



From The Director

Bienvenue

4^{ÈME} CONFÉRENCE BIENNALE
Cambridge • Angleterre
2e - 4e Septembre 2010



esil sedi
EUROPEAN SOCIETY OF INTERNATIONAL LAW

Droit international 1989-2010:
une évaluation

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Lauterpacht Centre to host the European Society for International Law's 4th Biennial Conference: 2-4 September 2010, Cambridge

International Law 1989-2010: A Performance Appraisal

Following the success of the previous ESIL Biennial conferences in Florence, Paris and Heidelberg, it is with great pleasure that I announce that the Lauterpacht Centre will be hosting the European Society of International Law's 4th Biennial Conference in Cambridge on 2-4 September 2010. The overall theme of the conference is *International Law 1989-2010: A Performance Appraisal*, which will examine the role of international law and international institutions since the end of the cold war.

The main ESIL conference will include two plenary sessions and twenty panels (eight fora and twelve agorae), each of which will address a specific area of international law. Speakers at the conference will be selected on the basis of excellence in the field, relevance to the conference theme and geographical representation in order to deliver a range of perspectives and promote wide, and no doubt lively, exchanges of views. Invited speakers will present papers at the plenary and fora sessions; speakers for the agora sessions will be selected on the basis of abstracts submitted in response to the Call for Papers (see below). The conference will also include a formal dinner at The Hall, Selwyn College and an evening reception. A number of Interest Group Sessions will be held in advance of the main conference.

The working languages of the conference will be English and French and full details, in both languages, including information on the programme, registration details, accommodation,

travel and interest group sessions, will soon be available on the newly created conference website:

www.esil.law.cam.ac.uk

ESIL 4th Biennial Conference: Call for Papers

I am delighted to announce that the Call for Papers for the 4th Biennial Conference is now open!

Senior and junior scholars from any part of the world and of any nationality are invited to respond to the Call for Papers, and those selected will present one of the three or four papers that will be the basis of each agora session. The purpose of the Agorae is to share cutting-edge research in specific areas of international law, to stimulate debate and to foster contacts between participants. Papers may be presented in English or French and may focus on any aspect of the particular branch of international law in question provided it ties in with the conference and agora themes.

Papers will be selected by the organising committee through a competitive process from abstracts received in response to the Call for Papers. Only one abstract per author will be considered and abstracts must be submitted using the online submission procedure on the conference website, www.esil.law.cam.ac.uk.

Agora speakers will have their conference registration fee waived if they are members...of...ESIL. The Conference's organising committee has also made available a limited number of bursaries for Agora speakers in order to cover the cost of accommodation and to make a contribution towards travelling expenses. Priority will be given to graduate students of European universities who are unable to obtain support through other means and to scholars from Eastern and Central Europe for whom financial support is a *sine qua non* to participate.

The Call for Papers, including Guidance Notes, a provisional programme and everything you need to know about the online submission procedure, is available on the conference website, www.esil.law.cam.ac.uk. *The deadline for the submission of abstracts is 22 January 2010.*

I would like to take this opportunity to thank the University of Cambridge and the Faculty of Law for their generous financial support as well as the ESIL/ SEDI board members for all their help, input and continued support.

I look forward to receiving many enlightening and ground breaking abstracts from all over the world and to welcoming you all in September to what should be the highlight of 2010!



The Call for Papers is now online at www.esil.law.cam.ac.uk.
A copy of the Guidance Notes is also attached to this FTD.

New Team Leader Appointed for Red Cross CIHL Project



New Red Cross CIHL Project leader, Alekski Pursiainen (middle) with established team members Anthony Cullen (right) and Iris Müller (left) in their office at the top of the Lauterpacht Centre

Alekski Pursiainen is the new Red Cross project team leader and a Senior Research Fellow at the Lauterpacht Centre. He has recently joined us as Michael Carrel's replacement in the ICRC Project. Alekski recently moved from Helsinki to Cambridge where he worked for the Finnish Ministry for Foreign Affairs, as a visiting lecturer in international humanitarian law and most recently in private law practice. Prior to his law career, Alekski was employed for several years by a Nordic media and publishing group, first as a media researcher and later on in various management positions. Alekski holds an LLB in international law and an LLM in constitutional law, both from the University of Helsinki.

In 2005, the International Committee of the Red Cross (ICRC) published a major study in customary law in the field of international humanitarian law (IHL). The study was published in two volumes, Volume 1 containing 161 rules of customary international humanitarian law identified on the basis of the extensive collection of State practice contained in Volume 2.

