


# ANNUAL REPORT

2008—2009

 UNIVERSITY OF  
CAMBRIDGE  
800 YEARS  
1209 ~ 2009



# In Memoriam

## *Sir Derek Bowett* (1927 – 2009)



Sir Derek Bowett died at his Cambridge home on 23 May 2009 after a long and debilitating illness.

Sir Derek read Law at Downing College, Cambridge, and was awarded the Whewell Scholarship in International Law after completing his LLM. There followed a period of research and teaching at Manchester University – his wholly-unsupervised doctorate on self-defence under the United Nations Charter was published and is still cited – and two years in the UN Codification Division in New York. In 1960 he returned to Cambridge as a University Lecturer, becoming a fellow of Queens' College.

He spent time in Beirut as Legal Adviser to the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA). In 1970, Bowett was elected, at the age of 43, as President of Queens', a position he held for 12 years. In 1980, following the retirement of Robert Jennings, Bowett was elected to the Whewell Chair, which he held until retirement in 1991. He supported the creation of the Centre and served on the Committee of Management (1983-1991). He was the British member of the UN International Law Commission (1992-1996).

As well as his work on *Self-defence in International Law* (1958), notable among his many publications is his general text on international organizations which he took through several editions.

# Introduction



Established in 1983, the Lauterpacht Centre for International Law is the centre for the study of international law at the University of Cambridge. In this role, it seeks to provide both a framework and forum for critical and constructive thought about the function, content and working of law in the international community, as well as to develop an appreciation of international law as an applied body of rules and principles. A number of those associated with the Centre are actively involved in the practical development and application of international law.

The Centre is not involved in the formal teaching or supervision of enrolled students of the University; this is the responsibility of the Faculty of Law, of which the Centre is part. The Director, Deputy Director and other Fellows of the Centre, in their role as members of the Faculty, are actively involved in teaching and research supervision. The Centre provides a regular forum for lectures and seminars and other forms of small-group teaching.

# 2008/9 Highlights



## Visit of the Ambassador of Bahrain

The Centre was honored to welcome the Ambassador of Bahrain, HE Sheikh Khalifa bin Ali Al Khalifa, to the Centre in July, where he met Professor James Crawford and Sir Eli Lauterpacht for tea and a tour of Bahrain House.

## Iraqi Ministry of Foreign Affairs International Law Course

In March 2009, the Centre held an international law course for members of the Iraqi Ministry of Foreign Affairs. A number of international law scholars and diplomats, including various fellows of the Centre, lectured the attendees on several areas of international law.

## Bohdan Winiarski Scholarships 2009

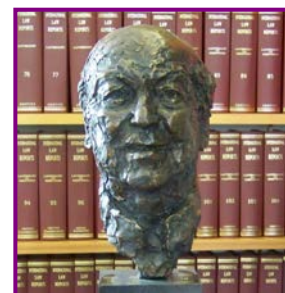
Following the Hersch Lauterpacht memorial conference held at the Polish Embassy and co-sponsored by the Centre, the Lauterpacht Centre opened a competition for two scholarships, funded by the Embassy of the Republic of Poland in London. The Scholarships were named after the Polish judge and international lawyer Bohdan Winiarski. Three young Polish scholars were the recipients of the Scholarship: Dr Marcin Czapelak, Dr Filip Jasinski and Mr Konrad Marciniak (jointly). The Scheme will run for three years in the first instance.

## Wolfgang Friedmann Memorial Award

In March 2009, the Centre Director James Crawford became the 36th recipient of the Wolfgang Friedmann Memorial Award. The Award was presented to him at a ceremony at Columbia University Law School. The award is presented annually by the Columbia Journal of Transnational Law and award honours an individual who has made outstanding contributions to the field of international law.

## Sir Eli in Bronze

In 2009 the Centre received the very generous gift of a bronze sculpture of Eli Lauterpacht. The bust was originally commissioned by Eli's children as his 80th birthday present and was crafted by the well-known portrait sculptor Bryan Ellery, who kindly donated an extra copy to the Centre.



## New Research Fellows

Three new Research Fellows have joined the Centre this year. Ms Sarah Nouwen is the new Mayer Brown Research Fellow in International Law, a position held at both the Centre and at Pembroke College and sponsored by Mayer Brown LLP through the good offices of Mr William Charnley. Dr Michael Waibel came to the Centre in October 2008 as the British Academy Postdoctoral Fellow and was joined by Dr Jessie Hohmann in September 2009, also as a British Academy Postdoctoral Fellow.

# Centre Objectives

The specific objectives of the Centre are:

- ▶ to serve as a **discussion forum** for current issues by organising seminars, lectures and meetings aimed at developing both an understanding of international law and solutions to current problems;
- ▶ to promote **research and publication** in international law, including the publication of core research materials;
- ▶ to provide, in Cambridge, an **intellectual home** for scholars of international law from all over the world who wish to pursue their research in an atmosphere that is stimulating and congenial to the generation and exchange of ideas;
- ▶ to provide **education and training** programs of the highest quality to external institutions under special arrangements made with those institutions;
- ▶ to maintain a **library of materials** relating to international law.



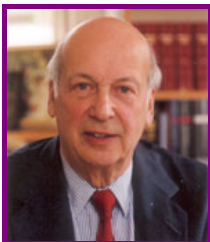
## Directorship of the Centre



**Professor James Crawford** SC, FBA, LLD resumed as Centre Director in April 2006 following Daniel Bethlehem's appointment as FCO Legal Adviser. He is the Whewell Professor of International Law at the University of Cambridge and was Chair of the Faculty of Law from 2003-6. He has an extensive practice in international law and international arbitration and is the author/editor of numerous publications. The second edition of his book *The Creation of States in International Law* was published by OUP in 2006.



