

LAUTERPACHT CENTRE NEWS

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In this issue...

Page 3: Revising the international health regulations

- Prof Eyal Benvenisti



Page 6: Legal kryptonite?
Parliamentary sovereignty,
international law and the Internal
Market Bill

- Prof Mark Elliott



Page 9: Obituary:

Prof Hugh Thirlway

- Sir Frank Berman QC &
Sir Michael Wood KCMG



Page 14: Centre
Lectures & Events



Contents

3	Revising the international health regulations - Professor Eyal Benvenisti
6	Legal kryptonite? Parliamentary sovereignty, international law and the Internal Market Bill
8	Fellows' observations on the Internal Market Bill
9	Obituary: Professor Hugh Thirlway
10	Fellows' News
13	Working at the International Court of Justice - Dean Rosenberg
14	Centre Lectures & Events
18	Fellows' Blogs
20	Published Books
22	Centre Publications
23	Fellows' published articles
24	BRC/ICRC Customary International Humanitarian Law Project celebrates the 10th anniversary of the Customary IHL database
25	Former doctoral student Dr Emilija Leinarte is awarded the British Academy Postdoctoral Fellowship
26	Scholarships
28	Lauterpacht Linked Programme
29	Eli Lauterpacht Memorial Fund
30	Management Committee, Directorship & Administration
31	Centre Fellows
32	Advisory Board
33	Honorary & Senior Fellows
34	Friends & Donors of the Centre
35	Michaelmas Term Visiting Fellows & Scholars
36	Visiting the Centre
38	Life @ the Centre

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Front Cover: Servant bells in no 5 kitchen

Revising the international health regulations

LCIL Director Professor Eyal Benvenisti

Eyal is Director of the Lauterpacht Centre, Whewell Professor of International Law and a Director of Studies in Law at Jesus College.



The onset of the COVID-19 pandemic laid bare the weaknesses of international health law as reflected in the International Health Regulations of 2005 (IHR). Last May, the World Health Assembly ***instructed*** the Director General of the World Health Organization (WHO) to initiate an "impartial, independent and comprehensive" review of "the functioning of these regulations, among other questions related to the WHO's ability to address pandemics. In line with this resolution, last month a ***23-member Review Committee*** began its work.

In accordance with the IHR, the Director General selected the members of this Review Committee from among the persons serving on the IHR Expert Roster, "based on the principles of equitable geographical representation, gender balance, a balance of experts from developed and developing countries, representation of a diversity of scientific opinion, approaches and practical experience in various parts of the world, and an appropriate interdisciplinary balance." However, the appointees hold primarily medical expertise: there are no political scientists, lawyers or sociologists, no statespersons with experience in global governance.

This roster reflects the traditional philosophy of the WHO, and indeed its founding assumption: that the improvement of global health is the shared goal of all nations, and that fighting disease is an effort to which all are equally committed. Given this assumption, the underlying premise of the visionaries behind the WHO was that the primary

challenge in the pursuit of global health was a matter of expert coordination. A coordination problem requires a collective decision on which course to take, which expert theory to follow, or which standard to adopt. Once agreed, everybody shares the incentive to follow that standard. Hence, the founding fathers of the WHO perceived it as a body that could represent humanity by taking a science-based approach—one that transcended politics.

But the COVID-19 pandemic has vividly demonstrated that the underlying challenge of improving global health is not one of poor coordination among medical experts, nor even one of lack of scientific cooperation, but ***a lack of political cooperation***. The WHO's efforts to combat the pandemic has been plagued by competing economic, political, and social demands—conflicts that render coordination difficult and cooperation impossible. As in other global-scale cooperation

problems—such as climate change—even if everybody knows what needs to be done, at least some have the incentive to “cheat.” Pandemics pose a collective risk to human society; however, some individual societies are more vulnerable than others, and the associated costs—of prevention and treatment, for instance—are not shared equally. Seeking to protect their citizens, states are primed to take defensive action, such as underreporting outbreaks or closing their borders preemptively. At the same time there are also domestic conflicts of interest, *as powerful lobbies weigh in* to steer national and global health policies in their favour.

During the finalization of the revised IHR in 2004 - the first real opportunity for states to provide feedback on a technical draft - governments “collectively agreed to impose new restrictions on the Director-General’s autonomy” (Kamradt-Scott, 2019) Their agreement reflected their inability to overcome a fundamental, intractable conflict: developed states wanted the WHO to have greater access to non-state-based information about impending health risks but limited authority to censure their protective measures, while developing countries insisted that the WHO remain dependent on information only they would provide, and demanded more accountability from states blocking trade (Kreuder-Sonnen, 2019). The outcome was an agreement to “reify member states’ sovereignty” (Kamradt-Scott, 2019).

The IHR undercut the WHO’s authority to offer a swift and resolute response to outbreaks. In a significant departure from the earlier draft, the IHR also undermined the WHO’s very basic function of providing information to facilitate coordination. The WHO now must consult with a source state before exercising its powers, and its freedom to obtain independent information from sources other than the affected state government is severely limited. Furthermore, the WHO may share such information with other states only after the source state refuses to collaborate and only “when justified by the magnitude of the public health risk” (Art. 10). Crucially, the WHO has a legal duty to reveal to the source state any independent sources of information, unless “it is duly justified” in maintaining their confidentiality (Art. 9). This requirement naturally has a chilling effect on the potential contribution of whistleblowers.

Moreover, the IHR limit the WHO’s authority to issue travel advisories. The WHO’s power to issue recommendations with respect to persons (Art. 18), strictly construed, does not permit the public



dissemination of advice, but is limited to informing states only (Kamradt-Scott, 2015). In any case, the procedure for issuing recommendations (including travel advisories) requires first a hearing of an Emergency Committee (Art. 49), and that any recommendations be made following consideration of that committee’s views, as well as those of the state concerned. The need to rely on Emergency Committees in response to outbreaks has essentially invited political and economic interests to intervene in expert decision-making. Yet, the IHR do not fetter the discretion of states to adopt whatever trade-restricting measures they deem fit. This is reflected in Article 43 of the IHR, which allows states parties to implement health measures to “achieve the same or greater level of health protection than WHO recommends”. While measures “shall not be more restrictive of international traffic... than reasonably available alternatives that would achieve the appropriate level of health protection”, the second clause allows states to justify their restrictive measures on a number of grounds. Furthermore, the WHO has no weight with which to sanction states taking excessive measures. Its only authority is to “request that the State Party concerned reconsider the application of the measures”, if and when it complies with the duty to report such measures.

In other words, the IHR both restrict the WHO’s coordination function by limiting information, and undermine its cooperation-ensuring function by constraining the freedom of WHO leadership to act promptly vis-à-vis states’ non-cooperative behaviour.

Perhaps even more importantly, the IHR’s message

of reification of member state sovereignty stands in sharp contrast to the growing awareness about the need for – indeed, the moral imperative of – global collective action. This awareness is reflected in the work of another WHO-appointed group, the WHO Strategic Advisory Group of Experts (SAGE) on Immunization. Last month SAGE issued its “*Values Framework for the Allocation and Prioritization of COVID-19 Vaccination*.” This document reflects the understanding that the “sovereignty-first” approach is not only unjust, but also self-defeating. As key factors in determining the prioritization of groups for vaccination, SAGE emphasizes Equal Respect (“Recognize and treat all human beings as having equal moral status and their interests as deserving of equal moral consideration”) and Global Equity (“Ensure equity in vaccine access and benefit globally among people living in all countries, particularly those living in low-and middle-income countries.”)

SAGE’s statement about Global Equity merits replicating in full:

“Because the havoc wrought by the COVID-19 pandemic on human well-being and rights has been global, people living everywhere in the world are entitled to equal consideration for COVID-19 vaccine access and in allocation decisions. Countries and territories have primary responsibility for protecting and promoting the well-being and human rights of those living within their borders. It is thus reasonable and appropriate for countries to be concerned with securing sufficient COVID-19 vaccines to meet the needs of their own populations. However, this national concern does not absolve nation-states of obligations to people in other countries. Although there is little consensus about the meaning and reach of global justice at a minimum, nation-states have an obligation in global equity not to undermine the ability of other countries to meet their obligations to their own

populations to secure vaccines. The global community also has an obligation to address the human rights claims to vaccines of people living in countries who cannot, without assistance, meet their needs by, for example, reducing obstacles to obtaining vaccines that confront countries with fewer resources and geopolitical power.

The reasons why all nations should be concerned to ensure that people everywhere have access to COVID-19 vaccine are not limited to obligations of global equity. Infectious threats to health know no borders; as long as there is active SARS-CoV-2 transmission anywhere there will be a risk of transmission everywhere. Moreover, protecting the public health of one’s residents is not the only national interest countries have in containing the pandemic globally. The recovery of national economies also depends on securing stable global supply chains and global markets and regularizing international travel, which will not be possible until the pandemic is contained globally. Hence the equitable allocation of vaccines globally is in all countries’ enlightened self-interest.”

It is to be hoped that the Review Committee adopts the same cooperative vision as it sets off to review the IHR. Perhaps the fact that the membership of the Review Committee is based on medical expertise could allow its members to side-step governmental pressures, and offer a politically-sensitive but ultimately apolitical set of recommendations for the significant revisions of the IHR that are so urgently needed. However, as demonstrated by the drafting process for the 2005 regulations, the best efforts of an apolitical Review Committee may be defeated at the last hurdle by state negotiations of the draft: ultimately, governments must give way. ■



Legal kryptonite? Parliamentary sovereignty, international law and the Internal Market Bill

Professor Mark Elliott

Mark Elliott is Professor of Public Law and Chair of the Faculty of Law at the University of Cambridge, a Fellow of St Catharine's College and Chair of the Management Committee for the Lauterpacht Centre.



