle appears nowhere in the Treaties. It was developed by the ECJ through its early case-law, as is recalled in Declaration 17 appended to the Lisbon Treaty.

Interestingly, the principle of primacy didn’t emerge from the case-law based on infringement procedures, but through a subtle reasoning of the Court within the framework of preliminary ruling procedures (Costa, 1963). It is phrased as such: EU law “could not, because of its special and original nature, be overridden by domestic legal provisions, however framed, without being deprived of its character as Community law and without the legal basis of the Community itself being called into question.” As can be seen, it is not a hierarchically implementable conception of primacy, but a bottom-up judicial process based on voluntary abstention by national judges to implement any domestic legislation in violation of EU Law (as confirmed in the 1978 Simmenthal case). Despite being very original and very fragile, this structural feature of EU law has been accepted and effective since almost 60 years. However, since 2020, several challenges to this principle and its functioning have been initiated by national Constitutional Courts, mainly in Germany and Poland.

Can these judicial challenges to the principle of primacy of EU law be considered as a constitutional counter-revolution? Or will the ongoing judicial battle end-up in strengthening EU law? That will be the task of the PhD candidate to investigate further developments in these ongoing matters and to analyse their impact and meaning on the concept of a constitutionalization of EU law.

**As part of their application, candidates will be asked to submit a personal interpretation of the research project in the form a specific project proposal of 2-3 pages, including a research question, a theoretical framework, a methodological strategy, and a justification for the suggested empirical choices.**

## OBJECTIVES

---

ESR16 will:

- Be hired for at least 36-months by UNIGE as a Doctoral Researcher
- Work under the direction of a Joint Supervisory Trio involving:
  - **Pr. Nicolas Levrat** (UNIGE) – Co-supervisor
  - **Pr. Anne Weyembergh** (ULB) – Co-Supervisor
  - **Pr. Steven Blockmans** (CEPS) – Non-Academic Mentor
- Individually work towards a double doctoral degree in 'Law and Criminology' under the joint supervision of **Pr. N. Levrat** (UNIGE and **Pr. A. Weyembergh** (ULB)
- Contribute to the collective work in WP3 seeking to describe the processes of contestation within the EU by focussing on constitutional contestation
- Participate in all collective research and training activities and submit to the program's regular joint evaluations

## EXPECTED RESULTS

---

ESR16 will:

1. Complete the Scheduled Mobility Agenda:
  - a. Training & Research Stay @ UNIGE (Oct. 2022 - Aug. 2023)
  - b. Research Stay @ ULB (Sept. 2023 - Aug. 2024)
  - c. Non-Academic Secondment @ CEPS (Jan. 2025 - April. 2025)
  - d. Research Stay @ UNIGE (July. 2024 - Dec. 2024)
2. Successfully accomplish the doctoral training scheduled both at the local and GEM-DIAMOND levels.
3. Secure a doctoral training certificate from UNIGE & ULB
4. Contribute to a WP3 '**Joint framing paper on contestation**'
5. Contribute to two-project wide manuscripts:
  - a. A Handbook on 'Rethinking Impact in Political & Social Sciences'
  - b. An Edited Volume reflecting the shared conclusions of the project
6. Submit an article to the Journal of European Constitutional Law Review (ECLR)
7. Write an original PhD dissertation on '*The European Constitutional Counter-Revolution*'

## CO-SUPERVISORS

---

**Pr. Nicolas Levrat**

E-mail : [Nicolas.Levrat@unige.ch](mailto:Nicolas.Levrat@unige.ch)

**Pr. Anne Weyembergh**

E-mail : [Anne.Weyembergh@ulb.be](mailto:Anne.Weyembergh@ulb.be)

## HOST INSTITUTIONS

---

UNIGE (CH)

ULB (BE)

## PhD PROGRAMME

---

PhD in Law

PhD in Law

## TRAINING AND MOBILITY

---

### MOBILITY PROGRAMME

---

- Oct. 2022 - Aug. 2023 @ UNIGE (Geneva, Switzerland)
- Sept. 2023 - Aug. 2024 @ ULB (Brussels, Belgium)
- Jan. 2025 - April. 2025 @ CEPS (Brussels, Belgium)
- July. 2024 - Dec. 2024 @ UNIGE (Geneva, Switzerland)