**Dr Roger O'Keefe** has been Deputy Director of the Centre since 2003 and was Academic Secretary of the Faculty of Law from 2005 to 2007. He teaches international law, international criminal law and the law of armed conflict. His book, *The Protection of Cultural Property in Armed Conflict*, was published in the Cambridge Studies in International and Comparative Law series in December 2006. He recently served on the AU-EU Expert Group on Universal Jurisdiction.



**Professor Sir Elihu Lauterpacht**, CBE, QC, was Founder Director of the Centre from 1983 until his retirement in 1995. Now Emeritus Director, he remains closely involved in the work of the Centre and sits on the Management Committee. Eli's professional work has included appointment as an *ad hoc* judge of the International Court of Justice and Presidency of the Eritrea-Ethiopia Boundary Commission, as well as the Chairmanship of a number of other arbitrations.

# Research Projects

## BRCS/ICRC Customary International Humanitarian Law Update Project

In June 2007, the Centre welcomed the team recruited by the International Committee of the Red Cross (ICRC) and the British Red Cross Society (BRCS) to update Volume II (practice section) of the ICRC's Study on Customary International Humanitarian Law (CUP, 2005). Since joining the Centre, the three researchers (Dr Michael Carrel, Dr Anthony Cullen and Ms Iris Müller), have analysed material issued by international and mixed judicial and quasi-judicial bodies and by various UN bodies. Dr Michael Carrel, who has been the Team Leader of the Project since its inception, is returning to Australia at the end of September 2009. A replacement team leader should be appointed in the Autumn.



After a further analysis of regional organisations material and a review of relevant treaties, the team will concentrate on national practice, as contained in national legislation and case-law, military manuals, and official governmental statements such as, e.g., military communiqués. In this respect, the team expects to benefit from the worldwide network of ICRC delegations and national Red Cross Societies which are actively contributing to the collection of national practice. The updated version of the practice section will be published online. The French, Spanish, Russian (and soon Arabic) versions of Volume I (Rules) of the ICRC Study are available online ([www.icrc.org](http://www.icrc.org)).

## The First Africa Project

In January 2008 a joint project was launched by the Lauterpacht Centre and First Africa (Pty) Ltd to conduct a legal analysis of the concept of corporate complicity in human rights violations. Specifically, the project aims to clarify the legal meaning and implications of direct, indirect and beneficial complicity of corporations in human rights violations. The Project's aim is to assist legal and financial advisory firms by providing clearer parameters for due diligence investigations into the affairs of companies operating in conflict zones. In November 2008, the Centre hosted a related seminar on corporate complicity in human rights violations and in December 2009 it will host a concluding seminar on possible future approaches to regulation of corporate conduct and compliance with human rights standards.

## Centre Library



The Centre's library contains some 5,000 materials, including pleadings, journals, reports and monographs. Most of the library's materials have been donated, but the Centre maintains subscriptions to core international law journals. Continued gifts of books include the library of the late Sir Derek Bowett.

## Accommodation & Facilities

The Lauterpacht Centre is located in a fine Victorian family house set in its own attractive garden at No. 5 Cranmer Road. In 1996 a new wing was constructed, which now houses the Finley Library on the ground floor, with the Snyder Study Room and two offices on the floor above. In June 2002 the Centre acquired from Trinity College the adjoining premises at No. 7 Cranmer Road ("Bahrain



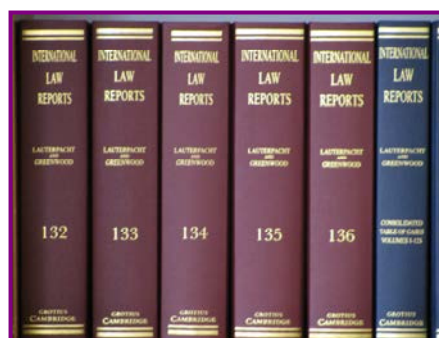
House") which, following a major process of renovation in 2003 and subsequent alterations in 2008, now contains eight ensuite bedrooms, a large communal kitchen, laundry facilities, two offices (one shared and one individual), and a meeting room. Both development projects were made possible thanks to generous funding from our benefactors and in particular Mrs W T Finley Jr, Dr Earl Snyder, Trinity College, the King of Bahrain and the Government of Malaysia. The Centre is enormously grateful to them all.



# Centre Publications

*In affiliation with Cambridge University Press, the Lauterpacht Centre prepares, edits and sponsors a wide range of publications in international law, including texts and law reports. Reports published by the Centre itself are managed by Karen Lee, the Centre's Publications Director with assistance from Tara Grant as Publications Assistant.*

The **International Law Reports** is the only series wholly devoted to the regular and systematic reporting in English of decisions of international courts and arbitrators as well as judgments of national courts. It continues as the Centre's major series, under the editorship of Sir Elihu Lauterpacht and Professor Christopher Greenwood, with Karen Lee as Assistant Editor. Volumes published during the 2008-09 academic year include volume 134 (October 2008), volume 135 (February 2009) and volume 136 (July 2009). Volumes 137 and 138 are currently in press.



The *International Law Reports* are **now available online** (see [www.justis.com/ilr](http://www.justis.com/ilr)). Cambridge University Press and Justis Publishing Ltd have been working together to deliver the *International Law Reports* in a fully searchable online format. The full archive, comprising more than 130 volumes, is now available with the advanced search and cross-referencing capabilities offered by the award-winning Justis platform.

