

LAUTERPACHT CENTRE NEWS

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The Eli Lauterpacht Lecture

'The Rome Statute at its 25th Anniversary:
the Creation of a Court and an International
Institution'

Nazhat Khan

ICC Deputy Prosecutor

Friday 6 October 2023



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Visiting the Centre

and more...

40 YEARS
1983 - 2023

LAUTERPACHT CENTRE
FOR INTERNATIONAL LAW



UNIVERSITY OF
CAMBRIDGE



LAUTERPACHT CENTRE
FOR INTERNATIONAL LAW

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Letter from the Director



Dear Reader

Welcome to the Centre's autumn newsletter.

We are delighted to be celebrating the Centre's 40th Anniversary. Founded in 1983 by Sir Elihi Lauterpacht, the Centre has grown into a thriving global Centre of Excellence for international law. We are very grateful to our many supporters and are extremely proud of our revered institution. You can read all about the history of the Centre on page 4 and [contribute your memories and recollections online](#).

Over the past 40 years, the Centre has hosted a rich and exciting programme of lectures, workshops, conferences and other academic events and this Michaelmas term is no exception. You can read more about our events this term on pages 6 -13. As ever, we look forward to seeing you in person or online.

We are also pleased to welcome four new Centre Fellows who are joining us: Prof Harro van Asselt, University Teaching Officer at Land Economy, Dr Lena Holzer, University Teaching Officer at the Faculty of Law, Dr Jennifer Cobbe, University Teaching Officer at the Faculty of Law and Fabian Eichberger, Junior Research Officer at Darwin College. You can read more about them, and their areas of expertise, on page 17.

This newsletter also showcases the various important initiatives that some of our Fellows are involved in. Dr Tor Krever writes on piracy (page 18), Dr Tugba Basaran on the status of refugees in Europe (page 20) and Dr John Barker on the separation of powers (page 22).

And finally, we would like to extend a very warm welcome to this term's visiting fellows and scholars (page 44). We are delighted to see so many of you and hope that enjoy your time with us.

With best wishes

Professor Eyal Benvenisti
LCIL Director

Join our Mailing List

If you would like to receive details of events and news at the Lauterpacht Centre please join our [Mailing List](#).



Celebrating 40 Years of the Lauterpacht Research Centre for International Law 1983 – 2023

The Centre is delighted to celebrate its 40th anniversary in 2023. The Research Centre for International Law was founded in 1983 by Sir Elihu Lauterpacht. Clive Parry, Robert Jennings and Derek Bowett all played a part in the creation of the Centre, which was set up with very little funding, to provide institutional protection for various academic and research initiatives undertaken by Sir Eli and others, such as the publication of the International Law Reports.

In 1985, 5 Cranmer Rd in Cambridge was purchased with generous financial support from the Lauterpacht family, Dr Earl Snyder and Mr Edward St George. With formal premises, the Centre expanded its activities, starting with Friday lunchtime lectures and the Hersch Lauterpacht Memorial lecture series and increasing its range of publications.

Over subsequent years, the Centre grew steadily and with its success came further expansion. Through the generosity of various benefactors, an additional wing was added in 1996 and then in 2002, 7 Cranmer Rd was acquired to provide conference and accommodation facilities. A link corridor to connect 5 and 7 Cranmer Road followed in 2017 by a new seminar room in 2022. This year, state-of-the-art audio visual equipment was installed in the Finley Berkowitz Lecture Hall. This new technology has enabled a greater number of attendees from around the world to participate in the Centre's lectures and events.

The Centre was renamed the Lauterpacht Research Centre for International Law by the University of Cambridge in 1996 in honour of both Sir Hersch and Sir Elihu Lauterpacht for their distinguished contribution to international law at Cambridge, and beyond. Thanks to Sir Eli's leadership and personal generosity, and his ability to persuade many other generous benefactors of his vision, the Centre has grown from its relatively humble beginnings in Sir Eli's private study into one of the world's leading centres for the study of international law.

Since its inception in 1983, the Lauterpacht Centre for International Law has welcomed in the region of 1,000 visiting fellows from around the world. The Centre provides a unique setting for them to pursue their own work, to have an opportunity to meet with other scholars and Centre Fellows, to discuss and present their research as well as to attend the many lectures and events that are available.

Commenting on the Lauterpacht Centre's 40th anniversary, Professor Mark Elliott, Chair of the Faculty of Law, said: *'During its first 40 years, the Lauterpacht Centre has made an immeasurable contribution, establishing itself as a global hub for outstanding scholarship in the field of International Law. I am delighted to join the Centre in celebrating this milestone in its history and look forward immensely to the next chapter.'*

If you would like to [share your memories](#) of the Centre, we would welcome your contributions which will be [available to read on the Centre's website](#). These will be recorded in the Centre's history archives for future generations of lawyers. We also [warmly welcome donations](#) to further develop and promote facilities for the study of international law. We thank you in advance and look forward to hearing from you!

Further info: <https://www.lcil.cam.ac.uk/press/news/2023/10/celebrating-40-years-lauterpacht-research-centre-international-law-1983-2023>





1 pm, Friday 6 October

The Eli Lauterpacht Lecture 2023

'The Rome Statute at its 25th Anniversary – the Creation of a Court and an International Institution'

Nazhat Khan

Deputy Prosecutor, International Criminal Court

The Eli Lauterpacht Lecture 2023

'The Rome Statute at its 25th Anniversary – the Creation of a Court and an International Institution'

Nazhat Khan, ICC Deputy Prosecutor

1 pm, Friday 6 October 2023

Venue: Berkowitz/Finley Lecture Hall

(Sandwich lunch in the Old Library from 12.30 pm)



Lecture summary: The Rome Statute was adopted 25 years ago. It reflected the hopes of the international community that there should be a permanent criminal court, that it should provide a forum for determining individual criminal responsibility for war crimes, for genocide and for crimes against humanity. It reflected the hopes of many that the Court should be a world court, one that would complement the efforts of individual countries to create and sustain jurisdiction domestically and universally for such crimes, and one which would both follow the jurisprudential gains of the International Criminal Tribunals and Courts that came before it, and lead in the creation of new and enlightened jurisprudence. Subsequently, in Kampala, the offence of aggression was added to the list of offences triable, in limited circumstances, by the Court. Has the International Criminal Court achieved its aims? Is the vision of the Rome Statute still alive, given the polarisation of so many international institutions? Is the Court flexible enough to reflect new challenges to world politics such as harm to the environment? Has complementarity diluted the accountability of the international criminal law? Is the Court able to reflect the considerable advances made in domestic courts around access to justice for women and children? For persons who are LGBTIQ? For persons with disabilities? Is there consistency between international human rights law and the jurisprudence of the Court? Is any desired consistency an aim of the international community? Has the Court prevented the development of a selective justice? The negotiations towards the Rome Statute were built with a vision of a substantive justice, with an unprecedented degree of representation for victims of the most heinous crimes, and with the hope that peace has a better chance if justice is effectively delivered. This lecture will address the promise of a world court in the context of international vision and politics.

Nazhat Shameem Khan was born and brought up in Fiji. She studied law in the United Kingdom, at the universities of Sussex and Cambridge. She studied at Darwin College Cambridge University in 1981/2 (LLM) and in 1987/8 (MPHIL Criminology). She was called to the Bar of England and Wales at the Inner Temple and at the High Court of Fiji. She practised law as a prosecutor from 1984 to 1999. She was appointed Fiji's Director of Public Prosecutions in 1994. In 1999, she was appointed Fiji's first woman High Court judge. She was responsible for the criminal jurisdiction of the High Court. She left the judiciary in 2009, and opened her own practice, focussing largely on human rights, work place governance and litigation skills training. In 2014, she was appointed Fiji's ambassador to the United Nations in Geneva and Vienna, and to Switzerland. In 2021, she was elected President of the Human Rights Council in Geneva. In December 2021, she was elected a Deputy Prosecutor of the International Criminal Court.

These lectures are kindly supported by Dr and Mrs Ivan Berkowitz who are Principal Benefactors of the Centre.



1pm, Friday 13 October

'The 'Common Law Method': British Approaches to the Development of International Law'

Dr Devika Hovell (LSE)

London School of Economics



1 pm, Friday 10 November

'The Conditions for Inferring a "Dispute" from State Silence'

Dr Danae Azaria

University College London



1 pm, Friday 17 November

'Reclaiming Agency: Indigenous Peoples and the Turn to History in International Law'

Dr Lucas Lixinski

University of New South Wales



1 pm, Friday 24 November

'In the shadow of trade: a critique of Global Health Law'

Prof Sharifah Sekalala

University of Warwick

Friday 1 December - all day event. Timings to follow.

LCIL Conference:

'The UK's 2023 Accession to CPTPP Legal and Policy Issues'

Organised by Prof Lorand Bartels, University of Cambridge & Prof David Gantz, University of Arizona

9.00 am - 6.45 pm, Friday 20 October

'Conference on international dispute settlement - Resort to international advisory proceedings'

Organised by Profs Benvenisti & Viñuales
University of Cambridge

(Further details on page 8)

1 pm, Friday 27 October

LCIL-CILJ Annual Lecture 2023

'Trade Law Policing on the Factory Floor: Next Generation Agreements and their Corporate Accountability Tools'

Prof Kathleen Claussen

Georgetown Law

1 pm, Friday 3 November

'Revisiting Coercion as an Element of Prohibited Intervention in International Law'

Prof Marko Milanovic

University of Reading Law School

All lectures are hybrid events unless stated. Sandwich Lunch for attendees from 12.30 pm in the Old Library. You are very welcome to attend in-person in the Berkowitz/Finley Lecture Hall at the Lauterpacht Centre, 5 Cranmer Road, Cambridge, CB3 9BL or you may register to attend online at: <https://www.lcil.cam.ac.uk/press/events/all>

'The Rome Statute at its 25th Anniversary – the Creation of a Court and an International Institution'

Nazhat Khan, ICC Deputy Prosecutor

1 pm, Friday 6 October 2023

Summary by Dr Liana Minkova, Junior Research Fellow
Newnham College, University of Cambridge and LCIL Fellow



The 2023 Eli Lauterpacht lecture was delivered by Nazhat Khan, Deputy Prosecutor of the International Criminal Court (ICC). The event was attended by academics, practitioners, and students interested in international criminal justice, as well as those working on other branches of international law, who wanted to learn more about the Court and the accountability mechanisms which its founding document, the Rome Statute, provides. The diversity of research interests among the audience was a testament to Deputy Prosecutor Khan's remark that international criminal justice inevitably intersects with other legal fields, including human rights law, humanitarian law and, most recently, environmental law.

Deputy Prosecutor Khan opened the lecture with a discussion of the vision which in 1998 had inspired the adoption of the Rome Statute and traced it back to the aftermath of the Second World War and the establishment of the International Military Tribunal for Nuremberg (IMT Nuremberg) and the International Military Tribunal for the Far East (IMTFE). For the first time in international law, those institutions enforced the principle of holding individual persons criminally responsible for the commission of mass atrocities. More than five decades later, this vision of ending impunity for the perpetrators of genocide, crimes against humanity, war crimes, and aggression was finally embodied in a permanent legal body – the ICC.

But the goal behind the creation of the ICC, as Deputy Prosecutor Khan emphasized, was not only to institutionalize the principle of individual criminal responsibility in international law, but also to overcome the failings of past ad hoc tribunals, including the IMT and IMTFE. The Deputy Prosecutor focused on two particular failings: One related to gender representation, and the other – to geographical representation.

Sexual and gender-based crimes have often been neglected in the early days of international criminal justice, which has precluded the victims of those crimes from bringing the persons responsible for their suffering to justice. Nevertheless, the Deputy Prosecutor noted that over the past few decades, following the ground-breaking work of the international criminal tribunals for Rwanda (ICTR) and the former Yugoslavia (ICTY) and associated developments in the field of human rights law, the fight against gender-based crimes and violence against women has been transformed into a core commitment of international criminal justice. Building upon that legacy, the Rome Statute of the ICC includes not only a comprehensive list of sexual and gender-based crimes but also a requirement of fair representation of female judges at the Court. Nevertheless, the Deputy Prosecutor highlighted the fact that improving gender representation remains a work in progress, as the prosecutorial team seeks to ensure that the novel provisions of the Rome Statute, including the criminalization of gender-based persecution, are successfully enforced in ICC jurisprudence.

Regarding geographical representation, Deputy Prosecutor Khan noted that a crucial goal behind the development of the ICC system has been to avoid selectivity in both outcome and procedure. Ensuring that all voices have equal standing requires not only a fair representation of nationalities among the judges and the legal clerks, but also establishing a good working relationship with states (including through the Rome Statute's 'complementarity' mechanism) and addressing their concerns. The Deputy Prosecutor observed that a growing number of small states, which have been among the strongest supporters of the Court since its creation, have expressed interest in addressing environmental harm. While the Rome Statute already criminalizes damage to the environment under Article 8(2)(b)(iv), as the Deputy Prosecutor pointed out, the existing system suffers from important limitations: Article 8(2)(b)(iv) applies only to situations of armed conflict and requires that environmental considerations are balanced against the anticipated military advantage of a particular course of action. Furthermore, Article 30 Rome Statute imposes a very high mens rea standard, namely, that crimes must be committed with 'intent and knowledge', which is difficult to prove with respect to environmental damage. To address this gap, ICC state parties, such as Vanuatu,

have expressed support for the criminalization of 'ecocide' as a new crime under the Rome Statute that would apply to peacetime environmental destruction and lower the mental element of liability to recklessness. While the Deputy Prosecutor recognized the challenges to reforming the ICC system in such manner, she remarked that engaging with the demands of small states for environmental justice is a necessary requirement for a true world court.

Turning back to the question with which the lecture began, namely, whether the ICC has lived up to the vision behind its creation, Deputy Prosecutor Khan concluded that, while important accomplishments have been made, the Rome Statute system is a work in progress. According to the Deputy Prosecutor, the real test for the ICC is to show flexibility and respond to the diverse concerns of its state parties. Thus, the lecture simultaneously assessed the developments that have taken place in the field over the last quarter of a century and looked into the future by inviting the audience to consider the importance of institutional adaptability and the interconnectedness of social, political, and environmental violence.



Seminar: International investment law and arbitration in the renewable energy sector – Quo Vadis?

Tuesday, 10 October 2023 - 3.00 pm - 7.00 pm

Venue: Berkowitz/Finley Lecture Hall, Lauterpacht Centre

Seminar summary: Energy is 'the backbone of our economies'. As part of the overall energy supply, renewable energy is more important than ever. It is an important element in the fight against climate change and is relevant in the context of Sustainable Development Goals. The years 2022 and 2023 witnessed groundbreaking developments as regards the status and future of the Energy Charter Treaty (ECT). Unsuccessful reforms of the ECT, together with numerous treaty-based arbitrations brought against EU member states, triggered the process of withdrawals from the ECT. These developments follow the termination of intra-EU bilateral investment treaties. The event will provide an opportunity to discuss the current challenges faced by international investment law and treaty-based arbitration in the renewable energy sector. The event will address questions such as:

- (i) 'Looking into the crystal ball' – how will the recent developments frame the future?
- (ii) Identifying historical patterns which can be expected to repeat – which facts have led to the unprecedented number of investor-state arbitrations filed against EU member states (for example, in the 'Spanish saga cases')?
- (iii) 'Lessons learned' from the current case law – what impact can arbitral awards rendered against Spain and other EU member states have on future proceedings commenced against other states, within and outside of the EU?

