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LAUTERPACHT CENTRE NEWS



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FOR INTERNATIONAL LAW

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International Law in the Age of Bilateralism



LCIL Director Professor Eyal Benvenisti

It has become clear that the world's two major powers – a declining hegemon and an emerging one – are poised to shun multilateral international organisations and instead are pursuing webs of bilateral agreements. The Trump administration has clearly asserted its preference for bilateral deals while dismissing international organisations **as taking advantage of US generosity**. Trump regards trade deals as inherently **'adversarial and zero-sum'**, and **has blatantly disregarded** the multilateral trade rules the US had set during the victorious post-Cold War days. Even the free trade area agreement between America and its immediate neighbours was transformed into a bilateral **"United States – Mexico Trade Agreement"** in a renegotiation process that excluded Canada. Canada was subsequently rushed to sign on the dotted line the agreement that **"they used to call ... NAFTA"** (to use Trump's words).

Those who believe that Trump is an outlier and that, following imminent impeachment, the US would soon resume its responsible global leadership position, must account for the fact the Obama Administration has pursued **the same divide and rule strategy** when negotiating the major **TPP** and the **TTIP** economic agreements, when it divided the European Union and 11 carefully selected Pacific Rim countries and negotiated with each group separately. Obama's predecessor, George W. Bush, promoted reliance on bilateral trade and investment agreements, loose partnerships and fluid **"coalitions of the willing,"** instead of working within or creating new multilateral institutions. The post 1945 effort by the United States to create a wide array of international organisations was crucial for establishing its dominance and for the rise of the post-war liberal international order. But in the post-post-Cold War era, the superpower, whose hegemony is increasingly being tested, has found multilateralism burdensome.

It is also unsurprising that the rising Asian hegemon has been following a similar path of bilateralism. In October 2007, during its ascent to global power, China **declared** FTAs to be its basic international economic strategy. Despite the fact that, **as some scholars have noted**, America's disengagement from multilateralism could not offer "a more favourable scenario for a rising power

wishing to reshape the international system," China has not rushed to set up multilateral bodies with global reach. Instead, it designs its external relations based on the **"hub and spokes"** model, an architecture that allows it to maintain supremacy over its numerous partners who are kept apart from each other. This model characterizes its **security** arrangements in Asia, and shapes China's most ambitious economic (and political) initiative, the **Belt and Road Initiative (BRI)** that connects China with more than **sixty selected partners** that are spread across three continents.

China's dominance over its spokes is legally secured through a China-centric **web of bilateral treaties**, and a newly minted Chinese dispute settlement **mechanism**, announced last June, which is designed to resolve investment disputes arising out of the implementation of the BRI. Through this mechanism, arbitrators appointed by China can be expected to resolve investment disputes and **indirectly regulate** BRI-related projects within its partner countries and shape those countries' regulatory frameworks. The hub and spoke architecture allows these arbitral tribunals to tailor their norms to suit the unique situation within each of the spoke countries, consistent with Chinese interests.

The preference for bilateralism is not coincidental. Any land developer or successful politician knows the effects of the old "divide and rule" strategy. In fact, this strategy is so obvious that it raises a puzzle: why would powerful



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states venture to cede authority to multilateral organisations and subject themselves to collectively-fashioned international law that regards all states as formally equal? In an **article** analysing the ways a hegemon or a group of powerful states are able to shape international law and rule international institutions despite their numerical minority, the late George Downs and I highlight the ability of powerful states to maintain their domination over weaker states by blocking the weaker states' opportunity to cooperate. We used a simple three person devised by **Barry Weingast** that involves three players: a sovereign, S, who is the most powerful figure in the three person "society," and two citizens, A and B. In order to remain in power, the sovereign needs the support of at least one of the two citizens. If both citizens oppose him, he is deposed and loses power.

The basic game involves a sequence of two moves. S moves first and may choose to honour both citizens' rights or to transgress against the rights of one or both. If S chooses to honour both citizens' rights, the game ends, and S remains in power. If S violates the rights of either or both, A and B have the opportunity to choose whether to acquiesce or challenge the sovereign. If A and B both choose to challenge the sovereign (i.e., if they cooperate), the attempted transgression fails and the game ends. If one or both chooses to acquiesce (i.e., fail to cooperate), S's transgression succeeds and the game ends.

The cooperative outcome in which A and B cooperate to maximise their collective gain is rather unlikely (not an equilibrium, in game theory jargon). However, if the game is repeated, cooperation between A and B becomes possible because both might find that it is worth risking the costs of cooperation in the one-time game to avoid a string of future transgressions. Thus two equilibria arise from the repeated game: One is an asymmetric equilibrium in which S and one of the citizens repeatedly exploit the second citizen. The other is the cooperative equilibrium in which both citizens cooperate and challenge the sovereign.

As we indicated in our article, Weingast's stylised game possesses two features that correspond to important aspects of the post-1945 international system. The first is that a powerful state could be likened to the sovereign because it possesses a notable first-mover advantage, namely the agenda-setting power that hegemons and coalitions of powerful states frequently enjoy at the international level, reflected in the final outcome of multilateral negotiations that is usually strongly anchored to their initial bargaining position. The second feature of the game that is characteristic of the post-1945 international system is that the task facing the two citizens is far more difficult than that of the sovereign. Cooperation among them requires two special conditions.

One such condition is the familiar requirement that the game must be repeated; and the other is that the citizens must be able to resolve any differences between them

about the outcome of their cooperation in a manner that leaves each of them better off than they would be by colluding with S. These can be very difficult conditions to meet when the preferences of the citizens diverge, and even more problematic if instead of individual citizens we have states that have different preferences (for example, one state exports oil, the other bananas, the third tourism services). In fact, Weingast views these conditions as being so formidable that the most likely outcome of the game is one in which the citizens fail to cooperate, and S and one of the two citizens exploit the other citizen.

For our purposes, the primary significance of Weingast's game lies in its message that a hegemon (or small group of powerful states) that wishes to prevent weaker states from cooperating within a certain institution or in the negotiation of a treaty can do so by using its first-mover advantage to 1) limit the perception of weaker parties that they are involved in a repeated game, and 2) limit the opportunities that weaker states have to resolve the differences in their preferences. In our article, we highlighted a number of strategies that hegemons and powerful states can use to accomplish each goal, among them the creation of a large number of international organisations (rather than a few that would have broad spectrum of responsibilities). Operating within a multilateral organisation allows the hegemon to **save on costs** of setting and enforcing its rules.

The recent turn away from multilateral institutions and the embrace of bilateralism may accordingly be explained as the assessment by the powerful actor that it has either lost its agenda setting power, or that it cannot prevent the weaker actors from overcoming their differences and cooperating against it. These conditions may have now matured not only due to the relative decline of the United States and the rise of competing powers, but also due to the transformative effect of globalisation on the economies of many countries, making them **more integrated** and diversified, and hence more likely to have similar preferences and the assurance necessary to risk confronting the hegemon. **The dramatic rise in intra-developing country (or "South-South") trade**, facilitated by multilateral rules, strengthens their cohesion further.

In recent years we have **witnessed** emerging economies such as Brazil and India succeed in mobilizing developing country coalitions, "which enabled them to exercise influence above their economic weight [thereby assuming] a more aggressive and activist position in WTO negotiations than China;" a US President **"crashing"** a meeting of the Chinese, Indian, South African and Brazilian leaders who had evaded him during the dramatic final moments of the Copenhagen Climate talks; and American failures to protect domestic interests groups such as **the tobacco industry** and the **infant formula manufacturers** at the WHO.

If this analysis is correct then we face a global space where the post 1945 legal order as we have come to

experience it might be replaced by a myriad of periodically renegotiated bilateral, often informal and ad-hoc agreements. No single state or group of states will have either the incentive or the power to unilaterally commit to multilateral rules or institutions that could bind them and be used against it.

Herein lies the paradox: globalisation, facilitated by international law and institutions, operated to diminish differences among countries and to increase their ability to collude against the more powerful states. Yet, as these powers opt for bilateralism, the prospects for a comprehensive, systemic international law diminish.

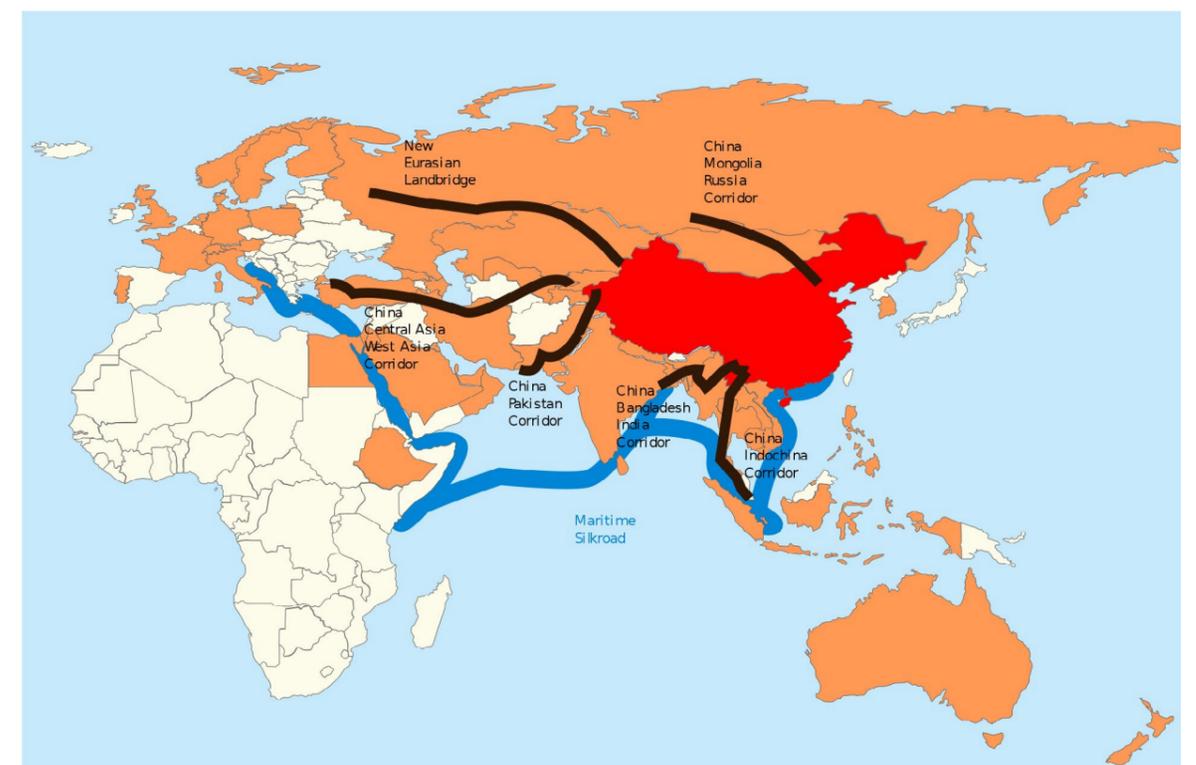
This outcome is in line with Mancur Olson's **observations about the emergence of collective action**. As he suggests, a community composed of unequal members is more likely to overcome collective action problems than a homogeneous community, because the powerful members of the heterogeneous community will have both the ability and the interest to carry the collective burden unilaterally.

Life under bilateralism may feel like living under despotism: unpredictable and unequal. The despot may be benign, but only if it suits him. But the unpredictability is also the key to its instability. Ultimately, bilateralism will be challenged by those who need predictability and can secure it.

