

Second World Meeting
of Societies for International Law

Current Challenges to International Law:

The Role of Societies of International Law

2 & 3
September
2019



www.rencontremondiale-worldmeeting.org

The Meeting is organised by the French Society for International Law (SFDI) under the
auspices of The Hague Academy of International Law and in cooperation
with the Global Network of the Societies for International Law.
With the financial support of our Sponsors:

Our sponsors



Rialtas na hÉireann
Government of Ireland



THREE CROWNS



Awn Al Khasawneh

Savoie Arbitration



RODMAN BUNDY

VOLTERRA FIETTA
The public international law firm



WHITE & CASE

大成 DENTONS

Important caveat

The Meeting is not intended to be an academic conference. As its name suggests, it is an opportunity for dialogue between Societies for International Law and national branches of the ILA between themselves on the one hand, and with leading practitioners of international law on the other hand, to reflect together on the serious challenges currently facing international law and the role that Societies can play in addressing them. The speakers are not called upon to deal in depth and in a comprehensive way with the often vast themes that are proposed, but only to recall the situation and make proposals that could launch the debate. Consequently, interventions (which are not intended to be published at least by the organizers of the Meeting) will be strictly limited to a maximum of ten minutes – a time-limit that the chairpersons are required to strictly observe in order to preserve the time necessary for a genuine exchange of views.

*** An asterisk means "subject to confirmation"**

Monday, 2 September

Pag. 4 — 12

Tuesday, 3 September

Pag. 13 — 25

– Programme –

*Monday
2 September
2019*

Alain Pellet, President, French Society for International Law

Yves Daudet, President, Curatorium of The Hague Academy of International Law

Abdulqawi A. Yusuf, President, International Court of Justice

Plenary Round Table New Crisis of International Law or Threat of Collapse of the International Legal Order?

General idea

There is no doubt that the international community faces many challenges. In this context, international law is sometimes perceived as being unable to provide adequate solutions, or, even worse, as part of the problem. International law has often been declared to be "in crisis" in the past, but it is now threatened by the confrontation between the international legal order inherited from the Second World War and the return to unilateralism and 'sovereignism'. The round table discussions will focus on these challenges.

Chair

Gilbert Guillaume, First Vice-President, French Society for International Law

Introduction: **Miguel Serpa de Soares**, United Nations Under-Secretary-General and Legal Counsel

Unilateralism v. Multilateralism

Philippe Sands, QC, Barrister, Matrix Chambers

Regionalism, an Alternative to Universal Multilateralism?

Nicola Bonucci, Head of Legal Affairs, OECD

"One Belt One Road" in the Face of International Law

Huang Jin, President, Chinese Society of International Law

The Impact of Transnationality on International Law

Catherine Kessedjian, President, French Branch of the ILA

"Soft Law", a Substitute for Law at all

Jiri Malenovsky, Judge, Court of Justice of the European Union

Redomesticating International Law

Gary Born, Partner, Wilmerhale Cutler Pickering Hale & Dorr

11:30

Coffee Break

Animation/demonstration by  **JUS MUNDI**

11:50

Plenary Round Table De-Humanization of International law?

General idea

One of the major advances in international law in the last century (achieved by stages following the two world wars and then in the early 1990s) was the growing recognition of the human person in international law. This movement seems to have slowed down or even reversed in the 21st century. The presentation of some of the manifestations of this evolution raises the question of the reality of the dehumanization of international law. If the protection of the human person is no longer one of the major concerns of current international law, what has it been replaced by?

Chair

Dean Spielman, Former President, European Court of Human Rights

Is the 'Humanization' of International Law Threatened by Contemporary Developments in International Law?

Bruno Simma, Judge, Iran-United States Claims Tribunal

Human Beings, a Fundamental Value of International Law

Linos-Alexandros Sicilianos, President, European Court of Human Rights

Human Rights in International Arbitration

Julie Bédard, Partner, Skadden, Arps, Slate, Meagher & Flom LLP

The Resurgence of the 'domaine réservé' in the Field of Human Rights

Sabine Konrad, Partner, McDermott, Will & Emery

International Criminal Law Adrift?