Since its publication, Volume 1 of the study has made a significant contribution to an on-going discussion on customary IHL, and the collection of state practice in Volume 2 has proven to be an invaluable resource to academics, military advisors and other specialists involved in the

practical application of the laws of armed conflict around the world. In 2007, the ICRC teamed up with the British Red Cross to update Volume 2 in order to continue providing users with a view into current State practice.

Online Version of Volume 2 Planned for 2010

When initially published, Volume 2 contained some 4,500 pages. As the wealth of material continues to expand, it was decided that the best way of providing easy access and enabling efficient research into State practice would be to publish the updated version of Volume 2 online. The initial launch of the online version is planned for mid-2010, followed by periodic updates.

Research for the project is carried out on the topmost floor of the Lauterpacht Centre, in a cosy attic room at the end of the hallway, by an international team of dedicated researchers: Anthony Cullen, Iris Müller and, as the most recent addition to the team, Alekski Pursiainen. Currently, the team is examining the practice of the United Kingdom related to armed conflict during the period 2003-2007.

Lauterpacht Centre/First Africa Conference: Corporate Complicity in Human Rights Violations 15 - 16 December 2009, Cambridge

On 15 and 16 December 2009, the Lauterpacht Centre for International Law, together with First Africa Holdings, will host a conference on Corporate Complicity in Human Rights Violations.

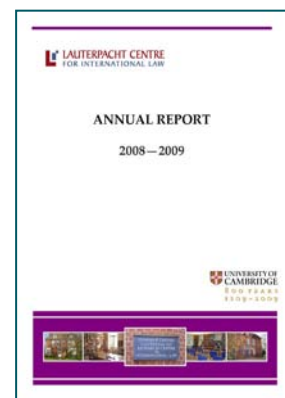
Participants in the conference include legal experts in business and human rights, business executives, civic leaders and academics. The discussion will focus on the relationship between international law and corporations, the legal risks associated with corporate complicity in human rights violations, soft law mechanisms, business and human rights due diligence and the corporate responsibility to respect human rights. The conference will also present the tentative conclusions of the

joint Lauterpacht...Centre/First...Africa project on Corporate Complicity in Human Rights violations.

The cost of attending the conference is £75.00, which includes dinner at Clare College and lunch at the Faculty of Law. A limited number of places are available for students at a discounted rate of £25.00 (excluding dinner). We are grateful to Clifford Chance LLP for their generous sponsorship of the lunch and conference dinner.

Registration is essential as places are limited. For information or to register, please contact Ms Vuyelwa Kuuya on vk264@cam.ac.uk or 01223 748 988. Information, including the provisional conference programme, can also be found on the Centre's website.

Lauterpacht Centre Annual Report for 2008-09



The Centre's Annual Report, containing information on the Centre's activities and developments for the 2008-09 academic year, is now available on the Centre's website.

New People at the Lauterpacht Centre



Centre newbie Angelos Dimopoulos in the Snyder Room.

Angelos Dimopoulos will be a visiting scholar at the Lauterpacht centre for the following two months. Back in Cambridge after his LL.M. studies in 2004-2005, he is currently a doctoral researcher at the European University Institute in Florence where he is writing on the topic of "Regulation of Foreign Investment in the framework of EU External Relations Law". His research consists in identifying the legal framework of EU policy on foreign investment and assesses its effectiveness.

Jonathan Henriques has been appointed Snyder Scholar for 2009. He investigates transnational civil litigation as a form of post-conflict accountability and its nexus with rebuilding the rule of law following violent conflict. His research considers domestic civil remedies, such as the Alien Tort Statute, and their use by foreign litigants to bring claims for human rights abuses committed during periods of conflict.

Iryna Marchuk is a PhD Fellow associated with the Faculty of Law, University of Copenhagen. She previously graduated from the Master's Programme in International Human Rights Law administered by the Faculty of Law, Lund University, in cooperation with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (Sweden) and the National Law Academy (Ukraine). In 2007-2008 she interned with the International Criminal Tribunal for the Former Yugoslavia (The Prosecutor v Popovic et al, Srebrenica) and the Special Court for Sierra Leone (The Prosecutor v Charles Taylor). Her research interests lie within the field of international criminal law, international humanitarian law and international human rights law.