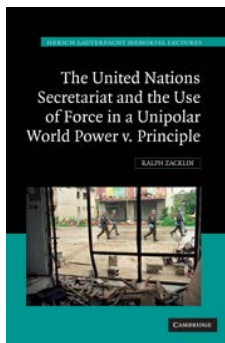
The **ICSID Reports** contain decisions rendered by arbitral tribunals and *ad hoc* committees set up within the framework of the International Centre for the Settlement of Investment Disputes established pursuant to the ICSID Convention and other related investment arbitration forums. Volume 13 was published in October 2008; Volume 14 is currently in press.

The **Iran-US Claims Tribunal Reports** series was initiated by the Centre with the co-operation of the Tribunal Secretariat to provide a permanent record of the decisions and awards of the Iran-US Claims Tribunal. There are 37 published volumes in the series. Volume 38 (covering the period 2004-2009) is currently in press.

**Cambridge Studies in International and Comparative Law** is a broad-based series of monographs in international and comparative law co-edited by John Bell and James Crawford. Initially started in 1946, it was renewed in 1994. In addition to the publication of paperback editions of several existing titles, five new titles have been released in the last academic year:

- ▶ Andrew D Mitchell, *Legal Principles in WTO Disputes* (No 61)
- ▶ Tim Stephens, *International Courts and Environmental Protection* (No 62)
- ▶ Douglas Guilfoyle, *Shipping Interdiction and the Law of the Sea* (No 63)
- ▶ Franziska Humbert, *The Challenge of Child Labour in International Law* (No 64)
- ▶ Kenneth S Gallant, *The Principle of Legality in International and Comparative Criminal Law* (No 65)

Several volumes are also in production and will be released during the next academic year.

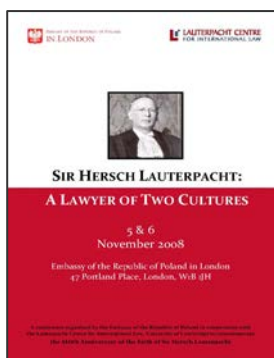


The **Hersch Lauterpacht Memorial Lecture Series** started in 1983 publishes studies based on the annual series of lectures given at the Centre by distinguished scholars and practitioners to commemorate the life and work of Sir Hersch Lauterpacht. There are currently 18 titles in this series, with Ralph Zacklin's *The United Nations Secretariat and the Use of Force in a Unipolar World: Power v. Principle* due to be published by Cambridge University Press in February 2010.

Under an arrangement with Oxford University Press, the **British Yearbook of International Law** is edited from the Centre. James Crawford is Senior Editor. In 2008-09 Margaret Young, Mayer Brown Research Fellow, was Assistant Editor; and her successor, Sarah Nouwen, will assume the role for the 2009 volume.

## Conferences & Meetings

*The Centre is the venue for many meetings, formal and informal, from inside and outside the University. Enquiries on availability should be made first to Anita Rutherford (admin@lciil.cam.ac.uk).*



The Centre co-sponsored a conference with the Polish Embassy to commemorate the 110<sup>th</sup> anniversary of the birth of Sir Hersch Lauterpacht, under the title of '**Hersch Lauterpacht – a Lawyer of Two Cultures**'. The conference was held on 5-6 November 2008 and analysed the life and work of Sir Hersch and the impact of his work on the theory and practice of international law. The conference was attended by scholars based in Poland, the United Kingdom and elsewhere in Europe.

On 29-30 May 2009 the Centre hosted a conference on '**Customary International Humanitarian Law**' to mark the presence of the **BRCS/ICRC Customary International Humanitarian Law Update Project** (see p. 6), to receive an update on the progress made and provide a forum for about 35 participants to discuss and reflect on the impact and use of the study.

On 26-27 June 2009 the Centre hosted the conference on '**Regime Interaction in International Law: Theoretical and Practical Challenges**', co-sponsored by the Centre and the Institute for International Law and the Humanities (Melbourne Law School) and organised by Dr Margaret Young. The conference aimed to extend existing scholarship about the fragmentation of international law and the resolution of conflicting norms. The conference was both an examination and an exercise of 'regime interaction'. The 55 participants included members of international tribunals, legal staff of state delegations, advisers to NGOs, secretariat staff of international organisations and scholars and practitioners. Specialists in trade law, environmental law, investment law, humanitarian law, human rights law, domestic constitutional law and other areas contributed both professional expertise from within particular regimes and a critical and systemic awareness of international law.

The **Foreign & Commonwealth Office International Law Course** was again organized by the Centre in September 2009. The week-long intensive international law course was chaired by Dame Audrey Glover CMG and the majority of participants were FCO diplomats. Course presenters included a number of members of the Centre and, as in previous years, the participants were warm in their praise for the Centre and the Course.

**The Proceedings** of the highly successful conference marking the Centre's 25th anniversary in July 2008 have been subsequently edited and published on the Centre's website ([www.lciil.cam.ac.uk/25th\\_anniversary/book.php](http://www.lciil.cam.ac.uk/25th_anniversary/book.php)), together with related audio and visual material.

## Centre Lectures

This year's lectures covered a wide range of topics. **Friday lunchtime lectures** included matters such as UN reform, climate change policy, the responsibility of international organizations and financial crises and international law. In the **Evening 'conversation' sessions**, Pierre Lalive's discussion on 'Transnational Public Policy', John Dauth's session on 'Australian Foreign Policy after Bush' and Ryan Goodman's lecture on 'Socializing States: Promoting Human Rights through International Law' were particularly noteworthy. Cambridge University Press kindly undertook sponsorship of the accompanying sandwiches and lectures were well attended throughout the academic year. The lecture programme for the year appears as Appendix III.

The **Hersch Lauterpacht Memorial Lectures** entitled '*Policy and Discretion in Investment Treaty Arbitration*' were delivered by Dr Andrés Rigo Sureda (former Deputy Counsel, World Bank and an international arbitrator) on 11, 12 and 13 November 2008. The lectures will be published by Cambridge University Press in the Hersch Lauterpacht Memorial Lecture Series.