If a void is created by the deserting hegemons, and governments are tied as spokes to their respective hubs, perhaps the promise of multilateralism and predictability lies in other types of actors: sub-national public actors such as **local governments, domestic courts**, and suf-

ficiently independent **regulators**; private actors such as multi-national corporations seeking economic certainty and a level playing field; and civil society activists. These actors could limit the discretion of the executive branch by forging coalitions across political boundaries. Reaching the Paris Accord in 2015, for example, can be attributed to a large extent to **non-state action and commitments**. The mighty technology companies seeking to serve more users across the globe and ensure confidence in their services might find it possible to cooperate on **rebuffing governments' demands for access to their data** (as companies such as **Apple** and **Microsoft** have done individually) and jointly monitor offensive cyber operations. Such companies may find it both necessary and feasible to set mutually convenient standards to be enforced through institutions that they create. These motives can explain the **'We Are Still In'** coalition of business and other non-governmental leaders committed to US compliance with the Paris Agreement despite Trump's plan to withdraw, and efforts by coalitions of companies to engage in preventing government-sponsored spying and cybercrimes, as well as **Microsoft's suggestion** of a public-private equivalent of the International Atomic Energy Agency to handle attribution of cyberattacks to nations.

These developments may pass under the radar of traditional international lawyers, as these are not, strictly speaking, either "law" or "international." But focusing on bilateralism at the level of international law might lose sight of new venues where expectations of global actors crystallise and affect users who have **no opportunity for voice** in such processes. We might need to expand our vision of "international law" as a field to be able to map and assess the new multilateral norms that will guide our behaviour.



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Centre News...

LCIL team wins top prize in Vice-Chancellor's Impact Awards

The first major repository of legal practices for mediators and conflict parties to draw on when negotiating peace has won the top prize in this year's Vice-Chancellor's Impact Awards at the University of Cambridge.

Hundreds of post-war peace settlements were trawled through by a team, led by Prof Marc Weller (Faculty of Law) at Cambridge's Lauterpacht Centre for International Law, to build this innovative research tool. Outputs from the work have been used to assist mediators engaged with some of the world's most violent and tragic conflicts.

Drawing on a ten-year research programme addressing self-determination and ethnic conflicts, the Legal Tools of Peace-Making project presents, for the first time, the vast practice revealed through peace agreements on an issue-by issue basis, making it instantly accessible to practitioners and academics.



(Left to Right) Prof Marc Weller receiving the award on behalf of his team from Professor Stephen Toope, Vice-Chancellor of the University of Cambridge

The project uses this repository to derive realistic settlement options for use in actual peace-negotiations, and making these available to the United Nations, the African Union, the EU and other mediating agencies. The work has had immediate impact on on-going, high-level peace negotiations in the inter-ethnic negotiations in Myanmar, the UN-led negotiations on Syria, discussions on Catalonia, the independence of Kosovo, Sudan and South Sudan, Somalia and several others.

The award was announced at a prize ceremony held at the Old Schools on 9 July, during which a number of other awards were also presented to Cambridge researchers for projects that have made significant contributions to society – including work on prisons, pandemics, and pollution (<http://www.cam.ac.uk/news/vice-chancellors-awards-showcase-cambridge-researchers-public-engagement-and-societal-impact>).

Professor Stephen Toope, Vice-Chancellor of the University of Cambridge, says: "This award scheme, now in its third year, received nearly a hundred nominations from all areas of research within the University, which were of an extremely high calibre across the board."

"Impact is at the heart of the University's mission. Engaging the public is crucial to helping our University deliver on its mission, and to be a good citizen in our city and community. Institutions such as ours have a vital role to play in restoring trust and faith in expertise and ways of knowing."

The Vice-Chancellor's Impact Awards were established to recognise and reward those whose research has led to excellent impact beyond academia, whether on the economy, society, culture, public policy or services, health, the environment or quality of life. Each winner receives a prize of £1,000 and a trophy, with the overall winner – Prof Marc Weller from the Faculty of Law – receiving £2,000.

Dr Michael Waibel appointed as Turing Fellow

The Alan Turing Institute is the national institute for data science and brings together researchers from across the range of data science disciplines as well as seeking to encourage engagement between academia and the private, public and third sectors. The Institute is headquartered at the British Library in London.

Dr Michael Waibel was selected as a Turing Fellow, commencing on 1 October 2018 for one year. The aim of the fellowship is to immerse fellows in the Institute's rich intellectual environment in order to develop their research ideas and identify suitable project collaborators. As part of his fellowship, Dr Waibel will be refining a methodology to analyse a large corpus of treaties.

Commenting on his fellowship, Dr Waibel said:

"The Turing Fellowship at the UK's national institute for data science and artificial intelligence offers a wonderful opportunity to learn from and collaborate with researchers working with big data in other domains, including in the digital humanities and natural sciences."



New Appointment for Dr Andrew Sanger

Andrew Sanger has been appointed to a University Lectureship in International Law and a Fellowship at Corpus Christi College.

From 2013–2018, Andrew was the Volterra Fietta Junior Research Lecturer at Newnham College and the Lauterpacht Centre for International Law.



Dr Megan Donaldson receives the Francis Deák Prize 2018

The Lauterpacht Centre (LCIL) is proud to announce that Fellow, Dr Megan Donaldson, has been awarded The Francis Deák Prize by the American Society of International Law. The prize was given for her article 'The Survival of the Secret Treaty: Publicity, Secrecy, and Legality in the International Order' which was published in the American Journal of International Law.

The report of the Deák Committee, composed of Judge James R Crawford and Prof David P Stewart said:

"We consider that her piece reflects excellent research and analyzes an important topic historically, tracked across the years, in a very well-written, definitive study which will be read for a long time. It is thoughtful, well-organized, well-documented, a joy to read, and a unique investigation into an unexplored topic entirely worthy of the distinction."

The annual Francis Deák Prize is awarded to a younger author for meritorious scholarship published in The American Journal of International Law (AJIL).

The prize was established by Philip Cohen in 1973, in memory of Francis Deák, former head of the international law program at the Carnegie Endowment for International Peace and editor of American International Law Cases, 1783-1963, the first volume of which was published in 1971, the year before his death. The award is sponsored by Oxford University Press and made in the spring following the volume year in which the article appeared.

Professor Eyal Benvenisti, Director of the Lauterpacht Centre, said: "This is a unique achievement and we are all very proud of Megan."



Sir Christopher Greenwood awarded GBE in Queen's Birthday Honours List 2018

The Centre is delighted that Sir Christopher Greenwood, Honorary Fellow of the Lauterpacht Centre for International Law, has received an Ordinary Knight Grand Cross of the Order of the British Empire (GBE) for his services to international justice in The Queen's Birthday Honours List 2018. The annual list recognises the achievements of a wide range of extraordinary people across the UK.

Sir Christopher was a Judge of the International Court of Justice from 2009 to 2018. Prior to his election, he was Professor of International Law at the London School of Economics and a practising barrister at Essex Court Chambers who regularly argues cases about international law before international and English courts.

Sir Christopher was educated at Wellingborough School and Magdalene College, Cambridge, where he obtained degrees in Law and International Law with first class honours. He taught at Cambridge for nearly twenty years before being appointed to a Chair of International Law at the London School of Economics in 1996.

His publications include eighty volumes of the International Law Reports (Joint Editor with Sir Elihu Lauterpacht QC) and The Kuwait Crisis: Basic Documents (1991) and a collection of essays – Essays on War in International Law (2006) He is currently working on a tenth edition of Oppenheim's International Law.

As a barrister he has argued more than forty cases before the English courts, International Court of Justice, European Court of Human Rights and other international tribunals. He was appointed Queen's Counsel in 1999 and made a Companion of the Order of St Michael and St George (CMG) for services to public international law in 2002.



Cambridge team reaches UK semi-finals in the Philip C. Jessup International Law Moot Court Competition



The Cambridge team (left to right): Front: Dr Rumiana Yotova, Candice Lau and Luiza Leão Soares Pereira
Back: Francisco Quelhas Lima, Samuel Dayan and Jeremy Ng

The Philip C. Jessup International Law Moot Court Competition is the world's largest moot court competition with participants from over 645 law schools in 95 countries.

The Competition is a simulation of a fictional dispute between countries before the International Court of Justice, the judicial organ of the United Nations. One team is allowed to participate from every eligible school. Teams prepare oral and written pleadings arguing both the applicant and respondent positions of the case.

This year, the Cambridge team comprised five students from the LL.M. and the Law Tripos, and the case on which they worked was entitled: Case concerning the Egart and the Ibra", dealt with legal issues such as the annulment of arbitral awards, nuclear non-proliferation, freedom of navigation, use of force at sea, and the regulation of the use of automated submarines.

With an excellent performance, the team went through to the UK National semi-finals, and one of the oralists, Samuel Dayan, had the second highest average score in the competition.

The team members were Samuel Dayan, Natascha Kersting, Candice Lau, Francisco Quelhas Lima and Jeremy Ng and the coaches were Dr. Rumiana Yotova and Luiza Leão Soares Pereira.

Dr Veronika Fikfak, LCIL Fellow, receives sought-after ERC grant

The Centre is delighted that Dr Veronika Fikfak, a Fellow of the Centre, has been awarded a European Research Council (ERC) Starting Grant with a value of €1.5m from the European Commission.

Veronika's project, entitled 'A Nudge in the Rights Direction? Redesigning the Architecture of Human Rights Remedies' seeks to understand how different remedies affect the way states comply with human rights requirements and incorporate them into their own domestic laws.

Through a combination of quantitative and qualitative research in six countries, the project will reveal the dynamics of compliance or non-compliance and the efficacy of different types of remedies in changing the behaviour of human rights violators. The central aim of the project is to identify options for new remedies - incentives or nudges - which human rights institutions can use to deter future violations. Using the example of the European Court of Human Rights and its caselaw, the research will build on insights from behavioural economics to question widespread theories about monetisation of human rights, public shaming, and deference shown to states in the specification of remedies.

The ERC received over 3,100 proposals from researchers around the world. Only a handful of lawyers were successful in this call. The ERC praised Dr Fikfak's proposal as 'highly creative and innovative', 'ground-breaking' and as going beyond the traditional 'state of the art'. Seven reviewers were unanimous that the project promised to generate 'significant outcomes' for human rights and international law. The project will bring together social scientists, behavioural economists and computer scientists from across the EU. It will start in 2019 and run for five years.

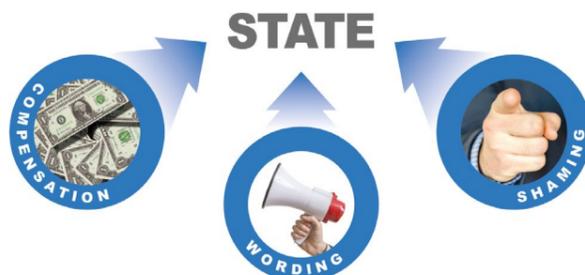
ERC Starting Grants are designed to support excellent researchers at the beginning of their career and enable them to form their own independent research team or programme. Researchers must demonstrate the ground-breaking nature, ambition and feasibility of their scientific proposal. Scientific excellence is the sole criterion on the basis of which ERC frontier research grants are awarded. Proposals of an interdisciplinary nature, which cross the boundaries between different fields of research, pioneering proposals addressing new and emerging fields of research or proposals introducing

unconventional, innovative approaches and scientific inventions are particularly encouraged.

"I am delighted to have received funding for a project I am very passionate about," said Dr Fikfak. "For a number of years, scholars have written about what motivates states to comply or disregard decisions of international courts and tribunals. This grant will enable me to test empirically for the first time and on a large scale what drives state behaviour and to experiment whether we could apply insights from psychologists in the international arena. The funding will allow me to build a dedicated research team and will offer great employment opportunities to a variety of Cambridge-based post-doc students and researchers for several years to come."



"The Centre is extremely proud of Veronika's outstanding success in achieving this substantial grant from the ERC which will enable her to build and lead a dedicated research team here in Cambridge for this ground-breaking and crucially important project" said Prof Eyal Benvenisti. "ERC reviewers were unanimous that the project will create substantial value for those who work in the fields of human rights and international law."



Authors' Workshops at the Centre

The Lauterpacht Centre organised its second "authors' workshop" on 14 May 2018 - an event during which LCIL fellows discuss each other's draft papers.