If you have any Alumni or Centre-related news you would like others to hear about, please do send it to us by email to admin@lciil.cam.ac.uk

Jinyuan SU is a visiting fellow from the Silk Road Institute of International Law at Xi'an Jiaotong University, P.R. China. Jinyuan is currently undertaking a PhD in Public International Law under the supervision of Prof. Sienho Yee. He also previously spent a year as a visiting scholar at King's College London, supervised by Prof. Rein Mullerson. Jinyuan's research focuses on the guiding principles for the global commons, with a special interest on the high seas, outer space and Antarctica.



James' new PA, Jean-Baptiste Fourcade (right) with new Visiting Fellow Roberto Soprano (left)

Jean-Baptiste Fourcade recently joined the Centre's admin team as Professor. Crawford's PA. He is also involved with the organisation of ESIL 2010. JB moved to Cambridge in 2000 to undertake a music degree, followed by an MA in arts management at Anglia Polytechnic University. After three years spent working at The Junction and nearly two years working for Local Secrets, JB will be working with us at the Centre until September 2010.

Edited 25th Anniversary Proceedings Now Available

The 25th Anniversary Symposium proceedings, are now available online. The proceedings, which have been edited by James Crawford and Margaret Young, include Professor Martti Koskenniemi's keynote paper, papers from the interest groups and discussion from the plenary sessions and can be downloaded from the Centre's website at www.lciil.cam.ac.uk/25th_anniversary/book.php.



2010 Bohdan Winiarski Scholarships Awarded

The Selection Committee for the Bohdan Winiarski Scholarships is pleased to announce that the selection process for the 2010 scholarships has been completed. The successful candidates are:

- Dr Bartłomiej Krzan, University of Wrocław;
- Ms Arletta Brzozowska, Polish Ministry of Foreign Affairs; and
- Dr Lukasz Kulaga, Polish Ministry of Foreign Affairs.

The Scholarships, named after the Polish Judge and international lawyer, Bohdan Winiarski, are funded by the Embassy of the Republic of Poland in London and are intended to cover a stay of 8-12 weeks at the Lauterpacht Centre.

Visiting Fellows Roundtables

The Centre's Visiting Fellows meet regularly to present and discuss their research and work in progress. Upcoming presentations include:

25 November

Christophe Germann on Cultural genocide, a challenge for international law; and the protection and promotion of "human diversity": Does culture matter?

16 December

Lino Rizzi on The obligation to protect and the new Human Rights Council

6 January

Chun Lin on Transnational legal problems of sharing radio spectrum in maritime telecommunications service

13 January

Iryna Marchuk on A quest for the integrated concept of *mens rea* in international criminal law: bringing to justice "big fish"



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CALL FOR PAPERS

INTERNATIONAL LAW 1989-2010: A PERFORMANCE APPRAISAL

Abstract Submission Deadline: 22 January 2010, Midnight

The 4th Biennial Conference of the European Society of International Law will take place in Cambridge, England on 2-4 September 2010, with the overarching theme *International Law 1989-2010: A Performance Appraisal*. The conference will be hosted by the Lauterpacht Centre for International Law and full details, including information on the programme, accommodation and travel will be available on the conference website at www.esil.law.cam.ac.uk.

The main conference programme will include two Plenary Sessions, eight Fora and twelve Agorae. Speakers have been invited for the plenary sessions and the Fora; Agora speakers will be selected on the basis of abstracts submitted in response to this Call for Papers.

A number of Interest Group Sessions will be held prior to the main conference. Some Interest Groups will issue their own calls for papers, details of which will be announced separately on the conference website.

The working languages of the Conference are English and French.

THE AGORAE

The purpose of the Agorae is to share cutting-edge research in specific areas of international law, to stimulate debate and to foster contacts between the participants. Papers presented in individual Agorae may focus on any aspect of the particular branch of international law stipulated by the Agora title but a connection to both the Agora theme and the overall conference theme must be evident. Three or four papers will be selected per Agora. Papers may be presented in English or French.

The twelve Agorae are:

- ▶ Agora 1: International Economic Law
- ▶ Agora 2: International Environmental Law
- ▶ Agora 3: International Criminal Law
- ▶ Agora 4: A Historic Perspective
- ▶ Agora 5: Investment Protection
- ▶ Agora 6: The Law of the Sea
- ▶ Agora 7: Human Rights
- ▶ Agora 8: International Law-making
- ▶ Agora 9: Development and International Law
- ▶ Agora 10: Regionalism and Universalism
- ▶ Agora 11: Armed Conflict and International Humanitarian Law
- ▶ Agora 12: International Law and Domestic Law

The conference and Agorae themes are described on pages 4-6 below.

