From the Director
Rising nationalism versus inclusive multilateralism

Interview
Surabhi Ranganathan on the global commons

Centre news
Round-up of lectures, events and publications
Rising nationalism versus inclusive multilateralism: what role for international lawyers?

Voters worldwide are increasingly sceptical about globalisation, fuelling a rise in popular nationalism and isolationism. LCIL Director Eyal Benvenisti considers possible routes forward for multilateralism and the role of international law.

The rising tide of nationalism has reached new peaks in 2016. The continued ascent of anti-immigrant parties throughout Europe was eclipsed by Brexit and the nomination of Donald Trump as the Republican candidate for the US presidency. Experts were baffled by the unanticipated popularity of these stark anti-globalisation sentiments that cut across the traditional political divide between left and right. Several explanations have been offered, backed by serious attempts to rationalise these voting trends (such as Arlie Hochschild’s *Strangers in Their Own Land* and Mike Carter’s *I walked from Liverpool to London. Brexit was no surprise*). According to these explanations, the rise of the national reflects voters’ resentment towards neoliberal globalisation served by multilateral institutions, which has benefited others while depriving them of economic opportunities and social mobility and depleting national social safety nets. Multilateralism is blamed also for the failure to regulate the flow of migrants that adds to these worries. The simultaneous rise of brazen unilateralism by national leaders of countries such as Russia and China, who have invoked Cold War-era notions of state sovereignty, and resorted to perilous tricks taken from the old Soviet script book, signalled to voters in the West that the world remains a dangerous place, one in which multilateralism might not be the most reliable means of containing external threats. These voters have suddenly come to realise that trust in multilateralism, which has encouraged states to commit to cooperation as the way to protect their interests, might be misguided and irresponsible in a world where competing nations continue to explore ways to increase their relative edge over others.

Analytically, voters’ disillusionment with multilateralism is grounded in three interconnected perceptions: first, that in an intrinsically Hobbesian world, multilateralism’s optimistic vision is based on shaky premises; second, that multilateralism has proven itself ineffective in promoting whatever neoliberal goals it was ostensibly designed to achieve; and third, more specifically, that multilateralism has failed the diffuse, politically weaker constituencies who were led to trust distant bureaucrats in remote global institutions that serve the narrow interests of ‘the one percent’. If voters in developing countries were consulted, they would undoubtedly have made additional valid claims against a Northern-dominated multilateral system that often disregards their needs and concerns, and only rarely respects their rights.

For multilateralism-sceptic voters, the reimagined nation-state promises a reassuring retreat to an imaginary safe past, where people could trust their co-nationals who were ‘people like us’, who spoke our language, were attentive to our worries, and
From the Director

were capable of reasserting full control over the borders and imposing taxes on the rich. Nations can be made ‘great again’ by eschewing globalisation and erecting walls to restrict the undesired movement of people, goods, services and capital.

Those of us who retain the view that the resurgence of nationalism is misguided, and that globalisation cannot be undone, face a fork in the road that has three prongs. The first prong suggests accommodating the rising tide of nationalism by slowing down integration or even turning back on current arrangements. Perhaps an illustration of this is the statement issued on 25 June 2016 by the foreign ministers of the six founding members of the European Union. The statement ‘recognise[s] different levels of ambition amongst Member States when it comes to the project of European integration’ and resolves to ‘focus our common efforts on those challenges which can only be addressed by common European answers, while leaving other tasks to national or regional levels.’ This prong would seem difficult to reconcile with what we have learned about the collective action problems facing us and about the proper ways to address them. Having studied the various collective action failures that have plagued humanity across the ages, and in the face of new critical challenges, many of us tend to favour multilateralism as the means to promote stability, prosperity and global justice. Reverting to unilateral measures would only exacerbate those challenges. ‘Splendid isolation’ – if it remains a viable option in a world where supply chains have eviscerated political boundaries – will not be splendid nor will it achieve isolation. We
have tried mercantilism, we have experienced the deleterious consequences of beggar-thy-neighbour policies, and we know that their harmful effects will be borne in particular by the anti-globalist voters. No new walls could insulate us from the adverse consequences of untreated global challenges, from rogue regimes and terrorism to climate change, global pandemics or food security risks. Moreover, turning away from the commitment to the universal protection of human rights is morally and legally wrong.

The second prong of the fork facing us would maintain the trajectory of post-Cold War multilateralism despite its growing unpopularity. The Obama administration’s policy of pursuing ‘partnerships’ such as the Trans-Pacific Partnership (TPP) and the Trade and Investment Partnership (TTIP) epitomises many of the just concerns of the anti-globalists (see the MegaReg research project for more information). But to ignore the rising domestic opposition is an increasingly risky endeavour for politicians. The surprising decision by the European Commission to have national parliaments ratify the EU–Canada Comprehensive Economic and Trade Agreement (CETA) is another indication that politicians and bureaucrats have finally, perhaps belatedly, started to rethink the continued expediency of fast-forward, unaccountable and therefore exclusive globalisation.

Indeed, it has become increasingly apparent that a substantial number of multilateral institutions have functioned to further disempower domestic electorates by expanding the authority of the executive branches of powerful states active in multilateral initiatives. Furthermore, all too often the move to global institutions has led to an erosion of the traditional constitutional checks and balances found in many democracies. The new global sources of democratic deficits increasingly deprive individuals and collectives of the opportunity and capacity to shape their life opportunities. While multilateralism is good in principle, the current type of exclusive multilateralism which benefits the few and fails most others has reached its limits.

Inclusive multilateralism is also likely to be more effective in reaching its goals than the exclusive
model. In *Why Nations Fail*, Daron Acemoglu and James Robinson distinguish between two types of national economies: ‘extractive’ economies, which allow small groups of individuals or narrow interests to exploit the rest of the population (e.g., the colonisation of South America), and ‘inclusive’ economies, which empower individuals and integrate many constituencies in governance (e.g., the colonisation of North America). Extractive economies fail because they are not sustainable. We now can see how the same dynamics work in global institutions to explain the unsustainability of extractive multilateral institutions. Since voice brings with it political clout, it can be expected that inclusive institutions will adopt policies that allocate burdens and benefits more equitably. Inclusive institutions are likely to be not only more attentive to the diffuse voters, but also potentially more effective than the extractive ones in promoting collective goals.

This third approach, of inclusive multilateralism, specifies the goals in a rather abstract manner. But what does it actually mean to include constituencies thus far disregarded by multilateral institutions? Herein lies the challenge for lawyers – international lawyers, but also domestic lawyers. As lawyers trained in decision-making processes and in remedying the problem of the disregard in public and private law, in domestic as well as in international law, we have acquired sensitivity to the ways in which norms and institutions operate conceal power and suppress the politically feeble, but also how they can curb power and manage conflicts between rival interests. As a consequence, we can ascertain whose voices should be included in decision making processes and what the failures of existing institutions are and how to remedy them. In fact, this was exactly the motivation behind the scholarly efforts to explore the law of global governance in recent years by scholars of international organisations and of global administrative law.

Inclusive multilateralism can at least somewhat mitigate mass migration, a human catastrophe that remains unresolved. Whether caused by war, corrupt governments or climate change, migration is often a symptom of domestic or global governance failure that can be corrected by inclusive multilateralism that is attuned to the needs and rights of distant strangers. Genuine inclusion of Southern stakeholders in policymaking increases the likelihood that their needs will be recognised and addressed. By having voice in global bodies, chances are that these individuals and communities will not have to literally vote with their feet when they give up hope for a decent future in their land. Multilateralism that includes distant strangers could ease the consequences of neglecting these likely migrants.

We do have examples of multilateral institutions that operate to increase the voice of unrepresented stakeholders. International tribunals and other review mechanisms have to some extent managed to amplify their voices and attend to their concerns. As lawyers, we can analyse the promise and limits of such interventions and suggest means to make them more inclusive and more effective. The new political climate could make policymakers more open to considering such recommendations.

So we should thank the shrewd politicians on both the left and the right who have skilfully translated the deep-seated resentment and anxiety of frustrated citizens into a successful, if ultimately misguided, political platform. These trumpeters of nationalism have reinvigorated the domestic public sphere as a force that multilateralists must reckon with. The same trumpets must also call our attention to the lost voice of those who have voted with their feet and to the need to include them as well in an inclusive multilateralism. The new political landscape throughout Europe and in the U.S. should be seized as a long overdue wakeup call for the architects of multinational institutions: they must return to the drawing board and explore ways of including those left behind in the multilateral decision-making processes. We lawyers are among these architects of change.
News @ the Lauterpacht Centre

BBC Radio 4 visits the Lauterpacht Centre

On 17 May 2016, the BBC’s Joshua Rozenberg and Ben Crighton visited the Lauterpacht Centre to record material for an episode of Law in Action on crimes against humanity. Inspired by Professor Philippe Sands’s book East West Street: On the Origins of Genocide and Crimes against Humanity, they came to Cambridge to visit the Centre named after Sir Hersch Lauterpacht, who played a key role in including the concept of crimes against humanity in the Charter of the Nuremberg Tribunal. Walking through the building and gardens, they spoke with Deputy Director Sarah Nouwen about the Centre, the Lauterpachts and international criminal law (while the other Deputy Director Michael Waibel also walked around the garden, keeping Sarah’s newborn son Samuel happy). The radio programme is still available online:

http://www.bbc.co.uk/programmes/b07cvlmb

New look for the Lauterpacht Centre’s newsletter!

The Lauterpacht Centre newsletter has been relaunched from Michaelmas term 2016, with a fresh new look. Now called Lauterpacht Centre News, the newsletter will be published two times a year, at the start of Michaelmas term and during the Lent term. It will be available as a PDF download from the LCIL website or to read online on our Issuu site: https://issuu.com/lauterpacht_ctr

Formerly called From the Director, the newsletter will continue to begin with a leading article by the Centre’s Director. There will also be news, events and photographs from the Lauterpacht Centre, research updates from our Fellows, and articles by visiting researchers.