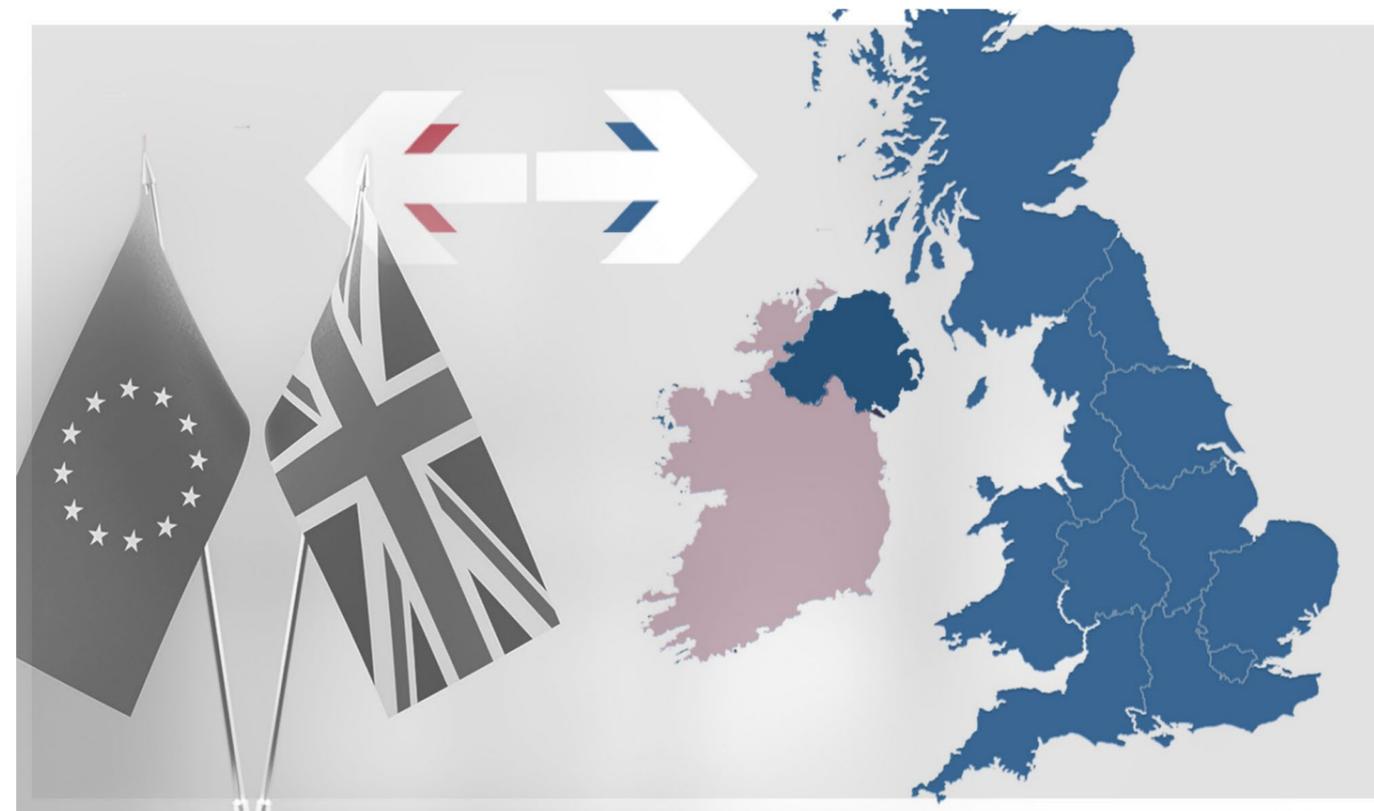
September is becoming quite the month for Brexit-related constitutional drama in the UK. A year ago, British politics was dominated by Parliament's enactment of legislation designed to reduce the likelihood of a no-deal Brexit, the Government's attempt to thwart such legislation by proroguing Parliament for five weeks, and the Supreme Court's explosive judgment holding the prorogation to be unlawful. A year on, the introduction into Parliament of the Internal Market Bill — designed to ensure a functioning post-Brexit single market within the UK — has invited fresh controversy. As well as potentially destabilising the UK's territorial constitution, the Bill, as Ministers have freely acknowledged, would equip the Government to make domestic regulations entirely at odds with aspects of the EU Withdrawal Agreement.

The politics entailed in disowning aspects of a treaty that the Government negotiated, agreed and then fought an election on less than 12 months ago are as noteworthy as they are bewildering. But this episode also casts light on, and is of a piece with, a long-standing phenomenon that has been discernible throughout the debate about the UK's membership of and departure from the European Union. The argument advanced by those in favour of withdrawal from the EU was, at root, about 'taking back control': a mantra that reflected the perceived impossibility of reconciling EU membership with 'sovereignty'.

A conundrum that was rarely explored in this context was the relationship between the notions of State sovereignty and the domestic concept of parliamentary sovereignty. It is clear, however, that the latter notion loomed large in the debate, and that exception was taken by many Brexiters to the capacity of EU law to assume any degree of priority over UK legislation. Within this legal worldview lie the seeds of a narrative that regarded membership of the EU — and, by extension, the international

legal order more generally — as a particular affront to a peculiarly British notion of sovereignty. It is the elision of the notions of State and parliamentary sovereignty that animates that view, the latter being regarded by some as a form of legal kryptonite that entitles the UK to shrug off the constraining effects of international law that lesser legal orders have no choice but to accept.

Precisely such thinking was on display in the purported legal justification for the Internal Market Bill that was offered by the UK Government. While acknowledging that 'a state is obliged to discharge its treaty obligations in good faith', the Attorney General went on to indicate that this proposition was somehow qualified by 'the fundamental principle of parliamentary sovereignty', with the result that the UK Parliament 'can pass legislation which is in breach of the UK's Treaty obligations'. Of course, this assertion is mundane as a matter of domestic law but quite irrelevant as a matter of international law, resting as it does on the apparent assumption that the concept of parliamentary sovereignty is somehow capable of transcending its



necessarily domestic context so as to impinge upon the UK's legal position as a State in international law.

Yet such thinking is commonplace in certain strands of UK political discourse. Prior to the 2016 referendum on EU membership the then Prime Minister David Cameron told Parliament that 'asserting the sovereignty of this House is something that we did by introducing the European Union Act 2011' (section 18 of which contained a so-called 'sovereignty clause') and that he was 'keen to do even more to put it beyond doubt that this House of Commons is sovereign'. More recently, in relation to the Internal Market Bill, former Conservative Party leader Iain Duncan Smith argued that through section 38 of the EU (Withdrawal Agreement) Act 2020 — which states that '[i]t is recognised that the Parliament of the United Kingdom is sovereign' — the UK Government had 'reserved to themselves the right to make clarifications' in respect of the Withdrawal Agreement and were therefore 'quite within their rights' to rely on section 38 as a basis for declining to implement parts of the Agreement. These arguments are united by the erroneous notion that the domestic concept of parliamentary sovereignty somehow bears upon the position of the UK as a State under international law, thereby supplying the UK with a 'get out of jail free' card to

be played when it finds itself inconveniently bound by international obligations. This elision consistently bedevilled political discourse about the UK's membership of the EU and has equally served to obfuscate debate about Brexit.

Criticism of the Internal Market Bill has so far resulted only in a limited concession from the Government, whereby a further vote in the House of Commons would be required to trigger the relevant ministerial powers. This, perhaps, is testament to the resonance of an exceptionalist argument that has long served the causes of Euroscepticism and Brexit and which plays well in political terms to certain domestic audiences. None of this, however, can change the fact — as international reaction has attested — that the argument disintegrates upon contact with legal reality. Brexiters' kryptonite may be potent when used in the parochial context of domestic political debate, but its true nature is exposed, and its legal impotence revealed, by attempts to deploy it on a wider, international stage. ■

Fellows' observations on the Internal Market Bill

'The Internal Market Bill if passed constitutes a breach of international law. The EU anticipated difficulties and thus introduced a special provision into the Withdrawal Agreement, of which the Protocol on Ireland-Northern Ireland forms an integral part. Knowing that international treaties don't normally have direct effect and in a dualist system are subject to implementation, the Withdrawal Agreement contains Article 4 which goes to great length to ensure that the direct effect that EU law enjoyed in the UK while it was a Member State continues to be applicable to the Withdrawal Agreement. Article 4 also stipulates that '[t]he United Kingdom shall ensure ... the required powers of its judicial and administrative authorities to disapply inconsistent or incompatible domestic provisions, through domestic primary legislation.' By instituting a provision in the Internal Market Bill that allows Ministers (likely with approval from Parliament) to override applicable EU law (some of which will have direct effect) and by precluding any recourse to the courts, the UK would be in breach of this particular international law provision by virtue of enacting the legislation. A provision like Art. 4 WA is rare. Largely only the EU Treaties themselves contain such a stipulation but it can be explained with the special nature of the Withdrawal Agreement and its purpose. So the UK government should review carefully if enacting the Internal Market Bill might already trigger the very detailed dispute settlement provisions of the Withdrawal Agreement.'

Dr Markus Gehring is an Expert in the Centre for European Legal Studies (CELS), Fellow and Director of Studies in Law at Hughes and a Fellow of the Lauterpacht Centre for International Law.