Participants

Dr Filip Balcerzak (Adam Mickiewicz University/SSW Pragmatic Solutions)
Dr Ana Maria Daza Vargas (University of Edinburgh)
Dr Markus Gehring (LCIL)
Dr Joanna Gomula (LCIL)
Prof Winfried Huck (Brunswick European Law School, Ostfalia University)
Mr Simon Maynard (King & Spalding)
Dr Tibisay Morgandi (QMUL)
Prof Zvenyslava Opeida (National University of Kyiv-Mohyla Academy)
Ms Ana Stanič (Visiting Professor at Technische Universität Berlin, CEPMLP and UIBE (China))

Further information & registration: <https://www.lcil.cam.ac.uk/press/events/2023/10/seminar-international-investment-law-and-arbitration-renewable-energy-sector-quo-vadis>

Seminar summary:

'International Investment Law and Arbitration in the Renewable Energy Sector – Quo Vadis?'

The main objective of the seminar was to identify and discuss challenges faced by international investment law and arbitration in the renewable energy sector by, among others, studying historical patterns in this area and analysing the impact of relevant arbitral awards on future proceedings. The debate also included issues relating to the viability of the Energy Charter Treaty, the impact of sustainable development goals on international investment law, the relevance of EU's investment agreements for the sector, as well as renewable energy disputes in the WTO.

The seminar was divided in two sessions. The first session was chaired by Dr Joanna Gomula, Centre Fellow. Dr Filip Balcerzak (Adam Mickiewicz University, Poznan / SSW Pragmatic Solutions) opened the substantive discussion by presenting lessons learned from the 'Spanish Saga' cases. Next, Mr Simon Maynard (King & Spalding) discussed the modernisation of the Energy Charter Treaty, its uncertain future, and the integration of climate law into the international legal system. He was followed by Ms Ana Stanič (E&A Law, Visiting Professor at Technische Universität Berlin, CEPMLP and UIBE), who analysed recent cases and future trends of energy transition investment disputes, and Dr Ana Maria Daza Vargas (University of Edinburgh), who described the typology of risks and linkages between clean energy projects, investment arbitration and sustainability. The concluding presentation, delivered by Prof. Winfried Huck (Brunswick European Law School, Ostfalia University), focused on the interfaces of hydrogen energy, sustainable development goals and investment law.

The second session was chaired by Mr Mattia Colli Vignarelli (University of Turin). Dr Tibisay Morgandi (QMUL) inaugurated the session by providing an insight on the effects of investment treaties on renewable energy policy. Next, Dr Markus Gehring, Centre Fellow, discussed the relevance of EU investment agreements for the renewable energy sector. The final two presentations concerned renewable energy and WTO law. Prof. Zvenyslava Opeida (National University of Kyiv-Mohyla Academy) discussed the scope of policy space for the subsidization of renewables under the SCM Agreement. Dr Joanna Gomula provided an overview of renewable energy disputes in the WTO.



(Left to Right): Mattia Colli Vignarelli, Tibisay Morgandi, Markus Gehring, Zvenyslava Opeida and Joanna Gomula

Lauterpacht Centre conference on international dispute settlement

Resort to international advisory proceedings

Friday, 20 October 2023 - 9:00 am - 6.45 pm

Venue: Berkowitz/Finley Lecture Hall, LCIL

Conference Agenda

Welcome coffee

Opening and context (09:15 - 10:00hrs)

Introduction to the Conference: The strategic function of advisory opinions - Prof Jorge E Viñuales

Historical background on advisory opinions and international organization - Prof Eyal Benvenisti

Coffee break

The turn to advisory proceedings (10:30 - 12:00hrs)

Roundtable moderated by Prof Jorge E. Viñuales, with the participation of Prof Payam Akhavan, Prof Freya Baetens, Prof Philippe Sands KC and Prof Margaretha Wewerinke-Singh

Lunch break

Palestine at the World Court (14:00 - 15:30hrs)

Roundtable moderated by Dr Fernando Lusa Bordin, with the participation of Dr Naomi Hart, Dr Brendan Plant, Prof Yuval Shany and Elizabeth Wilmshurst CMG KC

Coffee break

The advisory proceedings on climate change (16:00 - 17:30hrs)

Roundtable moderated by Prof Harro van Asselt, with the participation of Prof Nicolas Angelet, Prof Federica Paddeu, Prof Pietro Pustorino and Prof Lavanya Rajamani

Brief refreshment break

Closing segment (17:45 - 18:45hrs)

Participants

Prof Payam Akhavan

Prof Nicolas Angelet

Prof Harro van Asselt

Prof Freya Baetens

Prof Eyal Benvenisti

Dr Fernando Lusa Bordin

Dr Naomi Hart

Prof Federica Paddeu

Dr Brendan Plant

Prof Pietro Pustorino

Prof Lavanya Rajamani

Prof Yuval Shany

Prof Jean-Marc Thouvenin

Prof Jorge E. Viñuales

Prof Margaretha Wewerinke-Singh

Elizabeth Wilmshurst CMG KC

Samuel Wordsworth KC

Further information:

<https://www.lcil.cam.ac.uk/press/events/2023/10/conference-international-dispute-settlement-resort-international-advisory-proceedings>

This event is in Partnership with the Cambridge Centre for Environment, Energy and Natural Resources Governance, LUISS Centre for International and Strategic Studies and Amsterdam Centre for International Law

Lecture: Maritime crimes and the 'interdiction' of ships without nationality

Prof Loureiro Bastos, University of Lisbon

Thursday, 2 November 2023 - 1.00 pm

Chaired by: Dr Joanna Gomula
Centre Fellow, Queen Mary University of London

Venue: Berkowitz/Finley Lecture Hall, LCIL



Lecture summary: After the conclusion of the United Nations Convention on the Law of the Sea and the entry into force of its Article 108, the subject of maritime crimes has experienced many important developments. Indeed, at present, States have to deal with criminal actions which did not exist in the classical International Law of the Sea. Relevant examples include kidnapping and hostage-taking at sea, maritime terrorism offences, the smuggling of migrants by sea, illicit oil and fuel illicit activities in the maritime domain and the maritime crime of illicit traffic in narcotic drugs and psychotropic substances by sea.

Further information: <https://www.lcil.cam.ac.uk/press/events/2023/11/lcil-lecture-maritime-crimes-and-interdiction-ships-without-nationality-prof-loureiro-bastos>

Conference: The UK's 2023 Accession to CPTPP: Legal and Policy Issues

Friday, 1 December 2023 - All day event, timings and programme to follow.

Venue: Berkowitz/Finley Lecture Hall, LCIL

Organisers:



Prof Lorand Bartels
University of Cambridge



Prof David Gantz
University of Arizona

For further information and to register attendance please visit:

<https://www.lcil.cam.ac.uk/press/events/2023/12/conference-uks-2023-accession-cptpp-legal-and-policy-issues>

Please note: this is an in person event only.

Fellows' News

Lorand Bartels has been appointed by the Minister of State for Trade to a government body that promotes responsible business conduct by multinational enterprises abroad. The Organisation for Economic Co-operation and Development (OECD) has, for two decades, set standards for responsible business conduct on issues including human rights, environment, employment, bribery, supply chain management and taxation. The UK National Contact Point (NCP) promotes these standards and handles complaints by interested parties against multinationals that do not meet these standards. Lorand has been appointed to the NCP's Steering Board, which oversees the UK NCP complaints mechanism, and more generally promotes the OECD's standards. The UK NCP plays a vital role in ensuring that multinationals comply with internationally accepted guidelines.



Fernando Lusa Bordin has joined the Committee for the Annual Meeting of the American Society of International Law that will be held in Washington D.C. in April 2024. In that capacity, he will contribute to shaping the overall content and tone of the largest meeting of international lawyers in North America (and one of the largest in the world).



Orfeas Chasapis-Tassinis: "Last year I was appointed as a special consultant by UNIDROIT to advise on matters of public international law and the law of international organisations. I produced an expert legal opinion that is now published on the [organisation's website](#) and presented my conclusions at the 102nd annual meeting of the organisation's Governing Council on 11 May 2023. Advice was offered on the interpretation of UNIDROIT's statute; the creation of new international organisations; legal implications arising from lending organs by one international organization to another; questions of organisational immunities; as well as conflicts of interest in international law."



Marie-Claire Cordonier Segger: "After a brief sabbatical at Yale Law School piloting a new course on Sustainable Development Law and Governance, Prof Cordonier Segger spent the summer in Canada teaching International Climate Law and Governance to JD and JID (indigenous law degree) students at the University of Victoria and the University of British Columbia. Together with the Pacific Institute for Climate Solutions and others, a special guest lecture on Indigenous trade treaties and climate solutions was hosted, building on research from Prof Cordonier Segger's recent edited volume on intergenerational justice and treaty implementation with Judge Marcel Szabo from Cambridge University Press (CUP), and contributing insights to a new book on the UNDRIP, the ILO 169 treaty and the SDGs (CUP), which is being



finalised with a team of University of Victoria, McGill and Cambridge law student and graduate researchers supported by a grant from Canada's Social Sciences and Humanities Research Council. The research was further highlighted in a special lunch event with LCIL Visiting Scholar Prof James Bacchus, former WTO Appellate Body judge and author of *The Willing World*, *Trade Links* and other books in August, and a September online international roundtable with UNESCO. Editing has also steadily progressed toward the second edition of the successful Oxford University Press law textbook, *Sustainable Development Law: Principles, Practices and Prospects*, and it is hoped that the book will be in press before the World Summit for the Future in September 2024, a year from now."



Marie-Claire with students from Yale Law School

Thomas D. Grant, Fellow of the Centre and of Wolfson College, spoke on panels at the World Economic Forum in Davos (20 January 2023) and the Yalta European Strategy Summit in Kyiv (24 January 2023) addressing international law and Russia's aggression against Ukraine. In academic year 2022-2023, Dr Grant supervised the MSt Course in AI Ethics and Society (Leverhulme Centre for the Future of Intelligence). Together with Prof Thomas Schultz of the University of Geneva and King's College London (and an occasional visitor to the Centre), on 7 August 2023 Dr Grant via video link addressed the opening master class of the Postgraduate Diploma on National and International Commercial Arbitration hosted by the University of Chile School of Law and the Santiago Arbitration and Mediation Centre (CAM Santiago). Together with Prof F Scott Kieff of the George Washington University Law School, on 19 April 2023 Dr Grant spoke at the Penn State Dickinson Law School.



Markus Gehring spent the spring term of 2023 at Yale Law School teaching a course on European Union Law. This interdisciplinary course analysed the European Union and its legal order from legal and political perspectives. The seminars explored the leading case law with more time and depth, from a comparative policy perspective. Some of the seminars were also dedicated to key questions related to the EU legal regime.



Markus said: "We had lovely students and hope that we can use our renewed friendships and contacts to build stronger connections between Yale and Cambridge."

Markus became a Senior Pro Proctor at the University of Cambridge in October 2023.

In May this year, **Maayan Menashe**, was invited by the Republic of Korea's Economic, Social and Labor Council (ESLC) to share his experience and expertise in domestic and transnational labour law (photo below). The invitation was part of the Government of Korea's current efforts to achieve major labour law reform, and, as part of this, the ESLC's running of an expert committee that looks into the matter of working people in non-standard employment and the personal scope of labour law statutes.

During his visit to Korea, Maayan met Korea's Minister of Employment and Labor Lee Jung Sik as well as members of Korea's ESLC and Ministry of Employment and Labor, and presented at the ESLC's 2023 International Conference on "Social Dialogue for the Better Labour Market" held in Seoul on 12 May 2023.

These activities attracted media interest within Korea, including by the Korean daily newspaper Hankook Ilbo, for which Maayan was interviewed on contemporary developments regarding new forms of employment and the implications for Korea. The article piece is available at: <https://m.hankookilbo.com/News/Read/A2023060515060004717>



Karen Lee, Co-editor of the International Law Reports (ILR): "I spent a productive five weeks as a Visiting Fellow at the National University of Singapore School of Law in February/March 2023 under the Cambridge Law Faculty's Herbert Smith Freehills Global Visitor Programme.

During that time, I focused my research on Southeast Asian case-law for the International Law Reports, a series of reports which I co-edit and which are the main publishing output of the Lauterpacht Centre. I received a very warm welcome and generous help with various aspects of my research. I very much enjoyed my discussions with Faculty members and other Visiting Fellows as well as the opportunity to attend various seminars, such as that organized by the Asia-Pacific Centre for Environmental Law and the Centre for International Law on the Silala Case between Chile and Bolivia before the International Court of Justice.

As a Fellow of the Lauterpacht Centre for International Law, it was a great pleasure also to visit the Centre of International Law at the National University of Singapore, and to meet and spend some time with its Director, Dr Nilufer Oral. At Nilufer's kind invitation, I attended a Roundtable on Women Leaders in International Law and Diplomacy organized by the Centre and the Embassy of Ireland (which was designed to bring together women and men who are in leading roles in international diplomacy and international law in Singapore to discuss the gender imbalance in these fields, future prospects, share experiences and highlight key challenges) and a Roundtable event with distinguished members of the Asia-Pacific group of the United Nations International Law Commission on the topic of "International Law in Asia and its Future" (where it was very interesting to learn more about different perspectives on international law).



While in Singapore, I was also invited to visit the Yong Pung How School of Law at Singapore Management University where I was delighted to meet some Faculty members – and to see Michael Waibel, a former Co-Director of the Lauterpacht Centre, who happened to be visiting the Law School at the same time. The world can seem like a very small place at times..."

Dr Liana Minkova: "In February I published my first book *Responsibility on Trial: Liability Standards in International Criminal Law* with Cambridge University Press. The book explores the drafting, interpretation, and application of the rules for assessing individual criminal responsibility as those rules emerge from the intense contestations among judges, lawyers, and academics within the international legal field. I also published an article on the same topic: L. Minkova, 'A Battle of Ideas: Modes of Liability and Mass Atrocities', (2023), *Law & Social Inquiry* 1-28 and co-authored two articles: Adam Branch and Liana Minkova, 'Ecocide, the Anthropocene, and the International Criminal Court', (2023), *Ethics & International Affairs*, 37(1), 51-79, and Anna Gwiazda and Liana Minkova, 'Gendered Advocacy Coalitions and the Istanbul Convention: A Comparative Analysis of Bulgaria and Poland', (2023), *International Feminist Journal of Politics*, 1-23. Finally, in June I was invited to present at the 2023 ICC Scholars Forum held at Washington, DC. I presented the paper 'Ecocide: Critical Insights on Sustainable Development and the Anthropocene'. The paper sought to shift the focus of ecocide debates away from the question how best to integrate international environmental law (IEL) norms, such as sustainable development, within the international criminal law regime, and towards a more critical reflection on the underlying logic of IEL and the complicity of the sustainable development narrative in protracted global ecological crises."



New Fellows

Harro van Asselt holds the Hatton Professorship in Climate Law and is a Law Fellow at Hughes Hall, University of Cambridge. He is also a Professor of Climate Law and Policy at the University of Eastern Finland Law School, and an Affiliated Researcher with the Stockholm Environment Institute. He is also Editor-in-Chief of the *Review of European, Comparative & International Environmental Law (RECIEL)*. He has held visiting research and/or teaching positions at Utrecht University, the University of Georgia, the University of Strathclyde, Bar-Ilan University, the Tokyo Institute of Technology and the Finnish Institute for International Affairs. He is also a Senior Research Fellow with the Earth System Governance project and a Steering Committee member of its Task Force on Earth System Law, a member of the IUCN World Commission on Environmental Law, and a member of Climate Strategies and he has been a member of the International Law Association Committee on Sustainable Development and the Green Economy in International Trade Law and a member of the E15 Expert Group on Measures to Address Climate Change and the Trade System.