Vasilka Sancin, President, Slovene Branch of the ILA

The Questioning of the Universality of Human Rights

Fatsah Ougergouz, President, United Nations Commission of Inquiry on Burundi

13.10

Lunch

Lunch cocktail at the residence of the French Ambassador to the Netherlands, offered to speakers and sponsors.

15.00

Panels Threats to the Institutional System

General idea

While the morning round tables will have attempted to address the challenges facing international law as a whole, the afternoon workshops offer, in the same spirit, sectoral and more clearly institutional perspectives.

Panel n° 1. The UN Trapped in its Institutions

General idea

The activities of the United Nations have grown considerably and diversified, demonstrating a certain success of the institution. Yet the Organization's lack of resources in relation to the objectives assigned to it, the Security Council's blockages and misuses in the management of international crises and the lack of democracy in the institutional functioning of the United Nations are just some of the criticisms that are often heard. The United Nations reform is far from being a complete process. Despite all these dysfunctions, can we still do without the UN?

Chair

Nicolaas Schrijver, President, *Institut de Droit international*

Institutional Overcrowding in the United Nations System – Always More...
Santiago Villalpando, Legal Counsel, UNESCO

The Security Council Delegitimized?

Erika de Wet, Director, Institute for International and Comparative Law in Africa

Powerless General Assembly? Resurrecting 'Uniting for Peace'?

Christian Tomuschat, former President, United Nations International Law Commission

National or Regional 'Sanctions' Against the 'Measures' of Chapter VII of the Charter

Alina Miron, Professor, Angers University

United Nations Assistance in Response to Unilateral State Demands

Leonardo Nemer Caldeira Brant, Professor, Minas Gerais Federal University

Panel n° **2. International Economic Cooperation**

Failure of Integration Mechanisms and New Economic Cooperation Frameworks

Organisation

Canadian Council on International Law

General idea

The questioning of current models of international economic cooperation is a matter of concern to governments around the world and to many stakeholders. From NAFTA to CUSMA, from TPP to CPTPP, as well as the difficulties encountered by the European Union (notably in the context of Brexit and CETA) or by the African Union with the Continental Free Trade Area, the obstacles are numerous. This workshop will aim to take stock of the situation and stimulate discussion on future models for international economic cooperation.

Chair

Céline Lévesque, Member of the Board of Directors of the Canadian Council on International Law

The CUSMA: A Free-Trade Agreement?

Geneviève Dufour, President, Quebec Society of International Law

Smaller but better? Reflections on the new era of the EU as a global economic actor

Joris Larik, Assistant Professor, Leiden University

The Rise of the Giant Africa through Continental Trade and Investment

Omotese Eva, Deputy Director and Chief State Counsel, Nigerian Ministry of Justice

Trade Wars, International Distrust and Domestic Discontent: Can Legal Regimes Encourage Cooperation Again?

Michael Ewing-Chow, Professor, National University of Singapore

Panel n°

3. Regulation of International Trade

Threats to the Multilateral Trading System:

What Does Not Kill You Makes You Stronger?

Organisation

Grotius Center for International Legal Studies

General idea

The multilateral trading system is currently facing an unprecedented crisis. The challenges are manifold, from core founding WTO-members engaging in renewed protectionism and unilateralism, to a nearly-dysfunctional WTO Appellate Body, the invocation of the previously untouched security exceptions, as well as the need to critically rethink the premises on which the system was built and how it affects the 'winners' and 'losers' of multilateral trade. For this reason, the panel will focus on the following crucial question: will all these developments combined be fatal to the system as we know it, or do they represent a unique opportunity to improve it, giving it a chance to come out stronger in the end?

Chair

Eric de Brabandère, Director, Grotius Center for International Legal Studies

Mega-Regional Agreements, a Threat to the International Trading System

Geraldo Vidigal, Assistant Professor, University of Amsterdam

Winners and Losers of Multilateral Trade: Developing Countries and the WTO

Yenkong Ngangjoh Hodu, Professor, Manchester University

Security Exceptions in the WTO: a Pandora's Box Undermining the System?

Anna Marhold, Assistant Professor, Leiden University

The Crisis of the WTO Appellate Body

Gabrielle Marceau, Senior Counsellor, Legal Affairs Division of the WTO

Protectionism and Unilateralism in International Trade in the Era of Brexit and Trump – What Way Forward for the EU?