'The Internal Market Bill brings into sharp relief the limitations of dualism as an explanation of the co-existence of international and domestic law. The Bill essentially says, "our law trumps international law", but in making this apparent assertion of the centrality of domestic law, it is in fact conceding the point: that international law has a separate and independent binding force, regardless of domestic legislative change. Yet the relationship between UK and international law is not a simple dualism, where each system operates on parallel tracks; rather, international law and constitutional law are fundamentally entangled. The present struggle is in one sense a conflict between UK constitutional law and international law, but in another sense, a conflict between two constitutional statutes: the European

'It is a truism that under international law a State cannot use its domestic law, not even its constitution, as a justification for a breach of its international obligations. This fundamental principle is reflected in Article 27 of the Vienna Convention on the Law of Treaties and affirmed again in the Article 32 of the ILC Articles on the Responsibility of States for Internationally Wrongful Acts. What is more, the cornerstone principle of international law 'pacta sunt servanda' or treaties are binding upon the parties and ought to be performed in good faith is the very edifice of the international legal order. It entails that once a State signs a treaty, it ought to introduce such modifications in its domestic laws as may be necessary to ensure compliance with it. This was confirmed by the Permanent Court of International Justice in the Exchange of Greek and Turkish Populations case. What the UK is proposing to do with the Internal Market Bill is quite the opposite - it is to breach its international legal obligations through an act of the legislature, which whatever the position in UK constitutional law, would be an inexcusable breach of international law engaging the responsibility of the UK and damaging its credibility on the international plane.'

Dr Rumiana Yotova lectures in International Law, EU External Relations, International Human Rights Law and International Criminal Law. She is a Fellow and Director of Studies in Law at Gonville & Caius College, and a Fellow of the Lauterpacht Centre for International Law.

Union (Withdrawal) Act 2018, as amended by the European Union (Withdrawal Agreement) Act 2020; and the Internal Market [Act] (if enacted). In the end, it will likely be the UK courts that will have reconcile these (and other affected) constitutional statutes, and that will have to determine the extent to which they will take notice of the position in international law when doing so, whether explicitly or otherwise. In so doing, they will end up determining a question of UK law but also, however obliquely, the extent to which the UK is in compliance with its international obligations.'

Dr Andrew Sanger is a University Lecturer in International Law, a Fellow of the Lauterpacht Centre for International Law, and a Fellow, Tutor and Director of Studies in Law at Corpus Christi College.

Professor Hugh Thirlway

LCIL Honorary Fellow

(1937-2019)

By Sir Frank Berman QC & Sir Michael Wood KCMG



Prof. Hugh Thirlway LL.D., one of the select number of the Centre's Honorary Fellows, died late last year at the age of 82, after a long and distinguished career as an author in the field of international law and as a senior and influential member of the staff of the Registry of the International Court of Justice. His mastery of the case law of the Court was legendary, both for the minute accuracy of its detail (which he seemed effortlessly to be able to recall), but also for the reasons why the Court had chosen to express itself the way it did in any given Judgment. He was also – which is far from always the case – as easily familiar with the Court's pronouncements in French as in English.

Thirlway's connections with Cambridge were and remained strong throughout his life. Though he came up to St. John's in 1955 to read Classics, he went on to LLB and then to qualify as a Solicitor, which led him back to Cambridge through a post with Francis & Co, a long-established firm retained by the University and several Colleges. He seized an unusual opportunity opened up by the Law Society for young solicitors to study French law in France, as the UK moved towards accession to the EEC, which in his case included droit civil, droit de commerce, and droit international privé. While there, he discovered that, without additional qualification, he could also be admitted to work towards the lower degree of doctorat d'université on the basis of a dissertation to be written – naturally – but also defended, in French. Back in Cambridge with Francis & Co, he managed to complete the thesis in his spare time.

The combination of a first opening towards international law and what was by then his fluent command of French (to which in later years he added German and Spanish, together with some Italian and Dutch) encouraged him to apply for an advertised post on the ICJ Registry, which he described as primarily administrative rather than legal, but with substantial linguistic duties. These involved translation and interpretation from French into English, for which he turned out to have a gift though he'd not done it before. The talent turned out, however, to be more

than linguistic but legal as well, leading to rapid promotion to First Secretary, and some few years later to the new post of Principal Legal Secretary, created especially for him in recognition of his increased role notably in the preparation of the Court's decisions. By then, influential publications had begun to flow from his precise and elegant pen: International Customary Law and Codification in 1972, Non-Appearance before the International Court of Justice in 1985, The Sources of International Law, launched at the Centre in 2014 (now in a 2nd edition), The International Court of Justice in 2016, and foremost of all his monumental The Law and Procedure of the International Court of Justice: Fifty Years of Jurisprudence which appeared in two volumes in 2013 and cemented his position as leading authority on the ICJ. To these can be added his Hague Lectures of 2002 on Concepts, Principles, Rules and Analogies: International and Municipal Legal Reasoning, and many well-regarded articles and book chapters, the last of which, to his pride, he was able to complete just a matter of days before his death.¹

It was in recognition of this formidable corpus of published work that the University awarded him the LL.D degree in 2018.

On leaving the ICJ in 1994, Thirlway went into academia, teaching at the Graduate Institute of International Studies in Geneva, and the Universities of Bristol, Leiden, East China Normal, Wuhan, Xi'an Jiaotong, and Munich. He was subsequently called back by the ICJ to serve two spells in his old post of Principal Legal Secretary before his final retirement in 2008.

Thirlway's published work, notably on sources, custom, and on the ICJ, leaves a lasting legacy characterized by accuracy, care, and a deep concern for international law as a working system, but leavened always with wit, style and good humour, as well as generosity and personal warmth. ■

¹A fuller appreciation and list of his published work is at <https://doi.org/10.1093/bybil/braa008>.

Fellows' News

Dr Fernando Lusa Bordin

Over the summer, Fernando, a Fellow of the Centre, received the 2020 Certificate of Merit in a specialized area of international law by the American Society of International Law (ASIL) for his research monograph, [The Analogy between States and International Organizations \(CUP 2019\)](#).

Fernando's book was unanimously recommended for the prize by the ASIL Book Awards Committee.

Congratulations, Fernando!



Dr Sarah Nouwen

Sarah Nouwen and her family have moved to Florence, Italy, where Sarah took up a chair in Public International Law at the European University Institute on 1 September 2020, for a period of 5 years. She will be on leave from Cambridge. She will be supervising many PhD students, organising seminars with fellow Public International Law Professor Neha Jain, and trying to push her research on international law and peace talks.



Moving her many boxes of books out the Centre, Sarah commented: "This unique place, the Lauterpacht Centre for International Law, has been my scholarly home for more than 15 years. The act of packing up my office has made me only more appreciative of everything the Centre has given me: collegiality, community and an enormous amount of international law, in diverse forms and shapes. In Florence I hope to develop new courses for graduate students (beginning with one on "law" in "international law" and one on editing a law journal), become familiar with academic traditions other than the beloved Cambridge one, and to enjoy the surroundings with my family. Both LCIL and the EUI attract scholars from all over the world so I hope to see many LCIL friends in the Tuscan hills. I consider this a temporary move from one paradise to another."

The Centre thanks Sarah for her outstanding contributions to the Centre and wishes her the very best in Florence. Dr Sandesh Sivakumaran, who joined the Centre in January will cover for Sarah as Co-Deputy Director at the Centre, along with Dr Surabhi Ranganathan.

Dr Surabhi Ranganathan

Surabhi Ranganathan was promoted to University Senior Lecturer in October 2019, when she also succeeded Michael Waibel as a Co-Deputy Director of the Centre.

Surabhi will be on academic leave in 2020-2021, spending part of the year as a Visiting Fellow at the Harvard Centre for History and Economics. She hopes to work on a new book, *Unmaking the Ocean*; and will jointly convene the CHE online seminar; and other workshops and events bringing together lawyers, historians, and economists. She will also continue her activities at the Lauterpacht Centre.



In 2020, Surabhi published 'The Law of the Sea' a series of essays on the interfaces between land and sea; also featured on the Centre's blog. Other publications include 'Decolonization and International Law: Putting the Ocean on the Map', forthcoming in the *Journal of the History of International Law*; 'Sea Change', forthcoming in Brett, Donaldson and Koskeniemi, *History, Politics and Law*; and 'We are witnessing the rediscovery of our republic' (with Rohit De) in *New York Times*. As Visiting Professor at the Graduate Institute, Geneva, Surabhi taught a course 'The Oceans: Law, Politics and the Future', which she hopes to offer in some version at Cambridge when she returns to teaching.

In a personal milestone, Surabhi's first two PhD students successfully defended their dissertations this year. Richard Clements, writing on managerialism and international institutions, is a post-doc at Harvard Law School, and Kaara Martinez (co-supervised with Eyal Benvenisti), writing on housing, is a consultant with the World Bank Administrative Tribunal.

Dr Rumiana Yotova

Rumiana Yotova was appointed to a fixed-term lectureship in International Law starting in Michaelmas 2020. She will be lecturing International Law, International Human Rights Law, International Criminal Law and External Relations of the European Union.

Dr Yotova's article on 'Regulating Genome Editing: What Role for International Human Rights Law?' was published by the *International and Comparative Law Quarterly* in (2020) volume 69:3, p 653. Rumiana presented at the University of Turin seminar on 'The Challenge of Regulating Controversial Science: The Role of Human Rights' in December 2019, at the Cambridge Reproduction SRI Panel Discussion about human genome editing in October 2019 and gave a talk on 'International Law and the Challenge of Inequality in the Age of COVID-19' at the Caius and Centre for Geopolitics webinar on 'Tackling Inequalities from the Pandemic'. She chaired a panel on 'Regulating Risks to Health and Safety— Scientific and Technical Paradigms in International Law' at the 9th Cambridge International Law Conference and was a discussant on the panel on Judicial Breach of the Cape Town Convention at the UNIDROIT Ninth Annual Capetown Convention Academic Conference.