We welcome submissions for the newsletter from current and former staff and visitors. Please send ideas and material to the Lauterpacht Centre’s Communications Co-ordinator, Christina Rozeik (cyr2@cam.ac.uk). Deadlines for the Michaelmas and Lent issues are 15 August and 1 February respectively.

If you would like to be added to our mailing list (and receive the newsletter by e-mail, as well as details of events at the Centre), please e-mail Karen Fachechi (kjf35@cam.ac.uk).
On Friday 13 May, Austen Parrish, Dean and James H. Rudy Professor of Law at Indiana University Bloomington’s Maurer School of Law, came to the Lauterpacht Centre to deliver the 12th annual Snyder Lecture. The Snyder Lectures are held in memory of Dr Earl Snyder, a 1947 Indiana University law graduate, and form a special partnership between the University of Cambridge and the Maurer School of Law. The lecture is held alternately in Cambridge and Bloomington, and past speakers have included Hannah Buxbaum, Philip Allott, Fred H. Cate and Richard Fentiman.

Professor Parrish’s lecture, entitled ‘US Courts and Transnational Justice: Domestic Politics, Extraterritoriality, and International Law’, covered the rise and recent fall of transnational litigation in the US. It argued that the growth of extraterritorial regulation was spurred by domestic political struggles as well as the ideas of particular legal theorists, who attempted to remake international jurisdictional law. Finally, it suggested that this current turn away from international litigation in US courts may be understood as much as a reaffirmation of international law and international jurisdictional principles as an attack on them.

Professor Parrish’s lecture is available online, both as a podcast and as a video: http://www.sms.cam.ac.uk/media/2240507.

The Lauterpacht Centre is now on social media

In February, we joined the ever-growing number of international lawyers and academics on social media by setting up the Centre's first Twitter and Facebook accounts. To date we have 500 followers on Facebook and 800 on Twitter … but the more the merrier, so come and join us!
Don’t forget our website too:
www.lcil.cam.ac.uk/
The Lauterpacht Centre for International Law, University of Cambridge is pleased to announce the opening of a competition for two scholarships, funded by the Embassy of the Republic of Poland in London. The scholarships have been named after the Polish Judge and international lawyer, Bohdan Winiarski. The scholarships are aimed primarily at younger Polish scholars in the early years of their career and are intended to cover a research visit at the Lauterpacht Centre in 2017.

BOHDAN WINIARSKI SCHOLARSHIPS 2017

Each scholarship is worth £3000 (GBP) and is intended to cover the cost of Centre fee, accommodation, maintenance and travel incurred during an 8–12 week research visit at the Lauterpacht Centre for International Law. Any costs incurred in excess of the value of the scholarship are the responsibility of the candidate.

Scholarships must be used during the 2017 calendar year and the dates of the scholarship period need to fall within the Centre’s standard acceptance periods for visitors (based on academic terms and a summer research period). Candidates are required to stay in Cambridge and carry out their research for the whole scholarship period. Candidates are responsible for making their own travel and accommodation arrangements (assistance may be available from the University’s Accommodation Service).

REQUIREMENTS

Candidates for the Bohdan Winiarski Scholarship must comply with the following:

- have Polish citizenship;
- be fluent in Polish and English;
- be a graduate of a Polish university (candidates should already hold at least a masters level degree at the time of the application);
- be associated on a permanent basis with a Polish university or another institution in Poland dealing with international law;
- specify a project on some aspect of international law (not including European law) on which they will work while resident at the Lauterpacht Centre. Preferably, the project should be published as a result of the visit;
- produce a report of their work in English at the end of the scholarship period.

HOW TO APPLY

Applications should consist of the following documents:

- the candidate’s CV (curriculum vitae);
- a sufficiently detailed (2–4 page) description of the project they intend to work on whilst at the Centre;
- two letters of reference.

All documents should be provided in English, except for the letters of reference, which may be in Polish or English. The letters of reference should be sent by post or email directly by the referees. Both the application and the references must be received by the deadline. Late or incomplete applications will not be considered.

Applications should be sent to Dr Joanna Gomula by email at jg218@cam.ac.uk or by post to Dr Joanna Gomula, Lauterpacht Centre for International Law, 5 Cranmer Road, Cambridge, CB3 9BL, UK.

DEADLINE: 7 OCTOBER 2016

The deadline for applications, including the letters of reference, is 7 October 2016. Late or incomplete applications will not be considered. Receipt of applications will be acknowledged if sent by email but only successful candidates will be contacted. Applications will be reviewed by a committee appointed by the Director of the Lauterpacht Centre. Successful candidates must use their scholarships in 2017. Candidates should not contact the Lauterpacht Centre with questions for which information is already provided in this announcement.
Professor Eyal Benvenisti appointed as Director of the Lauterpacht Centre

In April 2015, Professor Eyal Benvenisti was elected the new Whewell Professor of International Law, succeeding Judge James Crawford. He joined Cambridge and the Lauterpacht Centre from Tel Aviv University, where he was the Anny and Paul Yanowicz Professor of Human Rights. He is a member of the Global Law faculty at NYU and has held visiting professorship appointments at Columbia, Harvard, Michigan, Pennsylvania, Toronto and Yale Law Schools. He is a recipient of several prizes, including the Humboldt Research Award and the Francis Deak Prize.

Professor Benvenisti’s research spans international, constitutional and administrative law. He directs the research project Global Trust – Sovereigns as Trustees of Humanity (2013–2018) that is funded by an ERC Advanced Grant. His major publications include The Law of Global Governance (Recueil des Cours, 2014), The International Law of Occupation (Princeton University Press, 1993, 2nd ed. Oxford University Press, 2012), and Sharing Transboundary Resources: International Law and Optimal Resource Use (Cambridge University, 2002). He is an associate member of the Institut de droit international, co-editor of the British Yearbook of International Law, and a member of the Editorial Boards of the American Journal of International Law and International Law in Domestic Courts.

Veronika Fikfak wins British Academy Rising Stars Award

Dr Veronika Fikfak has been awarded the British Academy Rising Stars Engagement Award for her project ‘The Future of Human Rights in the United Kingdom’. The aim of the project is to examine the uncertain future of human rights protection if the Human Rights Act is repealed or replaced. The project seeks to provide a platform for new voices – 12 young scholars – to discuss their ideas about the potential future of human rights in the UK with policymakers and scholars. A workshop related to the project is planned for next year.

Veronika recently spoke about the future of human rights at the BIICL conference ‘Dialogues between International and Public Law (June 2016). The summary of this will be published by BIICL shortly.

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**Fellows’ news**

**Fernando Lusa Bordin** will be on leave from the Centre from August to December 2016, carrying out research as a Visiting Scholar at Columbia Law School. His main project will be to complete a monograph on ‘The Analogy between States and International Organizations,’ under contract with CUP.

**Megan Donaldson** helped convene the interdisciplinary conference History, Politics, Law (see p. 20), where she gave a paper on ‘Ventriloquism in Geneva: the Idea of the International Organization.’ She presented work on secrecy of state and the construction of the archive at a workshop on Early Modern Literature, Form and International Law (University of Bristol, July 2016). In September 2016 she will present a paper on freedom of information law and the contemporary architecture of diplomatic secrecy at the Manchester Workshop on Political Theory; and a paper on Ethiopia and interwar state-making at a workshop on Technologies of Stateness: International Organizations and the Making of States (EUI).


Veronika has a forthcoming monograph on the way in which decisions to go to war are taken in the UK (and specifically how Parliament is consulted). *Parliament’s Secret War* (written with Hayley Hooper) will be published by Hart Bloomsbury next year. Veronika and Hayley presented their work at the Houses of Parliament, House of Lords (within the Parliamentary Studies Group) in February 2016, as well as at CRASSH and at the ICONS International Society of Public Law Conference in Berlin. Earlier this year, Veronika was one of 30 finalists of the AHRC/BBC New Generation Thinkers 2016.

**Tom Grant** gave the keynote lecture ‘The international status of the Free City of Trieste’ at the Triest NGO conference in May. He also delivered the annual lecture, entitled ‘Conflict in Africa: costs, implications and remedies,’ at the International Dispute Resolution Institute, Abuja, Nigeria on 28 May. Tom participated in panel presentations at the 2016 Global Ocean Regime Conference (Busan, South Korea, 11 June) and the Asian Society of International Law Regional Meeting (Hanoi, Viet Nam, 15 June). He also participated in the conferences Syria: Strategic, Legal, and Moral Dimensions (King’s College London, 30 June–1 July) and In the Company of Robots: Machine Intelligence and the Law of Business Organizations (University of St. Gallen/Munich Center on Governance, Ludwig-Maximilian University, Munich, 7–8 July. Tom is currently a member of the Law Committee of the IEEE Standards Association *Global Initiative for Ethical Considerations in the Design of Autonomous Systems*. This Committee focuses on the legal issues related to the design and use of autonomous and intelligent systems.

**As part of her ESRC-funded research project ‘Peacemaking: What’s Law Got to Do with It?’**, **Sarah Nouwen** spent 3 inspiring months at the World Peace Foundation in Boston, using their rich archives on peace negotiations in Sudan, developing research collaborations with Alex de Waal, Mulugeta Gebrehiwot Berhe and Bridget Conley-Zilkic. It was also an opportunity to attend and give lectures on international law at the Fletcher School and Harvard University.