Panel n° **4. Environment**

Towards Effective Environmental Protection?

Organisation

Hellenic Society for International Law & Hellenic Branch of the International Law Association

General idea

This panel focuses on environmental protection in relation to human rights, largely inspired by the French initiative for a Global Pact for the Environment that was discussed last March by the United Nations Environment Programme (UN Environment) in Nairobi. Can the protection already provided, including by human rights mechanisms, be effective?

Chair

Maria Gavouneli, President, Hellenic Branch of the ILA
& **Stelios Perrakis**, President, Hellenic Society of International Law

The Global Pact for the Environment: Towards a New Codification?

Yann Kerbrat, Professor, Paris I University, Panthéon-Sorbonne

The Global Pact for the Environment or the Genesis of International Rules

Sandrine Dubois-Maljean, Research Director, CNRS, University of Aix-en-Provence

From Normative Uncertainty to Random Application: The Effectiveness of International Environmental Law in Question

Emmanuella Doussis, Assistant Professor, Athens University

The Global Pact for the Environment: Of Gaps and Other Deficiencies in International Law-making

Louis Kotzé, Professor, North West University, South Africa

16.30 --- *Coffee Break*

16.50 --- *Plenary Round Table* Shadows and Lights on the Peaceful Settlement of International Disputes

General idea

Despite apparent success, judicial dispute resolution may not be a panacea. Are recent challenges to arbitral awards and court decisions a sign of a lasting trend? Should greater use be made of alternative means of peaceful dispute resolution? Is conciliation a promising approach? This round table will seek to take stock of the peaceful settlement of international disputes and to draw conclusions in terms of efficiency, competition and complementarity. Is it time to strengthen dialogue and even think about mechanisms to coordinate these means in order to create a real international "system" for the peaceful settlement of international disputes?

Chair

Hanqin Xue, Vice-President, International Court of Justice

When Litigants Are Sovereign States

Philippe Gautier, Registrar, International Tribunal for the Law of the Sea

Competition between Jurisdictions – Forum Shopping

Hélène Ruiz Fabri, Director, Max Planck Institute Luxembourg for Procedural Law

Challenges to the Peaceful Settlement of Disputes

Paul Reichler, Partner, Foley Hoag

A Single Case, Multiple Rules

Ben Juratowitch, QC, Partner, Freshfields Bruchaus Deringer

The Investment Law 'Market': ICSID and Regional Arbitration Centres,
Competition or Complementarity?

Nassib Ziadé, Chief Executive Officer, Bahrein Chamber
for Dispute Resolution

19.30

Gala Dinner

Keynote Speech: **Sir Christopher Greenwood**, QC, Judge, Iran-US
Claims Tribunal

– Programme –

Tuesday
3 September
2019

9.30 *Plenary Round Table* Have Societies for International Law Taken Stock of These New Challenges and Adapted to Them?

Organisation

American Society of International Law

General idea

While the first day will have been devoted to the analysis of threats to the international legal system, this round table will focus more on the responses (or lack thereof), of Societies in their current functioning. Discussions on future arrangements are reserved for the afternoon. Using a comparative approach on a continental scale, it will be a question of reporting on how societies reacted to the findings made throughout the first day.

Chair

Sean Murphy, President, American Society of International Law

African Association of International Law

Olufemi Elias, Secretary-General, African Association of International Law

African Society of International Law

Makane Mbengue, President, African Society of International Law

Asian Society of International Law

Harry L. Roque, President, Asian Society of International Law

European Society of International Law

Luis Hinojosa, President, European Society of International Law

Latin American Society of International Law

Silvia Fernández de Gurmendi, President, Latin-American Society of International Law

11.00 *Coffee Break*

Animation/demonstration by  **JUS MUNDI**

General idea

These panels will focus on the organization, membership, structure and governance of Societies for International Law and the modalities of their cooperation as well as the particular role of regional and global societies. As in the afternoon, these panels will include a rapporteur who will not make a formal presentation but will be called upon to report on the discussions and (briefly) share his/her own reflections at the closing plenary session. The main aim is to compare the organisational methods of the various participating societies in the light of the stakeholders' experience. These panels will focus on the organization, membership, structure and governance of Societies for International Law and the modalities of their cooperation as well as the particular role of regional and global societies. As in the afternoon, these panels will include a rapporteur who will not make a formal presentation but will be called upon to report on the discussions and (briefly) share his/her own reflections at the closing plenary session. The main aim is to compare the organisational methods of the various participating societies in the light of the stakeholders' experience.