First ever commentary of the World Health Organization (WHO) International Health Regulations to be fast-tracked

Oxford University Press has fast-tracked approval of the first ever commentary of the WHO International Health Regulations co-edited by Professors G-L. Burci (Geneva), J. E. Viñuales (Cambridge) and G. Le Moli (Leiden).

The International Health Regulations (IHRs) are a set of binding rules which organise the global response to viral outbreaks and other similar transboundary risks to public health. Last revised in 2005, following a number of innovations introduced by the WHO's Director-General Gro Harlem Brundtland to fight the SARS epidemic, the IHRs are at the heart of a certain conception of the WHO's core role as an instrument to fight global health security risks. As such, the IHRs interact with a much wider set of norms, including not only international security instruments such as the international regime on bacteriological weapons, but more generally treaties relating to human rights, trade, investment, transport, intellectual property and the environment.

This commentary brings together the main experts on global health law and related fields to offer, for the first time in their long history, a detailed commentary of the IHRs' provisions and their proximate legal context. The commentary is intended to provide an authoritative reference to scholars and practitioners, guide the ongoing debate on legal reform to enhance domestic and international response systems to transboundary diseases outbreaks as well as the predictably vast amount of litigation that will be prompted by national measures to fight the COVID-19 pandemic. It will also provide an epicenter to the existing body of writings on previous pandemics, and to the very recent surge in interest in this area from

international lawyers, manifested in a wide range of short contributions on specific issues relating to global health law.

Confirmed contributors include, in the order of their chapters, Marcos Cueto (Fiocruz), David Fidler (Council of Foreign Relations), Steven Salomon and Claudia Nannini (WHO), Allyn Taylor (John Hopkins), Stephanie Dagron (Geneva), Stefania Negri (Salerno), Jaouad Mahjour and Carmen Dolea (WHO), Alex Phelan (Georgetown), Brigit Toebes (Groningen), Timo Minssen (Copenhagen), Pedro Villareal (Max Planck Institute), Lisa Forman (Toronto), Jiefang Huang (ICAO/Wuhan), Makane Mbengue (Geneva), Kathleen Liddell, Laura Bradford, Mateo Aboy (Cambridge), Ben Mason Mayer (Chapel Hill), Steven Hofmann (York), Julius Weitzdörfer (Harvard), Nicolas de Sadeleer (Facultés Universitaires Saint-Louis).

A joint effort from The Graduate Institute in Geneva, the University of Cambridge, and Leiden University, the project is designed to match and shape the pace of potential legal reform of the IHRs and WHO's global health security framework.

In agreement with Oxford University Press, the editing and production process will be aligned with the pace of potential reform, so as to both contribute to it and include its possible outcomes in the final commentary, which is expected to be published in 2022. ■

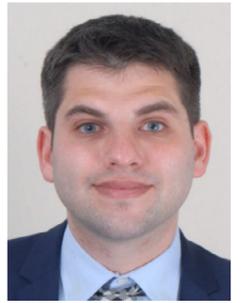


Professor Viñuales holds the Harold Samuel Chair of Law and Environmental Policy at the University of Cambridge and is the founder and former Director of the Cambridge Centre for Environment, Energy and Natural Resource Governance (C-EENRG). He is a Fellow of the Lauterpacht Centre.

Ginerva Le Moli, Assistant Professor of Public International Law at the University of Leiden was a Visiting Fellow at the Centre in 2019.

Working at the International Court of Justice

Dean Rosenberg, Judicial Fellow, International Court of Justice (ICJ)



Dean Rosenberg graduated an LLM with First Class Honours from the University of Cambridge in 2020. In September 2020 he began working a Judicial Fellow at the International Court of Justice (ICJ) at The Hague.

Only a couple of weeks ago, on 7 September 2020, I began my time working as a Judicial Fellow at the ICJ, sponsored by the University of Cambridge and the Lauterpacht Centre. The ICJ Judicial Fellows Programme allows for recent graduates to gain first-hand experience working for 10 months at the Court under the direct supervision of one of its judges. Tasks include legal research, drafting memoranda and other documents, and managing case files.

I was delighted and extremely honoured to be selected by the University of Cambridge as its nominee for the Programme in February 2020. I had an anxious wait ahead of me to find out if the Court would select me as one of its Fellows for 2020-2021. Although there were some delays due to the onset of the Covid-19 pandemic, I was excited to find out in May, while in the midst of studying for exams back home in Melbourne, Australia, that I had been selected for the Programme and had been assigned to work with Judge Yuji Iwasawa. Judge Iwasawa has had a long academic career and served as Chairperson of the United Nations Human Rights Committee before being elected to the ICJ in 2018.

I am tremendously looking forward to my time ahead at the Court. I have a longstanding passion for international law and justice and the Fellowship is a wonderful opportunity to gain an in-depth understanding of a range of areas of international

law, gain practical experience in how the Court works and operates, and to learn from the renowned scholars and jurists who serve as its judges. I am also excited about the chance to learn from other Judicial Fellows, who themselves come from a variety of geographic, cultural, and academic backgrounds.

Already in my first two weeks at the Court, I have had the chance to meet some of its judges in person and attend a public hearing (heard partially live and partially via videoconference). Delays earlier this year due to the pandemic mean that it is currently a very busy time at the Court, and I am excited to get started working on some of the cutting-edge and consequential cases that the Court has before it.

I have also been lucky enough to explore The Hague and its surroundings with the other Judicial Fellows. The Hague is a beautiful and green city and is small enough that it is easy to walk and cycle everywhere. It is also right next to the most popular beach in the Netherlands. While perhaps not quite the same as the beaches back home in Australia, the beach here is the perfect place to relax on those rare Dutch sunny days.

I am very grateful to the University and the Lauterpacht Centre for providing me this opportunity and would certainly encourage anyone undertaking an LLM at Cambridge with an interest in international law to apply for the Fellowship. ■



Photo: Dean (fifth from left) with his fellow Judicial Fellows in front of the International Court of Justice.

Centre Lectures & Events

Due to COVID-19, and in order to keep everyone safe, we regret that we cannot hold lectures and events in person this term at the Centre. However, we can offer a wide range of excellent speakers and lectures online with Zoom webinar. You can register your attendance by visiting the website www.lcil.cam.ac.uk/lectures-events or by clicking on the lecture titles below.

Wherever possible, lectures will be recorded and uploaded to our website www.lcil.cam.ac.uk/media/lecture-recordings shortly after the event. So if you are not able to attend on the day you can catch up at a later date.

THE ELI LAUTERPACHT LECTURE 2020

1 pm, Friday 9 October 2020

Women and Children and the Transformation of International Law

Dr Radhika Coomaraswamy

Sri Lankan lawyer, diplomat and human rights advocate



Lecture summary: The lecture looks at some important concepts and landmarks in international law and analyse how they have been impacted by developments in the field of women and children's rights. The sources of international law, sovereignty, state responsibility, human rights and the status of non state actors have all been transformed by issues concerning women and children. These developments have created a more intrusive international law framework while highlighting universal global values. The lecture will also look at the some of the critiques of this new approach to international law while looking to the future to see how these issues will unfold.

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

Friday Lunchtime (1pm) Online Lecture Series - Mitchaelmas Term

Friday 16 October



Emptied Lands: Bedouin rights, dispossession and resistance in the Negev

Prof Alexandre Kedar
University of Haifa

Friday 13 November



The State Theory of Grotius
Nehal Bhuta

Prof Nehal Bhuta
University of Edinburgh

Friday 23 October



The Right to a Fair Trial in International Law: Shining a light on a critical human rights protection

Prof Philippa Webb
Kings College London

Friday 20 November

CILJ-LCIL ANNUAL LECTURE 2020-2021



Brexit and Fisheries: International Law Dimensions of the 2018 White Paper and Current Fisheries Bill

Prof Andrew Serdy
University of Southampton

Friday 30 October



Two Visions of the International Rule of Law

Prof Monica Hakimi
University of Michigan

Friday 27 November



India and International Investment Law: Refusal, Acceptance, Backlash

Prof Prabhash Ranjan
South Asian University, New Delhi

Friday 6 November



Implementing the 1954 Hague Convention: Conflicts between People and Heritage

Prof Helen Frowe
University of Stockholm

Friday 4 December

ONLINE DISCUSSION PANEL

International Law, Science and Technology in the Time of COVID-19

More details to follow.

All lectures will be online. To register your attendance please click on the lecture titles or visit www.lcil.cam.ac.uk

The Lauterpacht Centre Friday lecture series is kindly sponsored by Cambridge University Press

Legal Histories Beyond the State Seminar Series (LHBS)

In collaboration with the Centre for History and Economics and the Cambridge Centre for Political Thought, this project brings together historians, political theorists and lawyers who are interested in the social, economic and political dimensions of law in the modern period. We focus on the ways in which law and legal institutions order and organize space and people. This encompasses both imperial and international law, and domestic public and private law in its manifold influences on the nature and form of relations across borders. We are interested in legal actors and institutions, both national and supranational; doctrines and concepts, like jurisdiction; and also diverse forms of legal border-crossing, including the migration of people, ideas and objects across time and place. Embracing new trends in legal and historical research, we pursue the exchange of legal ideas in formal and informal contexts, and the creation, appropriation and interpretation of law by non-traditional actors, and in unexpected places, is pursued.

