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Front Cover: Lauterpacht Centre
Garden, Summer 2020
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The WHO Independent Panel’s Second Report: “A Global Reset is Achievable”

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.

In early January, The Independent Panel for Pandemic Preparedness and Response published its Second Report. The Panel was established by the WHO Director-General in response to the World Health Assembly’s request to “initiate an independent, impartial and comprehensive evaluation of the international health response” to COVID-19. The Panel is co-chaired by the former Prime Minister of New Zealand, Helen Clark, and the former President of Liberia, Ellen Johnson Sirleaf who selected the other 11 members of the Panel.

The Second Report does not hold novel findings for some of the WHO’s more critical observers, including earlier reports of the 12 commissions and panels convened by the WHO to assess gaps in pandemic response (see in particular the 2015 panel report). But the report is extremely valuable because the dignified, independent body that authored it offers a painfully clear and succinct account of the dire situation facing us all. If there ever was a crystal clear writing on the wall, the Second Report provides it. It makes an urgent wake-up call, to use this “once-in-a-generation opportunity” as “a catalyst for fundamental and systemic change;” to “reset” the international system that protects against pandemics.

The call is urgent, because as the Second Report cautions, pandemics have become part of our lives: “History tells us that zoonotic outbreaks will continue to occur, and they seem to be appearing at a faster pace.” Four of the five Public Health Emergency of International Concern declared by the WHO since 2014 were due to viruses of zoonotic origin. And they are likely to stay with us, and even intensify, due to the factors driving zoonotic outbreaks, which the Report identifies: “increasing human demand for animal protein; unsustainable agricultural intensification; increased use and exploitation of wildlife and its illegal trafficking; unsustainable utilization of natural resources accelerated by urbanization, land use change and extractive industries; increased travel and transportation; changes in food supply; and climate change.” As the Panel concludes “Addressing these risk factors require ‘one health’ approaches which combine human, animal and environmental health considerations.”

The “one health” approach requires not only to adopt an all-inclusive management of the various risk factors, but also to do so while overcoming what the Panel correctly identifies as a set of global collective action problems. The Report notes that the world lacks commitment and institutional capacity to face the challenge. It notes geopolitical tensions that “have detracted from decisive and internationally co-ordinated responses to the pandemic,” and laments the fact that “narrow national interests and economic power determine who gets access [to vaccines], instead of basic principles of fairness and ensuring that allocation will optimize their public health impact.” The Panel calls for “enhanced solidarity” with, and support from the international community to low-income countries. As they note, this is not only a moral imperative but also a matter of self-interest: “Only the application of principles of universality and equity will be sufficient to enable the world to come out of this crisis together.”
But how can the world overcome such daunting challenges? Certainly a major reform is needed if the WHO could continue to serve its purposes. The WHO has to rely on outdated system of information monopolized by governments. Instead, the WHO must rely on “open and non-traditional sources” including “distributed information, fed by people in local clinics and laboratories, and supported by real-time data gathering and decision-making tools.” It must update the global pandemic alert system which “is not fit for purpose … [it is] slow, cumbersome and indecisive.” “The Panel is struck that the power of WHO to validate reports of disease outbreaks for their pandemic potential and to be able to deploy support and containment resources to local areas is gravely limited.”

In addition to reforming the WHO, the Report identifies weak incentives for states to cooperate with the international system “in a disciplined, transparent, accountable and timely manner.” The International Health Regulations of 2005 and international law in general do not provide sufficient positive or negative incentives for states to commit to global cooperation. A “political step-change” is needed for states “to hold themselves accountable for taking all necessary actions as soon as an alert is issued.”

The Second Report also offers a reality check for international lawyers, who must now accept the grim picture that emerges from the Covid-19 pandemic which encompasses also the current sad state of international law as part of this picture. We must acknowledge that the “wholesale failure to take seriously the existential risk posed by pandemic threat to humanity and its place in the future of the planet” includes the deficient International Health Regulations that, as Adam Kamradt-Scott noted, “reified member states’ sovereignty.” They curbed, rather than empowered, the WHO’s ability to respond effectively. The Independent Panel supports the call to assess critically contemporary international health law, and to identify the gaps between existing State obligations and what is required. Several international lawyers, including central learned societies such as the Institut de Droit International’s newly constituted commission on “Pandemics and International Law,” and the International Law Association’s committee on Global Health Law, have embarked on such reassessment projects.

For international lawyers, the Panel’s call for a “global reset” might sound impractical, given the basic tendency to think more in terms of “progressive development” rather than a total “reset”. But at the very least, we should “reset” any assumption that the current international health law is in a good state of health. We must reject the short-sighted thought that if only states complied with their obligations, the pandemic would have been averted. Instead, we need to address the systemic reasons that led states to fail their duties. Our working assumption must be that “fundamental and systemic change” is needed and that we need to reflect on ways to employ law and legal institutions to help create and sustain a “new global framework … to support prevention of and protection from pandemics.”
New Fellows of the Centre

**Dr Stephanie Palmer** is a member of the Faculty of Law and Girton College, Cambridge. Her main area of research is in the field of human rights. She is currently working on a project on climate change, gender and human rights and she is contracted to co-author a book on Human Rights law in the UK to be published by Cambridge University Press. She has always sought by balance academic research with public interest work. She has been on the Executive Committee of the University of Cambridge’s Pro Bono Program since it started eleven years ago and oversees projects every year. Many of these projects raise interesting and important international law issues. Stephanie joined the Centre as a Fellow in November 2020.