Deputy Director LCIL Dr Sarah Nouwen

It was one of the simplest, but most beneficial and inspiring events of the year. It was simple, because in terms of organisation, not much more was required than picking a date and ordering in a tasty lunch!

It was beneficial in that authors received constructive feedback on matters ranging from questions and structure to methodology and style from colleagues who bring together a broad array of approaches, fields and interests in international law. It was most inspiring because it is a wonderful experience to be impressed, over and over again, by the brightness, thoroughness, helpfulness and originality of one's colleagues.

We heard from Eyal Benvenisti about big data, cyberspace, the future of democracy and the question how domestic and international law can promote trust in governance; from Rumiana Yotova about the right

to benefit from science; from Andrew Sanger about "Schrödinger's Corporation" and from Henning Grosse-Ruse-Khan about user interests in transnational copyright law. Megan Donaldson spoke about peace-making on the fringes of European empire, whereas Surabhi Ranganathan took us to the battle for international law during the era of decolonization, focusing on the principle of the common heritage of mankind. Michael Waibel assessed the question of the inviolability of the ECB's Archives, while I explored whether the proposed Convention on Crimes against Humanity should not contain an explicit qualification of the duty to prosecute in case of negotiated settlements.

To me, this day represented what the Lauterpacht Centre is all about: facilitating discussions among people who work on all corners of international law, and share an interest in what continues to connect all those corners, and their specialists.

Sir Eli Lauterpacht's life and work in pictures

As some of you know, after completing the biography of his father, Hersch Lauterpacht, Eli talked about and started writing his own photo-biography. Since his death last year, I have continued the daunting task of compiling this work about my father's early life and his distinguished career.

Coinciding with the first Eli Lauterpacht Memorial Lecture on 5 October, I spent a week at the LCIL doing research for the project and getting invaluable help from the people who knew him so well.

The Centre is a truly welcoming place, with a constant buzz of energy, learning and debate. It was a pleasure to spend time there and I appreciate the help and encouragement I have received from everyone.



The Photo-Bio, as Eli referred to it, will go to print in the spring of 2019, and a copy will be available at the Centre for your perusal.

I hope you will find the journey through Eli's varied and international life as interesting and enjoyable as I have.

Gabriel Cox

Fellows' News



Fernando Bordin

Fernando's monograph, entitled 'The Analogy between States and International Organizations', is being published by Cambridge University Press this November. The book investigates how an analogy between the two categories of international subjects has influenced and supported the development of the law that applies to intergovernmental institutions on the international plane, as illustrated by the work of the International Law Commission on the treaties and responsibility of international organizations, where the Commission extended to organizations rules that had been originally devised for States. In addition, Dr Bordin co-organised a workshop on 'The European Union and Customary International Law', held in Madrid at the beginning of October.



Veronika Fikfak

During the last year, Veronika published her first monograph *Parliament's Secret War* (Bloomsbury 2018). It was launched at the Bonavero Human Rights Institute in Oxford, presented at the International Society of Constitutional Law in Hong Kong and at a conference on parliamentary war powers at the Belgian Parliament in Brussels. The preliminary research results of Veronika's ESRC project on damages before the European Court of Human Rights were presented in an ESIL Lecture at King's College London and at the Comparative Law and Economics Forum in Amsterdam. They will be published in the forthcoming issue of the *European Journal of International Law*. As part of her practical work, Veronika provided advice to counsel in *NHS Trust v Y*, a pioneering case on the judicial authorisation of withdrawal of nutrition and hydration of patients in vegetative state. Her comparative research was referred to extensively before the Supreme Court and in July 2018, the Court changed the law.



Joanna Gomula

Joanna organized a symposium on: 'The Principles of shared responsibility in international law', which featured a debate on the principles elaborated within the framework of the SHARES project. She was invited to speak about the WTO and regional trade agreements at the Brunswick European Law School, at the Ostfalia University of Applied Sciences. Her annual contribution on the developments in WTO dispute settlement was published in the *Global Community Yearbook of International Law and Jurisprudence* (2017). She also published a book review in the *British Yearbook of International Law*.



Sarah Nouwen

In May this year, Sarah spoke at the literary festival in Hay-on-Wye in Wales. To a sold-out house, she gave a lecture on her Leverhulme and ESRC-funded research project *Peacemaking: What's Law Got to Do With It*.

She also attended the International Law Association's conference in Sydney, presenting the work of the Committee on Complementarity, of which she is a Rapporteur, and participating in a panel on developments in International Criminal Law.

Two of her pieces have recently been added to SSRN: An article forthcoming in the *Journal of International Criminal Justice*: '[Is there Something Missing in the Proposed Convention on Crimes against Humanity: A Political Question for States and a Doctrinal one for the International Law Commission?](#)' and a chapter forthcoming in the edited book [Mobilizing International Law for 'Global Justice'](#), co-authored with Warner ten Kate and titled 'The Globalisation of Justice: Amplifying and Silencing Voices at the ICC.'



Henning Grosse Ruse-Khan

Henning attended the following workshops and conferences over the Spring/Summer: the Public-Private International Law Interplay of Access and Benefit-Sharing, Expert Workshop on the Use and Circulation of Genetic Resources under Measures Implementing the Nagoya Protocol, September 2018, London School of Economics; are Non-Discrimination Principles Fair? Fairness, Morality and Inequality *Ordre Public* in Intellectual Property, 37th ATRIP Congress, Helsinki, August 2018; What is International about International Intellectual Property Law? IP Researchers Europe Conference, World Intellectual Property Organization, Geneva – June 2018; Domestic Policy Space under the WTO/TRIPS Agreement, Conference on the International Regulation of Markets and the Erosion of the European Social and Political Model, University of Granada, 24-25 May 2018; Policy Space for NCD Prevention under IP Protection via Investment Treaties - Guidance from IP-related ISDS cases, NCD Prevention and Investment Law Conference - London, May 2018; Protecting Intellectual Property through Trade and Investment Agreements - Concepts, Norm-setting, and Dispute Settlement, EIPIN / CEIPI Conference, Strasbourg April 2018; The right to regulate to protect public health - What role for customary international law in international IP protection? Australian National University, March 2018.



Marie-Claire Cordonier Segger

Marie-Claire co-hosted, along with Dr Markus Gehring, the conference and experts meeting of the ILA Committee on the Role of International Law in Sustainable Resources Management for Development in Cambridge in April, which Prof Nicolas Schrijver, Faye Photini Pazartzis, Cairo Robb and Surabhi Ranganathan from the Centre participated as speakers/experts.

Marie-Claire also chaired the International Climate Law and Governance Roundtable in Bonn in May, and the International symposium on the Contributions of International Law to achieving the UN's Sustainable Development Goals at the Balsillie School of International Affairs.

Marie-Claire and Dr Gehring also gave a special guest lecture at the University of Victoria Law Faculty this August, amidst the forest fires, on international law, climate change and the green economy.



Michael Waibel

Michael delivered a paper on "FET as Boilerplate" in the Trade Law Seminar convened by Merit Janow and Petros Mavroidis at Columbia Law School. He was also appointed a Turing Fellow at The Alan Turing Institute, the UK's national institute for data science that brings together researchers from across the range of data science disciplines.



Rumiana Yotova

Dr Yotova's report on 'Genome Editing and Human Reproduction: Social and Ethical Issues' was published by the Nuffield Council on Bioethics. The 25,000 word report was commissioned by the Nuffield Council's Working Party on Genome Editing and Human Reproduction to help inform their evidence-gathering and deliberations. The aim of the report was to identify and analyse the relevant legal frameworks governing the research and possible clinical applications of human genome editing on the levels of public international law, EU law and the comparison between selected domestic jurisdictions. It focused in particular on the legality of genome editing and on the requirements and restrictions imposed by international legal frameworks on the use of the new technology. Dr Yotova's contribution was one of two background papers to the Nuffield Council's report on 'Genome Editing and Human Reproduction: Social and Ethical Issues' and serves as the basis for Chapter 4, section 2 on International Law and Governance. Dr Yotova presented her report at the stakeholder conference on 'Genome Editing and Human Reproduction: Social and Ethical Issues' organised by the Nuffield Council in London on 23 July 2018. Dr. Yotova was invited to chair a panel at an international workshop on "The Right to Benefit from Science: Revisiting Human Germline Modification?" held in the Autonomous University of Madrid on 8 June 2018.

The Eli Lauterpacht Lecture for 2018:

Shaheed Fatima QC : 'Protecting Children in Armed Conflict'

Summary prepared by PhD Candidate Harum Mukhayer

The Eli Lauterpacht Lecture for 2018, delivered by Shaheed Fatima QC, was based on the recently published book 'Protecting Children in Armed Conflict'. It considered the position of children in armed conflict by reference to the 'six grave violations' as identified by the UN Security Council. Shaheed Fatima started her talk with a description of the escalating impact of war on children, including the fact that there are around 350 million children living in armed conflict today: that is, one in every six children.

After the 2016 attack on a school complex in Idlib, Syria former UK Prime Minister, Gordon Brown asked Shaheed for legal advice. He wanted to know what could be done as a matter of international law to hold the perpetrators of such violations accountable? Shaheed advised that there was little that could be done since neither Russia nor Syria (the alleged perpetrators) had ratified the Rome Statute of the International Criminal Court (ICC); it was unlikely that the incident would be referred to the ICC by the UN Security Council under Chapter VII of the UN Charter and there would be significant practical and legal difficulties in mounting a claim before the European Court of Human Rights against Russia.

Thereafter, Gordon Brown set up an Inquiry on Protecting Children in Conflict in April 2017, together with Save the Children UK and Theirworld. He asked Shaheed to write a legal report: to assess the relevant substantive laws as well as the adjudicative mechanisms. Shaheed agreed. She assembled a team of nine lawyers and two consultants and, thousands of pro-bono hours later, the end product was the 500 page manuscript that has been published by Hart/Bloomsbury.

The 500 page report reviews the position of children in armed conflict by reference to the 'six grave violations' as identified by the UN Security Council. It analyses the protection offered by international humanitarian law, international criminal law and international human rights law, and also assesses the related adjudicative accountability mechanisms.

Four preliminary points regarding the approach of the Inquiry are as follows:

1. The legal review was intended to be, and was, objective. There was no preconceived conclusion.
2. The analysis does not contend that the law alone is the solution. It recognises that any changes that need to be made to improve the lot of children in armed conflict will require multi-disciplinary interventions. Law is but one of many strands that exists within a wider social, cultural, economic and political context. That wider context needs to be taken into consideration for a holistic solution.
3. The study focused on legally supportable recommendations and did not engage in considerations of current political feasibility.
4. The recommendations are not time sensitive. If there is no political traction for their adoption now, they can facilitate debate now and may eventually inform change at a later time.

Shaheed then gave a brief description of the way in which the law has sought to protect children in armed conflict since the early 1900s. She ended the historical account by observing that the law needed to take account of the changing nature of conflict. She also concluded that a lot has been done since The Machel Report, and that it has aided in putting children and armed conflict on the agenda worldwide.

However, the rising number of incidents of violations against children points to a systemic problem. And while many of the problems are not legal, the mandate of the study was confined to what can be done legally. In addition to making recommendations on how to improve existing laws, the findings and conclusions point to two major systemic flaws:

- First, the existing substantive protections under international humanitarian law and human rights law are scattered, complex and difficult to identify.



- Second, there is no single, civil, international adjudicative mechanism.

The proposed recommendations on how to improve existing laws may be grouped under three headings:

a. Existing laws that are vague and ambiguous and that could be clarified. For example,

i. First, humanitarian law rules that children warrant respect and protection derive from various sources, but the scope of protection and their meaning is not clear and their protections are not sufficient.