**Surabhi Ranganathan** was invited to attend the 2015 Junior Faculty forum; her paper on the global commons (see interview on pp. 30–33) was one of three selected for publication in EJIL. She also presented this research at the Harvard Center for History and Economic Studies, the Amsterdam Centre for International Law, and the Annual Meeting for the Law and Society Association (New Orleans, June 2016). Surabhi’s book *Strategically Created Treaty Conflicts* (CUP, 2014) will be published in paperback in December. Surabhi wrote the annual review of the International Court of Justice’s Judicial Activity for AJIL, following Christine Gray’s review last year. She has stepped down as Assistant Editor of the *British Yearbook of International Law*, and will become Editor of the International Legal Theory section at the *Leiden Journal of International Law*. **Federica Paddeu** spoke on ‘Circumstances Precluding Wrongfulness (Including Waiver)’ at the Frankfurt Investment Law Workshop ‘ICSID at 50: Investment Arbitration as a Motor of General International Law?’ She also (with Lorand Bartels) organised the workshop Exceptions and Defences in International Law (see p. 19). Federica will be on maternity leave from November 2016.
In February 2016, the Leiden Journal of International Law awarded Dr Sarah Nouwen the prize for the best article published in the journal over the past three years. Her piece “As You Set out for Ithaka”: Practical, Epistemological, Ethical, and Existential Questions about Socio-Legal Empirical Research in Conflict, (2014) 27 LJIL, 227–260 was chosen as ‘an outstanding and original contribution to international legal scholarship’. The Jury report reads: ‘Sarah Nouwen offers a very refreshing approach in an article which is pleasant to read and tells us a story. Her article, and her research more generally, is truly interdisciplinary, and empirically grounded. This is still rare in legal circles. Her article makes for a very good read and demonstrates the challenges with which Western scholars struggle when doing empirical research in conflict areas in former Western colonies. Thus showing both the importance of multidisciplinary work and how demanding and challenging it is, this paper deserves a broad readership.’ The article is the “story behind the story”: it is a personal account of the practical, epistemological, ethical and existential questions she grappled while doing research for her book Complementarity in the Line of Fire: The Catalysing Effect of the International Criminal Court (CUP, 2013). The winning article is available at http://owl.li/YGXzJ.

Andrew Sanger was invited to attend the 2016 Junior Faculty Forum, where he delivered his paper ‘Corporate Liability for Violations of Customary International Law’. (Editor’s note: we would also like to congratulate Andrew on his recent marriage, which took place in Selwyn College in July!)

Michael Waibel’s paper ‘Fair and Equitable Treatment and Judicial Patent Decisions’ (with Kathleen Liddell) appeared in a special issue of the Journal of International Economic Law (guest edited by Henning Grosse Ruse-Khan; see p. 18 for more information). Michael, Kathleen and Henning submitted an amicus curiae brief in the arbitration Eli Lilly v. Canada. Their work on the article and the brief was supported by an ESRC Impact Acceleration Grant. Michael also presented this work at the ASIL Annual Meeting in April 2016 on a panel entitled ‘The Disorganization of International Intellectual Property Law’.

In the 2015–16 academic year, Stephen Wertheim held the Postdoctoral Research Fellowship in Values and Public Policy at Princeton University, where he was affiliated with the University Center for Human Values and the Woodrow Wilson School of Public and International Affairs. This year, Stephen has presented papers at seminars at Princeton University and Cambridge University; conference papers include: ‘Reading the International Mind: World Opinion in Early Twentieth Century International Thought’ (Communicating International Organisations in the 19th and 20th Centuries, EUI, 10–12 March); “‘We Could Win Everywhere’: The Conception and Legitimation of American Primacy in World War II” (International Studies Association Annual Convention, 6–19 March); and ‘Grand Strategy: An American Power Politics’ (Rethinking Grand Strategy, 13–15 May).

Sarah Nouwen wins 2015 LJIL prize for best article

Sarah delivers copies of Complementarity in the Line of Fire to interviewees in Uganda.
Congratulations to Stephen Wertheim, who married Kristen Loveland on 25 June 2016, on the shoreline of Connecticut!

**Hellos and goodbyes...**

We are happy to welcome the following new members of staff to the Lauterpacht Centre:

**Mark Retter** joined in February as a Research Associate working on the Legal Tools for Peace-Making project. Prior to this, Mark was a Gates Cambridge Scholar at the University of Cambridge (Trinity Hall), undertaking his doctoral research on philosophical foundations for human rights in the thought of Alasdair MacIntyre. He supervises undergraduates and is a graduate teaching assistant on the LLM course for jurisprudence. Mark holds an LLM specialising in international law, from the University of Cambridge (Jesus College), an LLB from the University of New South Wales, and a BCom (Econ Hons I) from the University of Sydney.

**Emmanette Viney** is a British Red Cross Research Fellow on the joint British Red Cross/International Committee of the Red Cross project on customary international humanitarian law. Prior to joining the project, Emmanette worked in international law as a senior legal officer for the Australian Department of Defence. She holds an LL.M. in International Law from the Australian National University. She also holds a B.A. in International Relations and Spanish, an LL.B. specialising in international criminal justice, and a Graduate Diploma of Legal Practice, all from the Australian National University. Emmanette is admitted to practice in the Australian Capital Territory.

**Christina Rozeik** joined the Lauterpacht Centre in February as Communications Co-ordinator. She manages internal and external communications at the Centre, including the website, newsletter, Twitter and Facebook feeds and marketing. Her background is in museum objects conservation, and continues to work as a freelance conservator, editor and researcher in Cambridge. She has an MA and and MSc in objects conservation, both from UCL, and a BA and an MPhil in Philosophy, both from the University of Cambridge.

…but we are sorry to say goodbye to **Dr Tiina Pajuste**, who left the Centre in August to take up a post as Lecturer of International and European Law at Tallinn University. Tiina has been at the Centre for 8 years, first as a PhD student, and then as a Research Associate on the Legal Tools for Peace-Making project. Tiina had a wonderful farewell tea at the Centre, with an amazing spread of cakes and biscuits … and best of all, she was finally able to get her hands on one of our prized mugs after the customary ‘mugging’ ceremony (right). Hüvasti, Tiina!
People

Dr Marie-Claire Cordonier Segger has been honoured by the International Justitia Regnorum Fundamentum Award for 2016. This award, founded by the Ombudsmen of the United Nations Human Rights Commission of Hungary in 2007, is granted for exemplary, outstanding achievement and professional activities carried out in the field of protection of human rights, including the rights of future generations, and is presented each year on the occasion of the anniversary of the establishment of the Ombudsman institution.

Dr Cordonier Segger received the award for her achievements spanning two decades representing the interests of future generations and environmental protection, climate change, biodiversity, natural resources, and sustainable development, for her contributions as senior legal counsel and member of important global institutions for environmental and social justice, for her tireless efforts in development of treaty law and jurisprudence, and for her commitment to enlightening and mentoring a new global generation of international lawyers through editing and authoring over 80 publications, lecturing in prestigious universities, and founding international educational institutions and initiatives. According to the Laudatio, in Dr Marie-Claire Cordonier Segger’s decades of diversified work, a consistent dedication can be found for a love for nature, a commitment to inter-generational and intra-generational justice, and representation for the interests of future generations.

Other award recipients in 2016 included Ferenc Snétberger, a Hungarian guitarist of Roma origin, one of the worlds most renowned Roma jazz musicians. Besides receiving numerous awards, he is famous for his achievements in supporting, encouraging and mentoring musical talents from disadvantaged backgrounds, including the founding of a truly outstanding music school in 2011 by Lake Balaton.

New PhDs

Congratulations to the following Centre staff, who have recently been awarded doctorates:

Megan Donaldson defended her thesis ‘From Secret Diplomacy to Diplomatic Secrecy: secrecy and publicity in the international legal order 1919–1950’ at New York University School of Law in May. Megan’s dissertation was supervised by Benedict Kingsbury, Martti Koskenniemi and Susan Pedersen.

Fernando Lusa Bordin was awarded a Yorke Prize in July for his dissertation entitled ‘The Analogy Between States and International Organizations: Legal Reasoning and the Development of the Law of International Organizations’. The Yorke Prize is awarded annually by the Faculty of Law to an essay of exceptional quality, which makes a substantial contribution to its relevant field of legal knowledge.

Mark Retter was awarded a doctorate from Cambridge University in July for his dissertation ‘Human Rights After Virtue’. The thesis considers the sources of Alasdair MacIntyre’s scepticism about human rights, and looks to develop a theory of human rights based on his virtue ethics. During his doctoral study, Mark was a Gates Cambridge Scholar at Trinity Hall.

Marie-Claire Cordonier Segger wins International Justitia Regnorum Fundamentum Award

Dr Marie-Claire Cordonier Segger has been honoured by the International Justitia Regnorum Fundamentum Award for 2016. This award, founded by the Ombudsmen of the United Nations Human Rights Commission of Hungary in 2007, is granted to an individual who has made outstanding contributions to the field of human rights, including the rights of future generations, through legal, academic, and policy work. Dr Segger is recognized for her tireless efforts in promoting and protecting human rights, especially the rights of future generations. She has contributed significantly to the development of treaty law and jurisprudence, and her work has had a profound impact on the field of international law. Her commitment to educating and mentoring a new generation of international lawyers has also been highly regarded.

Lauterpacht Centre News | Michaelmas 2016
Lorand Bartels promoted to Reader in the Faculty of Law

Congratulations to LCIL Fellow Lorand Bartels, who has been promoted to Reader in the Faculty of Law, with effect from 1 October 2016.

Dr Bartels is a University Senior Lecturer in Law in the Faculty of Law and a Fellow of Trinity Hall at the University of Cambridge, where he teaches international law, WTO law and EU law. Before joining Cambridge, Dr Bartels was a Lecturer in International Economic Law at the University of Edinburgh. He has taught at several other universities, as well as the Academy of European Law (EUI) and the IELPO (Barcelona) and WTI (Bern) masters programs on trade law. In 2007 he was an Alexander von Humboldt Fellow and an AHRC Research Fellow at the Max Planck Institute for International Law in Heidelberg.