### TRAINING PROGRAMME

---

- 2022-2023 (Y1): Methodological training @ UNIGE & GEM-STONES Joint activities
- 2023-2024 (Y2): GEM-STONES Joint activities
- 2024-2025 (Y3): GEM-STONES Joint activities

### NON-ACADEMIC SECONDMENT

---

*Year 3 (Jan. 2025 - April. 2025)*

Non-Academic Secondment at the **Centre for European Policy Studies** (Brussels, Belgium)

Non-Academic Mentor: Pr. Steven Blockmans

E-mail : [steven.blockmans@ceps.eu](mailto:steven.blockmans@ceps.eu)

## POST DESCRIPTION

---

### TITLE

---

SERI Doctoral Fellow

### HIRING INSTITUTION

---

UNIGE (Geneva, Switzerland)

### DURATION

---

36 Months (1 October 2022 – 30 September 2025)

## INCOME

---

4000€ Gross per month (48000€ / year).

NB: this is a gross SERI contribution to the salary cost of the researcher. The net salary will result from deducting all compulsory (employer/employee) social security contributions as well as direct taxes.

## ADDITIONAL BENEFITS

---

Full Social Coverage

Travel & Research Funds

Family Allowance per month - *When applicable*

## REQUIREMENTS

---

### DEGREE

---

Top level graduate degree (Master or equivalent providing access to PhD programs in Law).

### MINIMAL CREDITS

---

Applicants must submit at least one diploma meeting one of the following requirements: (1) a two-year master program (120 ECTS) or equivalent, (2) a one-year graduate program following a prior undergraduate degree if both diplomas total at least 300 ECTS or equivalent; (3) a single four-year higher education program offering 300 ECTS or more.

### LANGUAGE

---

English proficiency must be attested either through a previous English language diploma, or an internationally recognised proficiency test (i.e., IELTS, IBT, TOEFL or Cambridge).

### CAREER

---

The researcher should be in the first four years of their research careers at the time of recruitment and have not been awarded a doctoral degree so far.

### SPECIFIC SKILLS

---

The preferred candidate has

- A good knowledge of the European integration process, EU and international law
- the ability to critically read and comment research reports and academic publications
- a proven record of writing and presentation skills
- a willingness to organise, moderate and contribute to events

- a desire to invest in building and maintaining a growing research network
- an ability to organise own activities, enjoys teamwork and is open to giving and receiving feedback.

#### MOBILITY

---

At the time of recruitment, the researcher must not have resided, or carried out his/her activity in the country of the first host institution (i.e., Switzerland) for more than 12 months cumulatively in the 3 years prior to October 2022

#### NON-DISCRIMINATION

---

No discrimination will be made on the base of nationality, gender, race, religion, or disability.

#### APPLICATION

---

Complete and timely submission via the on-line application system.

#### HOW TO APPLY

---

##### MAY 20th, 2022 TILL JULY 3rd, 2022

---

Online application system open and accessible through the GEM-DIAMOND website ([www.gem-diamond.eu](http://www.gem-diamond.eu))

##### BY JULY 3rd, 2022 17.00 CET

---

Candidates must apply through the GEM-DIAMOND online application system, which will request the following information:

1. A personal profile form (incl. CV overview)
2. A scientific profile form (incl. ESR's expression of interest, statement of motivation and personal interpretation of the research project)
3. A full academic CV
4. An academic record with scan of the degree qualifications
5. A proof of language proficiency
6. Two academic recommendation letters

##### BETWEEN JULY 11th & JULY 20th 2022

---

Shortlisted candidates will be invited to an online interview with their supervisory trio (two academic supervisors + internship mentor).

##### BY JULY 21st 2022

---

Shortlisted candidates will be informed about final decision.  
This offer is conditional to the signature of the Grant Agreement.

BY OCTOBER 31st 2022

---

Selected candidate to arrive at the UNIGE (Geneva, Switzerland) to start his/her training and research.

**Project Management Office (PMO)**

c/o Institut d'Études Européennes Université libre de Bruxelles (ULB CP172)

39, Avenue F. Roosevelt

B-1050 Brussels (BELGIUM)

[pmo@gem-stones.eu](mailto:pmo@gem-stones.eu)

+32 (0)2 650 33 85