The different sources should be standardised and there should be more particularity regarding the scope of protection.

ii. Secondly, the humanitarian law rules prohibiting the recruitment of children under 15 could be clarified to provide that the prohibition applies to voluntary recruitment and conscription. This would reflect the position under international criminal law.

iii. Third, there still remains room for clearer, more principled protection for 'child soldiers' abused by their own side.

b. Underdeveloped/non-existent areas of law that could be developed. For example:

i. Like hospitals, there should be a recognised humanitarian law prohibition on targeting schools.

ii. Protections regarding recruitment and use should extend to children 18 years and under, rather than the current 15 years and under.

c. Existing international instruments that can be ratified more widely to improve substantive protections and accountability, such as:

i. Rome Statute

ii. The three optional protocols to the UN Convention on the Rights of the Child.

The lecture concluded with Shaheed Fatima giving her solution to the two systemic problems she had earlier identified: to create a single instrument that sets out in one place all the relevant international human rights and international humanitarian law regarding the protection of children in armed conflict and to give one, civil, international adjudicative body the competence to resolve complaints in relation to it.

Although there already exists a criminal, international adjudicative body (the ICC), there is no such similar institution in the civil, humanitarian and human rights law, context. The complexity and difficulty of these two bodies of international law make it particularly important for a cohesive substantive and adjudicative solution to be institutionalised.

One possibility would be to form this cohesive body of substantive law (combining rules from IHR and IHL) as a fourth optional protocol to the UN Convention on the Rights of the Child. This would enable the existing expertise of the CRC Committee to be used.

The Eli Lauterpacht Lecture was established after Sir Eli's death in 2017 to celebrate his life and work. This lecture will take place on the first Friday lecture of the Centre at the start of the Michaelmas Term in any academic year.

5 minutes with...

Mr Tomohiro Mikanagi

Tomohiro Mikanagi is a Visiting Fellow at the Centre and also a Lauterpacht Linked Partner Fellow representing the International Legal Affairs Bureau of the Ministry of Foreign Affairs of Japan. He is based in London working for the Embassy of Japan as a Minister and the Head of the Political Section.



LCN: What is your main area of research?

I have been working on a paper on the prohibition of use of force and the obligation to settle disputes peacefully in a disputed territory. I have also done some research relating to the cyber and international law in preparation for a workshop held in May.

LCN: As a Visiting Fellow this year what have you been working on whilst at the Lauterpacht Centre?

As a visiting fellow of the Centre, I have written a short article entitled "Establishing a Military Presence in a Disputed Territory: Interpretation of Article 2(3) and (4) of the UN Charter" and it has just been published in ICLQ. In this article, I argued that the establishment of a military presence in a disputed territory could constitute an unlawful use of force under Article 2(4) of the UN Charter, if it involves coercion that make it materially impossible for other claimants to restore the status quo ante without risking human injury or damage to property.

In May 2018, I co-organized a workshop titled "International Workshop: International Law and Cyber Security" with Professor Benvenisti (see [page 24](#)), and I moderated some of the sessions. I also made a short presentation on the issues relating to the standard of proof in attributing cyber-attacks. Scholars and government officials from various countries participated in the workshop, and it provided a good opportunity for the participants to understand the issues to be discussed in the coming years.

LCN: How has the Centre enabled you to carry out your research?

As a visiting fellow I have been able to participate in visiting fellows' round tables at the Centre, where visiting

fellows talk about their research interests and listen to the questions and comments from other visiting fellows. I have made two presentations so far, and the questions and comments from other visiting fellows gave me insights and perspective that I was otherwise lacking.

I also attended various lectures and seminars held at Centre and other venues in Cambridge, including Friday lunch-time lectures at the Centre. The lectures and seminars themselves were, of course, very useful, but what I found equally important was the coffee breaks where I could chat with international lawyers from all over the world. They gave good suggestions about books and articles I should read for my research, and their comments on their own research topics sometimes gave me an important inspiration.

How long have you been a Lauterpacht Linked Partner Fellow, and what are the benefits?

I have been a Lauterpacht Linked Partner Fellow for one year. I used to be the director of the International Legal Affairs Division of the Japanese Ministry of Foreign Affairs (MOFA), and visited Cambridge several times to exchange views with international lawyers here. When I was posted



to London in August 2017, I became a Linked Partner Fellow, representing the International Legal Affairs Bureau of MOFA.

In December 2017, I was given an opportunity to make a short presentation on my research at LCIL in the launching event of the Lauterpacht Linked in December 2017. The comments I received at the event gave me a strong encouragement for my research at the Centre and eventually lead to the publication of the article in ICLQ.

Seminars such as the ILC Seminars with ILC members provide very useful opportunity for a practitioner like me to deepen the understanding on the activities of ILC and to become aware of the emerging issues of particular importance. In this sense, the Lauterpacht Linked has a great potential in connecting scholars and practitioners towards the development of international law, which is our common goal.

What do you like best about the Centre and being in Cambridge?

I was a graduate student in Robinson College from 1992 to 1994, and I attended weekly lectures at the Centre, which is not very far from Robinson. Good sandwiches and tea served at the Centre were an incentive for me to come to the Centre, but I very much liked the unique

nature of the Centre as a 'salon' of international lawyers from all over the world.

23 years later, as I was posted to London last summer, I asked Professor Benvenisti if I could be a visiting fellow in my personal capacity while working as a diplomat at the Embassy. He kindly accepted my request, and he also offered me the title of Lauterpacht Linked Partner Fellow. Although I cannot attend the meetings as frequently as I hope, I come to the Centre several times a month during the terms.

In the coming year, I would like to continue my research at the Centre based on what I have done in the first year. While my work at the Embassy is also very interesting, the beautiful setting of Cambridge always makes me feel that it is well worth an hour and half travel from London.

If you would like to know more about becoming a Lauterpacht Linked Partner, please see [page 18](#).



Lauterpacht Linked

The Partnership Programme of the Lauterpacht Centre for International Law

Lauterpacht Linked is a partnership programme of the Lauterpacht Centre for International Law (LCIL), which creates and consolidates strong relationships between practitioners and the Centre.

The programme was launched on 1 December 2017 at the Centre, and gives practitioners unique and exclusive access to people, events and research associated with the Centre, in exchange for their support to the Centre's infrastructure and activities.

Dr Michael Waibel, Co-Deputy Director: "The Linked partnership is designed to strengthen the bonds between LCIL fellows and practitioners in international law, and is deliberately open-ended and flexible. We look forward to welcoming our Linked Partner fellows in the very special community of international lawyers that is the Lauterpacht Centre."

The Lauterpacht Linked Programme deepens the relationship between a very select group of practitioners who support the Centre and its wider community.

Membership of the programme is by invitation only and open to fifteen to twenty select law firms, barristers' chambers, and major companies with an interest in International law and foreign ministries.

Financial support for LCIL

LCIL Partners financially support the Centre with £8,000 per year, thereby contributing to the development of its research activities and physical infrastructure.

For enquiries about the programme please contact Co-Deputy Director Michael Waibel (mww27@cam.ac.uk), +44 1223 748 765.

Exclusive benefits for LCIL Partners are:

- LCIL Partner firms, chambers and companies may nominate one representative to the position of LCIL Partner Fellow;
- LCIL Partner Fellows are invited to Centre lectures and dinners;
- LCIL Partner Fellows enjoy exclusive networking opportunities with LCIL fellows and other LCIL Partner Fellows;
- LCIL Partner Fellows can build strong relations with LCIL fellows working in their area of interest, fostering opportunities for collaboration in practice and in research;
- LCIL Partner firms, chambers and companies are invited to an exclusive annual 'Your Career in International Law' event, during which they can meet and present themselves to most promising graduate students;
- LCIL Partners are welcome to organise events at LCIL;
- LCIL Partners can nominate members of their organisation to become practitioner in residence at the LCIL for a term, cultivating opportunities for collaboration with LCIL fellows;
- LCIL Partners can suggest executive education and training programmes for LCIL to organise in specific areas of international law (e.g. investment arbitration). Linked Partners are eligible for discounts of 20 percent for such training courses;
- LCIL Partners and LCIL Partner Fellows are acknowledged on the Centre's website.



"The Linked partnership is designed to strengthen the bonds between LCIL fellows and practitioners in international law, and is deliberately open-ended and flexible. We look forward to welcoming our Linked Partner fellows in the very special community of international lawyers that is the Lauterpacht Centre."

Dr Michael Waibel, Co-Deputy Director of LCIL

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The Eli Lauterpacht Fund

The Eli Lauterpacht Fund has been set up in memory of Sir Eli to support the work of the Lauterpacht Centre for International Law, which he founded, directed and inspired. We hope you will join us in remembering this extraordinary international lawyer and friend through donating to this Fund. During this current fund-raising drive, the Centre's ambition is to raise £750,000.

With your support the Fund will be used to strengthen the Centre not only generally but additionally for three new initiatives – the *Cambridge International Lawyers' Archive*, the *Eli Lauterpacht Visiting Fellowships* and the *Eli Lauterpacht Events Fund*. This will enable the Centre to become an even more vibrant place for research in international law, cementing its position as one of the field's leading research centres in the world.

The LCIL Cambridge International Lawyers' Archives

In collaboration with Cambridge University Library, LCIL is working to create an archive for the papers of international lawyers who have a strong connection to Cambridge, thereby attracting scholars from across the world who are interested in the history of international law. The library offers world-class archival facilities. In addition to Sir Eli's papers, these facilities presently include those of deceased former lawyers – Clive Parry, Derek Bowett and Robert Jennings. LCIL needs £250,000 for the cataloguing of the papers it has already received.

Eli Lauterpacht Visiting Fellowships

Eli loved welcoming scholars from across the world to the Centre. An *Eli Lauterpacht Visiting Fellowship* allows LCIL to invite each year a scholar, or a practitioner in international law, whose work is relevant to LCIL Fellows to spend at least a month at the Centre and join in research collaborations. £250,000 will endow one such fellowship.

Eli Lauterpacht Events Fund

Strengthening the Centre as a vibrant focal point for research in international law, the Eli Lauterpacht Events Fund will enable LCIL to convene seminars on a wide range of topics, welcoming leading scholars and practitioners from diverse backgrounds and regions.

This Fund will be used for covering the accompanying costs of travel, accommodation and hospitality – a characteristic that Eli himself is so well remembered for. The Centre hopes to raise £250,000 for the Events Fund.

Contributing to the Fund

The Centre welcomes gifts to the Eli Lauterpacht Fund either for the Centre's general use in developing facilities and promoting the study of international law, or for any of the three above initiatives.

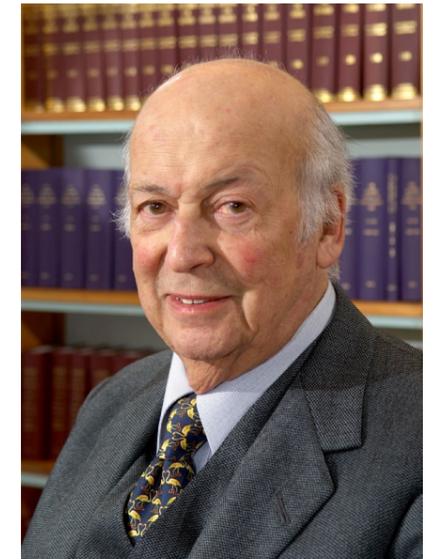
The support received helps the Centre maintain its position as one of the leading research centres for international law in the world, consistent with Sir Eli's vision, and to ensure that the Centre is well placed to contribute to the development of the study of international law.

Please contact the Centre's Director, Eyal Benvenisti (eb653@cam.ac.uk, Tel: +1223 335358) for further information to discuss your donation.



In 2006, Sir Eli wrote:

"The establishment of an archive has long been on the list of things that I have had in mind for the Centre ... I have a 55-year accumulation of documents ... which I would like to see placed in such an archive. ... I would be very happy to hand it over for safe-keeping and ultimate use by researchers."