Tom Grant joins new Leverhulme Centre for the Future of Intelligence

Dr Tom Grant is leading proposals to establish an ambitious Law Strand within the new Leverhulme Centre for the Future of Intelligence (CFI). CFI is an interdisciplinary centre of the University of Cambridge, in collaboration with Imperial College London, the Oxford Martin School, Oxford, and UC Berkeley. It is being established with the support of a major grant from the Leverhulme Trust.

Among other projects, CFI will examine international law as it relates to autonomous weapons – including international humanitarian law, human rights, criminal responsibility, State responsibility, environmental law, and arms control and disarmament. Dr Grant is CFI’s Coordinator for a planned international workshop on these topics in 2017.

The CFI will be considering possibilities for further law-related projects as it develops, and Tom welcomes suggestions from lawyers and others interested in the impact of machine intelligence on the law, and in shaping the new Law Strand.

‘I’m delighted to be working as part of the CFI and LCIL communities on this important endeavour,’ Tom said. ‘The effects of the emerging technology are already widespread but remain incompletely understood. We’re talking about privacy rights, tort liability, IP, labour markets, how law is practiced, how law is made – to name some of the areas affected. Moreover, machine intelligence is generally believed to be in its infancy. Our laws and the institutions that make and apply them will be called upon to respond in new ways to the opportunities and challenges the technology presents.’

‘Machine intelligence will be one of the defining themes of our century,’ said Professor Huw Price, Academic Director of CFI. ‘The challenges of ensuring that we make good use of its opportunities are ones we all face together. International cooperation is going to be crucial in getting things right, and I’m especially delighted that Tom is connecting the CFI to LCIL’s outstanding expertise in International Law.’
Walking through the rain after Brexit

I initially thought it was because I was foreign. It felt like some people wanted to explain – perhaps apologise for – their compatriots’ recent decision. The taxi-driver in Kensington brought it up. The B&B owner in Devon brought it up. The Vodafone salesman in the Grand Arcade in Cambridge brought it up. It was that overly simplified two-syllable word: Brexit.

I arrived at the Lauterpacht Centre a little over a month after the referendum. Similar to most university cities in the UK, there was no masking the general sense of regret in how the vote turned out. To some, this short newsletter piece may appear like a Boris-esque Euro-sceptical message or a Boris-esque Little England proclamation. Either way Boris’s floppy hair may distressingly come to mind. It is, however, neither of these things. I am an Irish citizen who studied in the Netherlands, who married a Romanian citizen, and who is now raising a child with a surely unique Devon accent. My family owes more than most to the European integration project – leaving aside the eclectic Irish-Romanian-Devon accent we must all learn to love. I am, unlike some Brexit voters my age in Sunderland or Weymouth, a beneficiary of the EU. Waking up to the referendum result felt somewhat like (I can only imagine, of course) waking up to a text message from your high-school sweetheart that reads: “It’s over – but it’s not me, it’s you.” British rejection hurt. The future now looks more uncertain. So, what next?

At the risk of expressing some degree of adulation, I shall use an analogy to reason why I believe Britain, and Europe, will endure this constitutional moment. A few years ago, I came across an article written by Philippe Sands in The Guardian entitled ‘My legal hero: Hersch Lauterpacht’. I do not wish to dwell on Sir Hersch Lauterpacht’s achievements in advocating for better human rights recognition, increased accountability for international crimes, or a more effective international judicial regime. His, and of course his son’s – Sir Elihu Lauterpacht’s – contributions to the modern international legal order have been rightly praised elsewhere. What fascinates me most is the challenges Sir Hersch had to overcome. The moments when he faced an uncertain future. I recently came across some of these moments in a biography of his life written by Sir Elihu.

In the First World War, the sawmill owned by Hersch’s father in Polska was requisitioned by the Austrian army. Hersch persevered – learning French and English while serving his conscription, self-taught from books. He was told he was not allowed to finish his studies in Jan Kazimierz University. Purportedly this option became unavailable to any Jewish student in Eastern Galicia during that time. Sir Hersch persevered – he moved to the University of Vienna and obtained two doctorate degrees. With growing anti-Semitic sentiment in Austria, Germany, and also parts of France, he moved to England. With this new move came new challenges. This time financial. His wife, Rachel, discovered that her father’s factory in Palestine was burned down by Arabs. Meanwhile, the Polish zloty devalued causing Hersch’s parents to become ‘impoverished overnight’. Together, they persevered. One story from their early years living in London epitomizes this. Rachel recalls how she could not find the six pence necessary to pay for the underground fare to join Hersch at LSE for an introductory meeting with Arnold McNair. Worse still, it just so happened to be raining “cats and dogs” that day. Undeterred in her support for Hersch, Rachel walked for over two hours to LSE in the pouring rain. McNair became a mentor, life-long friend, and together with Hersch initiated what is now known as the International Law Reports. I could continue with more illustrations of the challenges faced and overcome by Hersch and Rachel, both of whom suffered great loss in the Holocaust. But it is not necessary to explain this further.

The analogy has been alluded to already. It is this: as international law scholars and practitioners, fortuitous enough to have experienced the spirit of social justice that emanates from 5–7 Cranmer Road, we too must walk through the rain. We must continue to transcend any modern sense of over-zealous nationalism and under-valued Europeanisation. The Lauterpachts picked Britain for a reason in 1923 – they found a secure and tolerant atmosphere. That reason should not be forgotten. The taxi-driver in Kensington, the B&B owner in Devon, and the Vodafone salesman in Cambridge suggested to me it is not forgotten. The diversity and warmth of all those I have met working at the Lauterpacht Centre have proven to me it is not forgotten. So on a day when the pound sterling is being sold for less than a euro (albeit only at Luton and Stansted airports), I remain confident that Britain and Europe will persevere one step at a time.

Adam McCann was a Visiting Fellow in July and August 2016, and will be Lecturer in Law at the University of Exeter from September 2016.
Adapting to the ‘new climate normal’: the role for social science research

In December 2015 representatives from all the world’s countries meeting in Paris agreed to keep the global temperature increase well below 2°C compared with the pre-industrial temperature. Indeed, the countries would even pursue efforts to limit the temperature increase to 1.5°C. This ‘Paris Agreement’ was hailed as a decisive step in the work to mitigate future climate change.

In 2015 the leaders of the world also adopted 17 so-called sustainable development goals (SDGs) which all countries must work to fulfil. Not only will several of these 17 goals have a direct impact on our possibilities of tackling climate change, goal 13 goes on to explicitly requiring the countries to take urgent action to combat climate change and its impacts.

However, 2015 also was the year when the United Nations World Meteorological Organization (WMO) declared that the global average surface temperature in 2015 broke all previous records by reaching about 1°C above the pre-industrial era. Climate change is thus not only about mitigating future global warming. Climate change is already here. It is therefore essential that the world community not only works to mitigate future climate changes – it must also adapt to the ‘new climate normal’.

The new climate normal: what is it?

In 2012 the World Bank commissioned the well-respected Potsdam Institute for Climate Impact Research and Climate Analytics to prepare three comprehensive reports on the likely consequences of climate change.

The first of the three reports sets out to establish the consequences of a global temperature increase of 4°C – the temperature increase that is widely expected to be reached by the end of this century if previous development continues unabated. The report is grim reading. Amongst the likely consequences we find the inundation of coastal cities and increased risks for food production potentially leading to more widespread malnutrition. Many regions, especially in the tropics, will experience unprecedented heat waves. There will be substantially exacerbated water scarcity in many regions. And we may expect an increased frequency of high-intensity tropical cyclones. Perhaps the most important outcome is that a 4°C world will be so different from the one we live in today that it will come with high uncertainty and new risks and thus threaten our ability to anticipate and plan for future adaptation needs.

The World Bank’s two subsequent reports seek to establish for specific regions of the world what consequences the ‘new climate normal’ (i.e. the climate change that we have to accept as irreversible) entails. These two reports are equally frightening reading. A few examples can illustrate what we may expect: in Sub-Saharan Africa there will be significant crop yield reductions, leading to substantial decline in the harvest – and consequent food insecurity. In South Asia, climate change could alter the monsoon system – with negative consequences for food production. The Middle East will experience a dramatic increase in extreme heat waves, and access to the region’s already scarce freshwater resources will become even more difficult. We may also expect climate change to lead to enhanced population movements – creating breeding grounds for conflicts.

The reports’ predictions are necessarily based on complex projections and interpretations. The above scenarios are therefore surrounded by considerable uncertainty. Still, the World Bank simultaneously points out that the scenarios cannot simply be discarded and that this in itself is sufficient to justify strengthening efforts in the field of climate change.

A complex risk picture

The world faces several challenges, of which climate change is only one. One of these other challenges is the rapid population growth which is expected in not least Africa and the Middle East. Thus, in Sub-Saharan Africa, the population is expected to grow from the present 960 million to 1.4 billion in 2030, to more than 2.1 billion in 2050 and to close to 4 billion in 2100. Similarly the total population
of the 22 countries making up the Arab League is expected to grow from 390 million today to just over 500 million in 2030, reaching over 650 million in 2050 and almost 880 million in 2100. We are thus faced with a future where climate change will lead to significantly fewer resources, even while in some regions, the population – that needs to base a living on these more limited resources – will be vastly increased. Even though climate change is merely one piece in a very complex risk picture, it is a piece that occupies a very central position in that picture.

How do we meet the challenges?
Adaptation to the new climate normal is well under way … in the wealthy countries of the Global North. In contrast, the same is not the case with regard to the poorer countries of the Global South, despite the fact that the Global South is significantly more adversely affected. There are two obvious reasons for this: firstly, the societies of the Global South simply dispose of fewer resources (economic, organisational); and secondly, the impacts of climate change are much more pervasive in the Global South and the costs of adapting to them therefore correspondingly higher.

While wealthy countries are able to adapt to the new climate normal, the situation is different in many developing countries. If these countries fail to adapt sufficiently to the new climate normal, this will not only be felt in the Global South. On the contrary, in many different ways the repercussions are likely to be clearly felt in the Global North as well – for instance through large-scale migration towards the Global North. Thus, helping the Global South adapt is in everybody’s interest.