***Panel n° _____ 1. The Membership of and Participation in Societies
for International Law***

General idea

An overview of societies for international law shows the existence of two models: scholarly societies, composed mainly of academics and mainly dedicated to academic research and/or societies created with a more active role in the defence of international law, whose composition is more balanced between academics and practitioners? Each model has its advantages, but the question is how to attract all stakeholders to international law. This workshop will be an opportunity for an exchange of experiences between different societies.

Chair

Donald F. Donovan, Former President, American Society for International Law

Rapporteur: **Pavel Šturma**, President, Czech Society of International Law and Czech Branch of the ILA

German Society of International Law

Anne Peters, Vice-President, German Society for International Law

Norwegian Branch of the ILA

Geir Ulfstein, President, Norwegian Branch of the ILA

The Role of Women in Societies for International Law

Lucy Reed, President-Elect, International Committee for commercial arbitration

Practising Lawyers and the Societies for International Law – Love-Dislove?

Isabelle Rouche, Counsel, Gide Loyrette Nouel

Are Societies for International Law of Interest to the Non-Litigious Private Sector?

Gábor Sulyok, Secretary-General, Hungarian Branch of the ILA

Panel n° **2. The Governance of the Societies for International Law**

General idea

Notwithstanding the unifying role of the ILA (with whose branches some societies merge), Societies for International Law are organized according to quite different governance models. Confrontation of funding experiences (contributions; grants; foundation; others?); importance and permanence of the administrative secretariat (if any...); respective roles, relationships and statutes of the President and the Secretary General.

Chair

Bogdan Aurescu, President, Romanian Association for International Law and International Relations and Romanian Branch of the ILA

Rapporteur: **James Kingston**, President, Irish Branch of the ILA

American Society of International Law

Mark Agrast, Executive Director, American Society of International Law

French Society for International Law

Caroline Kleiner, French Society for International Law

Indonesian Society of International Law

Adhyanti Sardanarini Wirajuda, Member of the Board of Patrons, Indonesian Society of International Law

Peruvian Society of International Law

Oscar Maúrtua de Romaña, President, Peruvian Society of International Law

Portuguese Society of International Law

Patricia Galvão Teles, Secretary-General, Portuguese Society of International Law

African Center for International Law Practice

Aboubacar Fall, Director of Programmes, African Center for International Law Practice

Panel n° **3. Societies for Which International Law(s)?** (Public International Law, Private International Law, 'Specialised' Laws)

General idea

While some Societies are oriented almost exclusively towards public international law, others largely welcome specialists from related disciplines. This panel will also focus on the role of Societies specialising in particular branches of international law (criminal, economic, maritime, investment, arbitration, etc.). Exchange of experiences.

Chair

Georg Nolte, Former President, German Society for International Law
Rapporteur: **Liesbeth Lijnzaad**, Judge, International Tribunal for the Law of the Sea

Organisations Focusing on Transnational Arbitration – State of Affairs

Robert Volterra, Partner, Volterra Fietta

The Place of International Economic Law in the Work of the Societies for International Law

Peter Van Den Bossche, President, Society of International Economic Law

The Place of Human Rights and International Criminal Law in the Work of the Societies for International Law

Muriel Saillard, Professor, Lille University

Taking into Account the Specificity of the Law of the Sea by the Societies for International Law

Giuseppe Cataldi, President, International Association of the Law of the Sea

The Work of the Hague Conference on Private International Law – A Place for the Societies for International Law?