Fabian Eichberger is a Charles & Katharine Darwin Research Fellow at Darwin College, University of Cambridge. His primary research interests span general international law - with a particular emphasis on dispute settlement and state responsibility - international investment law, international environmental law, and German public law. At present, his research focuses on national security, climate change, and the functions of international courts within the global legal architecture. Between 2020 and 2023, Fabian wrote his PhD on "Self-Judgment in International Law". Previously Fabian was a Research Fellow at the Max Planck Institute in Heidelberg. He completed his legal studies at Bucerius Law School, Hamburg (Dipl. Jur.), Waseda University, Tokyo (exchange), and the University of Oxford (M.Jur.). In 2022, he received the Rosalyn Higgins Prize from The Law and Practice of International Courts & Tribunals for his article on 'Informal Communications to the International Court of Justice in Cases of Non-Appearance'.



Lena Holzer is a Fellow of Girton. She has a BA from the University of Vienna, an MA from the European Inter-University Centre for Human Rights and Democratisation (EIUC) and a PhD from the Geneva Graduate Institute. She holds the 2023 Senior Price Maurice Chalumeau for the best PhD thesis written on issues of sexuality in Switzerland and the 2022 SNIS Award for the best PhD thesis written in International Studies in Switzerland. Lena's research lies within the field of feminist, queer and intersectional legal studies with a focus on international law and sports law. She is generally interested in exploring how to conduct legal research through feminist, queer and anti-racist methodologies. One of her current research projects looks at the role of international law in enshrining the gender binary in birth registration processes across the world.



Jennifer Cobbe is Assistant Professor in Law and Technology in the Faculty of Law at the University of Cambridge, where she is Deputy Director of the Centre for Intellectual Property and Information Law. She is also a member of the Microsoft Cloud Computing Research Centre and a Research Affiliate of the Minderoo Centre for Technology and Democracy. Previously Jennifer was a Senior Research Associate in the Computer Science Department at Cambridge as part of the Compliant & Accountable Systems research group. She holds a PhD in Law and an LLM in Law and Governance from Queen's University, Belfast. For her PhD, she studied the use of machine learning in commercial and state internet surveillance, and the impact of these related forms of surveillance on people and society. For the 2023-24 academic year, she is convening the LLM paper 'Law, Technology & Society', and will also lecture on the LLM paper 'Personal Information Law' as well as the undergraduate constitutional law paper.



Further details available at: <https://www.lcil.cam.ac.uk/people/fellows-researchers>

Pirates in the Legal Imagination

Dr Tor Krever

Tor is an Assistant Professor of International Law at the Faculty of Law, University of Cambridge and is a fellow of the Lauterpacht Centre. He joins us from the University of Warwick where he was Assistant Professor.



Pirates have always been ambiguous figures. On stage and screen alike, from Gay's Polly and Gilbert and Sullivan's The Pirates of Penzance to Errol Flynn's Captain Blood and Johnny Depp's Jack Sparrow, the pirate evokes a figure at once heroic and violent. Yet, while being celebrated by some as rebellious outcasts resisting an exploitative social order, pirates have tended to fare less favourably in legal treatments.

Legal commentators have long cast the pirate as the archetype of illegitimacy. In 1769, William Blackstone insisted that piracy is 'an offence against the universal law of society', the pirate so villainous that 'all mankind must declare war against him'. Today, this image of the pirate as an international scourge deserving universal reprobation is a staple of international legal discourse. When, a little over a decade ago, piratical depredation along the Somali littoral reached its peak, commentators were quick to cast Somali depredators in a familiar mould. They were, lawyers opined, *hostes humani generis*, the 'enemies of all mankind' and the 'enemies of civilization itself'.

This figure, and the discourses about it, are rooted in a tradition of international legal thought that regularly draws on, and reproduces, the pirate as an archetypal figure of enmity, the model for the treatment of other proscribed forms of violence: the slave trader, torturer, war criminal, terrorist, and so on. When, in the wake of the events of 11 September, 2001 the US and its allies announced a 'war on terror', the pirate offered a familiar shorthand for illegitimacy and censure and an analogous figure for the treatment of terrorists. 'On the high seas if you saw a pirate, you sank the bastard. You assault pirates, you don't arrest [them]', counselled one US lawyer.

If the pirate and its role as analogue is familiar to international lawyers, where and when did this figure, with its extreme enmity, first emerge? Contemporary international legal writing tends to reproduce the pirate as a figure of abstract enmity, presenting it as

transhistorical and timeless, stretching as far back as Antiquity or beyond. Yet for much of history, the pirate and the maritime depredation with which it was associated remained fundamentally ambiguous. In the medieval Mediterranean, for instance, plunder and trade were intimately related, piratical acts of depredation a common, even accepted, feature of maritime life. The pirate may have been a nuisance, but it was hardly a civilisational threat. Indeed, my own work shows that the pirate's juridical identity has been marked by fundamental discontinuities and transformations.

I locate the emergence of a distinctly modern figure of the pirate, the *hostis humani generis* with its universal enmity and existential danger, in the long 16th century. Its enmity in fact, I suggest, had its roots, at least initially, in Christian theological traditions. Long associated with the devil as a universal enemy of Christianity, the *hostis humani generis* came to be associated with pirates in the context of the threat posed to Christian Europe by an expanding Ottoman empire. The universal enemy of medieval Christian theology came to be embodied in the Christian European imagination by the Ottoman empire and its western Mediterranean vanguard, the pirates of the Barbary coast. At once figures of religious enmity and piratical plunder, the Muslim pirates of northern Africa were assimilated to other demonic foes of Christendom, an ideological association encouraged by a Habsburg state eager to rally the faithful against the heretical threat to the east.

The universal enmity of the pirate was soon projected into an Atlantic marked by inter-imperial rivalry between the Habsburg empire, with its claimed monopoly on the Americas rooted in papal donation, and a nascent English imperial formation seeking to challenge Habsburg power and establish a maritime empire. For the Spanish, the colonisation of the New World, and the spiritual salvation of its native population, was a mission in the service of a universal Christendom, yet one increasingly challenged by Protestant interlopers epitomised by Drake's plunder along the Spanish Main. Protestant piracy was easily assimilated in the Spanish imperial imagination with Islamic piracy in the Mediterranean: both were heretical foes who interfered with Spain's Providential mission.

Of course, for British publicists, Drake was not pirate but hero. Elizabethan England was in the early grip of a new commercial disposition, with British merchants eager to extend English maritime power. National perceptions of Drake's depredations were shaped by outrage at England's exclusion from profitable trade in Americas: his violence was perceived as a legitimate response. Such a view could also be found in the work of Hugo Grotius and his attempts to justify Dutch maritime violence in the face of an Iberian monopoly on trade with the East Indies. In Grotius's *De iure praedae*, one finds a novel grounding of the legitimacy of Dutch commercial violence in a theory of natural rights including a right to commerce. It was not the Dutch who, in attacking Portuguese shipping, should be considered pirates, but rather the Iberians who, in restricting access to the Indies, did violence to Dutch rights. The pirate's illegitimacy, on Grotius's telling, rested not on a heretical challenge to a universalising Christianity but to a universal right of trade. The figure of the pirate with which Grotius leaves us is the enemy of a humanity synonymous with commercial society and capital accumulation.



It is this new secular figure of enmity, I suggest, that is produced and reproduced in modern legal thought. Piratical depredation increasingly posed an impediment to the smooth flow of commerce, wreaking havoc on trade and disrupting imperialism's maritime zones of capital accumulation. By the time Blackstone urged a universal war against the pirate, its status as the enemy of humanity was intimately tied to the commercial imperatives of capitalist development. 'Suffer pirates, and the commerce of the world must cease', warned the Admiralty judge Sir Charles Hedges in 1696. 'So destructive of all trade and commerce' was the pirate, the Vice-Admiralty judge Nicholas Trott remarked soon after, that they 'are called enemies to mankind'.

With its gradual shift from religious enmity to commercial enmity, the origins of the figure of the pirate in international legal thought might then be understood as of a piece with the juridification of the oceans in the service of capital. The construction and suppression of the pirate as *hostis humani generis*, as Foucault once remarked, was concomitant with the juridical constitution of the world market and securitisation of the sea as a space safe for commercial circulation. But like a palimpsest, the figure's older theological meaning continued to lurk beneath the new. Pirates would continue to be held up, Markus Rediker has observed, 'as the antithesis of the Christian way of life'. And in the Somali pirate of today's international legal discourse one finds a supposed heinousness rooted at once in a racialised and confessional othering and in their threat to the flow of commodities and commerce through one of the world's busiest pelagic highways.

Image copyright (top): From Wikimedia Commons, the free media repository: https://commons.wikimedia.org/wiki/File:Personnel_from_RFA_Fort_Victoria_Board_a_Boat_Suspected_of_Use_by_Pirates_Near_Somalia_MOD_45153434.jpg

Writing international law at the border: A view from Samos

Dr Tugba Basaran

Dr Basaran is a Director of the Centre on the Study of Global Human Movement, Convenor of the Refugee Hub and a Fellow of the Lauterpacht Centre.



Friday, 15th September 2023. Early morning hours in Samos, Greece. As I'm preparing to leave the hotel, my colleague points towards the pebble beach next to us ... a few life vests at the shore, a children's shoe, a jacket, some black tires and the remainders of an inflatable dinghy equipped with boards and a motor.

According to the life vest count, around ten people landed onshore not long ago. At night-time we can see the lights shining bright on Turkiye's coastlines. They can also see ours across the sea. Maybe they followed the lights to cross the border and enter Greece. The significance of the international border, a technical line of separation, setting the territorial boundaries of the Greek state, is indispensable to protection claims. This is evident to the refugees as well as the coastguards; each reinforces their claim to the importance of the line, the refugees by crossing it, the coastguards by enforcing it. More than a thousand people have crossed the seas to arrive on this island last month. Many more have arrived on Lesvos, Chios and other Aegean islands and islets that have become the frontiers of the European Union. This is an ordinary day in Samos.

International law has always been disputed in the Aegean Sea. Greece and Turkiye both contest the delimitation of territorial waters, of airspace and even the status of the islands, occasionally leading to threat of military confrontation. Enforcing and violating international law are concurrent practices here, also for refugees and migrants. There are the coercive measures of the coastguards, unlawful under international law, also known as pushbacks, taking place on the seas and even upon arrival of refugees on the islands. Often ignored, but more relevant are lawful ways of undermining state obligations under international law. The EU-Turkey statement of 18 March 2016 declares that all irregular migrants crossing to the Greek islands will be returned to Turkey "in full accordance with EU and international law". A Greek Joint Ministerial



Decision issued December 2021 designates Turkey as a safe third country for nationals of Afghanistan, Bangladesh, Pakistan, Somalia and Syria. They are presumed to be safe in Turkiye and by implication deemed, in lack of contrary evidence, inadmissible. The grey zone to the non-refoulement principle of the 1951 Refugee Convention, article 33, is all too apparent. For other nationals this clause does not apply, Turkey remains unsafe, leading to a two-tier process upon arrival, depending upon the country of origin.

Enforcing international law on Samos comes at a substantial cost. Opened in 2021, the Samos camp is the first Closed Controlled Access Centre (CCAC), funded by the EU at a cost of 43 million Euros. The remainders of the informal camp in Vathy, located at the hillside of the town Samos, are still visible. The CCAC is located in Zervou, a few kilometres from the town, isolated in a mountainous area, surrounded by elevated barbed wire in two sets, allowing cars to circulate in-between, equipped with a high-tech biometric entry-exit system. People who arrive here



are detained for more than two weeks until their registration. In spite of its high-tech nature, there are the odd parts to the new camp – during our time there, many complain that water is limited to a few hours a day and point to the lack of a permanent medical doctor (a volunteer doctor from a nearby hospital provides support). We do not enter. Access for individuals and organisations is restricted and requires authorisation, but once registered camp residents can enter and leave the camp during daytime. Samos town is a bus ride or an hour walk away.

Samos is just one island in the border landscapes of Europe. Europe and its spectres loom across islands, seas and neighbouring countries, creating legal borders, shifting these in as well as out, and by that providing a legal infrastructure for greyzones, for circumventing the non-refoulement principle of the Refugee Convention. These legal borders of entry can be located anywhere - at the international border, at the port of departure or in some cases even upon arrival, internalized through inadmissibility and return procedures, externalised by restricting points of departure abroad, the impossibility of boarding an international flight or ferry, accessing visas or other legal and safe pathways. These practices illustrate uses of statecraft, determining the where and when of legal borders, states practices of circumventing laws and creating new legal geographies of borders as well as the potential violence inherent to international law.

The human cost of these policies is most evident in the wave of people that regularly drown in the easily navigable waters of the Aegean sea, the Mediterranean and the Atlantic. Even the long-established duty to rescue, a pillar of international law has been increasingly undermined, colonised and racialised, in particular through uses of anti-smuggling laws. As part of statecraft and its spectres, rescue and assistance have increasingly become

part of deterrence policies and even criminalized. Whilst the United Nations Convention Against Transnational Organised Crime and its protocol against the smuggling of migrants provide an exception for humanitarian acts, this is optional under the EU Facilitation Directive of 2002. Here state and European practices reframe international law and morality. It is only recently that a refugee steering a boat towards Samos was facing a life sentence for the death of his own child, who drowned in the Aegean. Here law is politics – a way to govern, expanding and contracting rules, creating greyzones to rules, using conflicts within and between different rules in the name of statecraft. The view from Samos is not unique.

The ephemeral and violent nature of international borders and international law, encountered in Samos and other borderlands, stands contrary to the illusion of rule-based stasis and permanence of international borders, underlining a view from below, focusing on the practices and daily workings of international law on the lives of people on the move, foregrounding those affected. At the forefront of international law are then questions on whose lives count, how politics of international law impact lives differently, facilitating the lives of some, whilst threatening others with its violence.

The families that arrived this morning are likely to spend a few months here, then receiving the possibility to move freely within Greece, spending possibly a few more months there, then maybe a year or two on the road to arrive at their destination, which may well be the UK.

It's 10am in Samos. I pack my clothes and take a plane to Athens, going back to Cambridge. This is an ordinary day at the borders of Greece, an ordinary event in international law.

For further information, see publications by author:

Basaran, T., Security, Law and Borders: At the Limits of Liberties. London: Routledge 2010.

Basaran, T., 'Saving Lives at Sea: Security, Law and Adverse Effects', European Journal of Migration and Law 16(3) 2014: 365-387.

Image (p20): Early hours of 15th September 2023: Source: Author

Image (p21): CCAC of Samos: Source: <https://migration.gov.gr/en/ked-samoy-kleisti-elegchomeni-domi-samoy/>

The Emperor's Clothes

Dr John Barker

John Barker is a Fellow of the Lauterpacht Centre and recently retired as Chairman of the Foreign Compensation Commission, UK Foreign and Commonwealth Office.



When I was in primary school, I found it inconceivable that the story of the Emperor's new clothes could be true. And yet here we are, confronted by the lethal fact that deceit and delusional thinking in public life and in commerce have been mainstreamed.