How you can contribute to the Fund

Contributions can be made in the following ways:

By Credit/debit card:

Please visit <https://www.philanthropy.cam.ac.uk/give-to-cambridge/eli-lauterpacht-fund>;

By cheque:

Please make cheques payable to the University of Cambridge, and send to:

Mrs Anita Rutherford
5 Cranmer Road
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CB3 9BL, UK

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The Centre would like to thank the following people for their generous donations to the Eli Lauterpacht Fund:

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International Conference on the Use of Force in Relation to Sovereignty Disputes over Land Territory

PhD Law Candidate **Harum Mukhayer**



The Spring of 2018 saw many exciting events hosted within the walls of 5 Cranmer Road and its gardens, as well as outside the Lauterpacht Centre by its esteemed fellows, students and affiliates.

On 27 March 2018 one such event took place: International Conference on the Use of Force in Relation to Sovereignty Disputes over Land Territory. The Conference, hosted by the British Institute of International and Comparative Law (BIICL), was primarily organised and co-convened by Dr Markus Gehring, fellow of the Lauterpacht Centre, and Arthur Watts Senior Research Fellow in Public International Law at BIICL.

The Conference was aimed at international law practitioners, government officials and academics and offered findings of BIICL's large-scale research project on Territorial Disputes. The event examined 'the most important primary rules regulating the threat or use of force between States under the current international law and [...] how these rules operate specifically in the context of disputes over territory.'

Four panels were selected to present the findings of the BIICL research team and the implications of the research

in practice. Each panel featured a member of the Lauterpacht Centre family:

Panel 1 – What constitutes 'use of force' in the context of a territorial dispute featured Mr Tomohiro Mikanagi, a Visiting Fellow at the LCIL.

Panel 2 – On the right of self-defence in the context of a territorial dispute, invited an excellent and succinct contribution by Dr Federica Paddeu a lecturer in law at the University of Cambridge and an affiliate of the LCIL.

Panel 3 - Discussed the obligation to pursue peaceful settlement and general obligations of self-restraint in disputed areas, chaired by Mr Robert Volterra, a graduate of Trinity Hall and a former research fellow at the LCIL.

Panel 4 – Covered other means of changing the territorial status quo and discussed exploitation of natural resources and construction activities, human rights issues with contributions from Dr Brendan Plant.

Further information on this event is available at: <https://www.biicl.org/event/1305>

Inaugural International Law & Arbitration course at the Centre is a big success

In September 2018, the Centre in cooperation with the Cambridge Judge Business School, hosted its first executive education course. This five-day programme provided an advanced introduction to international investment law in the context of public international law and practice focusing on recent developments.

Over the course of the week, 17 participants learned from Cambridge Law and Business faculty and leading practitioners. Instructors included Brook Daly, Sir Christopher Greenwood QC, Professor Sucheta Nadkarni, Audley Sheppard QC, Matthew Weiniger QC and Sam Wordsworth QC.

Participants applied for admission to this selective, customised programme. The 17 participants came from Africa, Asia, the Americas and Europe. 10 were in private practice in law firms or at the bar. The programme also included 3 general counsels, 4 government lawyers and one full-time academic. Most participants had 5-10 years of experience, and a few had more than 20 years of experience. Participants received a certificate of participation on successful completion of the course.

Investment arbitration raises challenges distinct from those raised in other forms of international dispute settlement, including complex questions of how to value assets and how to develop and position an arbitration practice in a highly competitive arbitration market. The course was designed to equip practitioners to master procedural and substantive aspects that arise in investment arbitrations. Over the course of the week, participants developed a thorough grounding in the central substantive treatment standards and procedural aspects of investment arbitration.

Alongside six hours of interactive seminars held each day in the Finley library at the Lauterpacht Centre, participants



had the opportunity to get to know the 15 instructors and fellow participants. In addition to punting on the river Cam, the Centre hosted a welcome dinner at St Catherine's College and a Gala Dinner at Christ's College.

The first edition of the Centre's new executive education course was a considerable success. The Centre plans to offer the course again in summer 2019.

For further information about the course, contact Dr Michael Waibel, Academic Programme Director (mww27@cam.ac.uk).



LCIL Workshop: International Law and Cyber Security

PhD Law candidate **Tim Clark**

On 16 May 2018, LCIL Director Eyal Benvenisti and Visiting Fellow Tomohiro Mikanagi convened an international workshop to explore the role of international law in cyberspace.

Cyber security is never far from today's headlines. From information warfare and electoral meddling, to cyber-attacks on critical infrastructure, trans-boundary conflict and interference has increasingly moved into cyberspace. Yet agreement on the international rules that govern this field has proved elusive, even as the number and intensity of cyber security threats has increased. Seeking to advance the conversation on this topical issue, this workshop brought together experts from government, intelligence, and academia, and from around the world, including participants from the US, UK, Russia, China, Israel, Germany, and Japan. Opening the workshop, Sir Iain Macleod (Legal Adviser, Foreign & Commonwealth Office) welcomed the opportunity for participants to hear from a broad range of international perspectives and escape the echo chambers that can develop in national and regional conversations about cyberspace.

The first session focused on the foundational issue of the rule of law in cyberspace. LCIL Visiting Fellow, Thilo Marauhn (Justus Liebig University, Giessen), began by examining the applicability of international law to cyberspace, emphasising that while its name might conjure up spatial images of a realm beyond regulation, cyberspace is simply made up of actors, their conduct, and its effects, to which existing law may be applied. Zhixiong Huang (Wuhan University Law School) took a similar view on this foundational issue of application, arguing that the relevant question on which states differ is not whether international law is applicable to cyberspace but rather how it should be applied. Anna Leander (Graduate Institute, Geneva) concluded the first session by examining the 'extrastatecraft' that defines much of cyber security, highlighting the central role played by non-state actors, particularly private companies and market forces, individuals, and data-driven algorithms.

In the second session, the workshop turned to questions surrounding the use of force in the cyber context, considering the role of international law in an age in which state (and non-state) attacks are increasingly occurring in cyberspace. Presentations from Oleg Demidov (Russian Centre for Policy Research, Moscow) and Ori Pomson (Israel Defence Force) focused on the definitional



challenges associated with applying the traditional UN Charter framework regulating the use of force to modern cyber operations. Mr Demidov highlighted multilateral avenues for settling the legal thresholds applicable to cyber-attacks, such as updating the UN General Assembly's resolution on the Definition of Aggression. Mr Pomson, meanwhile, argued for a high threshold, suggesting that only those cyber operations anticipated to directly cause death, destruction, or injury upon their impact or activation should be considered a 'use of force' under existing international law.

Taking stock of the morning's sessions, LCIL Visiting Fellow, Harold Koh (Yale Law School, and former Legal Adviser to the US State Department) walked participants through what he considered the different levels of international agreement on cyberspace, from the universally accepted (that a 'law of cyberspace' exists) to the more controversial (such as whether, and how, to establish international monitoring of cyber operations). In doing so, he emphasised that as the international law of cyberspace develops, the most important factor will be an understanding of the actual practice of the executive branches of states, rather than judicial decisions or academic opinion.

The first of the afternoon sessions gave participants the opportunity to reflect on recent multilateral efforts to reach consensus on international law and cyber security, most notably the UN Group of Governmental Experts ('GGE') process. Karsten Geier (German Foreign Office)

reflected on his time as the most recent chair of the GGE and the Group's inability to adopt on a final report, emphasising the deep divisions that remain in the global community and the importance of further dialogue between all states, not just those with compatible views. Eneken Tikk (Cyber Policy Institute, Finland) offered an alternative perspective on the GGE, suggesting that far from being a failure, it had instead succeeded in identifying the (significant) points of difference that remain between states. Providing some practical insight from the front line of cyber operations, the legal adviser to UK intelligence agency GCHQ offered his own perspective on options for reform. At the very least, he suggested, there should be a greater effort by states to be more explicit as to their views on what conduct is permissible, so as to increase the amount of clear and publicly-available state practice in this area.

The final session of the day, moderated by LCIL Fellow Tom Grant, considered questions of sovereignty, state responsibility, and due diligence. Keiko Kono (National Institute for Defence Studies, Japan) presented a paper examining remedies available to states injured by unlawful cyber operations, in which she drew an analogy between the current debate on cyber security and Cold War era disputes over direct television broadcasting by satellite (demonstrating, perhaps, that the challenges of cyber technology are not as new as they first seem). Sarah Backman (Secana Cyber Security, Stockholm) discussed

the EU's approach to cyber security information sharing, and highlighted the privacy and security obstacles to developing wider international sharing of information on cyber security incidents. Finally, co-convenor Tomohiro Mikanagi considered the evidentiary difficulties of attributing responsibility for cyber-attacks in light of the ICJ's under-developed case law on standard of proof, and the practical difficulties of obtaining direct evidence of state involvement in cyber-attacks, which typically originate from ambiguous IP addresses and proxies under foreign territorial control.

There is still a long way to go to achieve consensus on international law as it applies to cyberspace, and significant differences remain between states (and, indeed, practitioners). However, a recurrent theme throughout all of the sessions was the need for open and ongoing dialogue if these differences are to be resolved, and this workshop provided another valuable step in that process. By bringing together leaders in this field from around the world, across government and academia, the workshop provided a forum in which they could continue their conversations, and indeed start new ones.



BRCs/ICRC Customary International Humanitarian Law project

The research team working on the project on Customary International Humanitarian Law (IHL) of the British Red Cross and the International Committee of the Red Cross (ICRC) is pleased to have enjoyed yet another successful year at the Lauterpacht Centre. This project, which the Centre has hosted since its beginning in 2007, provides extensive and geographically diverse information in the field of international humanitarian law (IHL) by updating the practice part of the ICRC's award-winning online Customary IHL Database.

The Database contains the 161 rules of customary IHL identified in the ICRC's 2005 Customary IHL Study and the practice underpinning these rules. Its aim is to provide accurate and extensive information in the field of customary IHL and to make this information readily accessible to people and institutions interested in, or dealing with, IHL and armed conflict. The Database covers national practice of States from all over the world, from Afghanistan to Zimbabwe, as well as practice found in international materials. The research team at the Lauterpacht Centre focuses on national practice, while researchers based at Laval University in Canada have, since 2014, been updating international materials. In the 2017–2018 academic year, the database was updated with practice from thirteen different countries, analysed by the research team at the Lauterpacht Centre.

This year also saw several personnel changes in the research team. The team said farewell to Natália Ferreira de Castro, who was with the project for five and a half years, first as a researcher and later as team leader, Jana Panakova, who was with the project for four years, and Jolien Quispel, who moved on after four and a half years. The team wishes them all the best in their new endeavours. The team was pleased to welcome Silvia Scozia and Francesco Romani as new researchers in September 2018, and to celebrate the third anniversary of Claudia Maritano with the project (first researcher, now team leader), as well as Hannah Maley and Emilie Fitzsimons' first anniversary as researchers.

Further information about the Project:
<http://www.lcil.cam.ac.uk/projects/customary-international-humanitarian-law-project>

ICRC Database:
<https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>



The Red Cross Team (L to R): Silvia Scozia, Claudia Maritano, Emilie Fitzsimons and Francesco Romani

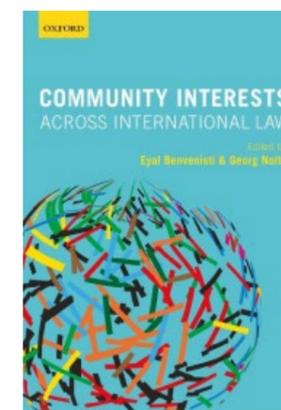
Publications

Community Interests Across International Law, edited by Prof Eyal Benvenisti, Centre Director, and Prof George Nolte, Humboldt University Berlin

This book explores the extent to which contemporary international law expects states to take into account the interests of others - namely third states or their citizens - when they form and implement their policies, negotiate agreements, and generally conduct their relations with other states.

It systematically considers the various manifestations of what has been described as 'community interests' in many areas regulated by international law and observes how the law has evolved from a legal system based on more or less specific consent and aimed at promoting particular interests of states, to one that is more generally oriented towards collectively protecting common interests and values. Through essays by experts in the field, this book explores topics such as the sources of international law and the institutional aspects of developing the law and covers a range of areas within the law.