The Centre also hosts regular **PhD Roundtable discussions**, coordinated by Dr Michael Waibel. The sessions are given by advanced international law PhD students and are open only to teaching staff and research students of the university. The list of roundtables held during the 2008/09 academic year appears as Appendix IV.

## Visiting Fellows & Scholars



A total of 49 visiting fellows and scholars came to the Centre in the 2008/09 academic year. Visits ranged from a few weeks to a year. The additional facilities provided by Bahrain House meant that a significant number of the Centre's visiting fellows stayed at the Centre's premises. The list of visiting fellows and scholars for the academic year appears as Appendix I.

Throughout the year visiting fellows and scholars held weekly closed sessions, presenting research and providing a forum for discussion and debate. (See Appendix II for a list of the 2009 presentations.)

In addition to their high levels of academic endeavour, the visiting fellows organised several informal social events throughout the year, including dinner parties and summer barbeques, contributing to the Centre's lively atmosphere.

The 2008/9 **Snyder Visiting Scholarship** was awarded to Matthew Carroll of the Indiana University School of Law to research the tensions world trade laws create in the economic policies of less developed countries, specifically exploring the role and usefulness of policy space.

# Centre Staff

## Centre Administrator



**Anita Rutherford** took over as Centre Administrator in September 2006, having worked previously at the University's Medical School. As Centre Administrator, Anita is one of the Centre's first points of contact for enquiries.

## Centre Receptionist



**Karen Fachechi** joined the Centre in November 2008. After having spent a number of years working for HM revenues and customs, Karen runs the front office and is the first point of contact for visitors and callers to the Centre.

## Publications Director



**Karen Lee** has been Publications Director at the Centre since 2002 and is a Fellow of the Centre and of Girton College. As well as being responsible for the editorial management of the Centre's publications, she is assistant editor of the *International Law Reports*, co-editor of the *ICSID Reports* and editor of the *Iran-US Claims Tribunal Reports*.

## Publications Assistant



**Tara Grant** works closely with Karen Lee on the Centre's publications. She has a BA in publishing and information and gained her postgraduate diploma in law (CPE) whilst working for law firms in both London and Cambridge. Tara is also responsible for the day-to-day running of the Centre's Library and website.

## Fellows & Resident Associates



**Dr John Barker** is a Fellow of Hughes Hall and has been a Fellow of the Centre since 1999. He is the Chairman of the UK Foreign Compensation Commission and a member of the FCO Expert Panel on the Rule of Law. He has been advising international development agencies, such as the EU, UNDP and DFID, and NGOs, such as WWF, to promote good governance and legal reform in countries in transition, particularly in Africa.

**Dr Michael Carrel** was a Senior Research Fellow at the Centre from 2007 to 2009, where he was employed by the British Red Cross as team leader for a continuing International Committee of the Red Cross project examining Customary International Humanitarian Law. Michael is a retired Royal Australian Navy surface warfare officer. He is a graduate of the University of Queensland (BA), Deakin University (MDefS), the University of Melbourne (MPubIntLaw, PhD) and various military staff colleges, both in Australia and in France. His PhD thesis, titled *Australia's Prosecution of Japanese War Criminals: Stimuli and Constraints* examined Australia's Post-World War Two War Crimes Trials of Japanese Defendants. He left the Centre in September 2009 to return to Australia.

**Ms Marie-Claire Cordonier Segger** is a Fellow of the Centre, Director of the Centre for International Sustainable Development Law in Montreal and currently holds the Canadian government post of Directrice adjointe, Sustainable Development and International Affairs, Natural Resources Canada. She provides legal advice on the implementation of international sustainable development treaties to the United Nations and to governments in Africa, Asia and Latin America. She is an instructor of international law for the International Development Law Organization, chairs the International Law on Sustainable Development Partnership under the auspices of the UN Commission on Sustainable Development and lectures in sustainable development for several law faculties around the world. She has authored or edited over fifty publications, including eight books.

**Dr Anthony Cullen** is a Researcher on the joint British Red Cross/International Committee of the Red Cross (ICRC) project to update the ICRC's Study on Customary International Humanitarian Law. Prior to joining the project, he completed his doctoral dissertation on the concept of non-international armed conflict in international humanitarian law at the Irish Centre for Human Rights, National University of Ireland, Galway. He holds a BA in Philosophy, an MA in Ethical and Cultural Studies, an LLM in International Human Rights Law, and a PhD in International Humanitarian Law. His publications focus mainly on the areas of international human rights law and international humanitarian law.

**Ms Olivia Dhein** was a Research Assistant of the Centre from June to September 2009, after completing her BA in Law at Cambridge. She was involved in a major translation project for the LCIL-Nanterre study, *The Law of International Responsibility* (to be published by OUP in 2010). In October 2009 she commenced an LLM in Public International Law at UCL.

**Dr Joanna Gomula** is a Fellow of the Centre, working in the field of WTO law. She continues to be associated with Queen Mary College, University of London, where she teaches international economic law and WTO dispute settlement. She has also lectured in WTO law at the Diplomatic Academy of Vienna, University of Nanterre in Paris and University of Cardinal Wyszyński in Warsaw. Joanna contributes regularly to the WTO section of the *Global Community Yearbook of International Law and Jurisprudence* (ed. G. Ziccardi Capaldo).

**Dr Thomas Grant** is a Senior Research Associate at the Centre and a Fellow of Wolfson College. He has supervised and lectured in international law at Tripos level for the Faculty of Law and at graduate level for the Centre of International Studies. He also has taught the executive course on International Negotiation and Policy-making at the Graduate Institute of International and Development Studies, Geneva. Works by Dr Grant published in 2009 include the book *Admission to the United Nations* and an article on the ILC's draft articles on responsibility of international organizations. He is co-founder and associate editor of the *Journal of International Dispute Resolution* (inaugural issue forthcoming, 2010).