In bringing together scholars from a wide range of disciplinary, methodological and geographic orientations, the project aims to strengthen and enrich the work being pursued in these disparate fields, but also test the limits of existing perspectives and lay the foundations for more fluid and productive interactions between them.

Work-in-progress seminar

In the interests of fostering interdisciplinary interactions which might not otherwise occur, the Global Legal Histories Project is inaugurating a regular work-in-progress (WIP) seminar for junior and early-career researchers.

Some sessions will be devoted to discussion of new, published work in the field, and others to the sharing of works-in-progress, whether draft articles, chapters or book prospectuses, with a core group of scholars from a variety of disciplines.

Over time, we hope to develop a community of scholars who engage in sustained dialogue about each other's research and also about broader methodological or thematic questions that cut across the fields of global, international and imperial histories, and histories of political thought, with legal dimensions. We also encourage work which otherwise bears on law and ordering across borders. Many of us focus primarily in the 18th–20th century, but earlier periods are also welcome.

For more information on previous sessions please visit: <https://www.lcil.cam.ac.uk/lectures-events/legal-histories-beyond-state-lecture-series>

Details of the sessions for Lent Term will be announced in due course. Please contact Dr Surabhi Ranganathan (sr496@cam.ac.uk) if you would like to be added to the mailing list.

CILJ-LCIL Annual Lecture 2020-2021

Every year, the *Cambridge International Law Journal (CILJ)* collaborates with the Lauterpacht Centre to present the CILJ-LCIL Annual Lecture. The lecture showcases one of the talks featured in the Centre's Friday Lecture Series. The lecture's text is published by the CILJ in its first issue.

This academic year, 2020-2021, CILJ is delighted to announce that the Annual Lecture will be delivered by Professor Andrew Serdy, Professor of the Public International Law of the Sea at the University of Southampton. Professor Serdy's lecture is entitled '**Brexit and Fisheries: International Law Dimensions of the 2018 White Paper and Current Fisheries Bill**'.

The lecture will be held online at 1 pm on Friday, 22 November 2020.

To register for this Annual Lecture, please visit: <https://www.lcil.cam.ac.uk/press/events/2020/11/lcil-friday-lecture-brexit-and-fisheries-international-law-dimensions-2018-white-paper-and-current>



Art, Architecture and International seminar series

This academic year sees the launch of the Art, Architecture and International Law seminar series. The series is designed to bridge the worlds of art, architecture and international law. It explores the different ways in which art and architecture and international law intersect. It also demonstrates that international law exists well beyond the written word.

17:00 hrs - 18:00 hrs Wednesday 18 November

Online Evening lecture: 'From Investigating to Litigating Border Violence at Sea'



Dr Itamar Mann
University of Haifa



Dr Charles Heller
Graduate Institute, Geneva

Lecture summary: The deaths of illegalised migrants seeking to cross the Mediterranean Sea and the violation of their rights are a structural outcome of the "mobility conflict" opposing the desires and movements of migrants from the global south to the exclusionary policies of European states. This lecture will build on the long-standing collaboration between Forensic Oceanography (FO) and Global Legal Action Network (GLAN) to discuss the dialectical process between fact-finding and the development of legal arguments in relation to human rights violations against migrants at sea, and address the potentials, limits and ambivalences of strategic litigation in this context.

Register online at: <https://www.lcil.cam.ac.uk/press/events/2020/11/evening-lecture-investigating-litigating-border-violence-sea-dr-itamar-mann-charles-heller>

DATES FOR YOUR DIARY:

HERSCH LAUTERPACHT MEMORIAL LECTURES 2021

Tuesday, 2 March - Friday, 5 March 2021

More details to follow

Susan Marks, Professor of International Law, London School of Economics



HERSCH LAUTERPACHT MEMORIAL LECTURES 2022

Tuesday, 15 March - Friday, 18 March 2022

More details to follow

Benedict Kingsbury, Vice Dean and Murry and Ida Becker Professor of Law Director, Institute for International Law and Justice, Faculty Director, Guarini Institute for Global Legal Studies, NYU



During COVID-19 Lockdown Centre Fellows and Partners wrote on a variety of topics for the Centre's website. Click on the links below to read more or visit <https://www.lcil.cam.ac.uk/blog>.

28 April 2020 **Access to Covid-19 Treatment and International Intellectual Property Protection**

Dr Henning Grosse Ruse-Khan, LCIL Fellow



13 July 2020 **Attribution of cyber operations: an international law perspective on the Park Jin Hyok case**

Mr Tomohiro Mikanagi, Japanese Ministry of Foreign Affairs, LCIL Partner Fellow



12 May 2020 **Deconstructing Parenthood: What makes a "Mother"?**

Dr Claire Fenton-Glynn, LCIL Fellow



23 July 2020 **Exceptions in International Law (OUP, 2020)***

Dr Lorand Bartels & Dr Federica Paddeu, LCIL Fellows



5 May 2020 **The Forgotten Constitution: The UN Friendly Relations Declaration at 50**

Prof Jorge Viñuales, LCIL Fellow



3 August 2020 **Towards an Honourable Future? Bridging the Capacity Chasm to Address Critical Global Challenges and Advance our Sustainable Development Goals**

Prof Marie-Claire Cordonier Segger, LCIL Fellows



23 June 2020 **Before Drones and Cyber: Re-historicizing the Law of Armed Conflict**

Dr Giovanni Mantilla, LCIL Fellow



4 Sept 2020 **A Red Notice against Trump? - When INTERPOL is asked to intervene against targeted killing**

Dr Rutsel Martha, Principal of Lindeborg Counsellors at Law, LCIL Partner Fellow



19 May 2020 **The Law of the Sea** (a series of seven essays)

Dr Surabhi Ranganathan, LCIL Co-Deputy Director



2 July 2020 **The WHO - Destined to Fail?: Political Cooperation and the COVID-19 Pandemic**

Prof Eyal Benvenisti, LCIL Centre Director



Join our mailing list

If you would like to receive details of the latest blogs, events and news at the Centre please sign up to our **Mailing List** at www.lcil.cam.ac.uk/contact-us.

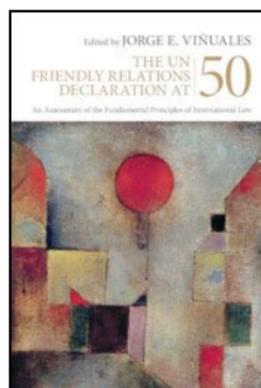


The UN Friendly Relations Declaration at 50 - An Assessment of the Fundamental Principles of International Law (September 2020)

Editor: Jorge E Viñuales

The year 2020 marks the 75th anniversary of the United Nations Organisation, and the 50th anniversary of the United Nations Friendly Relations Declaration, which states the fundamental principles of the international legal order. In commemoration, some of the world's most prominent international law scholars from all continents have come together to offer a comprehensive study of the fundamental principles of international law. Each chapter in this volume reflects decades of experience, work and reflection by the most authoritative voices of the field. At the same time, the book is an invitation to end narrow specialisation and re-engage with the wider body of rules and processes that lie at the foundations of the international legal order.

Further information: <https://www.cambridge.org/gb/academic/subjects/law/public-international-law/un-friendly-relations-declaration-50-assessment-fundamental-principles-international-law?format=HB>

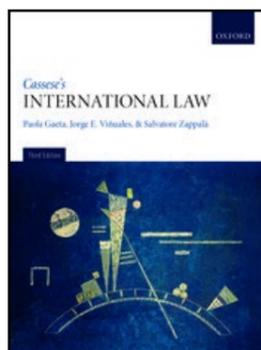


Cassese's International Law (September 2020)

Paola Gaeta, Jorge E Viñuales, Salvatore Zappalá

Cassese's International Law is a new edition of an established classic. Authors Gaeta, Viñuales, and Zappalá have built on the legacy of international law luminary Antonio Cassese to offer a thought-provoking and lucid account for today's undergraduates and postgraduates. The late Judge Cassese's unrivalled expertise as a world-leading practitioner and highly-respected academic provides a breadth of knowledge and experience to enrich students' perspectives.

Further information: <https://global.oup.com/ukhe/product/cassese-international-law-9780199231287?cc=ch&lang=en&>

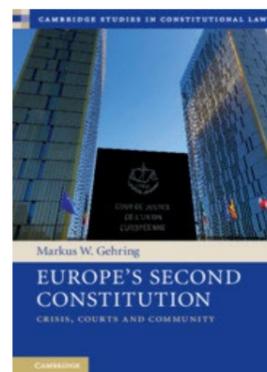


Europe's Second Constitution Crisis, Courts and Community (September 2020)

Markus Gehring

The process of European constitutionalisation is met with extensive scepticism in current national legal and political spheres and in broader circles of public opinion across Europe. By shedding light on these concerns, this book reveals a widespread misunderstanding of constitutional federalism, which permeates the Member State courts, popular media, and many academic communities. A failure to address confusion over this fundamental concept is leading us towards impoverished development of the EU's 'Second Constitution', and even ensuring that the role of both domestic and international European courts in enriching the constitutionalisation process is overlooked and undervalued. In a bid to avoid such consequences, this book explores how federalism and further constitutionalisation - rightly understood in a dialogue of the European courts - may actually change this process and allow a clearer advance toward Europe's Second Constitution for, but also with, the people of Europe.