**Dr Emilija Leinarte** is a British Academy Postdoctoral Fellow at the Law Faculty and Trinity College, Cambridge. Her research focuses on questions of international responsibility and international economic law, as well as European Union law. Her book titled ‘Functional Responsibility of International Organizations: the European Union and International Economic Law’ will be published this Summer (CUP). This study introduces a novel approach to allocation of international responsibility in the context of multi-layered and multi-composite structures. Prior to joining the LCIL Emilija has been a research associate at the Faculty conducting research on various Brexit-related international economic law questions.

Society of Legal Scholars award for Tim

Cambridge international law PhD candidate Tim Clark was awarded the inaugural prize for Best Paper by a Doctoral Student in November by the Society of Legal Scholars for his paper on ‘The Problem of Purpose: Assessing the Rise of Teleology in the Law of International Organisations’. Tim’s paper, which he presented at the Society’s annual conference in September, draws on his wider doctoral research on teleological reasoning in the law of international organisations, supervised by Centre Director Prof Eyal Benvenisti. It examines the way in which the purposes of intergovernmental organisations took on a new normative dimension in the aftermath of World War II as institution-building tools in the hands of international courts, and the problems associated with this ‘teleological turn’. The chairs of each of the conference’s panels were able to nominate a paper from their session to be considered for the prize, and the jury was unanimous in deciding to award it to Tim’s paper.

Well done, Tim!

Fellows’ Lunches

Each term the Centre organises fortnightly Fellows’ lunches, in which LCIL Fellows discuss each other’s draft papers. It is beneficial in that authors receive constructive feedback on matters ranging from questions and structure to methodology and style from colleagues who bring together a broad array of approaches, fields and interests in international law. The following authors’ workshops took place in the Michaelmas term:

13 October 2020  
**WHO International Health Regulations (with Oxford University Press)**
- Jorge Viñuales together with G-L. Burci and G. Le Moli

27 October 2020  
**Towards equal consideration for COVID-19 vaccine access and in allocation decisions**
- Eyal Benvenisti

10 November 2020  
**Trade and Climate Change Law** - Markus Gehring

The discussions were fruitful and represented what the Lauterpacht Centre is all about: facilitating discussions among people who work on all corners of international law, and share an interest in what continues to connect all those corners.
It is with great sadness that the Centre learned of the death of Judith Shaw, the wife of Professor Malcolm Shaw QC, a great supporter and a Senior Fellow of the Centre.

Judith passed away on 6 January 2021 after a brave struggle with a cruel disease. She was a beloved wife of Malcolm, devoted mother of Talia, Ilan and Daniella and doting Momma to Mika, Eden, Zevi and Zak. Her positivity, warmth, lively mind and sense of fun will be sorely missed.

This photo dates from 2016 when Professor Shaw and Judith visited the Centre to donate a copy of Professor Shaw's latest book *Rosenne's Law and Practice of the International Court 1920 - 2015, Volume 1 - The Court and the United Nations, Fifth Edition by Malcolm N Shaw QC* (Brill/Nijhoff) to the Old Library. Professor Shaw and Judith were frequent visitors to the Centre.

We extend our deepest condolences to Professor Shaw and his family.

**Bohdan Winiarski Scholarships Awarded**

Despite the Lauterpacht Centre's closure because of the pandemic, in 2020 the Bohdan Winiarski Scholarship competition took place, although the results were published later than in previous years. The successful candidates were: Dr Tamás Hoffmann, senior research fellow at the Hungarian Academy of Sciences Centre of Excellence, Budapest, Hungary, and Dr Farid Turab Ahmadov, assistant professor at the ADA University, Baku, Azerbaijan. They are scheduled to visit the Lauterpacht Centre in 2022.

The Bohdan Winiarski scholarships are funded by the Embassy of the Republic of Poland in the United Kingdom and Great Britain and Northern Ireland. The scholarships have been named after the Polish Judge of the International Court of Justice, Bohdan Winiarski, and are intended to cover a visit of a minimum 8 weeks at the Lauterpacht Centre. The scheme was first launched in 2008. Since 2019 there are two scholarships offered annually to nationals of two groups of states: Visegrad Group States and Western Balkan States (Czech Republic, Hungary, Poland, Slovakia, as well as North Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina, and Kosovo), and Eastern Partnership States (Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine).

In the years 2009-2018, 21 Bohdan Winiarski Scholarship recipients visited the Centre. Four other successful candidates who have already been awarded the scholarships will visit the Centre in 2021 and 2022.

*Further information: https://www.lcil.cam.ac.uk/about-centre/scholarships-prizes*
Centre Lectures & Events

HERSCH LAUTERPACHT MEMORIAL LECTURES 2021

Three-part lecture series

Professor Susan Marks
London School of Economics

Susan Marks joined the LSE in 2010 as Professor of International Law. She previously taught at King's College London and, prior to that, at the University of Cambridge, where she was a fellow of Emmanuel College. Her work attempts to bring insights from the radical tradition to the study of international law and human rights.