Lord Rees, whose book *Our Final Century* chronicles a range of risks facing humanity, asks whether we will make it to the next century. Two decades on, as predicted, humanity is now in the kind of tailspin where no one knows whether we have reached a point of no return. It is therefore difficult not to jump from denial to resignation, missing that critical middle ground when there might be time and agency to change course.

The common underlying cause of virtually all large-scale global threats is dangerously suboptimal human decision-making riddled with conflicts of interest and perverse incentives. How, then, are leaders and citizens to escape the bonds of delusional thinking and of deceitful conduct? We are not lacking in clues but we do seem to be lacking tools. Including tools that help us to recognise the elements of fiduciary obligation and understand the true consequences of poor choices in every branch, sector and level of public decision-making.

A case in point. In June 2023, for the first time in the country's history, the President of Malawi, Chief Justice and the Speaker of the House convened a two-day national conference on the separation of powers. This created a forum that enabled representatives of the different branches of government to air their concerns about encroachments violating separation of powers principles. It was a courageous initiative to tackle one of the operative causes of misunderstanding, mistrust and friction.

The challenge was for the branches of government to align their efforts behind national objectives and

provide essential checks and balances while staying in their lane. It is not an easy balancing act, calling for forms of restraint informed by a higher purpose and a deeper understanding of one another's roles.

Giving the keynote address to help set the stage provided an opportunity for me to look back over the nation's post-independence history. I had been privileged to witness some of the most dramatic moments in a tumultuous period that spanned dictatorship, transition to multiparty democracy and the efforts to consolidate democracy in the face of overpowering forces forging a corrosive fusing of wealth capture and state capture. The excess concentration of power and wealth predictably led to unwarranted, arbitrary brutality. Such painful lessons from the past as well as some notable triumphs provide important signposts to the way forward.

One of the more significant signposts was that the challenge leading to the ending of dictatorship came not only from the churches, representing the moral voice of society, but from the Chamber of Commerce, representing the business community. The dictatorship had stifled business opportunities though interference and commercially irrational decisions that suppressed opportunities and caused the economy to falter. As a result of missed opportunities, Malawi was one of the poorest countries in the world, with infant and maternal mortality rates hovering at stratospheric levels.

It is important for societies to appreciate that they have agency to make important self-organising choices that determine their position and direction of travel on a socioeconomic spectrum. At one

end of the spectrum are societies that strive to be humane and productive. Their economies are inclusive. Households are viable. Public institutions are responsive to the needs of citizens, investment in service delivery in health and education is strong, the rule of law is respected, there are safeguards against predatory behaviour and there is a prevailing sense of fairness in society that gives citizens a sense of hope.

At the opposite end of the spectrum, oppression is the organising principle of the society with citizens coerced and all too often butchered into submission. There is a heavy reliance on fear and deceit to hide the systematic kleptocratic management of the economy. In this legal twilight zone, there is no separation of powers, human rights, rule of law or public accountability.

Moreover, delusional decision-making, untethered from a more objective, process-based evidence base, is the predictable consequence of regimes that practice deceit to stay in power. As Francis Bacon observed, "truth is the daughter of time, not of authority." And so, it is especially important that we curate and expand our knowledge base, and keep public policy firmly tethered to it. As with deceit in commerce, deceit in public life is unsustainable. It may provide high returns to a few initially, but

can only lead to acute human suffering as political, economic and ecological systems collapse.

Strengthening democratic institutions such as separation of powers and rule of law will ensure that public policy aligns with the long-term interest of citizens. Where countries are situated on the spectrum between the two extremes is a product of their circumstances and history. But their direction of travel along that spectrum will be determined by day-to-day decisions that strengthen or weaken these institutions.

The link between humane systems that promote human well-being and economic productivity is intuitively logical and well established on the micro level. Perhaps human capital accounting will help to demonstrate this on the macro level because begging dictators to play nice has no leverage. Only by showing a clear link between democratic values and economic muscle is it possible to push back hard against the fraudulent claim that concentrated authority serves the interests of citizens.

Watching loyal followers and purchased enablers fawn over the powers that emperors clothe themselves in takes me right back. It is encouraging to see Malawi resisting the temptation.



Image: John Barker (far left) at the National Conference on Separation of Powers in Malawi

Strengthening Capacity for International Treaty Compliance towards the Global Sustainable Development Goals (SDGs)

LCIL Fellow and Lucy Cavendish College law fellow, Prof Marie-Claire Cordonier Segger, in her first year as Visiting Chair in Sustainable Development Law and Policy, has directed and scaled up a programme of engagement and learning focused on widening participation in international law for more sustainable development. Seeking to democratise education for global sustainability and justice, the programme builds capacity for international treaty implementation and compliance among current and future law and policy leaders worldwide whose knowledge, skills and decisions can advance the world's Sustainable Development Goals (SDGs).

Under the new chair, the programme is conducting research on international law on sustainable development towards publication of several new volumes in the Cambridge University Press series on Implementing International Treaties for Sustainable Development edited by Prof Marie-Claire Cordonier Segger and Dr Markus Gehring, as well as books for Routledge, Wolters Kluwer and Edward Elgar. With law graduates and colleagues, they are also preparing a second edition of the law textbook Sustainable Development Law: Principles, Practices and Prospects for Oxford University Press, developing capacity building on treaty implementation and compliance related to global sustainability, and hosting global online events to explore the role of international law and policy in advancing the SDGs.

LCIL Fellows including Dr Markus Gehring, Prof Rumiana Yotova, Dr John Barker, Prof Joanna Gomula and Prof Jorge Vinales have kindly contributed their knowledge, expertise and guidance, alongside specialist institutes such as the Bennett Institute for Public Policy, the Centre for Energy, Environment and Natural Resources Governance, the Cambridge Conservation Initiative and the Hughes Hall Centre for Climate Change Engagement, as well as experts from Cambridge Zero and the Centre for International Sustainable Development Law.

Supported by a kind donation from a University of Cambridge alumna, the programme is having a tangible impact, developing new materials, and providing current and future policy leaders from more than 120 countries with education on the SDGs and access to international legal communities of practice. This new knowledge and capacity-building collaboration is equipping law and policy leaders and learners from low-income and highly climate vulnerable countries with the skills needed to engage with international treaty regimes related to the SDGs, such as the Paris Agreement and the Kunming-Montreal Global Biodiversity Framework, supporting

compliance and implementation of treaty obligations and advancing SDG targets.

The programme will continue to provide capacity and community of practice building opportunities for policy leaders to help them prepare for active engagement in the 2024 Summit of the Future, the UNFCCC 28th Conference of the Parties (CoP28) and the UN Convention on Biological Diversity's 14th Conference of the Parties (CoP14). Law and policy leaders from highly climate vulnerable countries and others are also gaining access to this year's Climate Law and Governance Day 2023 during the CoP28, where they will have the opportunity to engage in law and policy discussions with experts from around the world on the most pressing climate change law and governance challenges and solutions.

The programme is also exploring opportunities to support the Memorandum of Understanding between the University of Cambridge and the UN Convention on Biological Diversity to increase the number of biodiversity experts and conservation leaders worldwide.

To become involved or learn more, please email the Democratising Education for Global Sustainability and Justice team at tr465@cam.ac.uk.



BRC/ICRC Customary International Humanitarian Law Project

The research team working on the Customary International Humanitarian Law Project of the British Red Cross (BRC) and the International Committee of the Red Cross (ICRC) enjoyed a successful term. The project has been hosted at the Lauterpacht Centre since its start in 2007.

The project aims to update the practice section of the ICRC's [award-winning online Customary IHL Database](#). The Database, which was redesigned to improve user experience in December 2022, contains the 161 rules of customary IHL identified in the ICRC's 2005 seminal Study and the practice related to these rules. Its aim is to provide up-to-date, accurate and extensive information in the field of customary IHL and to make this information readily accessible online. The Database contains national practice of States worldwide, from Afghanistan to Zimbabwe, as well as practice found in international materials. The research team at the Lauterpacht Centre focuses on the analysis of national practice.

In June 2023, the database was updated with new practice from Nigeria up to the end of 2014, as well as Tajikistan up to the end of 2019. While the practice section continues to make worldwide practice available in English, since December 2019, the rules section of the database has been available in six additional languages: Arabic, Chinese, French, Portuguese, Russian and Spanish.

The team continues to enjoy being a part of the Lauterpacht Centre, contributing to its marketplace of ideas, as well as benefitting from the wide expertise of its members, and looks forward to another useful term ahead.



Emilie Fitzsimons
Team Leader



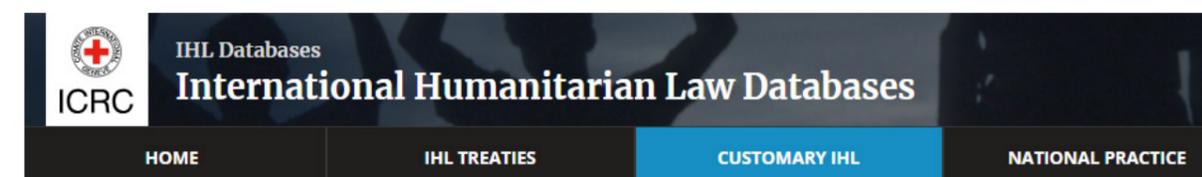
Andrea Farres-Jimenez
Research Fellow



Antoana Nedyalkova
Research Fellow



Carlos Juliano Simões-Ferreira
Research Fellow



Centre Publications

A number of leading publications in international law are edited at the Lauterpacht Centre. These include the International Law Reports (edited by Christopher Greenwood and Karen Lee), the International Convention on the Settlement of Investment Disputes Reports (edited by Jorge Viñuales and Michael Waibel) and the British Yearbook of International Law (co-edited by Eyal Benvenisti).

International Convention on the Settlement of Investment Disputes Reports (ICSID)

The ICSID Reports are edited by Professor Jorge Viñuales, Fellow of the Centre, and Professor Michael Waibel, formerly co-Deputy Director of the Centre.

The International Convention on the Settlement of Investment Disputes (ICSID) Reports provide an authoritative published collection of investor-State arbitral decisions rendered under the auspices of the World Bank's International Centre for Settlement of Investment Disputes (ICSID), pursuant to other bilateral or multilateral investment treaties such as the North American Free Trade Agreement (NAFTA) and the Energy Charter Treaty (ECT), or involving investment contracts entered by States.

Combining analytical studies with case summaries by practitioners, the ICSID Reports are an invaluable tool for those working in the field of public international law, investment treaty arbitration, or international commercial arbitration, whether advising foreign investors or States.



All 20 volumes are available in hard copy and [online at Cambridge Core](#). Three thematic volumes have been published:

[*Volume 18: Defence Arguments in Investment Arbitration \(Cambridge University Press, 2020\).*](#)

[*Volume 19: The Meaning of Investment \(Cambridge University Press, 2021\).*](#)

[*Volume 20: Attribution of Conduct to the State \(Cambridge University Press, 2022\).*](#)

Each volume has featured an eminent guest contributor, including Jan Paulsson, Christoph Schreuer, Meg Kinnear, and Lucinda Low (forthcoming).

The next three volumes, under preparation, will focus on remedies (Volume 21), climate change and sustainability (Volume 22), and European Union law (Volume 23) in investment arbitration.

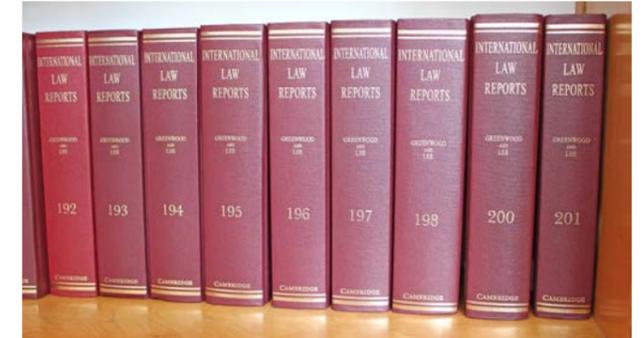
International Law Reports (ILR)

Volume 202 of the ILR was published over the summer and Volume 203 is planned for later this year.

The reports are edited by Sir Christopher Greenwood GBE CMG KC and Karen Lee, Centre Fellow and Fellow and former Vice-Mistress of Girton College, Cambridge.

The International Law Reports (ILR) have been reporting the decisions of national and international courts and tribunals on issues of public international law for over ninety years. The series captures the full range of judgments and awards on issues of international law from the increasing number of international courts and tribunals while expanding coverage of national judgments.

The International Law Reports (ILR) series is also available online via [Cambridge Core](#) as well as Justis. Further information: <https://www.icil.cam.ac.uk/publications/international-law-reports>



Fellows' Publications

Lorand Bartels

Journal: Tibisay Morgandi and Lorand Bartels (April 2023) Exiting the Energy Charter Treaty under the law of treaties, *King's Law Journal*, 34:1, 145-169, DOI: 10.1080/09615768.2023.2196834

Eyal Benvenisti

Book: *Occupation in International Law* (Oxford University Press, 2022) with Eliav Lieblich.

Book Chapter: 'The Contribution of the Institut de Droit International to the Development of International Humanitarian Law,' in *The contribution of the Institut de Droit International to the Development of International Law* (Jean Salmon, Ed., 2023).

Book Chapter: 'Explaining Variations in Standards of Review in International Adjudication,' in *Secondary Rules of Primary Importance – Attribution, Causality, Standard of Review and Evidentiary Rules in International Law* (Gábor Kajtár, Başak Çali, Marko Milanovic, Eds., OUP, 2022).

Fernando Lusa Bordin

Bordin, 'The Quest for International Legal Status: On Finn Seyersted and the Challenges of Theorising International Organizations Law' 34 *European Journal of International Law* 169-294 (OUP April 2023)

Marie-Claire Cordonier-Segger

Abstract: *Legal Issues of Economic Integration* (Aug 2023) Volume 50, Issue 3 (p. 227-362) 'Trade and Sustainability in EU-Americas Trade Relations' (p. 227) Marie-Claire Cordonier Segger, Marios Tokas, Markus W. Gehring

Abstract: *Legal Issues of Economic Integration* (Aug 2023) Volume 50, Issue 3 (p. 227-362) 'Contributions or Complications: CETA, Climate Change & Sustainability in Canada' (p. 323) Marie-Claire Cordonier Segger, Lydia Young

Book: *CITES as a Tool for Sustainable Development*. Edited by Marie-Claire Cordonier-Segger, David Andrew Wardell, Alexandra Harrington (CUP, July 2023)

Markus Gehring

Abstract: *Legal Issues of Economic Integration* (Aug 2023) Volume 50, Issue 3 (p. 227-362): 'European Union Trade Measures and Highest Priority Challenge Related to Climate Change in EU-Americas Relations' (p. 339), Markus W. Gehring

Article: *Climate Law special issue: 'The Climate Regime and Other Areas of Law'* ProfMargaret A. Young, University of Melbourne and Prof Markus Gehring, University of Cambridge (Sept 2023)

Tom Grant

Article: "Rescission of the Autonomy of Hong Kong," (2022) 39 [2021] *Chinese (Taiwan) Yearbook of International Law and Affairs* 1-72

Article: "Removing Russia from the UN: Grounds, Procedures, and Precedents, 50(2) *International Law News (ABA)* (winter 2023) 17-20

Article: "Fraud and the Integrity of Arbitration: Part 1," (2022) 25(3) *International Arbitration Law Review* 177-202

Article: "Fraud and the Integrity of Arbitration: Part 2," (2022) 25(4) *International Arbitration Law Review* 259-277

Article: "Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT): The Pursuit of Negotiations, China's Pursuit of Arms, and Options for the United States Under International Law," (2021-2022) 31 *Journal of Transnational Law & Policy* 1-68

Article: "The ILC's Draft Conclusions on Customary International Law and the Treaty on the Prohibition of Nuclear Weapons (TPNW): Lawmaking and its limits in a nuclear age," (2022) *George Mason International Law Journal* 1-54

Book chapter: "International Law and the Break-Up of Yugoslavia," Chapter in Peter Radan et al (eds), *The Routledge Handbook on Self-Determination and Secession* (Routledge: 2023)

Book chapter: "The North Atlantic Treaty Organization (NATO)," in Pierre d'Argent, Anne van Aaken, Lauri Mälksoo & Justus Vassel (eds.), *Oxford Handbook on International Law in Europe* (Oxford University Press, 2023)

Think tank report: "Multilateral Action Model on Reparations. Developing an Effective System for Reparation and Compensation for Ukraine and Ukrainians for Damage caused by the Russian Federation," *New Lines Institute for Strategy and Policy* (October 2022)

Blog post: "Removing Russia from the Security Council: Part One," *Opinio Juris* (18 October 2022)

Blog post: "Removing Russia from the Security Council: Part Two," *Opinio Juris* (19 October 2022)

Opinion/commentary: "An UNSafety Zone for the Zaporizhzhia Nuclear Plant?" *The National Interest* (27 December 2022) (with Henry Sokolski).