**Dr Jessie Hohmann** is a Research Fellow of the Centre, having joined in September 2009 as British Academy Postdoctoral Fellow. Her research will focus on human rights and the normative limits of international law. Prior to joining the Centre, Jesse completed her PhD on 'The Right to Housing: Theoretical and Practical Possibilities' at Cambridge, and holds an LLM from the University of Sydney, an LLB from Osgoode Hall (York University) and a BA from the University of Guelph. Prior to commencing her PhD in Cambridge, she lectured in Constitutional Law at Macquarie University.



**Ms Vuyelwa Kuuya** is a Research Fellow of the Lauterpacht Centre and a research associate of First Africa (Ltd). She is the main researcher on the joint First Africa (Pty) Ltd/Lauterpacht Centre Project on Corporate Complicity. She is a graduate of the University of Cape Town (LLB) and University College London (LLM). Her research interests also include the justiciability and privatisation of the provision of socio-economic rights, indigenous rights in natural resource extraction, international sustainable development law, international counter-terrorism law and alternative dispute resolution.

**Ms Karen Lee** is a Fellow of the Centre and a Law Fellow of Girton College in the University of Cambridge. She is a law graduate of the University of Cambridge (BA, MA) and has supervised in European Union law at undergraduate level for a number of colleges. She was appointed Centre Publications Director in 2002 and edits a number of the Centre's law reports.

**Ms Iris Müller** is a Researcher on the joint British Red Cross/International Committee of the Red Cross (ICRC) project to update the practice part of the ICRC's Study on Customary International Humanitarian Law. She holds a law degree from the University of Heidelberg (First State Examination) and an LLM in International Humanitarian Law (IHL) from the University of Geneva. She completed her judicial preparatory service in the state of Baden-Württemberg, Germany (Second State Examination). Iris is also undertaking PhD research on the development of the legal distinction between international and non-international armed conflicts.

**Ms Penelope Nevill** is a Fellow of the Centre and a Law Fellow of Downing College in the University of Cambridge. Before moving to Downing she was a Research Fellow at the Centre (2003-2005). She is a graduate of the Universities of Auckland (BA, LLB) and Cambridge (LLM) and a Barrister and Solicitor of the High Court of New Zealand. She supervises in the areas of international law and European Union law at undergraduate level and teaches on the LLM law of armed conflict paper. Her current areas of interest include interaction between international, regional and domestic legal systems and aspects of international investment law.

**Ms Sarah Nouwen** joined the Centre in October 2009, as the new Mayer Brown Research Fellow in International Law, a fellowship held jointly at the Centre and at Pembroke College. Her research interest focuses on international criminal law. Sarah is about to complete her PhD at Cambridge on the principle of complementarity established in the Rome Statute, exploring whether, how and why the principle has had a catalysing effect on the legal systems of Uganda and Sudan. She previously worked for the Netherlands Ministry for Foreign Affairs in New York, The Hague and Sudan, for a law firm in Rotterdam and Paris and for an NGO in Senegal. She obtained an LLM in Utrecht and Cape Town and an MPhil in International Relations at Cambridge.

**Ms Federica Paddeu** joined the Centre in August 2008 as Research Fellow after completing the Cambridge LLM. She worked primarily as a Research Associate to Prof James Crawford. She left the Centre in September 2009 to commence her PhD at Cambridge.

**Dr Kate Parlett** joined the Centre in August 2009 as a Research Fellow after completing her PhD at Cambridge. She is a Research Associate to Professor James Crawford until December 2009. In January 2010 she starts with Freshfields in Paris.

**Dr Guglielmo Verdirame** is a lecturer in International Law at the University of Cambridge and a Fellow of the Centre. He is co-author of *Rights in Exile* (2005) and writes on various aspects of international law, including human rights, international economic law, use of force and non-proliferation, and international criminal law. He has taught Foundations of International Law, International Human Rights Law and International Economic Law on the LLM and undergraduate International Law courses.

**Dr Michael Waibel** joined the Centre in October 2008 as a British Academy Postdoctoral Fellow. His research focuses on financial crises and the insolvency of States in international law, exploring the extent to which the law protects sovereign creditors and enables countries in financial distress to restructure their debt. He holds a Mag. iur and Dr. iur degrees from the University of Vienna, an MSc (Econ.) from the LSE and an LLM from Harvard. In 2008 he won the Deak prize for his *AJIL* article on sovereign bonds and international arbitration.

**Dr Margaret Young** was the inaugural Mayer Brown Research Fellow in Public International Law and was based at the Centre from January 2007 until December 2008. She holds a PhD and LLM from the University of Cambridge and a BA/LLB (Hons) from the University of Melbourne. Her research interests are in international trade and environmental law, and her monograph *Trading Fish, Saving Fish: The Interaction between Regimes in International Law* will be published by Cambridge University Press in 2010. She has taken up a Senior Lectureship at the University of Melbourne Law School.