6 pm, Tuesday 2 March
6 pm, Wednesday 3 March
6 pm Thursday 4 March
1 pm, Friday 5 March 2021 (Q&A)

Summary: these lectures explore dignity as a worldly phenomenon that is not just an idea, but also a social practice and lived experience. We say that dignity is a right, or a foundational concept for human rights, yet we know that, in reality, it is a privilege enjoyed by some of us more than others and all of us at some times of our lives more than at others. How are we to understand asymmetries in the distribution of dignity? What can we learn by approaching dignity from the perspective of the presumptively undignified? When dignity is not simply denied but refused, can we then make out a different, defiant dignity with a different relationship to indignity?

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, New York University.

Hersch Lauterpacht Memorial Lectures

The Hersch Lauterpacht Memorial Lectures 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.
Wherever possible, lectures will be recorded and uploaded to the Centre's website [www.lcil.cam.ac.uk/media/lecture-recordings](http://www.lcil.cam.ac.uk/media/lecture-recordings) after the event. So if you are not able to attend on the day you can catch up at a later date.

The COVID-19 pandemic has highlighted the tension between the benefits of internationally co-ordinated responses to global issues, and States’ unwillingness to concede their sovereign right to act – or not act – as they see fit. However, the difficulty posed by conflicting international and domestic concerns is by no means novel, nor limited to public health. The major issues of global import – from environmental threats to impediments on trade, the forced migration of refugees to nuclear weapons and intervention in armed conflicts – naturally entail interactions between States, as global interconnectedness draws domestic concerns into regional and international spheres. Yet, the legal mechanisms facilitating co-operation – from international organisations to bilateral agreements – are stymied by States’ reticence to participate. While national sovereignty is paramount, how can true international co-operation be achieved?

Confirmed Speakers

We are pleased to announce the following keynote speakers:

Professor Malgosia Fitzmaurice, Professor of Public International Law at Queen Mary University of London; Nippon Foundation Professor in Marine Environmental Law at IMLI.

Professor Makane Moïse Mbengue, Professor of International Law at the University of Geneva; Director of the Department of Public International Law and International Organization at the University of Geneva; Affiliate Professor at Sciences Po Paris (School of Law).

Professor Simon Chesterman, Dean of the National University of Singapore Faculty of Law; Editor of the Asian Journal of International Law

Online registration for the Conference will open in February 2021, and further information will be posted on the CILJ website in due course. In the interim, please contact conference@cilj.co.uk with any questions or concerns.

CAMBRIDGE INTERNATIONAL LAW JOURNAL (CILJ)

Cambridge International Law Journal (CILJ) is a double-blind peer-reviewed journal with a broad focus on international and EU law. It is run by the postgraduate community of the Cambridge Faculty of Law.
Art, Architecture and International Law 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.

5.00 pm - 6.00 pm Tuesday 16 February 2021

Visual International Law and Imperialism: Painting and Building Universality and Authority

Dr Kate Miles
University of Cambridge

REGISTER ONLINE >

Lecture summary: Visual international law tells stories. Image and art supporting imperialism in the eighteenth and nineteenth centuries also projected the authority, legitimacy, and universality of international law. This lecture argues that depictions of treaty-making, international legal theorists, and conferences were about painting European international law as ‘successful’—telling stories of an authoritative, universal, and virtue-laden mode of international regulation. That same approach also stretched into the twentieth and twenty-first centuries, including through the physical construction of international law in the architecture of its statement buildings, such as the International Court of Justice.

5.00 pm - 6.00 pm Tuesday 4 May 2021

Choral Intervention: Situating the Role of Music in Reshaping International Law in Africa

Prof Babatunde Fagbayibo
University of South Africa

REGISTER ONLINE >

Lecture summary: At the heart of this lecture is the question of how music could serve as an effective instrumental tool for rethinking the theoretical and processual dimensions of international law in Africa. This lecture argues that socially conscious songs provide a beneficial lens/gateway to the popular understanding of the problematic of international law. As Daniel Newman rightly noted, “the use of popular music offers a writer a valuable device to render what could be quite dry and, otherwise dull, argument suddenly more interesting and thus engaging to the reader”. Such knowledge further engenders the possibility of repurposing the applicative dimensions of international law on the continent.
INVESTMENT LAW AND ARBITRATION

The Lauterpacht Centre for International Law, in collaboration with Cambridge Judge Business School Executive Education

A five-day, advanced introduction to international investment law and arbitration

Monday 20 - Friday 24 September 2021

Programme Summary

This five-day residential programme provides an advanced introduction to international investment law in the context of public international law and practice focusing on recent developments. It offers the opportunity to learn from Cambridge law and business school academics, as well as leading practitioners drawn from major law firms and barristers’ chambers. It is designed both for junior practitioners who are developing a practice in international investment law and for more senior lawyers who wish to re-orient themselves to investment arbitration or to analyse the most recent trends of this fast-moving field. Participants will receive a certificate of participation on successful completion of the course.

Who is the Programme for?

• For lawyers in private practice, government departments or in-house counsel, a thorough understanding of the building blocks of international investment law and how it is embedded in general international law is becoming increasingly important.

• Lawyers in private practice who are developing a practice in international investment arbitration, and who seek to consolidate their knowledge of international investment law and general international law, and to keep abreast of the most recent developments in the field.

• In-house counsel or government lawyers working on investment arbitrations.

• Lawyers in private practice who aspire to expand their practice to include investment arbitration (e.g. lawyers specialised in commercial law or international commercial arbitration).