SELECTION CRITERIA

Senior and junior scholars (including PhD Candidates) are invited to respond to this Call for Papers. Scholars from any part of the world and of any nationality are eligible to apply. All papers presented in the Agorae will be selected through a competitive process from abstracts received in response to this Call for Papers. Only one abstract per author will be considered. Abstracts should be no more than 500 words in length and must be submitted using the online submission procedure at www.esil.law.cam.ac.uk.

The following criteria will be used to aid the selection of papers:

- quality of the research
- originality of the work
- links to the conference and Agora theme
- geographical representation of the speakers

Papers delivered at the conference must be unpublished, in an advanced stage of completion and ready to be included in the conference proceedings.

BURSARIES

Agora speakers will have their conference registration fee waived if they are members of ESIL. (Enquiries regarding ESIL membership should be made to ESIL directly, see <http://www.esil-sedi.eu/english/membership.html>.)

A limited number of bursaries will be available for Agora speakers to cover the cost of accommodation in Cripp's Court, Selwyn College and to make a contribution towards travelling expenses. Priority will be given to graduate students of European universities who are unable to obtain support through other means and to scholars from Eastern and Central Europe for whom financial support is a *sine qua non* to participate.

Those wishing to apply for one of the bursaries must ensure they complete the relevant section of the online submission form, where a statement in support of the bursary of no more than 150 words will need to be made. In addition to this statement, PhD Candidates wishing to apply for a bursary must arrange for a letter of recommendation to be sent by their Supervisor to the Conference Administrator at the *Lauterpacht Centre for International Law, University of Cambridge, 5 Cranmer Road, Cambridge, CB3 9BL, UK* to arrive no later than the submission deadline.

Unfortunately, the conference organisers are not in a position to provide travel and accommodation support to all selected Agora speakers.

TIMELINE

- The deadline for the submission of abstracts is **22 January 2010**;
- Successful authors will be informed by 22 March 2010;
- The deadline for the submission of Papers from accepted abstracts is 5 July 2010;
- Papers are presented at the ESIL Conference, 2-4 September 2010;
- The deadline for the submission of final papers to be included in the conference proceedings is 4 October 2010.

SUBMISSION OF ABSTRACTS

Abstracts **must** be submitted using the online submission form available at <http://www.esil.law.cam.ac.uk>. Abstracts must be no more than **500 words** in length and only **one abstract per author** may be submitted. Abstracts received by email will not be considered. Abstracts received after the deadline will not be considered.

Authors wishing to respond to this Call for Papers should have the following information ready before starting the online submission process:

- (1) contact and institution details, including full postal address and telephone number;
- (2) email address;
- (3) if applying for a bursary, the text of a supporting statement;
- (4) the title and text of the abstract being submitted;
- (5) a paragraph on the context in which the research is being conducted and how it fits with the conference and Agora themes;
- (6) curriculum vitae and publications details.

Please note that the online submission form does not allow files to be uploaded. Information is collected by text input (typing or copy & paste) and menu selection only.

On submission of an abstract, authors should receive an email confirming receipt of their submission and the text of their application. Authors whose papers are selected for the conference will be notified no later than 22 March 2010.

ABSTRACT SUBMISSION DEADLINE: 22 JANUARY 2010 at MIDNIGHT

The ESIL 4th Biennial Conference is organised by the Lauterpacht Centre for International Law, University of Cambridge, 5 Cranmer Road, Cambridge CB3 9BL UK. Enquiries relating to the 4th Biennial Conference and this Call for Papers should be directed by email to esil@law.cam.ac.uk.

General enquiries relating to ESIL and ESIL membership should be made directly to ESIL, visit www.esil-sedi.eu or email info@esil-sedi.eu.

CONFERENCE AND AGORAE THEMES

CONFERENCE THEME

International Law 1989-2010: A Performance Appraisal

The role of international law and international institutions during the Cold War (1949-1989) is generally recognised – the arrangements for Germany, control of nuclear proliferation, decolonization, the development of human rights standards and mechanisms, the law of the sea, the beginnings of environmental regulation, the Helsinki process... But how have international law and international institutions fared in the 21 years since the fall of the Berlin Wall?

The 4th ESIL Biennial Conference appraises their performance. We will look at both theory and practice, at particular sectors and overall at the “Gross International Product” – such as they have been, might have been and might still be. Of course, neither law nor institutions act of their own motion – people act through or in spite of them. The questions may then be asked – how have we done as international lawyers, and what have others made of our work? What imaginative possibilities remain?