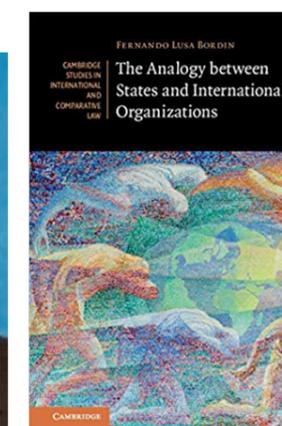
Community Interests Across International Law (Oxford University Press, June 2018) ISBN 9780198825210



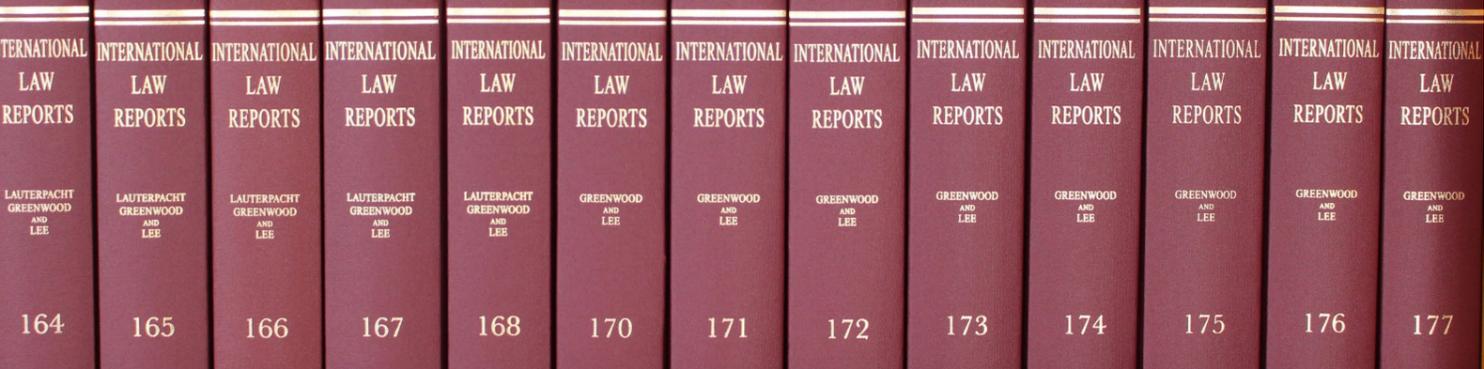
The Analogy between States and International Organizations (Cambridge Studies in International and Comparative Law) November 2018

By Dr Fernando Lusa Bordin

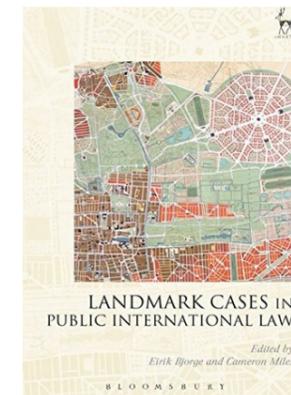
Fernando's book investigates how an analogy between States and international organizations has influenced and supported the development of the law that applies to intergovernmental institutions on the international plane. That is best illustrated by the work of the International Law Commission on the treaties and responsibility of international organizations, where the Commission for the most part extended to organizations rules that had been originally devised for States. Revisiting those codification projects while also looking into other areas, the book reflects on how techniques of legal reasoning can be - and have been - used by international institutions and the legal profession to tackle situations of uncertainty, and discusses the elusive position that international organizations occupy in the international legal system. By cutting across some foundational topics of the discipline, the book makes a substantive contribution to the literature on subjects and sources of international law.



The Analogy between States and International Organizations (Cambridge University Press) ISBN-10: 110715555X



LCIL Book Launch: *Landmark Cases in Public and International Law*



PhD Law candidate Ms Luíza Leão Soares Pereira

The International Law Reports

The International Law Reports have been reporting the decisions of national and international courts and tribunals on issues of public international law for over eighty years.

When the series started, under the name of the Annual Digest, it was possible to fit all of the relevant decisions for a two year period into a single volume. It is a mark of how international law has developed in the succeeding years that we now publish six volumes a year (vols 173-178 will have been published in 2018) to enable the series to capture the full range of judgments and awards on issues of international law from the increasing number of international courts and tribunals while expanding our coverage of national judgments. As well as still being available online from Justis, the series is also available electronically via [Cambridge Law Reports \(CLR\)](#). Details of the contents of the latest published volume and those volumes currently in press can be found [here](#).

The range of international tribunals covered in vols 173-178 includes arbitration tribunals, the International Court of Justice, the European Court of Human Rights, the Court of Justice of the European Union, the Inter-American Court of Human Rights, the International Tribunal for the Law of the Sea, the African Court on Human and Peoples' Rights, the East African Court of Justice, and the United Nations Human Rights Committee, Committee against Torture and Working Group on Arbitrary Detention. These volumes also include judgments from the courts of Australia, Austria, Czech Republic, England, Estonia, India, Kenya, Latvia, Northern Ireland, Norway, South Africa, and the United States.

Volume 181, which was delivered to our publishers, Cambridge University Press, in September 2018, contains the 2017 order on provisional measures of the International Court of Justice in the Jadhav Case. International jurisprudence is further reflected in the 2018 Grand Chamber judgments of the Court of Justice of the European Union in Achmea BV (together with the 2012 final arbitration award to which it relates) and in Western Sahara Campaign UK (which is included with the 2015 judgment of the English High Court, which referred the case to the Court of Justice), the judgment of the European Court of



Maria Netchaeva, ILR Editorial Assistant and Karen Lee, Fellow and Director of Publications

Human Rights in AB and Others v. France (together with the Norwegian case Huseini which draws upon it) and the reports of the World Trade Organization in Mexico-Soft Drinks. As well as judgments from England and Norway, national jurisprudence is reflected in decisions from Germany (Gaza Flotilla Incident Case) and the Netherlands ("Kouwenhoven" Case).

For a list of cases published in vols 1-125, please consult the blue volume published in 2004 which contains this consolidation; a list of cases published from vol 126 onwards can be found in a rolling consolidated tables of cases printed on yellow paper at the back of every fifth ILR volume (see vol. 175 for the latest). The up-to-date alphabetical lists of all the cases published in the ILR (vols 1-125 and 126 to the present volume) can also be accessed at the ILR page <http://www.lcil.cam.ac.uk/publications/international-law-reports> on the Centre website. Blue volumes containing a Consolidated Index and a Consolidated Table of Treaties for vols 1-160 were published in 2017.

Any recommendations of cases for publication would be welcome, particularly from jurisdictions which may have been neglected in the past. We would be grateful if you could send any such recommendations to Maria Netchaeva (ilreditorial@cambridge.org), our ILR Editorial Assistant.

On 30 April 2018, the Lauterpacht Centre held an event to launch *Landmark Cases in International Law*. The book, edited by Dr Erik Bjorge and Dr Cameron Miles, is a compilation of exposés on 'decisions which have contributed to the development of international law into an integrated whole' as well as those which provoked the flourishing of some of its subsystems. As explained by Miles in his opening remarks, of 31 chapters, 19 were authored by LCIL alumni, hence the authors' choice to hold this event at the Centre.

Doing justice to its informal title of a 'non-launch-launch', the event had an usual format – an adversarial battle between chapter authors, who had to defend their case as the most worthy of a 'landmark' designation. The audience was to pick the winner, and Sir Frank Berman, who chaired the discussion, reserved his right to have the casting vote in case of a tie. The 'pleadings' started with Dr Bjorge and the Island of Palmas case from 1928. He appealed to the international lawyers' penchant for eccentricity in defending his case as the landmark – a dispute about sovereignty over a remote island, resolved, without oral submissions by the parties, by the famous sole arbitrator Max Huber in a succinct but eminently citable award. Bjorge praised Huber's approach to sovereignty as pertaining rights but also imposing obligations as a necessary step towards the creation of the human rights regime.

Prosecutor v Tadic followed. The presenters had two difficult tasks: dividing the stringent ten-minute time slot amongst two authors, Dr Sarah Nouwen and Michael Becker, and fitting all of what was said in the legendary interlocutory appeal in said time. In any event, a compelling case was made as to why Tadic is a landmark. The decision firstly acted as a 'signpost', pointing substantive international law in certain directions – command responsibility, the rules applicable in non-international armed conflict, the power of the United Nations Security Council, just to name a few. Secondly, it set 'high-water points' in the pathway of international law practice more generally, for instance by contributing to how international lawyers understand the judicial function, chiefly through the hands of the late Judge Antonio Cassese.

Defending the Nuclear Weapons Advisory Opinions corner was Dr Surabhi Ranganathan, who made at least two captivating arguments for why the opinions are so significant. The first was that although the WHO opinion is often seen as the 'landmark', since it is the only time the

ICJ refused to exercise advisory jurisdiction, it fits perfectly within the larger pattern of the Court refusing to make pronouncements on nuclear weapons – see the Nuclear Tests cases and mootness, the Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the Nuclear Tests (New Zealand v. France) and the distinction between underground and atmospheric testing, and more recently the Marshall Islands cases and the absence of a dispute. The second was that, in the General Assembly request, although most tend to focus on and frown upon the Court's non liquet on the legality of use point, one cannot fail to recognize the Court's important ruling on the obligation to disarm as an obligation of result.

The final speaker, Thomas Grant, had the difficult task of plugging as 'landmarks' in ten minutes not one or two cases, but a whole group of Advisory Opinions handed down by the Court between 1948-1962. He, however, had the Reparations and Certain Expenses opinions on his side – used as examples of a larger task undertaken by the ICJ to regulate and thus consolidate the UN's framework, Grant made a strong argument about how these opinions were formative, as they contributed to 'community building' within the UN system during the tense Cold War period.

Since the hors concours Military and Paramilitary Activities in and Against Nicaragua, explored in the book by Professor Robert Kolb, was not amongst those cases presented, the authors in question had a fair fight. So much so that there was a tie, and Sir Frank Berman, surely taking a leaf out of the South West Africa cases (1949 to 1971) chapter authored in the book by Judge James Crawford and Paul Mertenskotter, chose not to cast the President's vote. This outcome was perhaps symbolic of the premise of the book; international law's largely customary nature gives courts a great power to develop the law in a way that is both piecemeal and crucial, and thus all cases presented are equally significant. In deciding individual cases, judges and arbitrators are not only settling a dispute between the parties, but often making their mark in the international legal landscape. As exemplified by the variety of fields of the landmark cases presented at this enjoyable event, and the even broader range of cases explored in the book, a journey down international law's landmark cases allows us to draw a detailed map of international law itself.

More information is available at: <http://www.lcil.cam.ac.uk/publications/International-law-reports>

Other publications by Centre Fellows

EJIL Foreword: **Upholding Democracy amid the Challenges of New Technology: What Role for the Law of Global Governance?**, 29 *European J. Int'l L.* 9 (2018) - Prof Eyal Benvenisti

The Law of Strangers: The Form and Substance of Other-Regarding International Adjudication, 69 *University of Toronto Law Journal* (2018) (with Sivan Shlomo Agon) - Prof Eyal Benvenisti

The Margin of Appreciation, Subsidiarity, and Global Challenges to Contemporary Democracies, 9 *J. Int'l Dispute Settlement* 240 (2018) - Prof Eyal Benvenisti

WTO Panels and the Appellate Body, Introductory Note and Legal Maxims, The Global Community Yearbook of International Law and Jurisprudence, ed. G.Z. Capaldo (2016) - Dr Joanna Gomula

Book Review: Unilateral Acts of States in Public International Law. By PRZEMYSŁAW SAGANEK, *British Yearbook of International Law*, (May 2018) - Dr Joanna Gomula

Corporate Liability For Human Rights Abuse: For Congress, Not Courts, 77(3) *Cambridge Law Journal* 1 (2018)- Dr Andrew Sanger

Decisions of British Courts During 2016 Involving Questions of Public International Law, 87 *British Yearbook of International Law* 1 - Dr Andrew Sanger

The Limits of State and Diplomatic Immunity in Employment Disputes (2018) 77(1) *Cambridge Law Journal* 1 (2018)- Dr Andrew Sanger

Sustainable Development Principles in the Decisions of International Courts and Tribunals (Routledge 2017) edited by Dr Marie-Claire Cordonier Segger, Judge C G Weeramantry

Advancing the Paris Agreement on Climate Change for Sustainable Development, (*Cambridge International Law Journal* 5, (2):202-237 (2018) Dr Marie-Claire Cordonier Segger

Sustainable Development and Emission Trading. In A. De Mestral, P. Fitzgerald, & M. Ahmad (Eds.), Sustainable Development, International Aviation, and Treaty Implementation (Treaty Implementation for Sustainable Development, pp. 83-107) (CUP) doi:10.1017/9781316594216.006 (2018) Gehring, M., & Robb, C.