Further information available at:

www.lcil.cam.ac.uk/investment-law-and-arbitration

If you have any queries, please contact Pedro de Carvalho (ps785@cam.ac.uk)
**Friday Lunchtime Lecture series Michaelmas Term 2020**

Did you know that if you missed any of last term’s lectures, you can catch up on the recordings on the Centre’s website at [https://www.lcil.cam.ac.uk/media/lecture-recordings](https://www.lcil.cam.ac.uk/media/lecture-recordings)? Alternatively, you can click on the individual links below. Open discussions follow all Centre lectures but these Q&A sessions are excluded from the recordings.

**4 December 2020**

Online Discussion Panel (speakers: Prof Carlos Esposito, Dr Calvin Ho, Prof Bartha Maria Knoppers and Prof Jorge Viñuales): *International Law, Science and Technology in the Time of COVID-19* (1 hour 30 mins)

**27 November 2020**

Ranjan, Prabhash: *India and International Investment Law: Refusal, Acceptance, Backlash* (43 mins 51 secs)

**20 November 2020**


**13 November 2020**

Bhuta, Nehal: *The State Theory of Grotius* (60 mins 1 sec)

**6 November 2020**

Frowe, Helen: *Implementing the 1954 Hague Convention: Conflicts between People and Heritage* (57 mins 51 secs)

**30 October 2020**

Hakimi, Monica: *Two Visions of the International Rule of Law* (34 mins 18 secs)

**23 October 2020**

Webb, Philippa: *The Right to a Fair Trial in International Law: Shining a light on a critical human rights protection* (27 mins 26 secs)

**16 October 2020**

Kedar, Alexandre: *Emptied Lands: Bedouin rights, dispossession and resistance in the Negev* (44 mins 23 secs)
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)

**Ms Karen Lee, Centre Fellow & Vice-Mistress and Fellow of Girton College**

Volume 190 of the International Law Reports (ILR), which has just been published in December 2020, will be the hundredth volume on which I have worked! The series has been edited by Sir Hersch and Sir Eli Lauterpacht, and Sir Christopher Greenwood, whom I joined as Joint Editor in 2012, having become a Fellow of the Centre in 1999.

The ILR has been the main publishing output of the Lauterpacht Centre since the Centre was founded in 1983; in fact, the Centre was established primarily to provide an institutional home to the Reports, which were rather overtaking Sir Eli’s study in Herschel Road. That the ILR has flourished over the years (six volumes per year are now published by Cambridge University Press (CUP)) is due to the dedication of a small team, which has achieved much with limited resources. Chris Greenwood, who has worked on the ILR since 1978 and became Joint Editor in 1990, has continued to give his time to the ILR in spite of his many other commitments. I have been the only full-time academic staff member over the years and have devoted myself to meeting the many ILR deadlines. I have followed the development of international law through case-law, selected cases for inclusion, and have had hundreds of my own summaries published as well as editing the summaries of others. Having been the editor of other law reports (volumes 6 to 15 of the ICSID Reports with James Crawford, volume 5 of the International Environmental Law Reports and volumes 34 to 38 of the Iran-US Claims Tribunal Reports), in 2011 I was asked to re-direct all of my energies to the ILR (which CUP considered to be its “jewel in the crown”), retaining the title of Director of Publications in acknowledgement of the status of the ILR as the Centre’s principal publication.

Over the years, the number of cases worthy of reporting has dramatically increased; more international tribunals exist and more national judges are cognizant of the importance of public international law in reaching their judgments (indeed, the relevant judgments of the United Kingdom Supreme Court alone could fill volumes as the Court’s own 2019 publication *Public International Law in the Supreme Court of the United Kingdom: A selection of cases from the Court’s first ten years, London, 3 October 2019* to which I contributed, attests); there are more potential resources to check and it is increasingly difficult to find good and reliable ILR contributors and summary writers who can assist in covering all available material. Changes in publisher (when Grotius was sold to CUP) as well as in methods of production and publication (which have become more complex) have brought their own pressure points, and increased workload, as well as opportunities. ILR is now available digitally, as well as in print, via the Justis, Cambridge Law Reports Online and now Cambridge Core platforms. The team at our publishers, CUP, as well as including the Commissioning Editor and Content Managers, also includes copy-editors and proof-readers. CUP also provides an indexer and part-time Editorial Assistant. The Editors are grateful to them all and pay special tribute to Miss Maureen MacGlashan and Mrs Diane Ilott who have indexed and copy-edited the ILR respectively over very many years.

I am heartened by the feedback that I have received as to the continued usefulness of the ILR to academics and practitioners alike given the important role played by case-law in the development of public international law. Ensuring that all countries are represented in the Reports remains a challenge but I welcomed the results of a recent research project which suggested that the ILR fared well
in the breadth of its jurisdictional coverage. The number of cases reported, and jurisdictions covered varies from volume to volume; over the last sixty-five volumes, cases from approximately thirty-two different international tribunals and fifty-eight different countries have been reported. It can be difficult to appreciate the amount of work involved in preparing any one volume. Writing in 1956, Sir Hersch wrote “I propose to go on with the International Law Reports because I consider that that is one of the best things – and most enduring – which I have done for international law.” My hope is that the series will receive all the support it needs to continue to be successful and to provide a fitting tribute to Sir Hersch and Sir Eli Lauterpacht, after whom the Centre is named.

