



From The Director

Lauterpacht Centre Roundup: Spring 2010

In-House Seminar on ILC's Draft Articles on the Responsibility of International Organizations

Much has happened at the Lauterpacht Centre since the last newsletter. Amongst other things, the Lauterpacht Centre, in conjunction with the Legal Adviser, Foreign and Commonwealth Office for International Law held an in-house seminar on 8th-9th January 2010 to discuss the Draft Articles on the Responsibility of International Organizations adopted on first reading by the Commission in 2009. The program followed the pattern of the very successful seminars held at the Centre during the second reading of the State Responsibility Articles. Despite the severe weather conditions that blighted England in the days leading to the seminar, the turnout was nonetheless very high, with ILC members, legal advisers and scholars braving the snow and subzero temperatures.



Cambridge Companion to International Law

We also recently had the pleasure to welcome Professor Martti Koskenniemi in Cambridge as the authors of the forthcoming Cambridge Companion to International Law, co-edited by Professor Koskenniemi and myself, gathered for a 2-day workshop to present their respective chapters and comment upon each other's work. The International Law PhD students also benefitted from Professor Koskenniemi's visit as he kindly held a master class/seminar over 2 days, which proved a success among the 20 PhD students who attended.

ESIL 2010 Call for Papers generates more than 450 submissions from over 50 countries

And last but not least, we have some exciting news about the 4th Biennial Conference of ESIL. The call for papers has been tremendously successful, with over 450 abstracts received from 51 countries! I would like to take this opportunity to thank everyone who helped spread the word and everyone who submitted an abstract. Successful candidates will be informed by 22nd March. Registration for ESIL 2010 will open on 30th March 2010. Those who register before 31st May will benefit from an 'early bird' rate. ESIL members will be entitled to a substantially reduced registration fee. If you ever considered becoming a member of ESIL, now is the time as the saving you will make on the registration fee roughly amounts to the fee of a one year membership. You will find more detailed information on www.esil-sedi.eu.

When registering for the conference (possible only through the ESIL 2010 conference website), you will also have the opportunity to book your accommodation in Selwyn College, located a stone's throw away from the conference venues. Rooms will be allocated on a first-come, first-served basis and early booking is therefore recommended. You will also be able to book for the Conference dinner on Friday 3rd September.

If you have any queries concerning any aspect of ESIL 2010, visit the conference website on www.esil.law.cam.ac.uk. You will find information on registration, conference venues, the programme and special arrangements. The website will be regularly updated until the start of the conference, so add it to your list of favourites!



First Brandon Fellowship Awarded

Annalisa Ciampi, LL.M (Harvard), PhD (Rome la Sapienza) has been appointed the first *Brandon Research Fellow in International Law*. The Research Fellowship is made possible by the generous gift of Mr Michael Brandon MA, LL.B, LL.M (Cantab.), MA (Yale), Member of the English Bar (1952) and a Fellow of the Chartered Institute of Arbitrators (1992).

During her stay at the Lauterpacht Centre, Professor Ciampi will be investigating the invalidity and termination of treaties and rules of procedure. The paper resulting from the work undertaken during the Fellowship is intended for publication in the volume *The Law of Treaties beyond the Vienna Convention* edited by E. Cannizzaro for OUP.

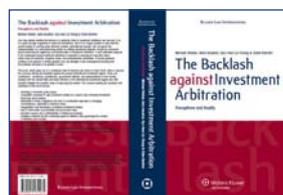
Professor Ciampi is currently Associate Professor at the University of Verona and Adjunct Professor at the University of Florence. She takes up her fellowship in June. We look forward to welcoming her at the Centre.

News of Centre Folk Past and Present

Congratulations to Helmut Aust (Visiting Fellow in 2008)

Helmut Aust writes: It has now been a year since I left the Lauterpacht Centre. I recently defended my doctoral dissertation on "Complicit States in International Law" *summa cum laude* at the Humboldt University in Berlin. I would like to take this opportunity to thank you again for the generous hospitality and the inspiring environment I enjoyed in Cambridge. My four months at the Centre and all the exchanges I had with scholars of the Centre and of the Law Faculty, as well as with the other visitors were most important to the development of my work. At the same time, I found the necessary quietness to concentrate on the writing process. I hope to be able to return many times to the Centre, the ESIL conference hopefully being the next opportunity.

Publications News



Backlash Against Investment Arbitration, co-edited by Michael Waibel, British Academy post doctoral fellow at the Lauterpacht Centre is about to be published by Kluwer Law.

Dr Giulio Bartolini, who was a visiting fellow at the Centre in 2006 has recently published a book entitled *Riparazione per violazione dei diritti umani e ordinamento internazionale*. He thanks us for the time he spent in Cambridge researching for his book.