Children's Rights and Sustainable Development: Interpreting the UNCRC for Future Generations (Treaty Implementation for Sustainable Development) (CUP) (2019) Dr Fenton-Glynn, C. (Ed.)

The Globalisation of Justice: Amplifying and Silencing Voices at the ICC, in J. Handmaker and K. Arts (eds), *Mobilising International Law for 'Global Justice'*, Cambridge University Press, Cambridge, 46-62 (17 pp) (2018) - Dr Sarah Nouwen

The International Criminal Court and Conflict Prevention in Africa: Tony Karbo and Kudrat Virk (eds), Palgrave Handbook of Peacebuilding in Africa, Palgrave (2018) - W. ten Kate and Dr Sarah Nouwen

The International Criminal Court, T. Carty, Oxford Bibliographies in International Law, Oxford University Press, New York (2017) - Dr Sarah Nouwen

Is there Something Missing in the Proposed Convention on Crimes Against Humanity?: A Political Question for States and a Doctrinal One for the International Law Commission, *Journal of International Criminal Justice* (Sept 2018) - Dr Sarah Nouwen

Tadić v. Prosecutor, International Criminal Tribunal for the former Yugoslavia (1995) in: C. Miles and E. Bjorge (eds), Landmark Cases in Public International Law, Bloomsbury, Oxford, 377-407 (2017) - Dr Sarah Nouwen and M Becker

Intellectual Property and International Law (University of Cambridge Faculty of Law Research Paper No. 56/2018) - Dr Henning Grosse Ruse-Khan

From TRIPS to FTAs and Back: Re-Conceptualising the Role of a Multilateral IP Framework in a TRIPS-Plus World. Forthcoming, Netherlands Yearbook of International Law, Max Planck Institute for Innovation & Competition Research Paper No. 18-02 University of Cambridge Faculty of Law Research Paper No. 3/2018 - Dr Henning Grosse Ruse-Khan.

To Formalize or Not to Formalize: Creditor-debtor Engagement in Sovereign Debt Restructurings, *Capital Markets Law Journal* (2018) - Dr Michael Waibel

The Principle of Privity in D. Kritsiotis and M.J. Bowman (eds), Conceptual and Contextual Perspectives on the Modern Law of Treaties (CUP 2018) - Dr Michael Waibel

Putting the MFN Genie Back in the Bottle, Vol 112 pp 60-63 AJIL Unbound (CUP 2018), - Dr Michael Waibel

Brexit and Acquired Rights, Vol 111 pp 440-444 AJIL Unbound (CUP 2017)- Dr Michael Waibel

Extradition in R. Grote, F. Lachenmann and R. Wolfrum (eds.) Max Planck Encyclopaedia of Comparative Constitutional Law (2018) - Trina Malone co-authored with Dr Michael Waibel

Counterclaims in International Law in R. Pezzot and S. Gonzalez Napolitano (eds), La solución de controversias en derecho internacional y temas vinculados Liber Amicorum Alejandro Turyn, 283-304 (Eudeba 2017)- Dr Michael Waibel co-authored with Jake Rylatt

State Liability in the EEA in Baudenbacher Carl (ed), The Fundamental Principles of EEA Law: EEA-ities (Springer 2017)- Dr Michael Waibel co-authored with Fiona Petersen

'Mavrommatis Palestine Concessions (Greece v Great Britain) (1924 – 27)' in E. Bjorge and C. Miles (eds), Landmark Cases in Public International Law 33-59 (Hart Publishing 2017) - Dr Michael Waibel

Legal Tools for Peace-Making

In the course of the past year, the research team has brought the ESRC-funded Legal Tools for Peace-Making project to a successful conclusion, securing arrangements for the publication of an edited volume, holding a final project conference, and finalising provisions for the long-term maintenance of the Language of Peace research tool. The project's achievements were also recognised at University level, where Prof Marc Weller became the overall winner of the Vice-Chancellor's 2018 Impact Awards for the Legal Tools project.

One of the project's main outputs is an edited volume entitled *International Law and Peace Settlements*, bringing together academic and practitioner experts on the topic to (re-)assess the relationship between international law and the burgeoning practice of peace-making. It does so by considering points of contact between the two (as in the case of transitional justice or human rights issues), as well as the fundamental cross-cutting aspects to this relationship, such as the ability of peace-making practice to contribute to the development of international law and the role of the various actors, with or without international legal personality, involved in peace-making. The book proposal for this volume has been accepted by Cambridge University Press (CUP), and the team is currently in the process of finalising the manuscript, which is to be delivered to CUP later this year, with publication expected in the course of 2019.

The project's concluding conference – held on 12-14 April 2018 at the Lauterpacht Centre – was instrumental to the successful preparation of the manuscript, bringing together a cross-section of practitioners and academics, both as contributors to the edited volume and as members of the project's advisory boards. Drawing on the expertise of participants coming from such diverse backgrounds, the conference proved to be highly fruitful, allowing contributors and advisory board members to exchange views, engage in discussions on how peace settlement practice relates to international law and critically reflect on the volume's draft chapters. In addition, the conference provided the opportunity for reflection on the project's overall findings and other outputs, including the award-winning Language of Peace research tool – which houses around 1,000 peace agreements concluded since World War II, categorised article by article according to the issues they address – and the case studies which have been prepared on the basis of this material.

In order to ensure the continued usefulness of Language of Peace to practitioners and academics around the world, arrangements are currently being finalised on how to keep the research tool up to date following the project's conclusion. As part of these arrangements, Andrea Varga of the Legal Tools team met with the project's collaborating partners at the Mediation Support Unit (MSU) of the UN Department of Political Affairs and PASTPRESENTFUTURE in January 2018 to discuss the details of maintenance and to provide training on the management of data in Language of Peace to the MSU team, with another training foreseen later this year. The material compiled and processed in Language of Peace has also served as the basis for key case studies mapping peace settlement practice and its interaction with international law on core issues. The Legal Tools team is in the process of deciding what form the case studies should be made public.

After several years of hard work on the project, the past year has seen the departure of Jake Rylatt, who took up the position of Pupil Barrister in October 2017 at No5 Barristers' Chambers, where he received tenancy in August 2018. The team would like to thank Jake for his years of dedicated work and excellent contribution to the project, and wishes him all the best in his new role. Between March and May this year, Jenna Sapiano and Nick Ross joined the team to work on the case studies as well; we are likewise thankful for their brief but very productive time on the project.



The Legal Tools Team at the concluding conference held in April 2018

Further information about the Project:
http://www.lcil.cam.ac.uk/legal_tools/about-legal-tools-peace-making-project

Further information about *Language of Peace*:
<http://www.languageofpeace.org>

New faces at the Lauterpacht Centre

We welcome the following visiting fellows and researchers to the Centre this term. For the full listing of people at the Centre please visit www.lcil.cam.ac.uk.



Michael Adams

Michael is a J.S.D. Candidate at Columbia Law School. His doctoral project focuses on the way international law produces norms of sovereignty that guide, and potentially form the constitutional foundations for, the exercise of executive power by national governments. Michael also holds an LL.M. from Columbia, where he was a James Kent Scholar and the Bretzfelder Constitutional Law Scholar, as well as an LL.B. (Hons) from Monash University and a B.Media (Journalism) (Hons) from the University of Adelaide.



Muin Boase

Muin is a Senior Teaching Fellow at the School of Oriental and African Studies (SOAS) where he lectures in Public International Law and International Human Rights Law. He holds an LL.M. and PhD from SOAS, a BSc from LSE and has been called to the Bar of England and Wales. He worked for two and a half years as a Research Assistant to Sir Bernard Rix of 20 Essex Street (2014-2016) and has carried out research on a number of public international law cases and arbitrations.



Ivan Berkowitz

Ivan is a corporate executive and advisor, with over 40 years of professional experience in the financial and real estate industries. In 2003, Dr Berkowitz founded and served as the Chairman of Great Court Capital, a global structured finance and traditional merchant banking firm based in New York City, active in identifying, investing, and managing the investment process for a syndicate of high net worth individuals, hedge funds, and institutions. Until its sale in 2003, Ivan was a senior managing partner of Avatar Associates, a New York headquartered institutional asset management firm managing \$1.7 billion in assets. Currently, he is president of Maytiv Foundation, a non-profit dedicated to supporting educational and health related programs. Ivan has been a member of the Board of Directors of both public and private companies, domestically and internationally. He is a Life Member of the Cambridge Union and served for 20 years on the Board of the Council on Economic Education. He holds a Ph.D. in International Law from Cambridge University, an MBA in Finance from Baruch College, and a B.A. in Economics from Brooklyn College. He has lectured at the following educational institutions: Brooklyn College, Yeshiva University, Whittier Law School, and NYU School of Law.



Aurelie Galetto

Aurélie is a PhD candidate at the University of Fribourg and works on a thesis pertaining to the privileges and immunities of international organizations under the supervision of Prof. Dr. Samantha Besson. She graduated from the University of Fribourg with a Bachelor of Laws (with specialisations in European Law and *utriusque iuris*; with honour) and a Master of Laws (with specializations in International and Constitutional Law; with great honour).



Marcos Garcia Dominguez

Marcos is a doctoral candidate at the University of Chicago. His professional and research interests include international investment law, regulation, and public international law, from an empirical and economic perspective. He received his LL.B. cum laude from the University of Buenos Aires ('06), where he graduated in the top 1% of his class, and was granted the Buenos Aires City Bar Association's Award for Outstanding Academic Performance. After several years of practice, he returned to graduate school and obtained an LL.M. from the University of Chicago Law School ('13).



Isabelle Hassfurther

Isabelle is a PhD Candidate at Walther Schücking Institute for International Law, Kiel University, Germany (Prof. Dr. Andreas von Arnould). She obtained her law degree from the Universities of Heidelberg, Montpellier, and Münster with a specialisation in international law, as well as a degree in political science and law from the University of Münster. After graduating in 2015, she worked as a research and teaching assistant at the Chair of Public International Law and European Law of Prof. Dr. Andreas von Arnould. In 2018, she obtained a Master of Laws degree with a specialisation in international law from the University of Cambridge, supported by the Cambridge Trust, the German Academic Scholarship Foundation, and the German Academic Exchange Service (DAAD).



Sookyeon Huh

Sookyeon is an Associate Professor of International Law at the Rikkyo University College of Law, Tokyo. Her principal research interests lie in international spatial order; i.e., the Law of Territory and the Law of the Sea, augmenting the polyphonic nature of international law. Dr Huh received her LL.B. (cum laude) from Seoul National University, her LL.M. from the University of Tokyo and Harvard Law School, and her Ph.D. (Law, with Honours) from the University of Tokyo. She was a visiting scholar at the Law Research Centre, Seoul National University, 2017-2018, where she taught public international law. She has also advised on maritime legal issues for Japanese and Korean research institutes and governments.