Further information: http://www.lcil.cam.ac.uk/publications/international-law-reports

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

Editors: Professors Jorge Viñuales and Michael Waibel, Centre Fellows

The ICSID Reports provide an authoritative published collection of investor-State arbitral awards and decisions rendered under the auspices of the World Bank’s International Centre for Settlement of Investment Disputes (ICSID), pursuant to other bilateral or multilateral investment treaties such as the North American Free Trade Agreement (NAFTA) and the Energy Charter Treaty (ECT) or involving investment contracts entered by States. These decisions, which are fully indexed, make an important contribution to the growing body of jurisprudence on international investment law.

The ICSID Reports are an invaluable tool for practitioners, scholars and government lawyers working in the field of public international law, investment treaty arbitration, and international commercial arbitration, whether advising foreign investors or States.

Further information: https://www.lcil.cam.ac.uk/publications/icsid-reports
LAWMAKING UNDER PRESSURE - international Humanitarian Law and Internal Armed Conflict (December 2020)

Giovanni Mantilla

In Lawmaking under Pressure, Giovanni Mantilla analyzes the origins and development of the international humanitarian treaty rules that now exist to regulate internal armed conflict. Until well into the twentieth century, states allowed atrocious violence as an acceptable product of internal conflict. Why have states created international laws to control internal armed conflict? Why did states compromise their national security by accepting these international humanitarian constraints? Why did they create these rules at improbable moments, as European empires cracked, freedom fighters emerged, and fears of communist rebellion spread? Mantilla explores the global politics and diplomatic dynamics that led to the creation of such laws in 1949 and in the 1970s.

Further information: https://www.cornellpress.cornell.edu/book/9781501752582/lawmaking-under-pressure/#bookTabs=1

Published Books by Centre Fellows

The Property of Intellectual Property Rights Under International Investment Law (December 2020)

Simon Klopfchinski, Christopher Gibson and Henning Ruse-Khan

This publication is part of the Oxford International Arbitration Series - the first comprehensive monograph on the protection of IP under international investment law. It gives a clear analysis of the treaty framework and applicable case law to answers practical questions on the resolution and enforcement of investment disputes involving intellectual property rights. It also sets out the availability, scope, acquisition, enforcement and prevention of the abuse of intellectual property rights under the TRIPS Agreement in international investment law, and analyses relevant case law including four noteworthy foreign investment disputes centered on the investor's intellectual property rights: Philip Morris in Australia and Uruguay, Eli Lilly v. Canada, Bridgestone v. Panama and Einarsson et al. v. Canada.

Children and the European Court of Human Rights (January 2021)

Dr Claire Fenton-Glynn

The European Convention on Human Rights is one of the most influential human rights documents in existence, in terms of its scope, impact, and jurisdiction. Yet it was not drafted with children, let alone children’s rights, in mind. Nevertheless, the European Court of Human Rights has developed a large body of jurisprudence regarding children, ranging from areas such as juvenile justice and immigration, to education and religion, and the protection of physical integrity. Its influence in the sphere of family law has been profound, in particular in the attribution of parenthood, and in cases concerning child abduction, child protection, and adoption.

Dr Fenton-Glynn’s book provides a comprehensive and detailed overview of the jurisprudence of the Court as it relates to children, highlighting the many achievements of the Court in this field, while also critiquing its ongoing weaknesses. In doing so, it tracks the evolution of the Court’s treatment of children’s rights, from its inauspicious and paternalistic beginnings to an emerging recognition of children’s individual agency.


Making and Breaking Peace in Sudan and South Sudan (December 2020)

The Comprehensive Peace Agreement and Beyond

Edited by Sarah M. H. Nouwen, Laura M. James, and Sharath Srinivasan

Sudan’s Comprehensive Peace Agreement of 2005 ended over two decades of civil war and led to South Sudan’s independence. Peacemaking that brought about the agreement and then sought to sustain it involved, alongside the Sudanese, an array of regional and western states as well as international organisations. This was a landmark effort to create and sustain peace in a war-torn region. Yet in the years that followed, multiple conflicts continued or reignited, both in Sudan and in South Sudan. Peacemaking attempts multiplied. Authored by both practitioners and scholars, this volume grapples with the question of which, and whose, ideas of peace and of peacemaking were pursued in the Sudans and how they fared. Bringing together economic, legal, anthropological and political science perspectives on over a decade of peacemaking attempts in the two countries, it provides insights for peacemaking efforts to come, in the Sudans and elsewhere.

Navigating this path that leads from enthusiasm to angst requires the effort and sophistication that characterises a significant part of the professional practice and research of international law. It also requires intellectual honesty, introspection and dialogue. In an attempt to create a space for this – a space for us and our fellow PhDs to engage with these broader questions of disciplinary responsibility and possibility – we designed the International Law and Political Engagement (ILPE) series. The series consists of conversations on international legal scholarship, political engagement, and the transformative potential of academia. We had the fortune to come up with this idea as PhD students at the Lauterpacht Centre, where the authorities and staff immediately supported it — for which we are extremely grateful.

We launched the series in January, with a conversation with Professor Gerry Simpson (LSE) on the politics of method in international legal scholarship. We managed to host a second conversation at the Centre in February, with Dr Luis Eslava on international law and the South, before the pandemic forced us to interrupt it. We resumed the series in a digital format in June and have welcomed several exciting speakers since then: Dr Rob Knox, Dr Ntina Tzouvala, Dr Jean Ho, and Professor Alejandro Chehtman.