## Senior & Honorary Fellows



**Senior Fellowship** of the Centre was officially recognized 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:

- ▶ Lord Michael Mustill
- ▶ Major General (Ret'd) Tony Rogers OBE
- ▶ Mr Jan Paulsson
- ▶ Sir Michael Wood KCMG QC

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 Sir Derek Bowett CBE QC FBA (†)
- ▶ Mrs William T Finley Jr
- ▶ HE Judge Sir Christopher Greenwood CMG QC
- ▶ HE President Dame Rosalyn Higgins QC
- ▶ HE President Hisashi Owada
- ▶ HE Judge Stephen M Schwebel
- ▶ Dr Earl Snyder (†)
- ▶ Mr Edward St George (†)

## Friends of the Centre

One outcome of the Centre's 25<sup>th</sup> birthday celebrations in 2008 was the creation of the category of **Friends of the Centre** in recognition of significant financial donations. The Centre thanks the following for their generous support during the 2008/09 academic year:

- ▶ Mr Michael Brandon
- ▶ Professor James Crawford SC FBA
- ▶ Judge Sir Christopher Greenwood CMG QC
- ▶ Sir Kenneth and Lady Jocelyn Keith
- ▶ Dr Andres Rigo Sureda
- ▶ Professor Christoph Schreuer
- ▶ Sir Michael Wood KCMG QC

The full listing of Centre Benefactors, Friends and other supporters, as well as information on various support and giving schemes, is available on the Centre's website.

# Management Committee



The Centre is very grateful to members who served on the Management Committee during the past year:

- ▶ Professor John Spencer (Chair)
- ▶ Dr Lorand Bartels
- ▶ Professor James Crawford
- ▶ Professor David Feldman (to Mar 09)
- ▶ Professor David Ibbetson (from Apr 09)
- ▶ Professor Sir Elihu Lauterpacht
- ▶ Dr Roger O'Keefe
- ▶ Ms Penelope Nevill
- ▶ Dr Guglielmo Verdirame
- ▶ Dr Marc Weller

Professor James Crawford SC FBA  
Director

30 September 2009

Name	Place of Origin	Period of Stay	Research Topic
Ms Maria Alexopoulou	University of Athens, Greece	17 May – 17 Aug 09	<i>World trade organisation and European community public procurement and competition law</i>
Mr Helmut Aust	University of Munich, Germany	1 Sept - 20 Dec 08	<i>Complicity in the law of State responsibility</i>
Dr Dobrochna Bach-Golecka	University of Warsaw, Poland	Oct 08 – Jul 09	<i>The European Union and WTO as separate legal orders in international law</i>
Professor Alan Boyle	University of Edinburgh, Scotland	8 Feb – 21 Mar 09	<i>Climate change and treaties as law-making instruments</i>
Miss Anne-Laurence Brugère	University of Geneva, Switzerland	1 Sept 08 – Feb 09	<i>The concept of “threat to peace” in the practice of the UN Security Council</i>
Mr José Carballo Leyda	University of Valencia, Spain	3 Nov 08 – 31 Oct 09	<i>International accountability of States and international organizations for drastic commercial law reform in Iraq and Kosovo</i>
Mr Matthew Scott Carroll (Snyder Scholar)	Indiana University School of Law, United States of America	mid Sept – 20 Dec 08	<i>The effects of International Law on economic development in the global south</i>
Ms Cindy Daase	Freie Universität Berlin, Germany	24 April – 24 Jul 09	<i>The legal binding force of peace agreements between state and non-state parties</i>
Ms Sonalini de Zoysa Gunasekera	Sri Lanka	Jun – Jul 09	<i>International humanitarian / criminal / public international law</i>
Dr Caroline Foster	University of Auckland, New Zealand	10 Aug - 17 Sept 09	
Professor Gregory Fox	Wayne State University Law School, United States of America	Mar - May 09	<i>Reciprocity in international law</i>
Professor Yolanda Gamarra	Zaragoza University, Spain	Feb – May 09	<i>American identities and regional processes of integration</i>
Dr Christophe Germann	Geneva, Switzerland	20 Sept 09 - 14 Sept 10	<i>Cultural genocide in International law</i>
Prof John Martin Gillroy	Lehigh University, United States of America	20 Apr – 12 Jul 09	

Name	Place of Origin	Period of Stay	Research Topic
Mr Matthias Goldmann	Max Planck Institute for IL, Germany	Feb 09	<i>Beyond the sources doctrine: standard instruments for the exercise of public authority by international institution - the example of the OECD</i>
Dr Hannes Hofmeister	European University Institute, Italy	Feb – Dec 09	<i>To harbour or not to harbour: under what circumstances can military force be used against uncooperative "host" states</i>
Dr Filip Jasiński	Permanent Representation of Poland to the EU	20 Apr – 18 May 09	<i>The evolution of legal concepts of the fight against mercenaries, sea piracy and trafficking in human beings: does international law correctly reflect the present dilemma?</i>
Professor Sarah Joseph	Monash University, Australia	1 Sept 09- 15 Dec 09	<i>Human rights and international investment law</i>
Dr Marcin Kaldunski	Nicholaus Copernicus University, Poland	Aug 09	<i>Legitimate expectations in international investment law</i>
Ms Amokura Kawharu	University of Auckland, New Zealand	29 Sept – 21 Nov 08	<i>1) Non-party or amicus curiae participation in investment arbitrations 2) security and necessity defences in investment agreements</i>
Mr Carsten Kern	University of Heidelberg, Germany	Mar - Apr 09	<i>Good faith in international dispute resolution</i>
Mr Roland Kläger	University of Tuebingen, Germany	5 Jan – 27 Mar 09	<i>"Fair and equitable treatment" in international investment law</i>
Dr Natalie Klein	Macquarie University, Australia	Aug – Dec 08	<i>Maritime Security: inter-State dispute settlementi</i>
Mr Ioannis Konstantinidis	University of Paris 1 Panthéon Sorbonne, France	20 Apr – 16 May 09	<i>Law of the sea institutions</i>
Mr Erik Lagerlof	European University Institute, Florence, Italy	29 Jun -11 Aug 09	<i>The duty of co-operation which the Member States are subject to, in relevance to international organisations within the framework of dispute settlements.</i>
Mr Kjetil Larsen	University of Oslo, Norway	5 Jan – 20 Mar 09	<i>Human rights obligations of military forces in international peace operations</i>
Dr Chun Hung Lin	Feng Chia University, Taiwan	1 Aug - 15 Dec 09	<i>Transnational legal problems of sharing radio spectrum in maritime telecommunications service.</i>

