



From The Director



Newsletter of the Lauterpacht Centre for International Law

Issue 18 : August 2010

Dear Friends of the Centre,

This newsletter comes at an exciting time for the Lauterpacht Centre for International Law as we are gearing up for the opening of the 4th Biennial Conference of ESIL. With all registration spaces already filled and a growing waiting list, we are looking forward to an extremely successful event.

ESIL 2010 would not have been possible without the continued and tireless support of the Centre's staff. I would like to pay tribute in particular to Anita Rutherford, Jean-Baptiste Fourcade, Tara Grant, Sarah Nouwen and Roger O'Keefe. I would also like to take this opportunity to thank all the speakers who have kindly accepted to participate in the conference and who have managed to fit the conference in their busy schedules. We are honoured to be welcoming amongst many others, the keynote speaker, Professor Andrew Hurrell, Montague Burton Professor of International Relations in the University of Oxford, Judge Tuzmukhamedov, serving judge on the ICTR and Judge Xue Hanqin who has recently been elected a judge of the ICJ. A full conference program and detailed information on a range of conference related topics can be found on the conference website (www.esil.law.cam.ac.uk). Although the program looks decidedly work-oriented, there will be some lighter moments – the launch of a specially-brewed Lauterpacht Centre beer at the reception on Thursday evening (weather permitting, in the garden of the Centre), and at the Friday night formal dinner, an international law trivial pursuit quiz (for trivial prizes!).

September will also be a turning point for me in that at the end of the month I will be stepping down as Director of the Lauterpacht Centre. Professor Marc Weller, a long time supporter and friend of the Centre has been appointed the next Director of the Centre, initially for a four-year term. I am confident that he will be an excellent and energetic guide of the Centre's work, ensuring that the Lauterpacht Centre remains true to Sir Elihu's vision of a Centre of excellence dedicated to the study and dissemination of international law.

The continued work of the Centre would not be possible without the generous help of our friends and supporters, for which we are enormously grateful. I will myself remain a fervent supporter of the Centre and will continue to work from the Centre.



James Crawford
August 2010

Report on Joint Videoconference on the Law of Armed Conflict

On 6 May 2010, the Lauterpacht Centre co-sponsored a transatlantic videoconference on the contemporary challenges for the application of the law of armed conflict in Afghanistan. Our co-sponsors were the United States Naval War College and the Lieber Society on the Law of Armed Conflict, an interest group of the American Society of International Law. The videoconference linked three nodes in the US – the Naval War College, the Pentagon and Fort Lewis, WA – with the node at Cambridge. Commander Chris Griggs (LLM, 2010) chaired the conference from Cambridge, with the able assistance of coordinators in each of the US nodes. The videoconference commenced with two very

thought-provoking presentations from Professor Peter Rowe of the University of Lancaster School of Law (speaking from Cambridge) and Professor Derek Jinks, the Charles H. Stockton Professor at the Naval War College (speaking from Newport, RI).

The event attracted a range of participants, from serving military lawyers and other government officials to academics and students. The presentations and ensuing discussion ranged over a variety of issues concerning the *jus ad bellum* and *jus in bello* as they apply to the current military operations in Afghanistan, including the legal basis for the use of Predator drones in Pakistan and the status of various anti-Government elements under the law of armed conflict.

Launch of the LCIL-CEDIN joint work on The Law of International Responsibility

This major work is the product of a lengthy collaboration between the Lauterpacht Centre and CEDIN, the Centre de droit international, Université de Paris Ouest Nanterre La Défense. Edited by James Crawford, Alain Pellet and Simon Olleson, the English version has just been published by Oxford University Press. Consisting of 104 chapters (1296 pages), it effectively covers the field of international responsibility. The book was formally launched at the Centre by James Crawford and Professor Jean-Marc Thouvenin, Director of CEDIN on 23 June. The launch was followed by a BBQ in beautiful weather in the garden.



Study on the Implementation of the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions for the European Parliament

The Geneva based law firm Germann Avocats and its multidisciplinary research team successfully completed a study for the European Parliament's Committee on Culture and Education. This Study provides a summary of the state of implementation of the UNESCO Convention on the Diversity of Cultural Expressions of 2005. Focusing on fields in which the EU is expected to provide leadership or coordination, it is intended to provide ideas and long-term guidance on implementing the Convention. For this purpose, it assesses various practices in implementing the UNESCO Convention from a legal and practical viewpoint, and identifies challenges and measures to help achieve the objectives of this instrument. The LCIL visiting research fellows Jonathan Henriques, Christine Larssen, Roberto Soprano and Christophe Germann contributed to this



BRANDON RESEARCH FELLOWSHIP 2011
APPLICATION DEADLINE: 31 OCTOBER 2010

Generously funded by a gift from Mr Michael Brandon MA, LLB, LLM (Cantab.), MA (Yale), Member of the English Bar (1952) and a Fellow of the Chartered Institute of Arbitrators (1992), the Brandon Research Fellowship is intended to cover a stay of at least 8 weeks at the Lauterpacht Centre for International Law.

The Fellowship for the academic year 2011 has a value of £3,000; any additional travel or other expenses will be the responsibility of the selected Fellow.