The format of the conversations is fairly straight-forward. Each sessions is one hour long. They are open to the general public, have a guest speaker, and focus on a theme, concept or a method and their relationship to political movements, struggles, and margins. Both of us chair each conversation, ask a number of questions, and then pass the responsibility on to the public. The objective is to achieve a rich, multi-layered, horizontal dialogue. In the pre-pandemic world, the conversations were followed by a more informal reception hosted in the Centre’s Old Library.

This series has been a highly rewarding and a great learning experience for both of us. The series has given us a platform to engage with international as more than just our chosen academic endeavour: as also one of the primary lenses we use to understand the world, a vehicle to advance and/or resist political projects, a discipline that determines many of our readings and personal relationships, and more. As this challenging year comes to an end, we have much to look forward to in the new year – we have four conversations scheduled over the next four months with non-UK based speakers, to make the most of our circumstance. We extend an open invitation to anyone reading this to join us – on Zoom for now, and hopefully in the Centre’s beautiful gardens in the upcoming months.

Francisco-José Quintana & Marina Veličković
PhD Candidates

Further information: https://www.lcil.cam.ac.uk/international-law-and-political-engagement-ilpe-lecture-series
This academic year, of course, things have been very different as we all find ourselves living and working at a distance, some in Cambridge and some abroad. At the same time, life in Cambridge goes on; new PhD students arrived, theses need to be written, and the joys and challenges (some new, some timeless) of doctoral research continue. If anything, therefore, that sense of community has been more important than ever over the past term, and we have enjoyed continuing to meet virtually every couple of weeks. At our first meeting of the year, it was particularly nice to be able to meet this year’s new intake of PhD students and to hear a bit about their background and research agendas.

This term we have enjoyed exploring the research of some of our own members in more depth. Marina Veličković and Francisco-José Quintana led a discussion on the COVID-19 crisis and international law, drawing on Marina’s recent Critical Legal Thinking article, ‘Crisis and Resistance at the Periphery: Bosnian Responses to Covid-19’, and Francisco’s article in the American Journal of International Law (co-authored with Justina Uriburu), ‘Modest International Law: COVID-19, International Legal Responses, and Depoliticization’. In a subsequent meeting, Alexander Ferguson presented some of his work-in-progress on economic disintegration as a potential catalyst for stronger international law protections for intellectual property. These sessions have been a great opportunity not only to become more familiar with each other’s work, but also to offer feedback and discuss ways of improving our own research and writing.

As we have all discovered over the past months, meeting online is never quite the same as being able to gather together and share ideas in person (usually, in our case, over a healthy supply of baked goods), and we are looking forward to a time in the future when we can return to our regular meetings in the Old Library at the Lauterpacht Centre. For now, however, we are very grateful to all of the group’s members for their contributions and enthusiasm, and for working to maintain our supportive community of international law scholars during a difficult time.

Tim Clark & Matilda Gillis
Co-Convenors
PhD Public International Law Discussion Group
The Cambridge Arbitration Society (CUArb) was established in 2019 as a response to demands by Cambridge students to have exposure to the current arbitration scene and to network with practitioners and academics in the field. The CUArb aims to serve as both an educational and networking platform by promoting the study of international commercial and investment arbitration amongst students, academics, alumni and law practitioners.

The Society started a Lecture Series in early 2020 given by practitioners and academics in the field of arbitration fortnightly at the LCIL. The inaugural lecture took place on 12 February 2020 and was given by Richard O’Brien of 4 New Square on ‘Cyber-security and the future of the obligation of full protection and security in investment law.’

Unfortunately, the Lecture Series was interrupted by the current pandemic but will continue this coming year either virtually or at the LCIL. This series allows students to have access to up-to-date knowledge in arbitration and serves as a networking opportunity for those interested in international arbitration.

The CUArb has also conducted seminars and workshops on the occasion of the Willem C. Vis Moot. This is a recognition of the success of the Cambridge Vis Moot Team throughout the years and the impact of the Willem C. Vis Moot on educating students and young practitioners. In October 2020, the CUArb organised four virtual seminars delivered by Faidon Varesis & Ibrahim Alturki on international commercial arbitration and international Sales Law. These seminars drew over 100 attendees from teams participating in the competition and young practitioners from various jurisdictions.

Further, as an acknowledgment to the importance of engaging students in practical aspects of international arbitration, the Society has established the CUArb Lap. The purpose of this project is to serve as a practical clinic for students wishing to be exposed to topical and practical issues in the field of international arbitration. This will be in the manner of a topical report on a recent issue in arbitration with a practical focus.

These projects are only part of the CUArb’s activities. The CUArb welcomes all those with interest in arbitration and aspires to build a community of students and young practitioners, not only to serve as an educational and networking platform but also to contribute to the intellectual discussions on arbitration. We hope that this coming year will witness more engaging activities to enable students to be in contact with the current practices of international arbitration.

Ibrahim Alturki
PhD Student

The panel was organised and chaired by Dr Rumiana Yotova who has a strong interest in the field of International Biomedical Law. The first panellist was Prof Jorge Viñuales who is the Harold Samuel Professor of Law and Environmental Policy at the University of Cambridge. He talked about ‘Regulating new zoonotic disease outbreaks: international legal frames’, highlighting the inadequacy of international law in preventing future zoonotic pandemics. He discussed the WHO framework, including the International Health Regulations, as well as the Convention on Biological Diversity and its Nagoya Protocol.