Name	Place of Origin	Period of Stay	Research Topic
Mr Konrad Marciniak	Ministry of Foreign Affairs, Poland	31 Jul – 26 Sep 09	<i>Legal status of marine genetic resources in international law</i>
Mr Ben Milligan	University of Wollongong, Australia	8 Jun 09 – Apr 10	<i>Legal implications of international co-operation regarding maritime law enforcement</i>
Dr John Morss	Deakin University, Australia	July – Dec 08	<i>Jurisprudence of international law</i>
Prof Salem Nasser	DIREITO GV, Brazil	12 Jan – 6 Feb 09	<i>International law and the rule of law</i>
Dr Leonardo Nemer Caldeira Brant	Centro de Direito Internacional, Brazil	5 Jan – 28 Feb 09	<i>The normative nature of international law</i>
Mr Akalemwa Ngenda	Brunel Law School, UK	Sep 09	<i>Protection of intellectual property rights in outer space: expanding legal frontiers in a brave new world</i>
Mr James Passamano	Sufian & Passamano LLP, Texas, United States of America	Jun 09	<i>Antarctic Treaty of 1958.</i>
Dr Christian Pippan	University of Graz, Austria	5 May- 2 Jul 09	<i>The international community and constitution-making in post-conflict societies</i>
Ms Priya Pooran	Trinidad & Tobago	15 Jul – 14 Sep 09	<i>The new role of international financial institutions in light of the current global financial crisis</i>
Dr Gabriele Porretto	University of Western Sydney	22 Sep - 28 Nov 08	<i>The effectiveness of legal remedies available to individuals and corporations blacklisted as terrorist by Security Council, EU &amp; States</i>
Mr Ignacio Rodríguez Álvarez	Tilburg University, The Netherlands	1 Apr – 1 Oct 09	<i>Research on State practice on measures short of war in international relations</i>
Dr José Manuel Sanchez Patron	University of Valencia, Spain	1 Jul – 31 Aug 09	<i>Illegal immigration and international jurisdiction</i>
Assoc Prof Dr Musrifah Sapardi	Universiti Teknologi MARA, Malaysia	1 Jan – 30 Nov 08	<i>Law of the sea and maritime security</i>
Dr Aurel Sari	School of Law, University of Exeter, United Kingdom	16 May -30 May 09	<i>Jurisdictional privileges and immunities of visiting armed forces under public international law</i>

Name	Place of Origin	Period of Stay	Research Topic
Dr Aziz Tuffi Saliba	University of Itaúna, Brazil	29 Nov 08 – 1 Feb 09	<i>Responsibility of international organizations</i>
Ms Jennifer Shkabatur	Harvard Law School	15 - 30 Jul 09	<i>The world regulators: models of international regulation and the case for negotiated regulation</i>
Prof Cheryl Shanks	Williams College, USA	21 Apr – 12 Jun 09	<i>How to understand the existence, functioning and implications of places inside otherwise sovereign territory, where all or most sovereign laws are suspended</i>
Ms Raluca Tigau	Romanian Ministry of Foreign Affairs	12 - 30 Jan 09	<i>The Maritime delimitation process in the Black Sea</i>
Mr Mehmet Toral	University of Geneva, Switzerland	Sep 08 – Jul 09	<i>International arbitration and human rights</i>
Dr Jochen von Bernstorff	Max Planck Institute for IL, Germany	13 Oct – 16 Nov 09	<i>International law in the interwar period</i>
Professor George Walker	Queen Mary, University of London, UK	Nov 08 – Aug 09	<i>The law of international financial crises and financial stability</i>
Dr Yihe Qin	China Youth University for Political Science, PRC	14 July 08 – 20 Feb 09	<i>On jurisdiction of International Court of Justice</i>



**Visiting Fellows Presentations – 2008/9**

<b>Presenter</b>	<b>Topic</b>
Natalie Klein	Limits of the Law of the Sea Convention
Marina Tsirbas	Law of the Sea: Opportunities and Challenges
Vuyelwa Kuuya	Business and Human Rights: From Corporate Responsibility to Corporate Accountability
Helmut Aust	Complicity in the Law of State Responsibility and the Concept of an International Rule of Law
Mehmet Toral	International Commercial Arbitration and Human Rights
Amokura Kawharu	Expropriation of Foreign-Owned Property
John Morss	Snakes, Ladders and Legal Norms: Clearing the Ground for International Law's Multilateral Project
Matthew Carroll	Trade and Development at the WTO – Before and After Doha
Anne-Laurence Brugère	The Concept of “Threat to Peace” in the Practice of the UN Security Council
Anthony Cullen	The Characterisation of Non-International Armed Conflict
Gabriele Porretto	EU Counter-Terrorism Sanctions, Human Rights Violations and Legal Remedies
Alejandro Carballo	International Accountability of States and International Organizations for Drastic Commercial Law Reform in Administered Territories: Cases of Iraq and Kosovo
Salem Nasser	The Rule of Law and International Law
Roland Klaeger	Fair and Equitable Treatment in International Investment Law
Kjetil Larsen	The Attribution of Conduct of Military Forces in Peace Operations from the Perspective of Human Rights Law
Matthias Goldman	The Exercise of International Public Authority through National Policy Assessment – the OECD's PISA Policy as a Paradigm for a New International Standard Instrument
Yihe Qin	The Compulsory Jurisdiction of the ICJ
Gregory Fox	Constitutional Violations and the Validity of Treaties
Ignacio Rodríguez-Álvarez	<i>Stare Super Antiquas Vias:</i>