Further information: <https://www.cambridge.org/core/books/europes-second-constitution/91F-CA07DE05E2FF6A108A4FBE8E7ECD9>

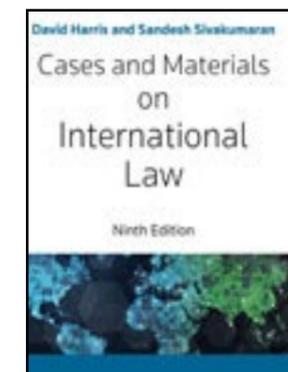


Cases and Materials on International Law (August 2020)

David Harris; Sandesh Sivakumaran

Harris and Sivakumaran's Cases & Materials on International Law, widely recognised as the leading text of its kind, is a stimulating and wide-ranging work. Designed to support students throughout their studies, it provides a sound basis for any public international law course through an extensive selection of extracts and background information supplemented by authoritative commentary and expert analysis. This is the 9th edition of the classic work and the 2nd edition with Dr Sandesh Sivakumaran as co-author.

Further information: <https://www.sweetandmaxwell.co.uk/Catalogue/ProductDetails.aspx?recordid=10511&searchorigin=DAVID+HARRIS&productid=42750164>

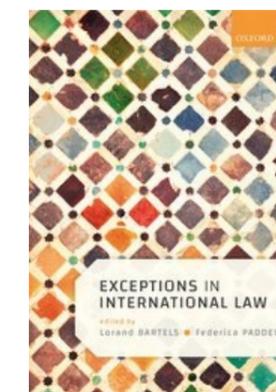


Exceptions in International Law (June 2020)

Editors: Lorand Bartels, Federica Paddeu

The first systematic and analytic study of exceptions in international law. Analysis combines legal philosophy with practical application. Features a diverse range of topics including the use of force, trade and investment, and the environment.

Further information: <https://global.oup.com/academic/product/exceptions-in-international-law-9780198789321?cc=gb&lang=en&>

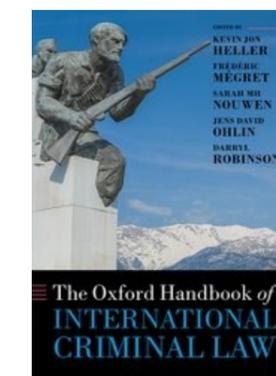


The Oxford Handbook of International Criminal Law (February 2020)

Kevin Jon Heller, Frédéric Mégret, Sarah Nouwen, Jens David Ohlin, Darryl Robinson

The handbook provides a non-traditional inter-disciplinary approach to the study of international criminal law, incorporating insights from global history, geography, philosophy, and international relations; unique exploration of the most exciting theoretical and doctrinal developments in the field, and critically examines prevailing practices, orthodoxies, and received wisdoms. It also includes contributions from expert scholars outside of international law alongside chapters by some of the field's most respected and innovative scholars.

Further information: <https://global.oup.com/academic/product/the-oxford-handbook-of-international-criminal-law-9780198825203?cc=gb&lang=en&>



Centre Publications

The Lauterpacht Centre prepares and edits a number of publications in international law, including texts and law reports. These include the British Yearbook of International Law (co-edited by Prof Eyal Benvenisti), and the European Journal of International Law (by Co-Editor-In-Chief, Dr Sarah Nouwen).

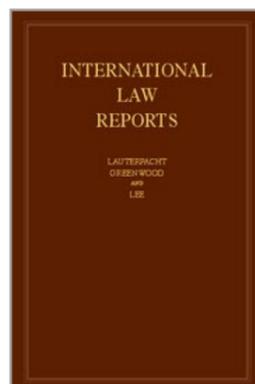
International Law Reports (ILR)

Editors: Sir Christopher Greenwood GBE CMG QC and Ms Karen Lee, Centre Fellow & Vice-Mistress and Fellow of Girton College

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

The series captures the full range of judgments and awards on issues of international law from the increasing number of international courts and tribunals while expanding coverage of national judgments.

The series is available online via Cambridge Law Reports (CLR) as well as Justis. The latest volume is Volume 188 which was published in August 2020. Volume 189 will be published in October 2020.



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

Editors: Professors Jorge Vinuales and Michael Waibel

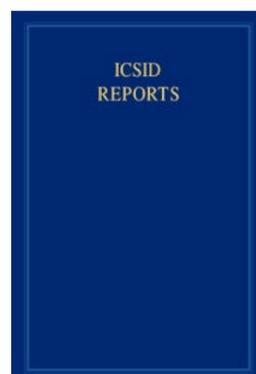
The International Convention on the Settlement of Investment Disputes (ICSID) Reports detail cases decided under the Convention on the Settlement of Investment Disputes between States and Nationals of Other States 1965, and related decisions on international protection of investments.

An international dispute settlement system which is of great and growing importance, the reports are now presented in these volumes in consolidated form for the first time, together with materials related to ICSID cases from national courts around the world.

All the decisions are presented in English with summaries, and are translated from other languages where necessary. These reports are an invaluable working tool for lawyers and scholars working on international investment issues and in international arbitration.

Volume 18 will be available in September 2020.

Further information: <https://www.lcil.cam.ac.uk/publications/icsid-reports>



Published Articles

Benvenisti, Eyal (2020) *Monopolizing War: Codifying the Laws of War to Reassert Governmental Authority, 1856–1874* 31 *EUROPEAN J INT'L L.* 127 (2020) (with Doreen Lustig)

Benvenisti, Eyal (2020) *Inclusion and Representation: The Settlement of Property Claims of the Dispossessed in the Aftermath of an Armed Conflict*, 21 *THEORETICAL INQUIRIES IN LAW* 397 (2020) (with Tamar Megiddo).

Kinsella, Helen M, and Mantilla, Giovanni (2020) *Contestation before Compliance: History, Politics, and Power in International Humanitarian Law*. *International Studies Quarterly* 64 (3): 649–656

Paddeu, Federica (October 2020) *The Final Act: Exploring the End of Pandemics (2020)* 114(3) *American Journal of International Law* (with Prof Michael Waibel)

Paddeu, Federica (2020) *Military Assistance on Request and General Reasons Against Force: Consent as a Defence to the Use of Force* *Journal of the Use of Force in International Law*

Viñuales, Jorge E. (2020) *Two layers of self-regulation*, *Transnational Legal Theory*, 11:1-2, 16-32, DOI: 10.1080/20414005.2020.1746147

Yotova, Rumiana (2020) *'Regulating Genome Editing: What Role for International Human Rights Law?' was published by the International and Comparative Law Quarterly in (2020) volume 69:3, p 653*



BRC/ICRC Customary International Humanitarian Law Project celebrates the 10th anniversary of the Customary IHL database

On 12th August 2020 the Customary International Humanitarian Law (IHL) project of the British Red Cross and the International Committee of the Red Cross (ICRC) celebrated the 10th anniversary of the launch of the ICRC's award-winning online Customary IHL Database. The project, which the Lauterpacht Centre has hosted since its beginning in 2007, aims at up-dating the practice section of the Database.

The Database contains the 161 rules of customary IHL identified in the ICRC's 2005 Customary IHL Study and the practice underpinning these rules. Its aim is to provide accurate, extensive, and geographically diverse information in the field of customary IHL and to make this information readily accessible to people and institutions interested in, or dealing with, IHL and armed conflict. The Database covers national practice of States from all over the world, from Afghanistan to Zimbabwe, as well as practice found in international materials. The research team at the Lauterpacht Centre focuses on the analysis of national practice, while, since 2014, researchers based at Laval University in Canada have concentrated on up-dating international materials.

The regular updates of the practice section of the database have greatly expanded the volume of information available to users since the database's

If the database has come a long way since its launch in 2010, it is thanks to all the partners of the Customary IHL Project who have continuously supported it. Amongst these, our sincere gratitude goes to the Lauterpacht Centre, which has been hosting the British Red Cross-ICRC research team for 13 years.

(Photo: The BRC team. From top, left to right: Emilie Fitzsimons, Claudia Maritano, Francesco Romani, Silvia Scozia and Antoana Nedyalkova).

launch in 2010. While the practice section continues to make worldwide practice available in English, the rules section of the database has, since December 2019, also been available in six additional languages besides English: Arabic, Chinese, French, Portuguese, Russian and Spanish.

Throughout the years, the database has been recognised for its role as a useful research tool in the field of international law, and recent statistics on its use provide an indicator of the database's relevance. According to these statistics, in 2019 the database was viewed 856,224 times, and, in the first six months of 2020 alone, 722,850 times, an 85% increase on the same period in 2019. ■



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

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

Former doctoral student Dr Emilija Leinarte is awarded the British Academy Postdoctoral Fellowship

The Centre's former doctoral student Dr Emilija Leinarte has been awarded the British Academy Postdoctoral Fellowship which she will commence at the LCIL this October.

The award provides funding to cover the costs of a 36 month fellowship at a host institution. This year competition for the fellowship has been particularly tight with around 583 applications submitted at the Outline Stage, of which 117 applicants were invited to proceed to the Second Stage. Finally, the British Academy were able to offer 36 awards, indicating a 6.2% success rate. The purpose of this award is to enable the award holder to pursue an independent research project, towards the completion of a significant piece of publishable research.



During the fellowship term Emilija will work on questions of responsibility of international financial institutions (IFIs). Lending activities of IFIs, such as the World Bank and the European Investment Bank, have significant environmental and human rights implications. Due to their large-scale nature IFI-financed development projects may have substantial benefits and costs. Notwithstanding, international law fails to set clear rules of responsibility of IFIs. This project aims to offer a pioneering study in the field by providing a comprehensive, systemic investigation into accountability of IFIs. Specifically, the research will contribute to resolving a perennial problem in international law theory: the allocation of responsibility between different subjects of international law. The project will reveal principles of shared responsibility arising out of IFI-financed activities. The ultimate goal is to suggest rules which could be utilised by adjudicators. The project will benefit from the guidance of Professor Eyal Benvenisti's who will act as a mentor.