Tor Krever

Book chapter: 'From Vietnam to Palestine: Peoples' Tribunals and the Juridification of Resistance,' in Brian Cuddy & Victor Kattan (eds), *Making Endless War: The Vietnam and Arab-Israeli Conflicts in the History of International Law* (Michigan University Press, 2023) 233-260.

Liana Minkova

Article: L. Minkova, 'A Battle of Ideas: Modes of Liability and Mass Atrocities,' (January 2023), *Law & Social Inquiry* 1-28

Article (co-authored): Adam Branch and Liana Minkova, 'Ecocide, the Anthropocene, and the International Criminal Court,' (April 2023), *Ethics & International Affairs*, 37(1), 51-79

Article (co-authored): Anna Gwiazda and Liana Minkova, 'Gendered Advocacy Coalitions and the Istanbul Convention: A Comparative Analysis of Bulgaria and Poland,' (June 2023), *International Feminist Journal of Politics*, 1-23

Book: 'Responsibility on Trial: Liability Standards in International Criminal Law' (CUP February 2023)

Sarah Nouwen

Contribution: S.M.H. Nouwen and W. Werner, 'Gezina van der Molen: A Journey from Universalism to Pluralism,' in: Immi Tallgren (ed), *Portraits of women in international law: New names and forgotten faces?*, Oxford: Oxford University Press (May 2023) 358

Open Access: *No Closed Matter – EJIL: Talk!* (ejiltalk.org) (July 2023)

Opinion: *Why is the International Criminal Court so silent on Sudan?* www.aljazeera.com (July 2023)

Surabhi Ranganathan

Edited collection: *Colonial Loot and Its Restitution* (ed with Evelien Campfens, Andrzej Jakubowski and Alicja Jagielska-Burduk) *Santander Art and Culture Law Review*, Nr 2/ 2022 (8) 1-472

Essay: *The Law of the Sea, The Dial*, Issue 4: Shipwrecks, May 2023

Jamie Trinidad

Monograph (co-authored): Dr Stephen Allen (Queen Mary University of London) and Jamie Trinidad, 'The Western Sahara Question and International Law: Recognition Doctrine and Self-Determination' (Routledge, 2023)

The Centre is always delighted to hear from Alumni! Please do send us your news to communications@lciil.cam.ac.uk. We look forward to hearing from you!

Judge Dr Maria Alexopoulou (May - August 2009). Research area: EU and WTO public procurement law. I am a Judge (first instance) in Athens Greece, having LL.B. (Hons) from the University of Athens (Law School), LL.M. from King's College London, D.Jur. and Post-doc from the University of Athens (Law School).



Judge Charles N Brower's book: *'Judging Iran: A Memoir of The Hague, The White House, and Life on the Front Line of International Justice'* was published in April 2023. It focuses on his 40+ years as a Judge of the Iran-United States Claims Tribunal, his three appointments as Judge ad hoc of the International Court of Justice (2014-2022) (the most appointed of the only five Americans ever so appointed), and his service as Judge ad hoc on the Inter-American Court of Human Rights (1998-2002), as well as his career as an international arbitrator, performed largely as an Arbitrator Member of Twenty Essex Chambers in London since 1 January 2001, in which capacity The American Lawyer in 2013 named him "the reigning king of international arbitrators." The Foreword is written by Joan Donoghue, President of the International Court of Justice.

Judge Brower writes; "On the book's cover, above the title, is a lovely photo of the Peace Palace, and below the title a picture of me with President Reagan in the Oval Office when I was sub-Cabinet rank Deputy Special Counsellor to the President, serving with the third person in that photograph, former US Ambassador to NATO, David M. Abshire, who was given Cabinet rank when appointed Special Counsellor to the President with the mission of saving the President from the Iran/Contra scandal, in which mission we succeeded."



Judge Brower has been a frequent past Visiting Fellow of the Centre and is a generous benefactor of the Centre. In February 2023, he delivered the Friday Lunchtime Lecture: 'Competing Theories of Treaty Interpretation and the Divided Application by Investor-State Tribunals of Articles 31 and 32 of the VCLT'.

"I am **Carlos Espaliú Berdud**, Professor of Public International Law and European Union Law. I have been twice at the Centre, in the summer of 1999 and in the summer of 2015. During the first occasion, I worked on issues related to Jus Cogens, and the second time, on citizen participation in the life of the European Union and its impact in terms of the international subjectivity of the individual. I have very fond memories of my two stays in Cambridge, of those friends I met, of those tea breaks that help so much to get to know others..., of the charming anecdotes of Elihu Lauterpacht, of Professor and later Judge James Crawford, Karen Farechi, Karen Lee and so many others.



On the first occasion, in the summer of 1999, I was a professor at the University of Navarra. The following year, I was appointed counsel to the International Court of Justice, where I stayed for 6 years. After that, I resumed my academic career. Last year, I obtained the accreditation of the Spanish agency as a university professor and I was created the chair of public international law and the European Union at my current university, the Antonio de Nebrija University, in Madrid. I also direct a research group and a small research center on security issues, rule of law and high technologies."

Carlos Espósito (2018) is Professor of Public International Law at the Autonomous University of Madrid. He has extensive and varied teaching experience and has taught at the University of Helis and at numerous universities and institutions around the world. He was a Visiting Fellow of the Centre in 2018. This year Carlos and Kate Parlett (Cambridge PhD student 2009) were delighted to announce the publication of *The Cambridge Companion to the International Court of Justice* with Cambridge University Press (2023). The collection explores substantive developments within the ICJ and offers critical perspectives on its historical and contemporary role. It also examines the growing role of the ICJ in the settlement of international disputes and assesses the impact of the ICJ's jurisprudence on various areas of international law, from territorial delimitation to human rights.



Rolf Einar Fife (2009-2010) has been elected to the International Law Commission of the UN for the period 2023-2027 representing Norway, Denmark, Finland, Iceland and Sweden. Since January 2019, Rolf has been Norway's ambassador to the European Union, with his posting in Brussels ending in September 2023.



Gerard Conway (2019-2020) "I have recently contributed an invited chapter to an edited collection (Anthony Arnull and Takis Tridimas, editors, *The European Court of Justice and Its Critics*, Bloomsbury, forthcoming), entitled 'Reform of the European Court of Justice', which considers the interpretative methods of the European Court of Justice in light of the Vienna Convention on the Law of Treaties 1969 and which was partly based on research I did while at the Centre."



Patryk Labuda (2017) is a Fellow of the Swiss National Science Foundation. A lawyer and historian by training, he has research interests ranging from international law and international relations to peacekeeping, transitional justice, (post-)colonialism and human rights history. He draws on research methods from law and the social sciences. He was previously an Assistant Professor of (International) Criminal Law at the University of Amsterdam, and has also held positions at the Fletcher School of Law and Diplomacy, New York University School of Law, Harvard Law School, Cambridge University's Lauterpacht Centre for International Law, Stellenbosch University, and the Max Planck Institute of Comparative Public Law and International Law. Patryk has published his first book: *In the Court's Shadow. International Criminal Tribunals and Domestic Accountability* (OUP, June 2023) as well as two articles: *Beyond Rhetoric: Interrogating the Eurocentric Critique of International Criminal Law's Selectivity in the Wake of the Ukraine Invasion*, *Leiden Journal of International Law*, advance access June 2023 and *When May UN Peacekeepers Use Lethal Force to Protect Civilians? Reconciling Threats to Civilians, Imminence, and the Right to Life*, 28 (1) *Journal of Conflict and Security Law* (2023), 1-65 (with Hanna Bourgeois).



Xinyue Li (Summer 2022) Benefiting from this three-month visit to the Centre from 5 July to 16 September 2022, I completed my PhD thesis: 'Quantising Geoeconomics: Pluralistic Reconciliation Between Security Protection and Economic Liberalisation Through a Quantum Worldview' in February 2023. I passed the viva in April, and became a 'Doctor' this June after the beautiful service at Durham Cathedral, which my parents and I felt most cherished. By the way, I also gave my parents a tour around Cambridge this June, where I took them on a meditative walk around the Centre. My mum said, enviously and promisingly, 'I will immerse myself here during your next visit!' I am now starting my position as a Post-doc/Associate Researcher at the School of International Law of East China University of Political Science of Law (ECUPL), Shanghai, China. My research interests include public international law, economic-security irreconciliation, quantum international law theory, and legal pluralism. I can be contacted via e-mail at m15000663015@163.com.



Kerstin von Lingen (2018, 2022 & 2023) has recently started her new ERC Advanced Grant, which deals with the aftermath of the Second World War in Europe and Asia from a global history perspective, zooming in into the questions of displacement and resettlement. The research group is formed of 5 PhDs, 2 Post-docs and visiting fellows and forms a inspiring hub on the study of forced migration and the management of resettlement. The project is entitled "[Global Resettlement Regimes: Ambivalent Lessons learned from the Postwar \(1945-1951\)](#)" (GLORE). It is considering the first half of the 20th century's developments in Europe and Asia. Please visit the website for details, or get in touch with Kerstin directly. She is a recurring visitor at the Centre. Her previous work focused on the international Military Court of Tokyo from a history perspective, restoring for example the biographies of all 11 judges - Title: [Transcultural Justice at the Tokyo Tribunal. The Allied Struggle for Justice, 1946-48](#).



The Centre is delighted to learn that **Konrad Marciniak, Winiarski Scholar (2009)**, was elected on 14 June 2023, by secret ballot, during the 33rd Meeting of States Parties to the UN Convention on the Law of the Sea, for a nine-year term as Judge to the Hamburg-based International Tribunal for the Law of the Sea (ITLOS). Konrad recently served (2019 - 31 August 2023) as the Director of the Polish Foreign Ministry's Legal and Treaty Department. He will replace Judge Stanisław Pawlak, who has served on ITLOS since 2005 and was re-elected for a second term in 2014.



Zeynep (middle) with fellow visitors at the Centre's Summer Party in 2018

Zeynep Pirim (Summers 2017 & 2018) Since February 2022 Zeynep has been the Vice-Dean of the Faculty of Law at Galatasaray University (Istanbul, Turkey). She has also published some articles: 'The Legal Effects of the New Presidential System on Turkey's Treaty-Making Practice', *European Journal of International Law*, 2022, Vol. 33, Issue 2, 2022, pp. 579-606; 'Reparation by Pecuniary Means of Direct Moral Damages Suffered by States as a Result of Internationally Wrongful Acts', *Journal of International Dispute Settlement*, Vol. 11, Issue 2, 2020, pp. 242-261 and the 'State Succession to International Responsibility: A Critical Analysis of the Modern Succession Theory Based on the General Principles of Law', *Czech Yearbook of Public & Private International Law*, Vol. 9, 2018, pp. 111-129. She has also published a book on "The Aggravated Responsibility in International Law" in Turkey. She has also assisted the Special rapporteur of the UN International Law Commission, Prof. Pavel Sturma, in the preparation of the third report on succession of States in respect of State responsibility (January-May 2019).

Mortimer Sellers (2004-2005) is delighted to announce that Springer published in June 2023 the first printed edition of *The Encyclopedia of the Philosophy of Law and Social Philosophy* edited by Mortimer and Stephan Kirste. Mortimer Sellers is Regents Professor of the University System of Maryland and Director of the University of Baltimore Center for International and Comparative Law.



James Simeon (2018): I am presently on Sabbatical Leave and working on various research and publication projects including the following that may be of interest to those who are working on issues dealing with forced migration: "[Migration and Human Rights in the Age of the Global Compacts](#)", "[Racism, Rights, and the Responsibility to Protect \(R2P\) Refugees](#)" and "[War and Asylum](#)."



James is an Associate Professor at the School of Public Policy and Administration/ York University, Ontario, Canada.

Centre Scholarships

The Lauterpacht Centre runs a number of scholarship programmes throughout the year which enables promising scholars to visit the Centre to undertake a period of further research.

The **Brandon Research Fellowship** is funded by a generous gift donated in 2009 by the late Mr Michael Brandon MA, LLB, LLM (Cantab.), MA (Yale) (1923–2012) and his son, Mr Christopher Brandon.

The Brandon Fellowship is a postdoctoral research fellowship and has a maximum value of £4,700. The award is intended to cover fees and costs associated with a stay of one acceptance period at the Centre. The Brandon Fellow is welcomed as part of the community of visiting scholars.



Michael Brandon & James Crawford at the Centre (2009)

The **Polonia Scholarship** is funded by a private gift to the Centre and is open to scholars of Polish and Israeli citizenship, especially those who are in the early years of their career. The Polonia Scholarship has a value of up to £4,000 (depending on the length of the candidate's visit at the Centre) and is intended to provide support in covering the costs of travel, visa, accommodation, health and personal accident insurance, maintenance, costs of stay, and the Centre Fee. The Polonia Scholar is welcomed as part of the community of visiting scholars at the Centre.



The **Snyder Scholarship** runs along side the Snyder Lectures which are held in memory of Dr Earl Snyder, a 1947 Indiana University law graduate, and form a special partnership between the University of Cambridge and the Indiana University Maurer School of Law. The late Dr. Earl A. Snyder, an alumnus of the Maurer School of Law and Cambridge University, generously provided support for one graduating student with a demonstrated interest in international law to spend the autumn term (typically late September to mid-December) conducting a research project at the Lauterpacht Centre in a cohort of other visiting researchers and postgraduate students from around the world. Graduating third-year JD students are invited to apply for the position Snyder Postgraduate Visiting Researcher.



The **Bohdan Winiarski Scholarships** are generously funded by the Embassy of the Republic of Poland in the United Kingdom of Great Britain and Northern Ireland, and named after the Polish Judge and international lawyer, Bohdan Winiarski. The scholarship is open to candidates who are nationals of the Visegrad Group States and Western Balkans States (Czech Republic, Hungary, Poland, Slovakia, as well as North Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina, and Kosovo). Preference is given to candidates who are associated on a permanent basis with a university or another well-established institution dealing with international law in the country of their nationality.