The second panellist, Prof Bartha Maria Knoppers, is the Canada Research Chair in Law and Medicine, a Professor at McGill University and the Director of the Centre of Genomics and Policy. She addressed ‘The Right to Benefit From Science and Genomic Data Sharing in the Time of COVID-19’. Prof Knoppers noted that data sharing is not going as fast as needed to get a handle on the future. She argued that the right to benefit from science together with the right to health and the rights of future generations should inform Government efforts to develop much needed global norms for data sharing and the equitable access to such data.

The third panellist was Prof Carlos Esposito who is a Professor of Public International Law at the Universidad Autónoma de Madrid. Carlos has a special interest in International Law and new technologies and spoke about “Privacy and New Technologies in the Time of COVID-19”. Prof Esposito focused in particular on health tracking through mobile phones and applications, highlighting the ways in which these have relaxed our strict ideas of privacy in the time of COVID-19. He discussed the principle of protection by design in the context of the decentralised systems of health tracking that most Governments employ in the current pandemic, highlighting the need to respect human dignity and to cultivate public trust.

The fourth panellist, Dr Calvin Ho, is an Associate Professor at the University of Hong Kong and the Co-Head of the WHO Collaborating Centre on Bioethics in Singapore. He talked about the ‘Ethical and Regulatory Issues in the Vaccine Race’. Dr Ho discussed the emergency use of licensing of the new COVID-19 vaccines, the ethical obligations towards the participants in blind trials who received a placebo and the challenge of access to the vaccine for poorer countries. Dr Ho argued for the need of stronger coordination between States in the provision of regulatory approvals and of clear regulatory standards in this respect.

The presentations were followed by a fruitful discussion with a large number of questions from the audience. The discussion started with questions from the Chair regarding the lessons learned from the COVID-19 pandemic as to how to regulate science and technology. Another question that the panellists addressed concerned striking the balance between the potentially competing considerations of protecting public health and respecting human rights and privacy when regulating new technologies. There was a question from the audience as to whether international law imposes an obligation to prevent pandemics and what are the duties of the WHO in this context. Another participant asked whether we need to change the standard of duty of care in the context of COVID-19, particularly in cases where public health systems are overstretched, medical care is given remotely and medical health practitioners are required to take on additional roles. There was a discussion of the idea of immunity passports and the problems associated with it. The panel also addressed the question of public health solidarity as a community interest. There were a number of questions regarding privacy, the sharing of data, the revocability of consent in practice and public trust.

For further information on this discussion and to access the recording visit: https://www.lcil.cam.ac.uk/press/events/2020/12/discussion-panel-international-law-science-and-technology-time-covid-19
I am a PhD student at the Centre and so I usually attend the Eli Lauterpacht Lectures with friends. We meet beforehand, get coffee – there is a pale stain on the carpet which testifies to both my clumsiness and our rule-breaking (no food or drinks allowed inside the library) – and then we rush to get the good sandwiches from the Old Library (brie and cranberry), and the good seats in the Centre’s Finley Library (not the very front, but close enough so that our hands are visible during the Q&A). We chat about the lectures after, on our way back to work. This year was, of course, different. I was at home in Bosnia, and not in Cambridge; my coffee was not from Newnham College, it was instead from a small pot in my partner’s kitchen; and there was no brie in my sandwich. But there were friends – as we all logged into Zoom and scrolled through the list of attendees we messaged each other. We chatted throughout, we debated whether to ask a question and encouraged each other. And, there was much to chat about and much one could ask.

Dr Coomaraswamy struck a terrific balance between expert analysis and general theory as she explored the fundamental concepts of public international law through the lens of rights of women and children. This approach was brilliant because it offered something for everyone – the undergraduates with an interest in international law could learn about its contours, and the seasoned experts could learn about how these contours reflect (and sometimes even reproduce) the patriarchal structures of our global community. Dr Coomaraswamy, who was a former Under Secretary General and The Special Representative on Children and Armed Conflict and the Special Rapporteur on Violence Against Women, drew on her wealth of experience to ground concepts and theory in real-life examples. This made the lecture both more accessible, and more urgent. In her lecture, international law was not just a subject we study and discuss; it was a web that shapes people’s lives.

The lecture’s emotional trajectory is also noteworthy. Dr Coomaraswamy narrates a history of progress only to end at a place of uncertainty. As the conservative forces across the world gain more ground there is danger of regression, of loss of the advances that were so painstakingly made; but equally, as girls around the world grow into their power there is potential for further victories in our fight towards equality.

The ending was thought-provoking; it was a reminder that we all have a responsibility towards those who come after, a responsibility to make the world of the future a world without margins. In a way then it was lucky that such a universal message was available to a universal, global audience, even if it meant our beloved routine was temporarily suspended.

Marina Veličković
PhD Student

For further information on this lecture and to access the recording visit: [https://www.lcil.cam.ac.uk/press/events/2020/10/eli-lauterpacht-lecture-2020-online-event-details-tbc-dr-radhika-coomaraswamy](https://www.lcil.cam.ac.uk/press/events/2020/10/eli-lauterpacht-lecture-2020-online-event-details-tbc-dr-radhika-coomaraswamy)

The Eli Lauterpacht Lectures are kindly supported by Dr and Mrs Ivan Berkowitz who are [Friends of the Centre](https://www.lcil.cam.ac.uk/about/support/friends-of-the-centre).
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.