The project will build on Dr Leinarte's previous research on responsibility of international economic organisations. Emilija's doctoral thesis, which she completed at Cambridge, Trinity College, in 2019 under the supervision of Professor Michael Waibel, addressed the responsibility of the European

Union for violations of international economic obligations. A significant part of this research was conducted at Harvard Law School under the Cambridge/Harvard Lawlink. Her forthcoming monograph titled Functional Responsibility of International Organisations: The European Union and International Economic Law will be published by the CUP later this year. After the completion of her doctoral degree Emilija was appointed by the Faculty as a research associate, working alongside Professor Catherine Barnard on various questions of international economic law in the context of Brexit. Emilija has taught international and European Union law at Cambridge, Sciences Po Law School in Paris and Wuhan University, China.

During the term of the fellowship Dr Leinarte will be part of the Centre's unique forum for the development of international law theory. Emilija will have the opportunity to engage with the Centre's rich community of international lawyers and discuss her research with fellows and visiting researchers, as well as doctoral students. ■

Scholarships

Brandon Research Fellowship 2019/20

The Brandon Research Fellowship 2019/20 was awarded to Maryan Hassan, Chief Trade Negotiator & Head of Arbitration of the Office of the President of Somalia.

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

Unfortunately, due to the COVID-19 pandemic Maryan was not able to attend the Centre in person but was able to access material online and work remotely on her research project: *Developing a suitable investment arbitration regime for a post-conflict G7+ state: the case for Somalia*. We hope that she will be able to visit the Centre in person in the future.



Polonia Scholarship in International Law 2019/20

The Polonia Scholarship is funded by a private gift to the Centre and is open to scholars of Polish and Israeli citizenship, especially those in the early years of their career.

The scholarship is worth £2,000 (GBP) and is intended to support the costs of the Centre fee, accommodation, maintenance, insurance, visa application, and travel incurred during a 4-13 week research visit.

Candidates should hold a PhD from a Polish or Israeli institution and already be a faculty member or associated on a permanent basis with a university or another well-established academic/research institution dealing with international law in Poland or Israel.

The successful applicant must specify a project on some aspect of public or private international law on which they will work during their visit to the Centre. Preferably, the project should be published as a result of the visit.

This year's Polonia Scholarship holder was Prof Marcin Menkes from the Warsaw School of Economics who visited the Centre during the Michaelmas Term 2019. His research project at the Centre was: *Governance of International Investment Flows in the Age of Postmodernity*.



Snyder Scholarship 2019/20

For 2019/20 the Centre was delighted to welcome Ms Sabienne Brutus as a Snyder scholar.

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

This year's Snyder Scholarship was awarded to Ms Sabienne Brutus a recent graduate from Indiana University Maurer School of Law (2019). Sabienne worked on her research project *Understanding lending contracts between the International Monetary Fund and the World Bank and small sovereign states* whilst at the Centre from September to December 2019.



Bohdan Winiarski Scholarships in International Law 2021

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

Applications are open to PhD candidates, PhD holders and other academics who are nationals of the following countries:

Visegrad Group States and Western Balkans States (Czech Republic, Hungary, Poland, Slovakia, as well as North Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina, and Kosovo) – one scholarship; Eastern Partnership States (Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine) – one scholarship.

Each scholarship has a value of £2,600 and is intended to support the costs of a research visit of 8 weeks at the Lauterpacht Centre which provides a centre for research in Cambridge for legal practitioners and academics from around the world. While in Cambridge, visiting scholars have the opportunity to meet with other researchers in their field and are encouraged to participate fully in the activities of the Centre.

Due to the COVID-19 pandemic, the closing date was extended to 31 July 2020. Applications are currently under review.

Further information: <https://www.lcil.cam.ac.uk/about-centre/scholarships-prizes>



Note: Due to the pandemic, recipients of awards made in 2019-20 have deferred taking up the award until 2021.

Lauterpacht Linked Partnership Programme

The **Lauterpacht Linked** Partnership Programme gives practitioners unique and exclusive access to people, events and research associated with the Centre, in exchange for their financial and proactive support to the Centre's infrastructure and activities.

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

The **Lauterpacht Linked** Partnership Programme deepens the relationship between a very select group of practitioners which supports the Centre and its wider community.

A central part of the programme is an annual careers event that allows Cambridge international law students the opportunity to interact with the world of practice right here at the Centre, and to receive advice on different career options in international law. The event was held on 6 December 2019.

We thank our Lauterpacht Linked Partners for their continued support and participation.



Lauterpacht Linked
The Partnership Programme of the Lauterpacht Centre for International Law

Lauterpacht Linked is a programme of the Lauterpacht Centre for International Law (LCIL) which creates and consolidates strong relationships between practitioners and the Centre. The programme gives practitioners unique and exclusive access to people, events and research associated with the Centre, in exchange for their support to the Centre's infrastructure and activities.

With over 30 fellows and a community of almost 1,000 former visiting fellows across the world, LCIL is an exceptional centre of international law. Internationally recognised, based in with current affairs, and connected with governments, practitioners and scholars from all over the world, its fellows produce internationally leading and cutting-edge research in almost all areas of international law. Lauterpacht Linked deepens the relationship between a very select group of practitioners who support the Centre and this community.

Accessible upon invitation only, membership of the Lauterpacht Linked programme is open to fellows to invite select law firms, barristers' chambers and major companies with an interest in international law. The Legal Director of the Foreign & Commonwealth Office and other ministers of foreign affairs will also be invited to join Lauterpacht Linked.

Exclusive benefits for LCIL Partners

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

UNIVERSITY OF CAMBRIDGE LAUTERPACHT CENTRE FOR INTERNATIONAL LAW

The Eli Lauterpacht Memorial Fund

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

Gifts to the fund are used to improve the Centre's facilities, strengthen opportunities for scholars of international law, and to cement the Centre as one of the field's leading research centres in the world.

The support the Centre receives is also used for three initiatives in particular: the *Cambridge International Lawyers' Archive*, the *Eli Lauterpacht Visiting Fellowships* and the *Eli Lauterpacht Events Fund*.

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



Lauterpacht Linked Partners in 2019-2020

Dr Yas Banifatemi, Shearman & Sterling LLP

Ms Monica Feria-Tinta, 20 Essex Street

Mr Patricio Grané Labat, Arnold & Porter Kaye Scholer

Sir Ian Macleod KCMG, Foreign & Commonwealth Office

Dr Konrad Marciniak, Polish Ministry of Foreign Affairs

Dr Rutsel Martha, Lindeborg Counsellors at Law Ltd

Dr Carlos Jiménez Piernas, Ministry of Foreign Affairs, European Union and Cooperation, Government of Spain

Mr Tomohiro Mikanagi, Japanese Ministry of Foreign Affairs

Mr Can Yeginsu, 4 New Square Chambers

The LCIL Cambridge International Lawyers' Archives

The Centre is working to create an archive for the papers of international lawyers who have a strong connection to Cambridge, thereby attracting scholars from across the world who are interested in the history of international law. In addition to some of Sir Eli's papers, other contributions received have come from Professor Clive Parry, Sir Derek Bowett and Sir Robert Jennings.

Eli Lauterpacht Visiting Fellowships

Sir Eli loved welcoming scholars from across the world to the Centre. Eli Lauterpacht Fellowships would allow the Centre to invite one scholar or practitioner, whose work is relevant to LCIL Fellows, to spend at least a month at the Centre and join in research collaborations.

Eli Lauterpacht Events Fund

The events fund enables the Centre to convene and host seminars on a wide range of topics, and to continue welcoming leading scholars and practitioners from diverse backgrounds.

Management Committee

The Centre is also grateful to members who served on the Management Committee during 2019/20:

Professor Mark Elliott (Chair)	Dr Fernando Lusa Bordin
Professor Eyal Benvenisti (Director)	Dr Andrew Sanger
Dr Sarah Nouwen (Deputy Director)	Dr Sandesh Sivakumaran
Dr Surabhi Ranganathan (Deputy Director)	Professor Marc Weller
Dr Lorand Bartels	Dr Rumiana Yotova

The Management Committee is supported by Centre Administrator, Anita Rutherford, whose efforts and dedication in the running of the Centre are gratefully appreciated.

Directorship of the Centre

Professor Eyal Benvenisti, Centre Director
Dr Sarah Nouwen, Deputy Director
Dr Surabhi Ranganathan, Deputy Director

Administration staff

The Centre is grateful to the administration staff for their support in running the Centre.

Anita Rutherford, Centre Administrator
Karen Fachechi, Centre Receptionist, Admin Support and Secretary to the Centre Director
Sarah Hill, Computer Officer
Vanessa Bystry, Communications Co-ordinator

Centre Fellows

For the year 2019/20 the Centre was fortunate to benefit from the experience and knowledge of 30 Centre Fellows, who cover between them a wide range of research areas of international law <https://www.lcil.cam.ac.uk/research-expertise-lcil>. The Centre is very grateful for their support.