Centre Scholarships 2022 - 2023

The Centre was delighted to welcome successful scholarship candidates Carlo and Milosz earlier this year, Mihajlo in the summer research period and Cate for the Michaelmas Term.

The **Brandon Research Fellowship** was funded by a generous gift in 2009 by the late Mr Michael Brandon and his son, Mr Christopher Brandon.

The successful candidate for the Brandon Fellowship 2022 was Dr Carlo De Stefano from Roma Tre University, Italy who visited the Centre in Easter Term 2023. The title of his research was 'A human rights-based perspective on State immunity from execution.'



The successful candidate for the Brandon Scholarship 2023 is Mr Momchil Milanov, a PhD candidate and Teaching Assistant from the University of Geneva. The title of his research is *Preliminary references of the International Court of Justice, the judicial function and the international rule of law*. He will visit the Centre in 2024.

The **Polonia Scholarship** is funded by a private gift to the Centre and is open to scholars of Polish and Israeli citizenship, especially those who are in the early years of their career. The successful candidate for 2022-2023 was Mr Milosz Gapsa from the University of Lodz in Poland who visited the Centre in the Easter Term 2023 to carry out independent research on *Provisional measures indicated by the International Court of Justice and their effectiveness*.



The **Snyder Scholarship** runs along side the Snyder Lectures which are held in memory of Dr Earl Snyder, a 1947 Indiana University law graduate, and form a special partnership between the University of Cambridge and the Indiana University Maurer School of Law.

The successful candidate for the Snyder Scholarship 2023 is Cate Demetrovich, from Maurer Law School, University of Indiana. Cate will visit the Lauterpacht Centre in Michaelmas Term 2023 and will carry out research relating to *The Laws on the use of Force in Cyberspace: A Study of Non-Western Approaches to Cyber Norms*.



The **Bohdan Winiarski scholarships** are funded by the Embassy of the Republic of Poland in the United Kingdom of Great Britain and Northern Ireland, and named after the Polish Judge and international lawyer, Bohdan Winiarski.

The successful candidate for the Winiarski Scholarship 2022 was Mr Mihajlo Vučić, Senior research fellow, Institute of International Politics and Economics, Belgrade, Serbia who visited the Centre in the summer of 2023. His research topic relates to *International law as the Influencer of Memory – from Consensus to Conflict*.



Scholarships are available throughout the year so please check the website for further details and application deadlines: <https://www.lcil.cam.ac.uk/about-centre/scholarships-prizes>.

Visiting the Centre

The Lauterpacht Centre welcomes academic visitors and visiting postgraduate students from around the world with interests in international law. Visitors are a key aspect of the Centre's activities and stay for a period of research between one and three terms.

Visitors come to pursue their own research in a tranquil and congenial atmosphere where they have an opportunity to meet other scholars and to discuss matters with the Centre's Fellows. Or they may come simply to spend a period in quiet reading.

Visitors are left to get on with their work in the manner that best suits them, but they are also encouraged to participate in the Centre's various activities, especially the Friday lunchtime lectures which are given by visiting speakers and followed by discussion.

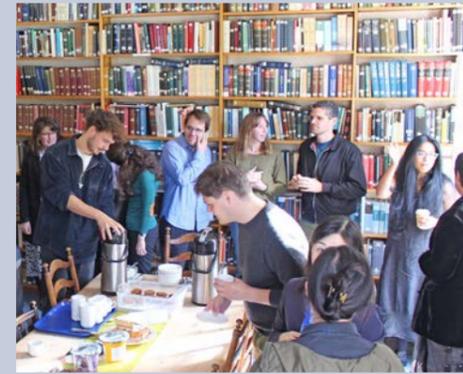
The Centre also arranges other occasional meetings and conferences, most notably the annual Hersch Lauterpacht Memorial Lecture and the Eli Lauterpacht Lecture which visitors are very welcome to attend.

If there is a decisive experience on my PhD journey that has inspired me, enriched my thinking and driven my projects forward, it is my research stay at the Lauterpacht Centre for International Law (LCIL). Summer and winter alike, it is the crucible of the LCIL that stimulates exchanges with scholars from all over the world and the creation of new universes of thought. The Centre is excellently integrated into the structures of the University of Cambridge and other research centres. The networking opportunities are unparalleled and access to an incredible number of research sources is guaranteed, even in the garden of the Lauterpacht Centre, where the history of international law, balmy evening breezes, and sometimes classical music blend into a uniquely stimulating atmosphere. The LCIL thrives on progressiveness, most wonderful staff and the magic of community across all borders.

Jennifer Maass, Brunswick European Law School (BELS), Ostfalia University of Applied Sciences - December 2022



Over the course of their stay, visitors also arrange regular sessions and round tables to present their research. This provides a great forum for discussion and debate.



"I really liked the infrastructure the Centre is providing for the visiting research fellows. I especially appreciated the online access to all important online publications in my research area. Due to this, I was able to complete more than half of my written PhD-thesis at the Centre. I am also thankful for the opportunity to talk to Prof Eyal Benvenisti and Prof Sandesh Sivakumaran about my research project and to be able to give a presentation at the Visiting Scholars Talk. Last but not least, I want to thank the wonderful staff Karen, Zar and Vanessa for always being here and helping me and for all the lovely coffee breaks and the nice talks. I will miss you! All the best to the Centre."

- Marisa Beier, University of Zurich – June 2023

For more information about the Centre and how to apply as an academic visitor, please visit:
www.lcil.cam.ac.uk/about-centre/visiting-fellows-and-scholars



"The Lauterpacht Centre for International Law is a fantastic place to conduct research and truly progress in a research project. The way that the Centre is organized sets it apart from other research centres. The coffee meeting encourages people to come together and share ideas every morning. Every week, the Visiting Fellows' talks allow a more formal forum to discuss methodology, research findings and perspectives on International Law. The opportunity to share ideas with the Fellows and Visiting Researchers has greatly enhanced my own perspectives. Beyond that, I have to highlight how much the staff of the Centre is supportive and how much they contribute to a fantastic environment. Overall, fantastic people, a wonderful atmosphere, and access to all the materials one would need to research international law. Undoubtedly, a world-class place to conduct research."

Dr João Ilhão Moreira, University of Macau - August 2023



Visiting Fellows

The Lauterpacht Centre was delighted to welcome the following academic visitors for the Easter Term and summer research period. We hope that you enjoyed your time with us and that your visit was productive and fruitful. Do come and visit us again!

Mazyar Ahmad is a PhD student at NCLoS, Faculty of Law, University of Tromsø. His project attempts to deconstruct the idea of mankind within the common heritage of mankind (CHM) concept in international law. His research area of interest includes the law of the sea, public international law, international environmental law, maritime law, and critical legal thinking.



James Bacchus is the Distinguished University Professor of Global Affairs and Director of the Center for Global Economic and Environmental Opportunity at the University of Central Florida. He was a founding judge and was twice the Chairman – the chief judge – of the highest court of world trade, the Appellate Body of the World Trade Organization in Geneva, Switzerland. He is a former Member of the Congress of the United States, from Florida, and a former international trade negotiator for the United States. He has published four books and numerous articles and papers on issues relating to international law, including especially international trade law.



Marisa Beier studied law at the University of Fribourg, Switzerland and Stockholm, Sweden. After her graduation she worked in governmental and non-governmental institutions, where she specialized in international human rights law. She worked as a research assistant for Prof. Regina Kiener at the Chair of Public Law at University of Zurich. Since March 2021 she is a researcher and PhD candidate within the University Research Priority Program (URPP) "Equality of Opportunity" of the University of Zurich, which focuses on economic and social changes that lead to inequality in society, the consequences of such inequalities, and public policies that foster greater equality of opportunity. Marisa's current research focuses on international human rights law, the right to adequate housing and poverty as well as feminist and legal gender studies.



Thijs De Cuyper is a doctoral researcher and teaching assistant at the Catholic University of Leuven, Belgium, where he is part of the Institute for Commercial- and Insolvency Law. He obtained a master's degree from the same university with a specialization in economic, international and European law. After his graduation from the University of Leuven he participated in the LL.M. programme of the Humboldt University in Berlin to deepen his knowledge in the field of arbitration and investment law. Thijs' current research focuses on the division of competences between the European Union and its member states in the area of foreign economic policy, as well as a variety of topics related to the legal dimension of recent evolutions in geoeconomics.



Miłosz Gapsa is a PhD student in the Doctoral School of Social Sciences at the University of Łódź. His research focuses on the assessment of the effectiveness of provisional measures in disputes between States indicted by different international courts and tribunals. Miłosz is affiliated with the Department of European Constitutional Law. He is a member of two research projects financed by the Polish National Science Center: OPUS 16 "Consumer Protection and Artificial Intelligence. Between law and ethics" (2018/31/B/HS5/01169) and Sonata 17 "International jurisprudence in domestic courts" (2022/45/N/HS5/02694).



Matthew Gillett is a Senior Lecturer at the University of Essex and was a Visiting Fellow for the Lent Term at the Centre. Matthew's subject area is Law and Human Rights and his research title: *Expression and Escalation: the incitement of atrocity crimes via online communications*.



Jan-Henrik Hinselmann is a PhD candidate at Georg-August-University Göttingen where he worked as a Research and Teaching Fellow (2017-2021), mainly in Constitutional Rights Law and Foreign Relations Law. He was assistant to Commissioner August Reinisch during the 72nd Session of International Law Commission (2021) and graduated in International Legal Studies from New York University (2022) on a full scholarship of the German Academic Exchange Service (DAAD). Since 2022, Jan-Henrik teaches Public International Law and European Union Law at Europa-Kolleg Hamburg and serves as Editor at *Völkerrechtsblog*.



Tamás Hoffmann is a Senior Research Fellow at the Centre for Social Sciences Institute for Legal Studies (Hungarian Academy of Sciences Centre of Excellence) and Associate Professor at Corvinus University of Budapest. He obtained his law degree from the ELTE Budapest Faculty of Law and an LLM in Public International Law from King's College London. He received his PhD in Public International Law from the ELTE Faculty of Law and a Diploma in International Humanitarian Law from the International Committee of the Red Cross. He was an intern at the Appeal Section of the Office of Prosecutor of the International Criminal Tribunal for the former Yugoslavia in 2004, and has lectured in international law at various institutions, including the NATO Defense College in Rome.



Emilie van den Hoven is a PhD candidate in international law and technology on the ERC AG project COHUBICOL, under the supervision of the project's principal investigator Prof Dr Mireille Hildebrandt, FBA. The project, hosted at the Law, Science, Technology & Society research group (LSTS) at the Vrije Universiteit Brussels investigates the implications of the shift to data- and code-driven law for legal protection and the Rule of Law. In this context, van den Hoven researches the integration of data-driven technologies in international legal processes. Emilie holds an LLB in International and European Law from the University of Groningen and received her LLM (research master) in Public International Law at the University of Amsterdam, in the context of which she also attended Georgetown University Law Center (2016).



Dr Avidan Kent (Cantab) is an Associate Professor in Law, the Law School's Director of Research, and the Founder and Convenor of UEA's International Law Research Group. He has written/edited books, reports, journal articles and chapters on a varied list of topics, including Environmental Law, Economic Law, international courts, Public Participation and Climate-Induced Migration. He has written reports/papers for IGOs, governments, think tanks and one museum. Avidan is interested in supervising PhD students in all areas of international law, environmental law, dispute settlement and economic law.



Yannick Kouassi is a PhD candidate, teaching assistant at the Université de Strasbourg and member of the Centre d'Etudes Internationales et Européennes. He holds two master's Degrees, one in Public International Law at the Université de Strasbourg (2018) and another in International Humanitarian Law at Université Félix Houphouët Boigny (Abidjan, Ivory Coast, 2017).



Andreas Kulick is a Senior Research Fellow at the Eberhard Karls University Tübingen. He holds degrees from the Geneva Graduate Institute of International and Development Studies (HEID), Humboldt University Berlin, NYU School of Law (LL.M. '09, Fulbright scholar) the University of Tübingen (doctor iuris, summa cum laude, '11). This is Andreas's sixth visit as a Visiting Fellow to the Centre! This summer Andreas research related to 'International Adjudication and World Disorder.



Yi-sheng Liu obtained his Doctor of Juridical Science from Indiana University in the US and has been teaching at Providence University in Taiwan since 2018. He focuses on applying emerging research methods to address social inequalities and explore the impact of new technologies on human rights practice. Dr Liu's major research experiences are the functional theory of fundamental rights and applying new technologies in legal practice. In his doctoral research, he developed a practical theory of the right to housing in Taiwan. In addition, he has conducted several scientific investigations supported by the Ministry of Science and Technology and the Ministry of Education on the design of artificial intelligence applications in the practice of Mandarin law.



Annalena Mayr is a PhD candidate at the European University Viadrina in Frankfurt (Oder), Germany with Prof Dr Claudia Maria Hofmann at the Chair of Public Law and European Social Law with a focus on interdisciplinary Social Law research. She studied law at the Goethe University in Frankfurt am Main, Germany. Annalena specialised in Europeanisation and internationalisation during her studies and graduated in 2021. Annalena has been a scholarship holder of the Friedrich Ebert Foundation since 2022 and an active member of the German Women Lawyers Association (Deutscher Juristinnenbund) since 2021, where she is a member of the European and International Law Commission.



Campbell McLachlan KC is currently a Professor of Law at the Victoria University of Wellington, having previously held visiting positions at All Souls College, Oxford, NYU and in Berlin. He is the Arthur Goodhart Visiting Professor of Legal Science in Cambridge during the academic year 2022-23. Campbell is a member of the Institut de Droit International, the Permanent Court of Arbitration in The Hague and the ICSID List of Arbitrators. In December 2022, the UK and EU jointly appointed him to the panel of chairs for arbitrations under the UK-EU Trade and Cooperation Agreement. In 2024 he will give the General Course at The Hague Academy of International Law and will take up the Professorship of Law (1973) at the Faculty of Law, University of Cambridge.



Gautam Mohanty is pursuing his PhD at Kozminski University, Warsaw, Poland and writing his thesis on the legitimacy crisis of investor-state dispute settlement vis-à-vis third-party funding. He is an Assistant Professor of Law at Jindal Global Law School, India. His research aims at addressing issues arising out of the intersectionality between Arbitration and other laws such as Contract Law, Foreign Investment and Commercial Law. Gautam is an Indian-qualified lawyer who has acted as a junior counsel and as a secretary to the arbitral tribunal in several institutional and ad-hoc arbitrations seated in Singapore, London and India under the rules of the ICC, the SIAC, the LCIA and the UNCITRAL. He has also acted as counsel in several commercial litigations before the Supreme Court of India, the High Court of Delhi and the High Court of Mumbai.



Tamás Molnár studied law in Budapest (Master of Laws) and Brussels (LLM on EU law) and holds a PhD in public international law (Budapest). He obtained his post-doctoral qualification in public international law in 2022 (ELTE University, Budapest). Since September 2016, he has been working as a legal researcher at the EU Agency for Fundamental Rights (FRA) in Vienna. Previously, he has held different positions in various ministries in Hungary as legal counsel on international and EU migration law and horizontal issues of public international law. He is also a visiting lecturer on international (migration) law at the Department of International Relations at Corvinus University of Budapest (where he held permanent faculty positions in 2003-2018); and a Senior Research Associate of the Refugee Law Initiative, School of Advanced Study, University of London.