A suitable adaptation to the challenges that developing countries face as a result of the new climate normal, presupposes a thorough mapping of those challenges. The next step is to find solutions to these challenges – solutions that will function in the individual developing country. Some solutions will be scientific / technical – for example, creating new strains of crops for coastal areas that are resistant to the salt water that will flood the fields with increasing frequency as a consequence of the rising sea level.

Other solutions will be developed by the social sciences – for example setting up insurance arrangements that will enable farmers and other commercial actors to cover those losses that may be caused by drought, cyclones or other climate-related weather phenomena. Climate change plays into a complex societal interaction as well as into other major societal challenges (such as population growth and disease outbreaks). From the point of view of research, this necessarily means that climate change must be approached inter-disciplinarily: engineers, biologists, anthropologists, economists, political scientists and lawyers, together with many other professional groups, must therefore work closely and effectively together to produce coherent solutions that can work in the real world … urgently!

Morten Broberg was a Visiting Fellow at the Centre between January and June 2016. He is Professor of International Development Law at the University of Copenhagen, and will be a Visiting Fellow at the Department of Politics and International Studies (POLIS), University of Cambridge in 2016–17.
Research @ the Lauterpacht Centre

The Centre is committed to the advancement of scholarship in international law through research, documentation, dialogue and publication and supports efforts to strengthen the international rule of law. We encourage multi- and interdisciplinary work and offers a home to those wishing to work and collaborate to further such aims. We also host a number of projects from which a range of outputs of relevance to international organizations, governments, NGOs and others is generated.

Workshop on peacemaking in Sudan and South Sudan

2015 marked the 10th anniversary of Sudan’s Comprehensive Peace Agreement, but there was little peace to speak of in Sudan or South Sudan. On 4 and 5 September 2015, LCIL Deputy Director Sarah Nouwen convened together with POLIS colleagues Dr Laura James and Dr Sharath Srinivasan a 2-day workshop titled “Making and Breaking Peace in Sudan and South Sudan: Ten Years after the “Comprehensive” Peace Agreement. The event focused on the practices of peacemaking that have taken place in the Sudans over the last decade, and the lessons learnt. Funded by Nouwen’s British Academy Rising Star Engagement Award and Pembroke College, the workshop brought together 30 of the world’s leading scholars, policymakers and journalists on the Sudans. The convenors are currently working on editing the conference papers, which will be published as part of the Proceedings of the British Academy.

Henning Grosse Ruse-Khan guest edits JIEL special issue

The recent special issue of the Journal of International and Economic Law on ‘Intellectual Property and International Investment Law’ (JIEL 19(1), March 2016) was guest-edited by Henning Grosse Ruse-Khan and also featured articles by a number of LCIL Fellows. These include:

- Michael Waibel (with Kathleen Liddell), ‘Fair and Equitable Treatment and Judicial Patent Decisions’
- Jorge E. Viñuales (with Carlos Correa), ‘Intellectual Property Rights as Protected Investments: How Open are the Gates?’
- Rumiana Yotova (with Eva Nanopoulos), “Repackaging” Plain Packaging in Europe: Strategic Litigation and Public Interest Considerations’
Exceptions and Defences in International Law

On 31 March and 1 April 2016, Lorand Bartels and I hosted a workshop on exceptions in international law. We discovered during an outing to the pub with colleagues that we were both interested in, and troubled by, the notion of exceptions (and their many avatars) in the law. My work on defences had led me to wonder what the difference was, if any, between a defence and an exception and what the practical implications of this difference were (think of the debates in investment law concerning the relationship between Article XI of the Argentina-US BIT and the state of necessity under customary law).

Lorand, who has been working on the topic of applicable law for many years, also wondered what it meant, in terms of law application, for something to be an exception to a rule and, perhaps more importantly, how to know when something is an exception to a rule. Our research revealed that there were many different jurisprudential approaches to the concept of an exception, and that different fields of international law used different terms to address exceptional circumstances and afforded different consequences to these circumstances. So we came up with the idea to invite legal theorists and international lawyers, with different specialties, to discuss this notion.

With generous funding from LCIL, C-EENRG and the Cambridge Humanities Research Grant Scheme, we were able to host 24 speakers over two days at Queens’ College for an engaging workshop. The legal theorists offered different theoretical approaches to the concept and operation of exceptions in the law: from artificial intelligence, to legal logic, to the logic of defeasibility. In turn, the international lawyers, with specialties ranging from human rights to environmental law and trade law, considered the way in which their own field catered to exceptional circumstances. Lively debates followed each presentation, which carried on over coffee and dinner. Judge Gaja had the difficult task of providing concluding remarks and reflecting on the many discussions throughout the two days and close the proceedings.

Many of us have had a lot of thinking to do after the workshop, as we incorporate what we learned into our papers for the volume to be published by OUP next year.

Federica Paddeu
In recent years, international lawyers have shown great interest in mining the past to develop a richer sense of the meaning and possibilities of international law, and a critique of its current iterations. Meanwhile, the history of political thought has been undergoing an ‘international’ turn, shifting its focus from the state or polity in isolation to the relations between polities. These dual developments were brought together at a conference held at Cambridge in May 2016, History, Politics, Law: Thinking through the International.

Conference convenors Martti Koskenniemi (Professor of International Law, University of Helsinki) and Annabel Brett (Reader in the History of Political Thought, Cambridge), with assistance from Megan Donaldson (JRF in History of International Law, King’s College / LCIL), gathered a core group of 20 speakers and participants from law and history of political thought. The topicality of the conference and the range of speakers attracted even more interest than originally anticipated, and we eventually welcomed 130-odd attendees from all over the UK and beyond, with scholarly affiliations in law, international relations, history, politics, anthropology and theology.

The conference opened with two panels focused on method. Anne Orford (Michael D Kirby Professor of International Law, University of Melbourne), Richard Tuck (Frank G Thomson Professor of Government, Harvard University), Gerry Simpson (Professor of Public International Law, LSE) and Jennifer Pitts (Associate Professor of Political Science, University of Chicago) addressed central questions about what it is to do the history of political thought, and (critical) international law, and why. Other speakers then explored the historical in international law, and the international in the history of political thought, in panels on ‘progress and innovation’, ‘institutions’, ‘gender’, ‘economy’ and ‘the state’. Papers ranged across periods from the early modern to the present, and took very different approaches. However, these pairings often revealed startling commonalities, or drew out fertile themes of interest across multiple fields.

On progress and innovation, Joel Isaac (Senior Lecturer in the History of Modern Political Thought, Cambridge) examined how intellectual historians make sense of change, and David Kennedy (Manley O Hudson Professor of Law, Harvard Law School) focused closely on the politics of writing critical international legal history, raising the question of how those engaged in this project themselves understand change to occur.

On institutions, Julia McClure (Lecturer, University of Warwick) focused on the Franciscan order in the new world and the spatial ordering of poverty, and Megan Donaldson (JRF in History of International Law, King’s College / LCIL) explored the way in which members of the League of Nations Secretariat grappled with their responsibilities as the first ‘international civil servants’ in the 1930s. These papers offered two different perspectives on ‘institutions’ and their action, one underlining the sweep and influence of institutions over time and the other focusing on the way in which institutions and offices produce new senses of responsibility, and new conditions of speech. The theme of institutions — the family, labour and revolutionary movements, the academy — resurfaced too in many other papers.

Anna Becker (Assistant Professor, History, University of Basel) analysed Hobbes’ thought on gender in the
state of nature, and Karen Knop (Professor of Law, University of Toronto) traced the now-marginalised role of private international law, and cases on family law in particular, in the history of international law and the relations between states. Across both papers, gender opened avenues into the rethinking of fundamental categories of politics, law and the state.

On economy, Gareth Stedman-Jones (Professor of the History of Ideas, Queen Mary University of London) traced the intellectual lineage of Marx’s ‘dictatorship of the proletariat’, and Duncan Kennedy (Carter Professor of General Jurisprudence, Harvard Law School) analysed the critical legal studies movement as an intervention in the legal academy. This panel engaged with Marxist and left-wing thought on the relation between economics and politics, but each paper addressed too the immediate context of political action, circling back to themes of change over time raised in the panel on progress and innovation.

The final panel concerned ‘the state’ (reversing the typical placement of ‘the state’ as the foundation of legal and political analysis). Both speakers argued for close attention to the contexts in which the state is theorized. Armin von Bogdandy (Director of the Max Planck Institute for Comparative Public Law and International Law, Heidelberg) took Schmitt’s Concept of the Political as an avenue into ‘thinking the state through the international’, and the task of reconceiving relations between law, politics and history. Duncan Kelly (Reader in Political Thought, Cambridge) argued for a re-examination of conventional disciplinary understandings of the relation between the First World War and international law, with particular attention to contemporaries’ own investment in rival French and German traditions of dialectical history.

Proceedings in the lecture hall closed with reflections by Annabel Brett, and a roundtable exchange between Nathaniel Berman (Rahel Varnhagen Professor of International Affairs, Law, and Modern Culture, Brown University), David Runciman (Professor of Politics, Cambridge), Lauren Benton (Nelson O’Tyrone, Jr. Professor of History, Vanderbilt University), and Shruti Kapila (University Lecturer in History, Cambridge). The conference was also notable, however, for lively conversations outside the hall, as attendees met and talked outside and across conventional disciplinary bounds.

The conference was made possible by the generous support of the Cambridge Centre for Political Thought; the Erik Castrén Institute of International Law and Human Rights, University of Helsinki; the Faculty of History (Trevelyan Fund), University of Cambridge; and the Lauterpacht Centre for International Law.