Centre Fellows 2019/20

Dr John Barker	Ms Odette Murray
Dr Lorand Bartels	Dr Sarah Nouwen
Professor Eyal Benvenisti	Dr Federica Paddeu
Professor Marie-Claire Cordonier Segger	Dr Brendan Plant
Dr Megan Donaldson	Dr Surabhi Ranganathan
Dr Claire Fenton-Glynn	Dr Andrew Sanger
Dr Markus Gehring	Professor Jason Sharman
Dr Joanna Gomula	Dr Sandesh Sivakumaran
Dr Thomas Grant	Dr Simon De Smet
Professor Christine Gray	Professor Stephen Toope
Dr Henning Grosse Ruse-Khan	Dr Jamie Trinidad
Ms Diane Illott	Professor Jorge Viñuales
Ms Karen Lee	Professor Marc Weller
Dr Fernando Lusa Bordin	Dr Rumiana Yotova
Ms Maureen MacGlashan	
Dr Giovanni Mantilla	
Dr Kate Miles	

Advisory Board

The Advisory Board assists the Centre's Director and the Committee of Management of the Lauterpacht Centre in advising on activities, policies, fundraising and public relations. The role of the Board is advisory, assisting the LCIL to develop the Centre's resources and capabilities, to expand its ties with other academic centres, with the legal bar and with the general public, and in general to improve the opportunities for research at the Centre.

The Board consists of seven members that represent various constituencies with whom the Centre engages, namely academia, the bar and the judiciary. Advisory Board members serve a three-year term beginning on 1 October of any year. The term is renewable once. Board members may return to the Board two years after the end of their second term. To ensure continuity, three members of the first board – determined by lot – will end their first term after two years.

The Management Committee appoints the Board, including the Board's Chair and the Vice Chair who serve in these capacities for the duration of the term.

The Board held its inaugural meeting at the Centre in December 2019. During the meeting the Board received a report on the Centre's activities and plans, and offered very useful feedback on how the Centre was doing, as well as suggestions as to what the Centre's management could do to improve the research done in the Centre, and meet its future needs.

The membership of the new Board includes:

Sir Daniel Bethlehem QC, 20 Essex Street (Chair)

Lord Collins of Mapesbury PC FBA

Ms Shaheed Fatima QC, Blackstone Chambers

Sir Christopher Greenwood GBE CMG QC

Lord David Lloyd-Jones

Mr Audley Sheppard QC, Clifford Chance

Ms Elizabeth Wilmshurst CMG, Chatham House (Vice Chair)

Honorary & Senior Fellows

Honorary Fellows

The Centre also has a number of distinguished Honorary Fellows, appointed by reason of their standing in international law or their significant contribution to the development of the Centre:

Professor Philip Allott	HE President Dame Rosalyn Higgins DBE QC
Professor Sir Derek Bowett CBE QC FBA (†)	HE President Hisashi Owada
HE Judge James Crawford AC, SC FBA	HE Judge Stephen M Schwebel
Professor John Dugard	Dr Earl Snyder (†)
Mrs Julie Finley	Mr Edward St George (†)
Lady Catherine Lauterpacht	Professor Hugh Thirlway (†)
Sir Elihu Lauterpacht CBE QC LLD (†)	<i>(†) deceased</i>
Sir Christopher Greenwood GBE CMG QC	

Senior Fellows

Senior Fellowship of the Centre was officially recognised in the 2005–6 academic year and is awarded in recognition of eminence in the field of international law, combined with significant involvement in the Centre itself. The Senior Fellows are:

Judge Howard Morrison	Professor Malcolm Shaw QC
Professor Jan Paulsson	Sir Michael Wood KCMG



Friends & Donors of the Centre

One outcome of the Centre's 25th birthday celebrations in 2008 was the creation of the category **Friends of the Centre**, in recognition of significant financial donations.

The Centre thanks the following for their generous support since 2008:

Dr & Mrs Ivan Berkowitz	Judge Sir Kenneth Keith ONZ KBE QC
Mr Michael Brandon (†)	Lady Catherine Lauterpacht
Mr Christopher Brandon	Mr Conan Lauterpacht
Judge Charles N. Brower	Mr Michael Lauterpacht
Mrs Gabriel Cox	Professor Christoph Schreuer
HE Judge James Crawford AC, SC FBA	Dr Anthony Sinclair
Dr Joanna Gomula	Dr Andrés Rigo Sureda
Judge Sir Christopher Greenwood CMG QC	Sir Michael Wood KCMG

A full list of the Centre's benefactors, friends and other supporters is available at:

<https://www.lcil.cam.ac.uk/about-centre/benefactors-centre>.

The Centre is enormously grateful to the authors who generously waive their royalties in favour of the Centre, including those in respect of the Hersch Lauterpacht Memorial Lectures.

Current Donors of the Eli Lauterpacht Fund

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

Mrs Hélène Alexander	Lady Catherine Lauterpacht
Professor and Mrs Nico Bar-Yaacov	Mr Conan Lauterpacht
Dr & Mrs Ivan Berkowitz	Mr John Lehman
Mrs Jenny Byford	Mr & Mrs John Lewis
Mrs Gabriel Cox	Professor Christoph Schreuer
Dr Joanna Gomula-Crawford	Dr Anthony Sinclair
Mr Michael Lauterpacht	Mr Stratis Georgilas

Michaelmas Term Visitors



Filip Balcerzak

Filip works at the Faculty of Law and Administration of the Adam Mickiewicz University in Poznań. He is involved in an academic project "International Investment Law in face of challenges in renewable energy sector" funded by the National Science Centre, Poland (Sonatina program). He completed his LLM studies at the University of Ottawa, specializing in International Trade and Foreign Investment Law. Subsequently he was granted a PhD in Public International Law by Adam Mickiewicz University in Poznań (His dissertation title: "Investor - state arbitration and human rights").



Philipp Eschenhagen

I studied law at Bucerius Law School in Hamburg and the University of Michigan Law School in Ann Arbor. After graduating in 2017, I spent four months in Lebanon studying Arabic and studied philosophy at the University of Hamburg for three semesters. I am a research assistant at Bucerius Law School and a PhD Candidate at the Walther Schücking Institute for International Law in Kiel. My fields of research include international adjudication, transitional justice, critical legal studies and legal aesthetics. I am co-chief-editor of Völkerrechtsblog and an editor of Bucerius Law Journal.



Enuo Gu

Enuo is an assistant professor and master tutor in the School of Law, and also a post-doctoral researcher in the School of Economics and Finance at Xi'an Jiaotong University. Dr Gu's research mainly focuses on International Investment Law and the basic theoretical issues of International Economic Law. She has undertaken three provincial research projects at the Ministry of Justice, Shaanxi Province Social Science Foundation and Chinese Postdoctoral Science Foundation.



Rachel López

Rachel López is an Associate Professor of Law at the Thomas R. Kline School of Law at Drexel University as well as a Fellow at the Carr Center for Human Rights Policy at the Harvard Kennedy School. Previously, Professor López researched transitional justice in Guatemala as a Fulbright Scholar and as a Fellow at the Orville H. Schell, Jr. Center for International Human Rights at Yale Law School. Professor López received B.A. from Northwestern University and J.D. from the University of Texas, School of Law. She also has an LL.M. in French and European Law from Université Paris 1, Panthéon-Sorbonne.



Dr Mark Retter

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

Visiting the Centre

The Lauterpacht Centre warmly welcomes Research Fellows and Scholars from around the world with interests in international law

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

Visitors are left to get on with their work in the manner that best suits them, but they are also encouraged to participate fully in Centre activities, especially the Friday lunchtime lectures, that may be of interest to them. Visitors normally stay at the Centre between one term and one year.

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

In addition to their academic endeavours, visitors also organise a number of social activities in and around Cambridge. The Centre is grateful to the visitors for their contribution to the Centre, both academic and social. ■

Visitors' profiles and research information can be found on the Centre's website: www.lcil.cam.ac.uk/people/current-visiting-academics-postgraduate-students.



"I was lucky enough to spend two months at the Centre but wish it could have been longer! The Centre's facilities and academic environment were extremely conducive to my PhD research – especially the online access to literature and research facilities in the Squire Law Library were truly amazing. Visitors come to the Centre from all over the world so it was great to meet up over coffee time and to hear about their research too."

- Shpetim Bajrami, Bucerius Law School, Hamburg – July 2019



"I have been a returning visitor to the Lauterpacht Centre for the fourth time now. The Centre provides the perfect combination of a focused working environment, beautiful premises and vibrant intellectual atmosphere. The coffee breaks, lunchtime lectures and visiting fellows round tables are excellent opportunities for stimulating discussions and inspiring exchanges with other visiting fellows, LCIL fellows and other academics from all over the world. Every visit here, I am very productive, get a lot of work done and receive ideas for new projects. I highly recommend a visit - and I can't wait until my next one!"



- Andreas Kulick, Senior Research Fellow, Eberhard Karls University, Tübingen/Cologne University



Visitors make new friends and connections and enjoy many discussions at coffee time

For more information on visiting the Centre, please visit:

www.lcil.cam.ac.uk/about-centre/visiting-fellows-and-scholars



Life @ the Lauterpacht Centre



Last coffee time at the Centre before Lockdown began in March. We were already practising our newly learned social distancing skills!



The first of many Zoom webinars held by the Centre - this was one of the International Law and Political Engagement (ILPE) seminars: In Conversation with Dr Robert Knox and Dr Ntina Tzouvala: 'On International Law and Critique in time of COVID-19' (photo bottom), PhD students Marina Velickovic and Francisco José Quintana (photo top) 19 June 2020.

King's College Chapel on a beautiful May morning with the newly sown wild flower area beginning to come into bloom. The only thing you could hear was the buzz of bumblebees...



During Lockdown the Centre took the opportunity to update some of the facilities. Just as well no-one was allowed at the Centre over the summer as there was a lot of banging and crashing as the door into the kitchen at no 5 was altered and new cabinets and worktops installed. It will be a great space in which to grab a socially-distanced coffee and catch up with colleagues and friends once we are allowed back in the Centre.





www.lcil.cam.ac.uk



 **LAUTERPACHT CENTRE**
FOR INTERNATIONAL LAW

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