AGORAE THEMES

Agora 1: International Economic Law

If globalisation has influenced just one area of international law since 1989, we might expect this to be international economic law. But has international economic law really changed and, if so, in what ways and through what institutions? Has it been bypassed by more informal means of co-operation? What are the lessons from the global financial crisis for international economic law?

Agora 2: International Environmental Law

Although the phenomena of climate change, deforestation, desertification and dwindling biodiversity preceded the collapse of the Iron Curtain, they have received unprecedented attention in the decades since. To what extent has international law kept pace with this increased concern? Has an awareness of the need for global cooperation on the environment resulted in strong international legal instruments? What are the weaknesses of international environmental law?

Agora 3: International Criminal Law

The end of the Cold War unfroze international criminal law. What have been the main features, substantive, procedural and institutional, of the rapid growth of this field over the past two decades? Has international criminal law become more unified or more diverse? Has its development secured international justice? If not, what is required?

Agora 4: A Historical Perspective

Constantly immersed as we are in current affairs, we have a propensity for 'presentism', emphasising the novelty of today's challenges and threats. But how new has the period 1989-2010 actually been in terms of the development of international law? In what respects does it differ from previous 'epochs' of international law?

Agora 5: Investment Protection

The fall of the Berlin Wall presented investment opportunities worldwide. Globalisation has gone hand in hand with economic liberalisation. Has international law provided the appropriate measure of protection for international investors? What of state sovereignty in the sense of national regulatory autonomy? What of the rule of law amid the cacophony of *ad hoc* investment tribunals and annulment committees?

Agora 6: The Law of the Sea

The UN Convention on the Law of the Sea was drafted during the Cold War but entered into force after its end. Has the subsequent period reflected a qualitative change in the Convention's relevance, effectiveness and implementation? What are the Convention's weaknesses? Is the law of the sea capable of addressing piracy, climate change and the scramble for marine and seabed resources?

Agora 7: Human Rights

International human rights law has been dubbed the 'secular religion of the West'. Has this 'religion' spread since 1989? What have been the major shifts in the field and how have they been brought about? Could the Cold War be considered the era of normative development of international human rights law and 1989-2010 the era of enforcement?

Agora 8: International Lawmaking

The collapse of the Iron Curtain was hailed as the beginning of a 'new world order'. Did it also usher in a new era in international lawmaking? Does article 38 of the Statute of the International Court of Justice still reflect the formal sources of international law? If not, what new sources have emerged? Has 'soft' law been used to circumvent the limitations imposed by the requirement of state consent? Have actors other than states become more important in the creation of international law? What of the Security Council's role in international lawmaking?

Agora 9: Development and International Law

With the post-1989 shift of discourse from national security to human security, the right to development, declared an inalienable human right by the General Assembly in 1986, could have gained traction. Instead it has practically been forgotten. What, if anything, has replaced it? How has international law approached issues of development over the past two decades? What recourse, if any, does international law offer to the poorest of the poor?

Agora 10: Regionalism and Universalism

The end of the Cold War was welcomed as the end of the bipolar world. But what came next? Has international law become more universal, more regional or both? Has regionalism encouraged or undermined universalism? Do the answers to these questions depend on which area of international law and on which part of the world we look at?

Agora 11: Armed Conflict and International Humanitarian Law

The Cold War ended. New wars erupted almost immediately. Were the existing *jus ad bellum* and *jus in bello* sufficient or were the 'new wars' qualitatively different, requiring the law to adjust? Has it adjusted? Was 2001 a defining moment in the development of the law on the use of force and of the law of armed conflict? Are these bodies of law ready to address so-called 'new threats' or are they their first victims?

Agora 12: International Law and Domestic Law

Since 1989, walls have come down between nations. What has this meant for the 'wall' between international and domestic law? Are national judges approaching international law differently than before? How have international judges used domestic law? Have terms such as monism and dualism become outdated? Can we still speak of 'international' and 'domestic' law, or have bodies of law emerged that can be characterised as both or neither?

The ESIL 4th Biennial Conference is organised by the Lauterpacht Centre for International Law, University of Cambridge, 5 Cranmer Road, Cambridge CB3 9BL UK. Enquiries relating to the 4th Biennial Conference and this Call for Papers should be directed by email to esil@law.cam.ac.uk.

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