Megan Donaldson

The full programme, and video recordings of the opening panel on methodology, are available at http://www.polthought.cam.ac.uk/recent-events/hist-pol-law.
On 18–19 May 2016 the Lauterpacht Centre hosted a workshop, co-organized by Eyal Benvenisti (Director of the Lauterpacht Centre) and Benedict Kingsbury (NYU School of Law), on ‘Law in International Orders’. The event was aimed at building and deepening a research network on the theme ‘international legal orders and their histories’, currently convened by the Institute for International Law and Justice, NYU School of Law, with the support of the NYU Global Institute of Advanced Study, the ERC-funded GlobalTrust Project (http://globaltrust.tau.il/), and many other collaborators.

The workshop sought to explore the utility of the concept of ‘order’ in understanding international legal structures, norms, and institutions. Whereas ‘system’, ‘society’ and ‘community’ have been developed analytically with fruitful results, the concept of ‘order’ (whether as noun, verb, or descriptor) has not been very fully analysed and explored in relation to international law. Yet the establishment, maintenance, and adjustment of order—and the suppression or eclipse of disorder—are fundamental objectives of politics, for which law and institutions are routinely enlisted, and by which law and institutions are produced and strengthened. Multiple political, economic, social and legal orders (grounded in international law, domestic law, private law) overlap, collude, compete and conflict. While the inner logic of law is assumed to favour order, the prevalence of decay, manipulation, suborning, disruption and overthrow of existing orders in international politics not only has implications for law, but may indeed be facilitated or conditioned by law. The workshop gathered participants from around the world, from late-stage doctoral students to leading scholars, to talk about the ways in which their own research might shed light on these relations between law, orders and ordering.

In order to foster a free-flowing exchange, the programme was built around short presentations and collaborative discussion of recently completed projects or work-in-progress, rather than full papers. An opening panel on ‘Ordering History and Histories of Ordering’, chaired by Annabel Brett (Reader in History of Political Thought, Cambridge), tackled the possibilities and problems of identifying patterns of order, and studying projects of ordering, in historical terms. Panelists addressed the value and hazards of reading ordering concepts from one period or context into another; the challenges of identifying and evaluating purposive elements in particular practices; and dimensions of space, time, and specificity or generalizability in contemporary historical projects. Speakers included Duncan Bell (Reader in Political Thought and International Relations, Cambridge); Julia Costa Lopez (Assistant Professor of International Relations, University of Groningen); Gabriela Frei (JRF in History, Jesus College, Oxford, and a former LCIL visitor); Monica García Salmones and Walter Rech (both post-doctoral Research Fellows at the Erik Castrén Institute of International Law and Human Rights, University of Helsinki); Andrew Hurrell (Montague Burton Professor of International Relations, Oxford University); and Anne Orford (Michael D Kirby Professor of International Law, University of Melbourne).

A panel on ‘Organizing Empire and Organizing after Empire’ introduced themes of hierarchy and equality, pluralism and centralization, in practical and conceptual projects of ordering. This panel was chaired by Lauren Benton (Professor of History and Dean of the College of Arts and Sciences, Vanderbilt University), whose work in world history has examined (among many other things) empire as legal pluralism. Within the panel, David Armitage and Jennifer Pitts (respectively Lloyd C. Blankfein Professor of History, Harvard University; and Assistant Professor of Political Science, University of Chicago) gave a brief presentation of work from a forthcoming volume of the writings of C H Androwicz, the cosmopolitan jurist and legal scholar who took an early interest in the history of the law of nations in Asia and Africa. Natasha Wheatley (ARC Postdoctoral Research Fellow, University of...
Sydney) presented work on the entanglement of constitutional and international law in the Austro-Hungarian Empire. Other speakers included Megan Donaldson (JRF in History of International Law, King’s College/LCIL); Mamadou Hébié (Assistant Professor of International Law, University of Leiden, and a former LCIL visitor); Iza Hussin (Lecturer in Asian Politics, Cambridge); Doreen Lustig (Lecturer in Law, Tel Aviv University); and Renaud Morieux (University Lecturer in British History, Cambridge).

The themes of hierarchy and equality, pluralism and centralization were explored further, from the perspective of contemporary international law, in a panel on ‘Thinking of and from Present International Legal Orderings’, chaired by Anne Orford. Panellists explored modes of change in and through orders; sovereign or liberal equality; and the production and organization of hierarchy and inequality. Speakers included Luis Eslava (Senior Lecturer in Law, Kent Law School); Ville Kari (a doctoral candidate at the University of Helsinki); Martti Koskenniemi (Professor of International Law, University of Helsinki); Kate Miles (Lecturer in International Law, Cambridge); Surabhi Ranganathan (University Lecturer in International Law, Cambridge); Gerry Simpson (Professor of Public International Law, European University Institute); Immi Tallgren (research fellow at the Erik Castrén Institute of International Law and Human Rights, University of Helsinki); and Michael Waibel (University Senior Lecturer, Cambridge; and Deputy Director, LCIL).

The conference closed with a round of 2-minute ‘project sketches’ by selected participants, bringing out the range of different avenues of research, and the methodological problems encountered. This “lightning round” was followed by more relaxed discussions between participants over lunch in the Lauterpacht Centre gardens.

Megan Donaldson

More photographs from the workshop can be seen in an album on the Lauterpacht Centre’s Facebook page: www.facebook.com/LCILCam.
BRCS/ICRC Customary IHL project

The research team working on the Customary International Humanitarian Law (IHL) Project, a joint undertaking of the British Red Cross and the International Committee of the Red Cross (ICRC), this year celebrated their 9th year based at the centre. The research team updates the award-winning online ICRC Customary IHL Database with new practice. The Database covers the national practice of States from all over the world, from Afghanistan to Zimbabwe, as well as international practice from bodies such as the International Criminal Court. The research team at the Lauterpacht Centre focuses on national practice, while international practice is currently being up-dated by researchers based at Laval University in Canada.

The Database contains the 161 rules of customary IHL identified by the ICRC in their 2005 Customary IHL Study originally published by Cambridge University Press and the practice underpinning these rules. It covers a wide range of topics, including issues of current debate, for example the prohibition of indiscriminate or disproportionate attacks and the obligation to respect and protect humanitarian relief personnel. This is significant as Customary IHL- which like all customary international law is established primarily by States - can fill gaps left by treaty law in international and, notably, in non-international armed conflicts (which constitute the vast majority of armed conflicts in the world today). In compiling such practice, the aim of the online Customary IHL Database is to provide up-to-date, accurate, extensive and geographically diverse information in the field of international humanitarian law (IHL) and to make this information readily accessible to people and institutions interested in, or dealing with, IHL and armed conflict.

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 Customary International Humanitarian Law Project Research Team
From left to right: Jolien Quispel, Claudia Maritano, Emmanette Viney, Natália Ferreira de Castro and Jana Panakova.
Providing the legal tools for peace-making

One of the Lauterpacht Centre’s flagship projects, Legal Tools for Peace-Making aims to contribute to the peaceful resolution of conflicts around the world by analysing the drafting practice of peace agreements against the backdrop of international law and highlighting the different options available to the negotiating parties on a variety of issues.

Building on the work carried out during its preparatory phase (compiling and categorizing peace agreements by the issues they address), the project, under the guidance of Prof. Marc Weller, has progressed to its next stage, focused on making this work publicly available in the form of an online database and case studies on each issue area. This new phase, funded by the Economic and Social Research Council, has been marked by the arrival of new researchers, as Jake Rylatt, Andrea Varga and Mark Retter have joined the project as Research Assistant and Research Associates, respectively. Following her well-deserved appointment to the position of Lecturer of International and European Law at Tallinn University, the project’s long-time Research Associate, Tiina Pajuste, has been dividing her time between Estonia and the UK for the past year; she will continue to be involved in the project even after she leaves Cambridge at the end of August this year. This in-house team is in turn supported by academic and practitioner advisory boards composed of leading experts in peace-making and international law, in order to ensure that the final outputs are of the greatest utility for peace-makers in the field.

The project team has made significant progress on both the database and the case studies. As regards the former, the team continued to cooperate with the UN Mediation Support Unit (MSU), flagging new agreements to each other to ensure that both the MSU’s UN Peacemaker database and the Legal Tools database are kept up to date. Furthermore, the project has established relationships of cooperation with regional organisations involved in conflict mediation and peace processes (the European Union and the Organization of American States), which have welcomed the project warmly, and have representatives on the project’s practitioner advisory board.

As the web-based interface – developed by the MSU IT specialists – was made available last year, the past several months have seen the transitioning of the previously used Word-based compilation to the online database, as well as the translation of non-English-language agreements to enable their categorisation, with the help of Henry Moore, Jessica Matheret, Michael Panayi, Michael McLeod, Peta Blundell, Anna Khalfaoui, Emilia Radley, Laura-May Nardella, Stefan Haselwimmer, Michael Withey and Mara González Souto. The project team would like to thank them all, as well as the IT specialists – in particular Michael Fromm and Michael Felber – for their valuable assistance and commitment to the project.

The functionalities of the database (currently in the process of fine-tuning) were demonstrated at a workshop held at the Centre on 14–15 May 2016, hosting members of the project’s academic and practitioner advisory boards. The workshop’s participants brought a broad range of expertise with them, as they included such renowned experts in mediation as Andy Carl, Mark Muller, and John
Packer; Rohan Edrisinha and Eldridge Adolfo, representing the UN Department of Political Affairs and the EU External Action Service respectively; and prominent academics in the field, such as Mats Berdal, Randall Lesaffer and Ralph Wilde. They agreed that both the database and the case studies have great potential to help the cause of peace-making and provided further suggestions on how these outputs can best be of use to negotiating parties and mediators in the field, as well as academics. Indeed, that potential is illustrated by the fact that a section of the database and the corresponding case study has already been used in the ongoing negotiations regarding Syria, where it has been received very positively. Further possibilities were highlighted by the insightful presentation of the Constitutional Focal Point at the UN Department of Political Affairs, Rohan Edrisinha, on his experience with the peace-making processes of Sri Lanka and Nepal.