Further information: https://www.lcil.cam.ac.uk/donate

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.
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 open to select law firms, barristers’ chambers and major companies and foreign ministries with an interest in International law.

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.

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

**Further information:** [https://www.lcil.cam.ac.uk/about-centre/lauterpacht-linked-programme](https://www.lcil.cam.ac.uk/about-centre/lauterpacht-linked-programme)

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Mr Tomohiro Mikanagi, Japanese Ministry of Foreign Affairs

Mr Can Yeginsu, 4 New Square Chambers
Centre Fellows

The Centre is fortunate to benefit from the experience and knowledge of 31 Centre Fellows, who cover between them a wide range of research areas of international law. The Centre is very grateful for their support.

Dr John Barker
Dr Lorand Bartels
Professor Eyal Benvenisti
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Dr Claire Fenton-Glynn
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Dr Sandesh Sivakurmaran
Dr Simon De Smet
Professor Stephen Toope
Dr Jamie Trinidad
Professor Jorge Viñuales
Professor Marc Weller
Dr Rumiana Yotova

Further information: https://www.lcil.cam.ac.uk/people/fellows-researchers
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
- Mr Michael Brandon (†)
- Mr Christopher Brandon
- Judge Charles N. Brower
- Mrs Gabriel Cox
- HE Judge James Crawford AC, SC FBA
- Dr Joanna Gomula
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- Mr Michael Lauterpacht
- Professor Christoph Schreuer
- Dr Anthony Sinclair
- Dr Andrés Rigo Sureda
- 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](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.

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**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
- Professor and Mrs Nico Bar-Yaacov
- Dr & Mrs Ivan Berkowitz
- Mrs Jenny Byford
- Mrs Gabriel Cox
- Dr Joanna Gomula-Crawford
- Mr Michael Lauterpacht
- Lady Catherine Lauterpacht
- Mr Conan Lauterpacht
- Mr John Lehman
- Mr & Mrs John Lewis
- Professor Christoph Schreuer
- Dr Anthony Sinclair
- Mr Stratis Georgilas
Lent Term 2021 Visitors

Dr Mihaela Barnes

Dr Barnes earned her Ph.D. in International Law from the Graduate Institute of International and Development Studies in October 2018. Her Thesis focused on the regulation of State-owned entities at the intersection of international economic law and human rights. Dr. Barnes has dual legal qualifications in common law and civil law and has been admitted as a Barrister and Solicitor in Australia (Supreme Court of Western Australia and Supreme Court of the Australian Capital Territory). She also serves as a Member of the European Society of International Law’s Coordinating Committee of the Interest Group on Business and Human Rights.

Mr Peter Quayle

Peter Quayle established the corporate law function and is Chief Counsel, starting-up the Asian Infrastructure Investment Bank. He is formerly Associate Director, Senior Counsel at the European Bank for Reconstruction and Development and Legal Advisor of the Office of Foreign Litigation, Civil Division European Office, at the US Department of Justice. He was educated at the Universities of Oxford and London, is a solicitor of England and Wales and a CEDR accredited mediator. He is Visiting Professor of International Organizations Law at Peking University Law School and editor of ‘The Role of International Administrative Law at International Organizations’ (Brill Nijhoff, 2020).

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.

Professor Ulrich Schroeter

Ulrich Schroeter is Professor of private and comparative law at the University of Basel (Switzerland). Prior to taking up his position in Basel in 2017, he was Professor of law at the University of Mannheim (Germany) (2012–2017). Ulrich was educated at the Albert-Ludwigs-University Freiburg (Germany) and the University of Lausanne (Switzerland). He received a Doctor iuris from the Freie Universität Berlin before completing his post-doctoral qualification (Habilitation) at the Albert-Ludwigs-University Freiburg.
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](http://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
Below are some snapshots taken at the Centre in the Michaelmas Term 2020, and some of an eerily deserted Cambridge. Let’s hope 2021 will be a brighter one for us all.

The last virtual Friday coffee time of the Michaelmas Term 2020 at the Centre which also happened to be Christmas Jumper Day too. We said goodbye to autumn visitors in the Finley Library, and caught up with friends and colleagues, and past visitors on the Clevertouch screen who zoomed in from around the world to say ‘hello’. (Below right) Dr Surabhi Ranganathan presents Visiting Fellow, Filip Balcerzak, with his farewell Lauterpacht Centre mug. Do come and visit us again! 

E-nuo, Filip, Philipp and Rachel in more normal times!
A deserted West Road one Friday lunchtime (above left), Burrell’s Walk (above right) and King’s College Chapel along The Backs. Beautiful autumnal colours but oh so quiet without chattering students, bicycles and tourists. Come back soon!

One of the early frosts in Cambridge. Overall, autumn/winter in Cambridge was mild and resulted in some unusual fungi in the Centre’s car park of all places. Over the summer, areas of the Centre’s gardens were set aside as wild flower areas to encourage wildlife. Planting will commence in the spring. How lovely will that be to sit and admire the wildflowers and wildlife in the spring and summer over a coffee? Watch this space for photos...