Date	Name	Lecture
10 October	<b>Olivia Struyven</b> Office of the Prosecutor, ICC	<i>Victims' Participation in ICC Proceedings</i>
17 October	<b>Dr Douglas Guilfoyle</b> Lecturer in Law, University College, London	<i>Somalian piracy, the IMO and Security Council Resolution 1816</i>
24 October	<b>Dr Jochen von Bernstorff</b> Max Planck Institute, Heidelberg	<i>Hans Kelsen as an International Lawyer</i>
31 October	<b>Dr Ralph Wilde</b> Reader in Law, University College London	<i>The Accountability Deficit in International Territorial Administration</i>
7 November	<b>Professor Martti Koskenniemi</b> Goodhart Visiting Professor of Legal Science, University of Cambridge	<i>Sovereignty and Occupation: Still a Valid Distinction?</i>
11-13 November	<b>Dr Andres Rigo Sureda</b> former Deputy Legal Counsel, World Bank	<i>Hersch Lauterpacht Memorial Lectures 2008-09: Policy and Discretion in Investment Treaty Arbitration</i>
14 November	Dr Andres Rigo Sureda	<i>Discussion of Lauterpacht Lectures</i>
21 November	<b>Dr Margaret Young</b> William Charney Research Fellow, Pembroke College	<i>Toward a Legal Framework for Regime Interaction: Lessons from International Trade and Fisheries Regime</i>
28 November	<b>Dr Natalie Klein</b> Department of Law, Macquarie University	<i>Litigating over Whales? Lessons for Australia</i>
5 December	<b>Professor Michael Scharf</b> Case Western University School of Law	<i>The Cambodia Genocide Tribunal</i>
16 January	<b>Dr José Caicedo</b> Member, Dechert LLP, Paris	<i>International Responsibility of International Organizations and Member States</i>
23 January	<b>Ms Marie-Claire Cordonnier Segger</b> Director, Centre for International Sustainable Development Law; Fellow, Lauterpacht Centre for International Law	<i>Sustainable Globalisation? Environment and Development Aspects of International Trade and Investment Law</i>
30 January	<b>Toby Landau QC</b> Essex Court Chambers	<i>Investor-State Arbitration: Politics, Legitimacy, and the new UNCITRAL Arbitration Rules</i>
6 February	<b>Dr Howard Schiffman</b> Center for Global Affairs, New York University	<i>Reservations in Marine Conservation Treaties: A Classic Element of Treaty Law in an Evolving Environmental Landscape</i>
11 February	<b>Mr John Dauth LVO</b> Australian High Commissioner to the United Kingdom	<i>Australian Foreign Policy after Bush</i>

Date	Name	Lecture
13 February	<b>Professor Alan Boyle</b> University of Edinburgh	<i>Recent Developments in International Environmental Law</i>
20 February	<b>Dr Michael Waibel</b> British Academy Research Fellow, Lauterpacht Centre/Downing College, Cambridge	<i>Financial Crises in International Law</i>
27 February	<b>Professor Paul Berkman</b> Head, Arctic Ocean Geopolitics Programme, Scott Polar Research Institute	<i>Law of the Sea: National Interests of Common Interests in the Arctic?</i>
6 March	<b>Dan Saxon</b> Senior Prosecuting Attorney, International Criminal Tribunal for the former Yugoslavia	<i>Competing Rights in International Criminal Tribunals</i>
13 March	<b>Professor Greg Fox</b> Wayne State University School of Law	<i>The Obama Administration and International Law</i>
24 April	<b>Dr Christina Knahr</b> Faculty of Law, University of Vienna	<i>Reform of the Administration of Justice System within the United Nations: Strengths and Weaknesses of the New System</i>
1 May	<b>Professor Gabrielle Marceau</b> WTO Legal Secretariat/University of Geneva	<i>Climate Change and the WTO</i>
8 May	<b>Ms Magdalena Kmak</b> Research Fellow, Erik Castrén Institute for International Law and Human Rights, University of Helsinki	<i>Kosovo's Declaration of Independence and the International Court of Justice Advisory Opinion</i>
11 May	<b>Pierre Lalive</b> Senior Partner, Lalive et cie, Geneva	<i>Transnational Public Policy in International Arbitration</i>
15 May	<b>Dr Tim Potier</b> University of Nicosia/Centre of International Studies, University of Cambridge	<i>Cyprus - the Consequences of Failure</i>
27 May	<b>Professor Ryan Goodman</b> Harvard Law School	<i>Socializing States: Promoting Human Rights through International Law</i>

Date	Name	Lecture
24 November	<b>Sonia Elise Rolland</b> Pembroke College	<i>What Framework for the Development Dimension at the WTO?</i>
24 November	<b>Freya Baetens</b> Gonville and Caius College	<i>Non-discrimination - the Fight for the Consolation Prize</i>
2 December	<b>Kate Parlett</b> Jesus College	<i>The Individual and International Claims</i>
17 February	<b>Joshua Karton</b> Pembroke College	<i>Raw Materials for an International Commercial Arbitration Culture</i>
4 March	<b>Ana Gerdau de Borja</b> Sidney Sussex College	<i>Regional Economic Community Rules and Investment Treaty Arbitration - The Relevance of EC Law in Investment Treaty Arbitration</i>
21 April	<b>Sarah Nouwen</b> Emmanuel College	<i>Complementarity in the Line of Fire - Law, Politics and Catalysing Effects of the ICC in Uganda and Sudan</i>
30 April	<b>Marko Milanovic</b> Gonville and Caius College	<i>Principles and Policy behind the Extraterritorial Application of Human Rights Treaties</i>