Joao Loreto Ilhao Moreira visited the Centre in the summer research period from the University of Macau, Portugal to undertake research for a publication relating to *The Regulation of International Arbitration*. Joao is a qualified Lawyer (Portugal) and an Assistant Professor at the University of Macau.



Zvenyslava (Slava) Opeida is an Associate Professor at National University of Kyiv-Mohyla Academy, Ukraine. Her research interests include international trade law, WTO, trade remedies and regulation of the state intervention in the market (such as public subsidies). Slava was a visiting scholar at the University of Pittsburgh, University of Cologne, and Durham University. She also worked in the Ukrainian law firm Asters, where her practice focused on trade remedy investigations. She holds an LLM degree from the University of Illinois and an S.J.D. (Doctor of Juridical Science) degree from the University of Pittsburgh.



Yanan Shi studied for her LLM from 2018 to 2021 at the University of Wuhan and is currently undertaking her PhD there. Yanan's LLM dissertation project was entitled *The Study of International Regulation on Satellite Remote Sensing Data Dissemination*. Yanan's research area is Space Law and International Environmental Law and her research title whilst a Visiting Fellow at the Centre is *The Evolution of the Precautionary Principle and Its Application in Outer Space*.



Dominik Jordi Ornig is a Research Fellow at the Max Planck Institute Luxembourg for Procedural Law and affiliated to the International Max Planck Research School for Successful Dispute Resolution. Dominik studied law, economics and languages at the Universities of Exeter and Graz and the London School of Economics (LSE) before pursuing a Postgraduate degree at Columbia Law School on a Fulbright scholarship. He worked as a researcher at the University of Graz and Columbia Law School and gained further experience at the Office of the Legal Adviser to the United Nations Children's Fund (UNICEF) Executive Director as well as with several leading law firms in Austria, Spain and the UK. His research focuses on investment arbitration and international disputes arising from financial digitalisation.



Carlo de Stefano is Assistant Professor of International law at the Department of Law of Roma Tre University. He has a PhD in International Law and Economics from the Bocconi University of Milan (2016). During his studies he was a visiting scholar at the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law (2015), a junior visiting fellow at the Graduate Institute for International and Development Studies (IHEID) in Geneva (2015) and visiting researcher at Yale Law School (2014). He has been a lecturer and post-doc researcher in international law at Roma Tre University (since 2016) and post-doc visiting scholar at the Max Planck Institute for Comparative Public Law and International Law of Heidelberg (2017), at the Department of Law of the Catholic University of the Sacred Heart of Milan (2018), at the Department of European, International and Comparative Law of the University of Vienna (2022) and at the Lauterpacht Centre for International Law (Brandon Research Fellowship 2023). He has also been lecturer and research tutor for the Master of Laws in International Trade Law of the International Training Centre (ITC) of the International Labour Organization (ILO) in Turin.



Mark Retter is a postdoctoral researcher with an independent grant to pursue interdisciplinary research on the role of human rights in modernity, under processes of secularisation; and on ethical foundations to international legal order. Prior to this he worked as a Research Associate on the Legal Tools for Peace-Making Project at the Lauterpacht Centre; and he completed his doctoral studies, as a Gates Cambridge Scholar, at the University of Cambridge. Mark supervises undergraduate students in Jurisprudence and Public International Law at the University of Cambridge.



Paula Ritzmann Torres is a PhD Candidate in International Law at University of São Paulo Law School, Brazil. I hold a master's degree in international law also from University of São Paulo Law School (2016), a Bachelor of Laws Degree from Federal University of Paraná Law School (2011) and a Bachelor in international relations Degree from Unicuritiba (2010). I am former Visiting Fellow at Max Planck Institute for Comparative Public Law and International Law, Germany (2022) and former intern at the legal office of the International Tribunal for the Law of the Sea (ITLOS), Germany (2014). I have participated as an External Stakeholder at the consultation on the Review of the the OECD Anti-Bribery Recommendation (2021) and I am a criminal lawyer register at the Brazilian Bar Association.



Matilde Rocca is a PhD candidate at the University of Padova. Her research focuses on the role of private actors in the context of maritime migration and international law. Matilde is a research affiliate at the Refugee Law Initiative at the School of Advanced Studies and was previously a visiting research fellow at the University of Bergen as part of the Horizon 2020 PROTECT project. Matilde obtained her Master of Laws at the London School of Economics and was awarded the Lauterpacht/Higgins Prize for best performance in public international law. She holds a Bachelor of Laws from Sussex University.



Mihajlo Vucic is a senior research fellow at the Institute of International Politics and Economics in Belgrade and a professor in law at the universities in Belgrade and Sarajevo. He lectures and researches the fields of public international law and EU law. Mihajlo holds the PhD in International Law at the University of Belgrade, LLM at the University of Cambridge in International Law and LLM in EU law at the University of Belgrade. He worked on numerous research projects and policy document for the Government of the Republic of Serbia.



Visiting Fellows for the Michaelmas Term 2023

A very warm welcome to our visiting fellows and scholars for the Michaelmas Term! We hope you enjoy your time with us and that your visit is productive and fruitful.

Ahmed Abdel-Hakam is a Solicitor-Advocate (Civil and Criminal Higher Rights of Audience) before the Higher Courts of England & Wales, and a French Avocat (Avocat au Barreau de Paris). Ahmed has experience in investment and commercial arbitration proceedings under the rules of all the major arbitral institutions, dealing with disputes covering a broad range of sectors, with a focus on energy and natural resources. A significant part of Ahmed's work is focused on Africa and the Middle East, in cases which raise complex questions of international law such as exploitation of natural resources in disputed territories, the status of private and public property following state secession, and the impact of civil unrest/war over the operation of energy and construction projects. Ahmed also has an extensive practice in non-contentious and advisory work for clients around the world. He regularly advises on structuring and restructuring of investments and complex issues such as: the consequences of civil war on a State's rights and obligations towards foreign investors and legal issues arising from the existence of competing governments, and on specific issues such as pipeline transit and transportation regimes and related international law issues arising from state dislocation."



Takayo Ando is a Professor of public international law at Nihon University, College of Risk Management (Japan). She graduated from the University of Tokyo, holds an MA (2001) from the Graduate School of Arts and Sciences, the University of Tokyo, and received a PhD (2014) from Nihon University. Prior to her current position, she worked as an Assistant Professor and Associate Professor at Nihon University, College of International Relations. Takayo participated in the Preparatory Commission for the International Criminal Court (2002) and the Assembly of the States Parties of the ICC (2002) as a member of the Japanese Delegation. She also worked as a fixed-term official at the Ministry of Foreign Affairs of Japan (2006-2009) and has served as a Refugee Examination Counsellor, Immigration Services Agency of Japan since 2016. Takayo was awarded the 54th Mineichiro Adachi Memorial Prize in 2021 for her monograph, *The Structure of Legal Control of International Terrorism* (Kokusai Shoin, 2020).



Mattia Colli Vignarelli is a PhD Candidate and teaching assistant in International Law at the University of Turin, Italy. He holds a Master's Degree in Law from the University of Eastern Piedmont, Italy. His current research focuses on the clash between energy transformation and investment protection under the Energy Charter Treaty. His research interests include international investment law, international environmental law, critical theories and approaches to international law.



Cate DeMetrovich I am a recent graduate of Indiana University Maurer School of Law. Before law school, I received a dual degree in Accounting and Finance with a minor in Spanish at Drury University in Springfield, Missouri. I also played collegiate soccer during two years of my studies. During law school, I interned with several law firms, a judge, and a non-profit organization. I learned crucial research and writing skills that I intend to use in completing my research project at the Lauterpacht Centre.



Leonard Amaru Feil-Baron is a PhD candidate and research assistant at the Chair of Public Law, Public International and European Law (Prof. Dr. Jörn Axel Kämmerer) at Bucerius Law School in Hamburg. At Bucerius Law School he also teaches undergraduate courses in public law, particularly German constitutional law and EU law. Previously, Leonard studied law at the University of Hamburg with a specialization in public international and European law and at Aix-Marseille University in Aix-en-Provence. During his undergraduate studies, he worked as a student assistant at the University of Hamburg's Chair of European and Public International Law (Prof. Dr. Markus Kotzur, LL.M. (Duke Univ.)). Leonard's PhD project is funded by a doctoral scholarship from the German Academic Scholarship Foundation (Studienstiftung des deutschen Volkes). The research stay at the Lauterpacht Centre is supported by a research grant from Bucerius Law School.



Eleonore Gauthier is a PhD Candidate and Research and Teaching Assistant at the Global Studies Institute, University of Geneva.



Anna-Lena Gawens is a PhD candidate at Heinrich-Heine-University Düsseldorf (HHU). She completed her law degree with honours, specialising in European and Public International Law. From 2020 to 2023, she was a Research Assistant at HHU. During that time, she coached multiple winning Telders International Law Moot Court Competition teams. As a law student, she had successfully participated in the Philip C. Jessup International Law Moot Court Competition herself. Her current research visit at the Lauterpacht Centre is generously funded by the Hedwig and Waldemar Hort Scholarship Foundation.



Kerstin von Lingen (2018, 2022 & 2023) is a historian and researcher and Professor at the Department for Contemporary History at the University of Vienna. She has recently started her new ERC Advanced Grant, which deals with the aftermath of the Second World War in Europe and Asia from a global history perspective, zooming in into the questions of displacement and resettlement. The research group is formed of 5 PhDs, 2 Post-docs and visiting fellows and forms a inspiring hub on the study of forced migration and the management of resettlement. The project is entitled "[Global Resettlement Regimes: Ambivalent Lessons learned from the Postwar \(1945-1951\)](#)" (GLORE). Kerstin returned to the Centre over the summer for her third visit.



Xinchao Liu is a public international law PhD candidate at Tsinghua University Law School. He obtained his LL.M. in International Business and Economic Law at Georgetown University Law Centre in 2019. His research covers corporate damages to developing States, corporate subjectivity under international law, and the function of ISDS in breaking and rebalancing the world economic order. Xinchao has experience in the Jessup Moot Court Competition for over 10 years, achieving top oralists and best memorials at international round for both himself and teams he coaches. He also publishes his non-profit Jessup Guide, contributing to a progressive increase of active Chinese Jessup teams in the international round.



Júlia Miklasová is currently a Postdoctoral Researcher at the Academy for European Human Rights Protection, University of Cologne. Júlia obtained her PhD from the Graduate Institute of International and Developments Studies in Geneva. Her PhD explored ways in which international law is relevant to a phenomenon of secession. Apart from the issues of statehood, it also examined an international legal framework applicable to an “illegal secessionist entity” - an entity short of statehood created in violation of prohibition of the use of force - including overlapping regimes of law of occupation, human rights law and duty of non-recognition. To support its theoretical conclusions, it extensively analysed the post-Soviet secessionist practice concerning, among others, the so-called Abkhazia, South Ossetia, Transnistria, Nagorno-Karabakh, DPR, LPR, and Crimea. Previously, Júlia was a Junior Visiting Fellow at the Institute for Human Sciences (IWM) in Vienna, Research Assistant at the Global Migration Centre at the Graduate Institute in Geneva and a Legal Assistant to the Member of the United Nations International Law Commission (ILC) in Geneva.



Max Noll is a PhD candidate at the University of Göttingen and a PhD fellow of the German Academic Scholarship Foundation. Prior to his stay at the Lauterpacht Centre, he visited the Max-Planck-Institute for Procedural Law in Luxembourg and participated at the 2022 Summer Courses of the Hague Academy for International Law. He studied law in Göttingen and Galway.



Niklas Reetz is a PhD candidate at the European University Institute in Florence, Italy. His research focuses on the use of force and armed conflicts, climate change and state responsibility. Prior to coming to the Lauterpacht Centre, Niklas participated in The Hague Academy of International Law's 2022 Centre for Studies and Research and has been a visiting researcher and lecturer at the Institute for International Law of Peace and Armed Conflict at Ruhr University Bochum. Niklas holds an LL.M. in Comparative, European and International Laws from the European University Institute, an LL.M. in International Legal Studies from Georgetown University and the First German State Exam from the universities of Bonn and Bielefeld. Throughout his studies, Niklas has been awarded various scholarships and grants, including from the German Academic Scholarship Foundation and the German Academic Exchange Service. Niklas currently serves as Head of Section for International Law at the European Journal of Legal Studies.



Quing Ren is a distinguished academic in the field of law, holding an LLB and LLM from the esteemed China University of Political Science and Law. Building on his foundational expertise, he pursued further research at the University of Liverpool, where he achieved his PhD with a specialization in International Investment Law. He will visit the Centre for the academic year 2023/2024.



Tianchan Ren is a PhD candidate at the Peking University in Beijing, China, under the guidance of Professor Wei Gao, who specialises in International Dispute Resolution and Platform Regulations. Tianchan holds an LL.M. in International Business Law from the London School of Economics and Politics, and a B.A. in law from Sun Yat-sen University. Her research interest includes international data regulation, cyber law and International commercial arbitration. Tianchan is visiting the Centre for Michaelmas Term 2023 and Lent Term 2024.



Paulina Rob studied law with a focus on international law at the University of Cologne and completed the first state examination in 2022. During her studies, she worked as a Student Assistant at the Chair of Constitutional and Administrative Law and at the Chair of Civil Law and Legal Theory, both at the University of Cologne. Since 2023 Paulina is a doctoral candidate and research fellow at the Institute for International Peace and Security Law of Prof Dr Claus Kreß at the University of Cologne.



Urs Walter Saxer studied at the University of Zurich where he obtained his first law degree (MLaw). He served as a scientific assistant (research and teaching) to Prof Dr D. Schindler at the Institute for International and Comparative Constitutional Law, University of Zurich. He then completed a Doctorate thesis on a topic of Swiss constitutional and administrative Law and was subsequently admitted to the Swiss bar as attorney. He obtained an LLM at Columbia Law School and then lectured at the Universities of Zurich and St. Gallen. He has lectured at the Universities of Basel and St. Gallen and at the Federal Polytechnical School Zurich (ETHZ). In 2007 he was appointed Adjunct professor at the University of Zurich in international law, constitutional law, administrative law and media law. Urs is also a practicing attorney.



Miyako Tatematsu is Professor of International Law at the Faculty of International Studies at Kyoritsu Women's University in Tokyo, Japan. She also teaches International Human Rights Law at the Law School of Keio University and International Organization Law at Hitotsubashi University. Since 2014, she has served as a refugee counsellor appointed by the Ministry of Justice. She graduated from International Christian University and completed her master's degree in law at Sophia University, where she also completed a doctoral degree. She worked at the Permanent Mission of Japan in Geneva during the 1990s.



Leo Tiberghien is enrolled as a PhD student at the University of Fribourg. His research focusses on the law of international organizations, international human rights law, the law of international responsibility and democratic theories. He has been visiting researcher at the Erik Castrén Institute at the University of Helsinki.



Maria Xiouri LLM (Cantab, Athens); PhD (QMUL) is a Senior Lecturer in Law at the Lincoln Law School. Her monograph *The Breach of a Treaty: State Responses in International Law* (Brill, 2021) examines the relationship between responses to the breach of a treaty according to the law of treaties and the law of State responsibility.



Fan Yang is a doctoral researcher at Tsinghua University. Fan studied law and English literature at Shandong University before pursuing a Postgraduate degree at Georgetown University Law Center (GULC) on a full scholarship from the Chinese Scholarship Committee (CSC). She obtained a certificate of International Arbitration & Dispute Resolution from GULC and gained further experience at the United Nations Commission on International Trade Law (UNCITRAL) as well as leading law firms in China. Her research focuses on international investment law and comparative public law. Fan has been a member of the JESSUP Committee since 2016 participating as a competitor, and she has been continuously serving as a Moot Judge until now.