Kerstin von Lingen

Kerstin is a historian researcher. Currently, she is the 2017/18 Visiting Professor at the Institute for Contemporary History at the University of Vienna. From 2013-2017, she led an independent research group at Heidelberg University in the Cluster of Excellence "Asia and Europe in a Global Context" entitled "Transcultural Justice: Legal Flows and the Emergence of International Justice within the East Asian War Crimes Trials, 1946-1954," supervising four doctoral dissertations on the Soviet, Chinese, Dutch, and French war crimes trial policies in Asia, respectively.



Hu Ren

Ren Hu is an associate Professor at the School of Law, East China University of Science and Technology, Shanghai, China. Dr. Ren Hu achieved his LL.B. from China University of Politics and Law, Beijing, China, LL.M. and Ph.D. in law from the University of Korea. He visited Washington University in Saint Louis, USA as a visiting scholar in 2009. He is the Director of Chinese Society of International Law, Chinese Society of International Economic Law, and the Korean-Chinese Society of Law in South Korea. He is also the member of all China Lawyer Association, and is the arbitrator member of Guangzhou, Hangzhou, Qingdao, Taiyuan, and Nanjing Arbitration Commission.



Francesco Romani

Francesco is a British Red Cross Research Fellow on the joint British Red Cross/ICRC project on customary international humanitarian law. Previously, Francesco worked as a research and teaching assistant for the Graduate Inst. of international and Development Studies in Geneva, the Harvard Law School Program on International Law and Armed Conflict, and Interpeace. Francesco will soon defend his PhD dissertation in international law at the Graduate Inst. of International and Development Studies in Geneva in which he focuses on the notion and function of belligerent reprisals. He holds a Law Degree from the University of Pavia, has been awarded the Diploma in Social Sciences from the Institute of Advanced Study (IUSS) in Pavia and also the Certificat de Droit Transnational from the University of Geneva.



Silvia Scozia

Silvia Scozia is a British Red Cross Research Fellow on the joint British Red Cross/ICRC project on customary international humanitarian law. Prior to joining the project, Silvia worked as a Legal Associate at the ICRC Advisory Service on International Humanitarian Law in Geneva. In 2015-2016, Silvia worked as a Counsel and Research Analyst for the former Minister of Foreign Affairs of Spain in Madrid. She holds a Bachelor and Master's Degree in Law from the Università degli studi di Bari (Italy), and an LL.M. in International Humanitarian Law and Human Rights from the Geneva Academy.



Anasuya Shekhar (Synder Scholar)

Anasuya graduated in May of 2018 with a Juris Doctorate from Indiana University Maurer School of Law. She previously received a Bachelor of Arts degree from Oberlin College with a double major in Law and Society and French Language and Literature in 2014. While at Indiana University she served as the Editor in Chief of the Indiana Journal of Constitutional design, the Symposium Editor for the Indiana Journal of Law and Social Equality, and the Student Director of the Pro Bono Immigration Project. She also received the law school's Robinson Fellowship, a scholarship awarded to students showing interest in the field of international law. Her research focuses on the accessibility and perceived legitimacy of courts as forums for dispute-resolution for minority individuals.



Isabel Trujillo

Isabel is a Professor of Philosophy of Law at the Department of Law at the University of Palermo. She is a Director of the PhD Program in Human Rights and former Director of the Doctoral School "Supranational and National Law", Law Faculty, University of Palermo. She is also Vice-Director of the International Master in Argumentación jurídica, University of Alicante (Spain) and University of Palermo and Vice-President of the European Academy of Legal Theory.



Sarah Williams

Sarah Williams is a Professor at the University of New South Wales. She was the Dorset Fellow in Public International Law at the British Institute of International and Comparative Law (from 2008 - 2010), a Senior Legal Researcher at the UK Foreign and Commonwealth Office (from 2006 - 2007) and a Lecturer at Durham Law School, University of Durham (from 2003 - 2008). Her main research areas include international criminal law, international humanitarian law and international disaster law.



Ting Zhang

Zhang Ting is the Director of International Legal services with Docvit Law Firm. Before she joined Docvit, she worked with Dentons LLP Beijing Office for 12 years as a senior partner. She was a senior auditor with Price Waterhouse Coopers before she became a lawyer. She is qualified to practice law in PRC China, Hong Kong SAR and the state of California of USA. Her major practice lies in cross-border mergers and acquisitions, IPO listings, EPC projects, international dispute resolution, wealth management and tax and trust planning. She graduated from Peking University and Tsinghua University.

Events this term

The following events take place in the Finley Library at the Lauterpacht Centre this term. For further details please visit our events page on the Lauterpacht Centre [website](#).

Friday, 26 October, 2018 - 13:00 hrs

LCIL Friday Lecture: 'Foreign Affairs and Domestic Courts' by Lord Lloyd-Jones, The Supreme Court

Friday, 2 November, 2018 - 13:00 hrs

LCIL Friday Lecture: 'The Amicus Curiae mechanism at the International Criminal Court' by Prof Sarah Williams, University of New South Wales and LCIL Visiting Fellow

Friday, 9 November, 2018 - 13:00 hrs

LCIL Friday Lecture: 'Law, politics and moral reasoning in Hugo Grotius's The law of war and peace (1625)' by Dr Annabel Brett, University of Cambridge

Tuesday, 13 November, 2018 - 17:30 hrs

Book Talk: "Oceans Ventured: Winning the Cold War at Sea" with author, Dr John Lehman, former US Secretary for the Navy

Wednesday, 14 November, 2018 - 17:15 hrs

Legal Histories Beyond the State seminar: 'Debating the rise and fall of the first East African Community in East Africa's public sphere, 1960s-1970s' by Dr Emma Hunter, Senior Lecturer in African History, University of Edinburgh

Friday, 16 November, 2018 - 13:00 hrs

LCIL Friday Lecture: 'Authority in International Law' by Sir Frank Berman KCMG QC, Essex Court Chambers

Friday, 23 November, 2018 - 13:00 hrs

LCIL Friday Lecture: 'Thinking Against Humanity' by Dr Ayça Çubukçu, London School of Economics and Political Science

Wednesday, 28 November, 2018 - 17:15 hrs

Legal Histories Beyond the State seminar: 'Act of State' by Professor Pat Capps, Professor of International Law at University of Bristol Law School

Friday 30 November, 2018 - 13:30 hrs

International Law in an Era of Nationalism: A Round Table Discussion with Prof John Dugard SC, Sir Christopher Greenwood, GBE CMG QC, Prof Catherine Barnard University of Cambridge, Dr Lorand Bartels, LCIL Fellow and Dr Sarah Nouwen, LCIL Deputy Director.

Friday 7 December, 2018 - 09:00 hrs - 17:00 hrs

Workshop: 'On the Origins of International Legal Thought' organised by Dr Edward Cavanagh, LCIL Fellow

International Law in an Era of Nationalism: A Round Table Discussion

Friday 30 November - 13:30 hrs

(Sandwiches in the Old Library from 13:00 hrs)



Prof John Dugard SC
Doughty Street Chambers

Sir Christopher Greenwood
GBE CMG QC

Prof Catherine Barnard
University of Cambridge

Dr Lorand Bartels
University of Cambridge

Venue: Finley Library, Lauterpacht Centre for International Law
5 Cranmer Road, Cambridge, CB3 9BL



Panel Discussion on Human Rights and Peacemaking in Times of Global Crisis

Thursday 1 November 2018

5:00 pm - 6:00 pm

(followed by a Reception)

All welcome to attend

Venue: Cripps Auditorium, Magdalene College,
Cambridge, CB3 0AG

Sir Hersch Lauterpacht Memorial Lecture 2019

Democracies and International Law: The Trials of Liberalism

Professor Tom Ginsburg

*(Leo Spitz Professor of International Law, Ludwig and Hilde Wolf
Research Scholar, Professor of Political Science, The University of
Chicago, the Law School)*



Main lecture
(in three parts)

Tuesday 12, Wednesday 13 and Thursday 14 March 2019
All lectures start at 18:00 hrs

Q & A session

Friday 15 March 2019
13:00 hrs (with sandwich lunch from 12:30 hrs)

Venue

Lauterpacht Centre for International Law
5 Cranmer Road, Cambridge, CB3 9BL

Further information: www.lcil.cam.ac.uk/events/sir-hersch-lauterpacht-memorial-lectures



The Sir Hersch Lauterpacht Memorial Lecture is an annual three-part lecture series given in Cambridge to commemorate the unique contribution to the development of international law of Sir Hersch Lauterpacht.

These lectures are given annually by a person of eminence in the field of international law and a revised and expanded version of the lectures is usually published in the Hersch Lauterpacht Lecture Series by Cambridge University Press.

Visiting the Lauterpacht Centre

The Lauterpacht Centre encourages qualified applicants with interests in the broad field of public international law and organization to come to Cambridge as Visiting Fellows.

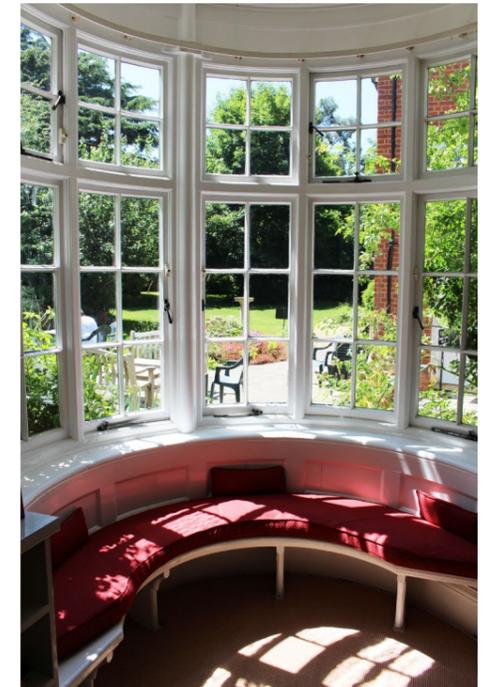


Visiting Fellows and Scholars are encouraged to attend all open Lectures and other events that are held at the Centre. By arrangement they may also attend lectures and talks on international law and related subjects elsewhere in the University;

Visitors normally stay at the Centre between one term and one year, however, longer or shorter stays may be approved;

The Lauterpacht Centre is not a teaching institution, and therefore does not award diplomas or certificates. Those interested in enrolling for Cambridge University degree or diploma courses in international law or international relations should contact the Faculty of Law or the Department of Politics and International Studies.

Further information on the Centre is available at www.lcil.cam.ac.uk.



The following are some guidelines if you are considering applying to be a Visiting Fellow or Scholar:

Applicants should first make an initial inquiry to the Centre setting out their research objectives;

The Centre also accepts applications for people completing work on their PhD as visiting scholars;

All inquiries should be sent to the Centre's Administrator, **Anita Rutherford**;

If the research objective falls within the remit of the Lauterpacht Centre, detailed application forms and information, including information on fees will be forwarded;

Decisions regarding Visiting Fellow or Scholar applications are made by the Management Committee which reviews applications four times a year, usually at the start

of each term. Dates by which applications are required to be received are given in the information document but are generally towards the end of the preceding term for review at the next meeting;

All Visitors must have a reasonably high proficiency in spoken and written English. If English is the applicant's second language, applicants are requested to demonstrate proficiency with a certificate of TOEFL iBT score 100 or IELTS level 7 (minimum);

In principle, the Centre does not accept persons enrolled for higher degrees at UK universities (including Cambridge) as Visiting Fellows or Scholars;

Visiting Fellows and Scholars pay a 'Centre fee' to assist in covering the cost of provision of facilities at the Centre, including computers, libraries (University of Cambridge Library and the Squire Law Library) and desk space;



Life in pictures @ the Lauterpacht Centre





www.lcil.cam.ac.uk



 **LAUTERPACHT CENTRE**
FOR INTERNATIONAL LAW

Lauterpacht Centre for International Law

University of Cambridge

5 Cranmer Road

Cambridge CB3 9BL

Tel: +44 (0)1223 335358

communications@cam.ac.uk