For full details visit:
www.lcil.cam.ac.uk

 **LAUTERPACHT CENTRE**
FOR INTERNATIONAL LAW

Study that submits new ideas on cultural genocide prevention, intellectual property rights, competition law and regulation on the participation of civil society. This Study and its surveys can be consulted at www.diversitystudy.eu

Customary IHL to be launched in August



www.icrc.org/customary-ihl

Since 2007, a team of researchers based at the Lauterpacht Centre has been engaged in a joint project of the British Red Cross and the ICRC to update the collection of State practice underlying the ICRC's study Customary International Humanitarian Law, published by Cambridge University Press in 2005. The original study, itself the result of nearly a decade of intensive research and expert discussions, consists of two Volumes: Volume I contains the 161 rules of customary IHL identified by the study together with commentaries by the ICRC, and Volume II brings together the extensive collection of State practice on the basis of which the rules were identified.

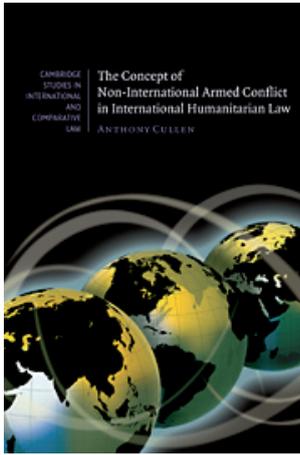
In August 2010, Volume I and the newly updated Volume II will be launched in the form of an online database. The database will be offered free of charge to all interested users, such as government and military lawyers, NGOs and academics, and updated regularly. The August 2010 update will contain practice from the United Nations and from international and mixed judicial and quasi-judicial bodies up until the end of 2007. Subsequent updates will also include material from national sources of practice, as well as practice from more recent years.

After its launch in August, the British Red Cross and the ICRC will be presenting the database to participants of the ESIL Conference, to be hosted by the Lauterpacht Centre from 2-4 September 2010. The Red Cross would like to welcome all participants to visit the Customary IHL stand, located at the Faculty of Law, to meet the researchers and to take a look at the Customary IHL Database.

Past and future Snyder Scholars

We have the pleasure to announce the nomination of this year's Snyder Scholar. **John Hursh** will be joining us at the Lauterpacht Centre from September until December 2010. Throughout law school, John has demonstrated a deep interest and a strong commitment toward both the study and practice of international law. He writes about himself : « *I am deeply committed to international law because at its finest, international law exemplifies an appreciation of the highest aspects of human existence including cooperation, respecting human rights, using the rule of law rather than force or coercion and holding individuals that refuse to obey these fundamental principles accountable* » We are delighted to be welcoming John in Cambridge and we trust that he will be a fine addition to the Centre.

We also recently received news from former Snyder Scholar **Judith (JJ) Welling** who is currently working at the National Endowment for Democracy in Washington DC. Having herself been a visiting fellow at the Centre, her current position involves helping run a fellows program for practitioners, journalists and scholars working at the forefront of human rights and democracy development in emerging and transitioning democracies.



News from past fellows

Daniel Bethlehem, former Lauterpacht Centre Director and now FCO Legal Advisor, has been awarded a KCMG in the Queen's Birthday Honours list. Congratulations to Sir Daniel!

Thomas Schultz, a former Lauterpacht visiting fellow and Director of the Geneva Master in International Dispute Settlement (MIDS) has recently been awarded the *Prix Jubilé* for his article *Carving Up the Internet: Jurisdiction, Legal Orders and the Private/Public International Law Interface*, for which preliminary research was undertaken during his stay at the Centre.

James Crawford has been awarded the Nessim Habib World Prize by the University of Geneva for his work in international law. The prize is awarded annually in different disciplines: it will be conferred at the University's Dies Academicus in October.



We would like to congratulate **Dan Saxon** for his award of a Leverhulme Trust grant, which will enable him to work on issues of international prosecution, drawing on his experience as a senior ICTY prosecutor.

Also to **Dr Anthony Cullen** for the publication of *The Concept of Non-International Armed Conflict in International Humanitarian Law* (CUP, 2010).

We also recently wished farewell to **Penelope Nevill** who will be embarking on a career as a barrister following a pupillage at 20 Essex Street. We will miss hearing her Kiwi accent which brought some sun to the Centre and we wish her all the best.



We also said goodbye to **Rolf Einar Fife**, Legal Adviser to the Foreign Ministry of Norway, who visited the Lauterpacht Centre from October 2009 to June 2010, with periodic intermissions for matters of state. He writes about his stay at the Lauterpacht Centre as follows:

I would like to thank the Lauterpacht Centre and in particular James Crawford, Anita Rutherford and Karen Fachechi, for ensuring that my stay at the Centre from October 2009 to June 2010 was both inspiring and enjoyable. My part-time affiliation with the Centre enabled me to combine in-depth academic research with other work as the legal adviser of the Norwegian Foreign Ministry, to whom I am also grateful for this unique opportunity.



The Centre has provided unsurpassed working conditions to focus on current issues, including preparations for pleadings at the International Court of Justice. In retrospect, it is for me also inspiring, although purely coincidental, to also have prepared for maritime delimitation negotiations while lodging in the Bahrain House, which was named after the 2001 landmark case on the delimitation between Bahrain and Qatar. Norway and Russia successfully concluded in April their negotiations on the delimitation in the Barents Sea and the Arctic Ocean. Cambridge provides a unique framework and setting for academic research, also in other fields closely related to international law. The enviable human resources and surroundings of the Centre combine to promote intellectual focus, but also the proverbial "mens sana in corpore sano".

I will sincerely miss the Centre and its members. My sadness in leaving is only tempered by the conviction that I will remain in close touch with both.