Wedding Belles



Congratulations to Centre British Academy Research Fellow Jessie Hohmann and her partner Jonathon, who managed to pop into the Centre for celebratory cake before departing to Australia for their wedding. We wish them every happiness together.

Best Wishes for a
Speedy Recovery!



The Centre wishes Iris Müller, a member of the Red Cross CIHL update team a speedy recovery after damaging her knee in a skiing mishap during the Winter break. Iris is currently working and recuperating at home in Germany. We wish her all the best and hope to have her back at the Centre soon.

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

Easter Term Lecture Programme

The following Friday Lunchtime Lectures are due to take place in Easter Term:

30 April

Aurora Mateos, former Legal Adviser, Intergovernmental Oceanographic Commission, UNESCO on *Climate Change at Copenhagen*

7 May

Joshua Brien, Legal Adviser, Special Advisory Services Division, FCO on *The Determination of Outer Continental Shelf under Annex 2 of UNCLOS*

14 May

Daniel Taub, Principal Deputy Legal Adviser, Israeli Foreign Ministry on *The Goldstone Report on the Gaza Conflict: a Response*

As usual, talks begin at 1pm with a sandwich lunch from 12.30pm.

New Visiting Fellow: Jamie Trinidad



Jamie Trinidad is a visiting fellow from Gibraltar. He is a practising barrister, and his research at the Lauterpacht Centre will focus on the law of self-determination as applied to small colonial territories. He is currently writing a critique of the so-called 'colonial enclaves' doctrine and other related theories which purport to explain why certain small territories have not been decolonised in accordance with the wishes of their populations.

Lauterpacht Centre/First Africa Conference: Corporate Complicity in Human Rights Violations: Conference Report

This conference, which took place on 15th and 16th December, was one of the outcomes of the project on corporate complicity in human rights violations. It was intended to invite comments on the tentative conclusions of the project which were presented by Prof. James Crawford and to enrich the discussion of four main themes: international law and corporations, the litigation risks faced by corporations, the role and effectiveness of soft law and the exercise of human-rights due diligence by corporations.



Professor Robert McCorquodale talks international law and corporations

Experts in international law discussed the indirect relationship between international law and corporations, as well as the lack of a regime of international corporate responsibility. Attention was drawn to developments in international investment law, environmental law and competition law which place direct social duties on corporations. The manner in which the work done by the UN Special Representative to the Secretary General (SRSG) on Business and Human Rights is likely to influence corporations with regards to international human rights also received considerable attention.

Lawyers acting on behalf of plaintiffs in civil actions against corporations in the UK and USA (under the Aliens Tort Claims Act) articulated some of the procedural and tactical issues involved in such litigation. They also examined the implications of the recent judgment in the ATCA based case of *Presbyterian Church of Sudan v Talisman Energy Inc* 07-0016-cv (October 2009) where the Court decided that a corporation can only be liable for aiding and abetting harm if there is evidence that it acted with both knowledge and intention.

Representatives of civil society and lawyers assessed the role played by soft law instruments in influencing corporate behavior in favour of human rights. The panelists noted that soft law instruments are harder than it may initially appear: attention was drawn to instances where principles of corporate social responsibility had been incorporated into legislation in jurisdictions such the UK, France and other countries. Discussion also centered on the main disadvantages of soft law: it is voluntary in nature, it lacks effective enforcement mechanisms and fails to offer adequate remedies to victims of abuse. It was also noted that although there is a proliferation of codes, guidelines and declarations, these have failed to harden into law that is binding upon corporations. The panelists expected that the 2010 review of both the OECD Guidelines and the IFC performance Standards would improve the effectiveness of such instruments of soft law.

Lawyers and corporate advisors discussed the manner in which corporations could exercise due diligence with regards to human rights. The 2008 framework of the SRSG on Business and Human Rights which states that corporation should exercise due diligence was evaluated. The dialogue that this framework has encouraged was acknowledged but it was taken to be a non-legal standard on which further clarification was needed. It was concluded that despite the pressure placed on corporations



A lively conference dinner, which included a speech by Jeremy Carver CBE, was held at Clare College

and their corresponding will to uphold human rights, zones of weak governance constrain their efforts. Panelists expressed the need for civil society, governments and corporate boards to take collaborative action to ensure that corporations respect human rights.

The project on corporate complicity in human rights violations will conclude during the first quarter of 2010 with the publication of its final conclusions.

The Centre wishes to thank Ms Vuyelwa Kuywa for organising such a successful event.

*Professor Malcolm Shaw QC presents the 2009-10
Sir Hersch Lauterpacht Memorial Lectures*



**UNIVERSITY OF
CAMBRIDGE**