The project team, in close collaboration with the IT specialists, is currently working on the incorporation of comments received at the workshop, and the database is scheduled to be publicly released in November, at a launch event to be co-hosted with the MSU in New York. As agreed earlier with the MSU, the database will be hosted on the UN Peacemaker and mirrored on the project page on LCIL’s own website. Creating a publicly accessible tool has been a particularly important goal for the project from the outset; and, as also noted by the workshop participants, it could help reduce the imbalance between the negotiating parties where non-state actors lack the institutional support and research capacity that governments have at their disposal.

Going beyond the database itself, this categorization of peace agreements on 26 main issue areas – ranging from cease-fires through human rights to reconstruction and development – provides the basis for the case studies, which compare and evaluate the drafting practice of agreements on these issues against the backdrop of international law. Having developed a template that best presents the project’s findings, the team has completed a number of case studies on issues as varied as financial arrangements, detainees and humanitarian assistance. This research was presented at the workshop in May, where members of the project team received valuable feedback on their work and food for thought in going forward with the remaining case studies.

Last, but not least, the workshop also provided an excellent opportunity for members of the project and of the academic and practitioner advisory boards to exchange views on several aspects of the project. This included fruitful discussions on the third main output, a conceptual study on the international law of peace-making – to be published as an edited volume – addressing problems and tensions that cut across different issue areas.

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

http://www.lcil.cam.ac.uk/news/content/lcil-hosts-legal-tools-peace-making-project-workshop
The fascinations of interdisciplinarity: Pardo, Hardin and the global commons

Lauterpacht Centre News recently interviewed Surabhi Ranganathan, University Lecturer in International Law and a Fellow of the Lauterpacht Centre, about her current research into global commons. Surabhi’s research compares two seminal theories that dominate the legal discourse on governing global commons (‘the common heritage of mankind’, first articulated by Arvid Pardo in 1967, and ‘the tragedy of the commons’, introduced by biologist Garrett Hardin in 1968) and offers a critical account of their origins.

Lauterpacht Centre News: How did you become interested in global commons?

Surabhi Ranganathan: It comes out of something I did for my first book [Strategically Created Treaty Conflicts and the Politics of International Law, CUP 2014], which was a study of different types of strategically created treaty conflicts. One of the three that I picked to study closely was related to the law of the sea, and I became interested in this idea of the common heritage of mankind. As a legal principle, it has been articulated and used by different sides in different ways, but I always had this question of ‘so where does this principle come from? Why do we have it? Why is it doing all this work that it’s being made to do in this case?’. And so, once the book was put to bed, I turned to this question, and it was quite interesting: the first concrete legal articulation of this principle before a public audience was by the Maltese ambassador to the UN [Arvid Pardo], who talked about it to the General Assembly in November 1967. Six months after he made this landmark speech, Garrett Hardin made his famous ‘tragedy of the commons’ speech, and suddenly we had two, quite different ideas of global commons. Hardin saw it as a tragic concept (and global commons are particularly tragic because global communities are not really like local communities, they don’t cooperate and so forth), but Pardo was proposing instead a very utopian concept that these global resources will benefit mankind as a whole, that they are redemptive. I wanted to explore the context in which both of these quite opposing ideas could emerge, and what that said about the political economy of these ideas, about the big concerns that were in operation at the time.

LCN: You presented these ideas at the 2015 Junior Faculty Forum. Will your paper be published?

SR: Yes, it will come out later this year in EJIL. The paper itself tries to relate these ideas to the decolonisation context of the 1960s, when a lot of new states were emerging and there were all these questions about population, particularly in the West: that the number of people would cause a crisis, but also destabilise access to resources. What happens when you can no longer access the resources of Asia and Africa and have to think about other ways of getting access to minerals and so forth? What is a global commons (and therefore belongs to the global community as a whole) versus...
what is a national resource (so a state can limit access to it by its own power)?

**LCN:** Pardo’s wording – ‘the common heritage of mankind’ – is interesting. To most people, I think ‘heritage’ is seen as something to be protected and handed down rather than exploited.

**SR:** I think Pardo saw the oceans as the last refuge of mankind, the thing that will endure once we have exhausted everything on land. It’s interesting that we call these resources the common heritage of mankind, but actually we’re not thinking of them at all as ‘heritage’, we’re thinking of them as exploitable, commercial reservoirs. The first articulation of this principle was in the context of a natural resource and that whole commodification story is worth looking into. With the seabed, it could have gone either way – it could have become this great cultural reservoir that we must preserve for future generations, leaving at least one bit of the earth untapped. But that didn’t happen: very quickly the consensus arose that these are resources that we need to exploit, it’s just a question of deciding the principles. Do we do it in a way that shares the benefits, or do we just say that the first mover wins, that whoever exploits gets the profits?

**LCN:** A contrasting example is the continent of Antarctica, which is protected as a ‘natural reserve devoted to peace and science’.

**SR:** The Antarctic treaty was signed only a few years before the seabed became so prominent, so there was already that example – we could have kept the seabed as a place for scientific experimentation and study. But that didn’t happen. Antarctica is interesting, it’s currently a place where you can conduct scientific work but you can’t exploit it in a commercial way. But there’s no final decision that this is how we’re going to use Antarctica – really, it’s an indefinite suspension of claims because that’s not necessarily welcomed by all the other states that are not trustees of the Antarctic area. We see this boiling up a lot with the Arctic, where there are now claims that we need to access the oil and the Arctic bed. That’s going to keep us busy for a few years … but once it’s done, I think we’ll turn back to Antarctica and say that now is the time to reopen these claims. So even these nice ideas about heritage come out of a desire to make some sort of profit later on. I guess somebody who works in political economy would say, “but that’s always a driving logic, right?”

**LCN:** Garrett Hardin predicted tragedy because he thought nobody would pass up the chance to advantage themselves…

**SR:** My paper tries to say that, actually, Hardin is quite inconsistent in how he applies that thesis himself. So what he says is intuitively quite appealing because it speaks to what we think of as common sense: that if there is a common resource, people are selfish, everybody will think how they can take a little bit more from it, and the result will be destruction. But Hardin is also always complaining about how certain sections of the world – he says rich, Western people, people like him – keep creating commons, while all of these ‘other’ people – the poor Americans and the poor people of the third world – constantly consume these resources. Hardin argues that ‘we’, his lot, have created redistributive institutions like the world food bank and the world bank, yet we are constantly apologising for our own consumption, and that’s wrong. There’s an underlying frustration: Hardin thinks that he is articulating a universal biological truth, but at the same time he doesn’t think that this biological truth is actually at work in what he sees – he sees some people as always providing and being altruistic, and others being selfish and not contributing.
LCN: Aren’t these ‘created commons’ just attempts to redress inequality?

SR: Yes, but Hardin is also a Malthusian and he thinks redistribution is an issue because it leads people to make bad decisions once they have more resources – they produce more children, basically. He thinks that what we need to do is preserve our lifestyle, is make sure that there are not so many other people in the world also demanding higher standards of living. He argues that rich Americans – and especially white settler Americans – can’t become apologetic about having taken away lands from the native Americans, and can’t start giving things back to them because where will that leave us? Can we really maintain our heated swimming pools if everybody in the world wants one? He makes a very strange comparison, on the one hand denigrating the President of Gabon for building a swimming pool, but Hardin himself had a swimming pool! A head of state is somehow being profligate in consumption by having a swimming pool, but a private citizen in California can have one without being chided for it.

Yet, despite all its criticisms of Hardin, my paper suggests in a way that the Maltese ambassador was probably the more hypocritical of the two: Hardin is actually quite blunt about what you need to do to preserve your own standard of living. (But it’s still interesting that he’s using this slightly universalist rhetoric in ‘The Tragedy of the Commons’, when what he has in mind is a very particular political plank.) He is saying that “how do you preserve the privileges of a certain section of society?” You can only do it by enclosing resources for them, you can’t do it by keeping all those resources open for everybody. In a way, he was also farsighted. A lot of the other people who were also talking about global commons in the 60s were only thinking of big land masses, such as Antarctica, the oceans, the moon, and so forth. Hardin realised that global commons are everywhere.
commons were also common concerns. So he said we should not really be defining overpopulation as a global problem because it’s not a global problem. Every state has its own population problem, and we don’t have to concern ourselves with that. What we can do is to encourage them to bring down population – so have compulsory sterilisation and so on – but we can’t think of it as our problem. So he was also constantly saying, we have to enclose ourselves off from thinking of things as global commons. On the one hand he’s an ecologist, but on the other hand he’s very against defining things in global ways if it means America carrying the burden for the rest of the world and solving problems. So he’s an isolationist in this.

**LCN:** Global commons are under increasing pressure from population growth and the effects of climate change [see Morten’s article on pp. 16–17]. How do these theories address that?

**SR:** Climate change – and the debate about whether everybody adapts and cuts back, or we find a massive new technological solution – actually feeds very well into this because the common heritage narrative has always been largely a techno-utopian narrative. The idea of global commons suddenly becoming the panacea for mankind has always relied on technology being able to do that. And so with climate change, the common heritage idea heavily relies on technology. Even if the means chosen is adaptation, the focus is on technology to smooth the way to that adaptation, to make it easier for us – for example, having electric cars as opposed to petrol cars. But there is also of course the whole tragedy of the commons dimension to climate change. I’d like to explore how these narratives of tragedy and techno utopia come together for climate change in the 90s in the same way that they did for the oceans in the 60s.

**LCN:** Is ‘techno utopia’ actually a way expanding commons instead of dividing them differently or consuming less – making it possible to consume more without the same sort of diminution?