Centre Fellows

The Centre is fortunate to benefit from the experience and knowledge of 35 Centre Fellows, who cover between them a wide range of [research areas](#) of international law.

Further information: <https://www.lcil.cam.ac.uk/people/fellows-researchers>

Prof Harro van Asselt
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The support provided by the Centre's benefactors is key in ensuring that the Centre is able to continue to look towards the future and to ensure its activities work towards meeting Sir Eli's vision of the Centre becoming the base for the study of international law both in Cambridge and wider afield. The Centre thanks the following for their generous support:

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The Lauterpacht Centre has three donation funds which are used to strengthen opportunities for scholars of international law from the UK and overseas. The Centre is very grateful to its donors.

Donations to the Centre

The Lauterpacht Centre for International Law warmly welcomes donations to further develop and promote its facilities for the study of international law.

Donations are used to strengthen opportunities for scholars of international law from the UK and overseas, and to cement the Centre as one of the field's leading international law centres in the world.



The Eli Lauterpacht Fund

The Eli Lauterpacht Fund was launched by the Centre in November 2017 in memory of Sir Eli to support the work of the Centre which he founded, directed and inspired.

With your support the Centre maintain its position as one of the leading research centres for international law in the world, consistent with Sir Eli's vision.



The James Crawford Fund for teaching and research of International Law

This year, the Lauterpacht Centre for International Law established the James Crawford Fund to support the teaching and research of public international law at Cambridge, to honour James Crawford's memory, in recognition of the long-standing and generous support that James gave to the development of the Centre, its students and staff.



Donations to these funds can be made at: <https://www.lcil.cam.ac.uk/donate>

Cambridge International Lawyer's Archive

The Eli Lauterpacht Fund was established in 2017. The three key goals on which the Eli Lauterpacht Fund would focus was the creation of the Cambridge International Lawyers Archive which would aim to attract additional scholars to the Centre and help cement its position as a centre of world-wide excellence. The heart of this archive was to be the papers and volumes that Eli had amassed over his illustrious career, and which were donated by his family. This was supplemented by smaller collections of material related to Clive Parry, Derek Bowett and Robbie Jennings.

Brief references to the above have been made in, inter alia, the 2016-17, 2017-18, and 2019-2020 LCIL Annual Reports. In addition, the 2017 (Michaelmas) and 2021 (Summer) LCIL Newsletters give details of a comprehensive scoping exercise on the feasibility of this archive being created which was undertaken by Gabrielle Earnshaw with the assistance of Robin McCaig (August 2017). In addition, Michael Waibel (Deputy Director) produced a manuscript on the location of various international lawyers' papers and the feasibility of establishing a collection of such papers at Cambridge.

Together with Jenny Byford, Earnshaw and McCaig packed up much of Eli's collection and placed it in cardboard boxes which are stored in Bahrain House. Each of the boxes was labelled with a brief description of its contents, but the scoping project did not require logging the material in any detail.

An earlier report entitled "Archive for Materials Relating to International Disputes: Discussion Document" had been prepared in November 2006 by Tom Grant, but this was not referred to in the Earnshaw/McCaig document. When he wrote his report, Grant packed the material he had assessed into large plastic crates which are now also stored in Bahrain House.

In 2022 Lesley Dingle, the (then) recently-retired Foreign & International Law Librarian at the Squire Law Library, was invited by the LCIL Directors to sort and make a preliminary inventory of the contents of the boxes and crates, to which there had also been added small collections of papers emanating from inter alia James Crawford, Arnold McNair, Arthur Watts and Stephen Schwebel. This project has been underway for approximately a year, and the following progress can be reported.

Much of the Eli Lauterpacht material is in the form of letters, and the inventory thereof records the names of primary correspondents, dates and in most cases, the subject-matter. These entries can guide researchers seeking specific items of interest, as well as the locality of the boxes and folders in which to locate them. The other (approximately) half of Eli's materials constitutes records of pleadings/transcripts etc of his major international court cases and arbitrations. This material is physically bulky - for example there are approximately thirty boxes of material on the 1994-95 and 2001 "Bahrain-Qatar ICJ Cases" alone. In addition, some progress has been made with an inventory of the McNair, and Jennings materials.

Hopefully, this initial stage of bringing Eli's dream of a Cambridge International Lawyers Archive to reality will be completed within a year, when the next phase in the development of the Archive will be decided by the Committee of Management.



Lauterpacht Linked Partnership Programme

The Lauterpacht Linked Partnership Programme gives practitioners unique and exclusive access to people, events and research associated with the Centre, in exchange for their financial and proactive support to the Centre's infrastructure and activities. Membership of the programme is by invitation and open to select law firms, barristers' chambers, major companies with an interest in international law and foreign ministries.

We thank our Lauterpacht Linked Partners for their continued support.

Lauterpacht Linked Partners in 2023-2024

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Max Planck – Cambridge Prize for International Law (MaxCamPIL) 2023

In June this year, the Centre and the Max Planck Institute for Comparative Public Law and International Law, Heidelberg announced that the recipient of the *Max Planck – Cambridge Prize for International Law (MaxCamPIL) 2023* was Prof Emily Crawford, University of Sydney Law School.



Established in 2019, the award is given biennially to a mid-career scholar who has made an outstanding contribution to the study of international law, and who promises to continue to engage in substantial, innovative, and cutting-edge research. The prize seeks to highlight existing research and to support the prize winner's future work.

The Prize Committee composed of Eyal Benvenisti, Armin von Bogdandy, Orfeas Chasapis Tassinis, Matilda Gillis, Jannika Jahn, Maayan Menashe, Raphael Schäfer, and Silvia Steininger. The Committee was greatly impressed by Emily's scholarship in international humanitarian law characterized by innovativeness, rigour, and analytical depth.

Prof Crawford has made significant theoretical contributions to international humanitarian law as well as to general international law. Her work is distinguished by her ability to combine historical and doctrinal methods to support practice-oriented research. Her scholarship, including three field-defining monographs in a decade, pioneered a multi-perspective analysis of the evolution of central norms and debates in international humanitarian law that is highly topical for the laws of war. She has been a significant proponent of soft law norms and codes of conduct to develop international law in times of crisis.

Prof Crawford is a Professor at the University of Sydney Law School, where she teaches and researches international law, international humanitarian law, and international criminal law. She has published widely in the field of international humanitarian law. She is an associate of the Sydney Centre for International Law at the University of Sydney, and a co-editor of the *Journal of International Humanitarian Studies*.



An official prize-giving ceremony will take place in Heidelberg in the autumn of 2023.

Australian Year Book of International Law/ANZSIL Student Paper Prize for 2023

Cambridge International Law PhD student, [Rebecca Brown](#), has won the [Australian Year Book of International Law/ANZSIL Student Paper Prize for 2023](#).

Rebecca took top honours in the competition for her paper exploring Australia's health governance response to the COVID-19 pandemic. Rebecca's doctoral project focuses on the negotiation of international health instruments. She will begin her third year of PhD studies at the University of Cambridge in October 2023.

Congratulations Rebecca!



Sir Hersch Lauterpacht honoured at the Garden of the Righteous in Milan

Sir Hersch Lauterpacht was one of the leading international lawyers of the twentieth century, and the father of Sir Elihu Lauterpacht who founded the Lauterpacht Centre for International Law in Cambridge in 1983.



On 3 March 2023, Sir Hersch Lauterpacht was honoured at a ceremony for the Day of the Righteous 2023 held in the Garden of the Righteous in Milan, Italy. Sir Hersch's granddaughter, Mrs Gabriel Cox, and Mrs Emanuella Gillard – a former Research Fellow at the Centre and Research Assistant to Sir Eli Lauterpacht, were guests at the event organised by the Gardens of the Righteous Worldwide (Gariwo).

Gariwo's aim is to heighten awareness and interest in the men and women who fought, and are still fighting, in defence of human dignity. The theme chosen for the ceremony was: *"Saving humanity in humankind. The Righteous and personal responsibility"*. Sir Hersch was chosen for establishing the individual at the centre of law and personal responsibility of the individual, and for his work at the Nuremberg Trials.

Sir Hersch was honoured alongside the Welsh journalist, Gareth Jones, who was the first to document Holodomor, clashing with the indifference of the West and Soviet censorship until his mysterious death; Alfreda Noncia Markowska, a Roma woman, who lost her family during the Porrajmos but risked her life to save the greatest number of Roma and Jewish children from extermination and Akram Aylisli, an Azerbaijani

writer, who denounced the violence in his country against the Armenians, supported the dialogue between the two peoples, and paid the price by being exiled from his own land.

Among invited guests to the event were members of Gariwo, civil representatives of the city of Milan and school students from different parts of Italy. All those honoured in the ceremony received a dedicated plaque to be displayed in the beautiful Garden of Milan (Monte Stella) for all to see.

Gabriel gave a most moving account of her grandfather's life and work which you can read on the next page or watch at: <https://en.gariwo.net/multimedia/gariwo-productions/speech-by-gabriel-cox-25832.html>



Photo captions: opposite page: Gabriel next to the plaque dedicated to her grandfather, Sir Hersch Lauterpacht.

Top: Gabriel delivers her speech about Sir Hersch Lauterpacht, at the ceremony in the Garden of the Righteous in Milan.

Bottom Left: Gabriel and Emanuella talk to local school children attending the event.

Bottom Right: Gabriel next to the panel display about her grandfather at the Memoriale della Shoah, a Holocaust memorial at the Milano Centrale railway station commemorating the Jewish prisoners deported from there during the Holocaust in Italy.

Text of the speech given by Gabriel Cox, granddaughter of Sir Hersch Lauterpacht in the Gardens of the Righteous in Milan on 3 March 2023

Thank you Mayor Giuseppe Sala, Gabriele Nissim and Giorgio Mortara for organising this wonderful event today, remembering these four remarkable people. In their different ways they each fought for human rights, human dignity, and peace.

I am Hersch Lauterpacht's granddaughter. It is an honour and privilege to be here in your beautiful city, Milan, as a representative of our family.

Regrettably, I did not know my grandfather, as he sadly died a few years before I was born, when he was only 62 years old. However, his passion and commitment to international law was passed down to, my father, Eli Lauterpacht.

As a young child, I was aware of Hersch's importance, as one of the leading international lawyers of the 20th Century, and his enormous contribution to law, international peace and justice. I was also aware of the horrors of the Holocaust, in which Hersch lost his entire family in Lviv, apart from his niece, Inka Katz, whom I was very close to.

Hersch's wife, my grandmother Rachel Lauterpacht, lived close by when I was growing up in Cambridge. She was devoted to Hersch and always talked with love, admiration, and affection about him.

Granny explained that he was a serious man, a loyal friend and that he had a great sense of humour. He was also a phenomenal linguist who spoke many languages, including Italian. He worked to a strict schedule, insisted on meals at regular times and on total silence when he was in his study. He loved classical music, in particular Bach and Beethoven. Rachel, who was classically trained, would play to him on her Steinway grand piano.

For exercise, Granny told me that she and Hersch would walk together quietly hand in hand through the beautiful streets of Cambridge. This was one of the ways in which he would clear his head and focus his thoughts.

Hersch's story is remarkable, given his humble origins. He was born in 1897 in Żółkiew, a small village in Galica, which was then part of the Austro-Hungarian Empire and is now in Ukraine.

The Lauterpacht family was Jewish, and learning and books were very important to them. Consequently, they moved 25 kilometres to Lviv where the schools were better for Hersch to complete his secondary education. He attended the University of Lviv and later continued his legal studies in Vienna, under Hans Kelsen. It was there in 1923 that he met and married Rachel Steinberg. She had grown up near Jerusalem and was studying music in Vienna.

Soon after marrying, they moved to London where Hersch very quickly taught himself English, in part by going to the cinema and listening to the BBC. He entered the London School of Economics as a research student and soon became a lecturer. Eli (his only child) was born in 1928 and in 1937 Hersch became the Whewell Professor of International Law at Cambridge University. In 1954 he was elected as the British Judge at the International Court of Justice: a remarkable achievement and one that was secured against significant odds. In 1956 he was Knighted by the Queen.

It was during his years in London and Cambridge that Hersch did most of the writing for which he has become so widely acclaimed. This was, I suspect, because he was not only a professor and a jurist, but



because he had a deep interest in philosophy, literature and music. He was a prolific writer, though I have some sympathy for his loyal secretary who had to decipher his almost illegible hand-writing.

As a non-lawyer myself, I would like to mention two areas of Hersch's work that have touched me deeply, writings that are relevant for a broader audience. There is his remarkable book, *An International Bill of the Rights of Man*. Written in 1945, it is one of the cornerstones of our modern system of human rights.

And then there is his role in the famous Nuremberg Trials. It was he who introduced the concept of Crimes against Humanity into the Statute and international law, and he wrote large parts of the seminal opening and closing arguments for the British prosecutor, Sir Hartley Shawcross.

'The individual human being . . . is the ultimate unit of all law', Hersch wrote in 1943. It was his personal credo. He believed it, and he acted upon it. It is a source of much happiness to me that in these troubled times, a Convention on the Prevention and Punishment of Crimes Against Humanity is now being negotiated.

As a teacher, in London and Cambridge Hersch taught many future professors, judges, legal practitioners and diplomats. One of his most promising students was, in fact, my father Eli Lauterpacht. Eli in turn inspired generations of pupils, many of whom remain devoted to him and to the spirit of his father. One of them is with us today, Emanuella Gillard, who was Eli's student, research assistant and is now an active international humanitarian lawyer.

The Lauterpacht spirit – father and son - also lives on in the creation of the Lauterpacht Centre for International Law in Cambridge. A space on Cranmer Road, opposite Hersch and Rachel's home, where generations of new students share their interests and passions for the idea of the rule of law in international relations.

It is important to remember people who have passed, so I would like to conclude here with a personal reflection:

It is my belief, that saying the name of someone who has died, helps to keep them alive in our minds:

So, for my parents, Judy and Eli. Thank you. You are the reason I am here today.

For Hersch's parents, Deborah and Aaron, for Hersch's siblings, Sabrina and David, may you, and all the other victims of the Holocaust, rest in peace.

For my grandfather, Hersch Lauterpacht, the world remembers you and is grateful for your ideas and your ideals.

We remember the legacy of your work for the recognition of human rights for the individual, rights that are now firmly enshrined in law. These laws provide the framework and umbrella that protects each and every one of us here today.

Thank you.



Sir Hersch Lauterpacht

(Written with many thanks to Emanuella Gillard, Philippe Sands and Andrew Sanger for their assistance and editing)



Wildlife in the garden of no 7 - thank you, Annalena for the photographs!



LAUTERPACHT CENTRE
FOR INTERNATIONAL LAW
Summer Garden Party 2023

First coffee time warm enough to sit outside - 26 May 2023 summer was finally on its way. (Feels a distant memory now!)



Coffee time is serious business at the Centre! Lots of conversations and discussions take place over coffee, tea, cake and biscuits. Would you like to come and join us? (<https://www.lcil.com.ac.uk/about-centre/visiting-fellows-and-scholars>)



Farewell to our lovely spring and summer visitors 2023!



The palm tree in the garden of no 5 gets some much needed attention after the hot summer.



Anyone for cake?





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