**SR:** Absolutely. ‘Techno-utopian’ thinking can be very interesting because, on the one hand, it’s all about futuristic fantasies, but on the other it is guided by the idea of ‘reversion’ to the old – to ideas of working with nature, and living with nature, just using technology to do it in a better way. At the moment, somebody in Milton Keynes [Phil Pauley] is planning to build giant spheres which can house about five thousand people at a time, and which will bob on the surface of the ocean, but also be linked to a pathway that can take them all the way down to the bottom if the weather becomes really bad. So there’s really this idea that we can actually go and live in the oceans, you know, we don’t have to worry about what’s happening on land.

**LCN:** If we have too many people for the surface, we just expand into the seas?

**SR:** Yes, exactly, it’s amazing. And now they’ve linked it to power through solar energy, and through wave motion, and how it can be used for scientific research… It’s amazing how, once you develop the germ of an idea, you can link it to all these wonderful things. But it’s also … I mean, five thousand people living in a glass ball on the surface of the ocean…! Techno-utopians can be scary in their relentless optimism, and determination to make every possible use of the Earth…

**LCN:** What about expansion into outer space and extraterrestrial exploitation?

**SR:** There are parallels and non-parallels between the deep sea bed and the outer space. The parallel is that both are, in some senses, thought of as global commons, as resources or domains that lie beyond national jurisdictions, so they belong to the international community (however that’s defined). But there are differences too. With the oceans, we have the common heritage principle as a legal principle in the UN Convention on the Law of the Sea; its meaning has been very contested, but it does stand for at least the one idea that’s accepted and that remains in place, namely that the benefits of recovery and exploitation must somehow accrue to mankind as a whole. So there is an International Seabed Authority, which regulates the oceans and essentially gives companies licences to mine – but then the companies have a duty to transfer some of the gains from mining on to the Seabed Authority, which will then use it. And the Seabed Authority has other provisions in place to enable less developed states to develop their own mining technologies. All of this is still quite utopian, because seabed mining is not like mining on land – there are lots of technological hurdles. But there is at least a whole notional regime in place. With outer space, it’s not clear at all yet what it’s going to look like. I think the US is now trying to pass a law on the mining of asteroids, but again it’s not clear what the principles will be, and how we should think of outer space. The sea is a part of the earth, and we think it belongs to everyone on the earth – and even something discrete and Earth-dependent like the moon conceivably does fall under the same principle – but outer space is a different matter. So there are these other questions about whether the underlying principles that drive regulation for the sea can actually be applied to outer space. The interesting thing for me is that people in the 1960s were able to talk about these things, were able to actually plan
for these things as if they were going to happen. Even now, the technology seems so remote, but in the 1960s, there was a strange confidence that we would be able to do this.

**LCN:** Why do you think that was?

**SR:** The 1960s was a time when knowledge integration and interdisciplinarity were a big thing. It was no longer the age of specialisation: everybody wanted to be a voice of authority who could claim to have a really complex epistemology. There was an idea that we need to understand all policy choices in a way that's determined on the one hand by technology, and on the other hand by sort of certain kinds of scientific theory – such as cybernetics or systems theory – that provide universal accounts of how complex systems function. We could use all of that and integrate it with a certain amount of ecological knowledge, with economics and so on.

My paper argues that this environment made it possible for both Hardin and Pardo to even articulate their ideas. Their theories are massive, very complete imaginaries that are built on the fact that they have amassed the theory, the knowledge, the facts from a variety of disciplines. They don’t necessarily always do a very good job of bringing them together, but their confidence – and their audience’s – that good work is interdisciplinary work made it easier for them to receive a positive reception. Their claim to be performing interdisciplinary work made it easier for them to receive a positive reception. It’s interesting for doctrinal lawyers because usually we think, ‘OK, we need to figure out what the law is, we need to understand how the principles work and what rules can be derived and what the rules say, and we can’t concern ourselves with all of these other issues…’ But those committed to interdisciplinarity and finding ‘comprehensive solutions’ have to understand the law not only as contingent upon many other factors, which it always is, but also as a methodological choice. They can’t restrict themselves to doctrinal law if they have to find integrative solutions. To me this is both appealing, because I’m not instinctively a doctrinal lawyer, but also dangerous, because we give up our only claim to expertise. To what extent do we get complacent? To what extent do we get swept away by these big visions of integration? It’s problematic.

**LCN:** So where is your research going next?

**SR:** In terms of where the project is going, I’m not sure. It could go two ways: it could go into a study of global commons, and it could really explore how this idea has been understood and articulated in different legal settings, from the 1960s to the present. So that would mean looking at the oceans, but also at climate change and biodiversity and so on. Or it could become a study of the law of the seabed, and about what the ways in which we’ve thought about and used the seabed from the 1960s to the present tell us about post-colonial international law. For example, experiments with different forms of authority, how the norms have shaped, how the debates have happened, how the fact that the UN Convention on the Law of the Sea was the first major, open law-making exercise. I could use the seabed as a way of talking about many things. So I’m not sure yet which route I’m taking; the seabed will be a part of both, but in what form, I’m not yet sure. But it will continue!
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 will have published six volumes (vols. 161–166) in 2016 and plan to publish six volumes a year from now on; this will 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 now available electronically via Cambridge Law Reports (CLR): www.lawreports.cambridge.org.

The range of international tribunals covered in the volumes published in 2015–16 (vols. 157–166) has included arbitration tribunals, the International Court of Justice, the European Court of Human Rights, the Court of Justice of the European Union, the International Criminal tribunal for the former Yugoslavia, the United Nations Human Rights Committee, the ILO Administrative Tribunal, the Inter-American Court of Human Rights, the International Tribunal for the Law of the Sea. These volumes also include judgments from the courts of Australia, Belgium, Brazil, Italy, Poland and Slovenia which are referred to in the 2012 judgment. It also contains the 2014 judgment of the European Court of Human Rights in Jones and Others v. United Kingdom and decisions from the courts of Australia (Li v. Zhou), England (Harb) and South Africa (the Al Bashir case).

Any recommendations of cases for publication from readers of the newsletter 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), whom we are delighted has joined us as ILR Editorial Assistant.

Christopher Greenwood
Karen Lee

More information: http://www.lcil.cam.ac.uk/publications/international-law-reports
## Events @ the Lauterpacht Centre

### Friday lecture series

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<td>21 October</td>
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The lecture programme is subject to revision without notice. Please check the Centre’s website for updates and information: [www.lcil.cam.ac.uk/events/](http://www.lcil.cam.ac.uk/events/)

During the University term, the Centre holds Lunchtime Lectures on topical issues in international law given by leading academics and practitioners. Lectures take place from 1pm–2pm with a sandwich lunch provided at the Centre from 12:30pm.

For more information, see the Lauterpacht Centre website: [http://www.lcil.cam.ac.uk/events/](http://www.lcil.cam.ac.uk/events/)

The Friday lecture series is kindly sponsored by Cambridge University Press.
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.
East West Street: On the Origins of Genocide and Crimes Against Humanity

Book launch with Philippe Sands
Wednesday 2 November
Lauterpacht Centre for International Law

When Philippe Sands received an invitation to deliver a lecture in the western Ukrainian city of Lviv, he began to uncover a series of extraordinary historical coincidences. It set him on a quest that would take him halfway around the world in an exploration of the origins of international law and the pursuit of his own secret family history, beginning and ending with the last day of the Nuremberg Trials.

Part historical detective story, part family history, part legal thriller, Philippe Sands guides us between past and present as several interconnected stories unfold in parallel. The first is the hidden story of two Nuremberg prosecutors who discover, only at the end of the trials, that the man they are prosecuting, once Hitler’s personal lawyer, may be responsible for the murder of their entire families in Nazi-occupied Poland, in and around Lviv. The two prosecutors, Hersch Lauterpacht and Rafael Lemkin, were remarkable men, whose efforts led to the inclusion of the terms ‘crimes against humanity’ and ‘genocide’ in the judgement at Nuremberg.

The defendant was no less compelling a character: Hans Frank, Hitler’s personal lawyer, friend of Richard Strauss, collector of paintings by Leonardo da Vinci, and Governor-General of Nazi-occupied Poland.

A second strand to the book is more personal, as Sands traces the events that overwhelmed his mother’s family in Lviv and Vienna during the Second World War, and led his grandfather to leave his wife and daughter behind as war came to Europe. At the heart of this book is an equally personal quest to understand the roots of international law and the concepts that have dominated Sands’s work as a lawyer. Eventually, he finds unexpected answers to his questions about his family, in this powerful meditation on the way memory, crime and guilt leave scars across generations, and the haunting gaps left by the secrets of others.

Philippe Sands QC is Professor of Law at University College London and a practising barrister at Matrix Chambers. He frequently appears before international courts, including the International Criminal Court and the World Court in The Hague, and has been involved in many of the most important cases of recent years, including Pinochet, Congo, Yugoslavia, Rwanda, Iraq and Guantanamo.

Easter egg-stravaganza!

On 22 March, we held our first Easter egg hunt at the Lauterpacht Centre! Our receptionist Karen Fachechi hid chocolate eggs all around the Centre’s gardens and, guided by Karen’s fiendishly cryptic clues, staff and visitors raced around the grounds trying to discover where all the eggs were hidden. They were greatly helped in this by Dominic (bottom right), whose keen young eyes were adept at spotting shiny foil wrappers. In a surprising twist, the searchers found more than they bargained for: somebody had been out before them and laid an alternative – and rather more alcoholic – trail...
Congratulations to our Deputy Director Sarah Nouwen, whose son Sammie was born in February. He is never short of willing playmates when he visits us!

Spring cleaning: with the gardens looking as beautiful as ever in the spring (top), we decided it was time to spruce up the building too. The steps outside the Finley Library were steam cleaned (bottom) and the driveway was resurfaced: no more puddles this winter!

Six men in a boat: Visiting Fellows Adam, Jason, Ömer, Anlei, Raphael and Jörg try punting on the River Cam.
Lauterpacht Centre News is published twice a year, at the start of Michaelmas, term and during Lent term. All enquiries, including about contributions, should be sent to the Editor, Christina Rozeik (cryr2@cam.ac.uk).