Christophe Bernasconi, Secretary-General, The Hague Conference on Private International Law

Panel n° _____

4. *Scientific Communication and the Use of Languages in International Law:*

Between Monolingualism (English) and Plurilingualism

Organisation

Italian Society of International Law

General idea

The round table aims to start a reflection on the scope and consequences of the trend towards English monolingualism in scientific communication concerning international and European Union law, as well as to open a discussion on the viability of a plurilinguistic perspective. The introduction should provide a general framework for reflection. The interventions of representatives of national scientific societies aim to provide elements to draw a panorama of the experiences of the various scientific communities, in particular with regard to the overall impact (quantitative, qualitative, in terms of the internationalization of the debate, etc.) of the use of the English language in the international legal debate.

Chair

Fausto Pocar, President, Italian Society of International Law

Rapporteur: **Sir Michael Wood**, QC, Former Legal Adviser, Foreign & Commonwealth Office of the United Kingdom

English Monolingualism and Plurilingualism in Scientific
Communication relating to Human and Social Sciences

María Teresa Zanola, President, European Language Council

Use of English and Other Languages in the Spanish Scientific Community
Caterina García Segura, President, Spanish Association of Professors
of International Law and International Relations

Use of English and Other Languages in the Latin American
Scientific Community

María Teresa Infante Caffi, President, Chilean Branch of the ILA

Use of English and Other languages in the French Scientific Community
Évelyne Lagrange, Professor, Paris I University, Panthéon-Sorbonne

Use of English and Other languages in the Italian Scientific Community
Pasquale De Sena, Secretary-General, Italian Society of International Law

Trend Towards English Monolingualism in the Framework of the European
Society of International Law: Lights and Shadows

Photini Pazartzis, Vice-President, European Society of International Law

13.00 _____ ***Lunch***

14.30

Panels

***The Functions of the Societies
or International Law***

General idea

While the morning panels have an essentially institutional purpose, the afternoon panels are more 'functional'; the question is what are Societies doing for international law, whether they are properly performing their functions and indeed playing the key role that should/could be theirs in responding to the current challenges facing international law? Academic institutions, self-help societies or pressure groups? Exchange of experiences.

General idea

Codifying institutions, the *Institut de Droit International* and the International Law Association (ILA) play particular (and different) roles in the constellation of Societies for International Law that cooperate more or less harmoniously within regional societies. How can these different fora coexist? What place for everyone in a global network of societies for international law? Exchange of experiences.

Chair

Marcelo Kohen, Secretary-General, *Institut de Droit international*

Rapporteur: **Sir Franklin Berman**, QC, Visiting Professor, Oxford University

The Plurality of African Regional Initiatives – Strength or Weakness?

Raymond Ranjeva, Honorary President, African Society of International Law

—
The Relationship Between the Asian Society of International Law and its “Chapters”

Mogami Toshiki*, President, Japanese Chapter to the Asian Society of International Law

—
Regional Societies: Associations of Societies or Autonomous Societies?

Veronika Bilkova, Secretary-General, European Society of International Law

—
The Institut de Droit International, a Deliberate and Sometimes Contested Elitism

Martti Koskenniemi, Professor, Helsinki University

—
The Unifying Role of the International Law Association

Antonios Tzanakopoulos, Secretary-General, British branch of the ILA

—
Building a Global Network of Societies for International Law

Clémentine Bories, Animator of the Global Network of Societies for International Law, French Society for International Law

Panel n° **2. Promoting and Defending International Law**

General idea

It seems that Societies for International Law have different conceptions of their role. While all of them pose as defenders of their discipline/object, some have a more or less militant vision of it, while others see themselves or behave almost exclusively as places for scientific exchange.

Chair

Georges Abi-Saab, Honorary President, African Foundation for International Law; Rapporteur: **Pierre d'Argent**, Vice-President, European Society of International Law

Societies for International Law and Ministries of Foreign Affairs

Lesther Antonio Ortega Lemus, Member of the Organising Committee, *Club de Droit international*

Societies for International Law and International Organizations

Edward Kwakwa, American Society of International Law

Societies for International Law and the National Judicial System

Makhdoom Ali Khan, President, Pakistan Branch of the ILA

How Could International Law Societies Help Practitioners and Others to Better Appreciate Opportunities Offered by International Law

Lance Bartholomeusz, Head of Legal Affairs, Office of the United Nations High Commissioner on Refugees

The Role of the National Society for International Law in the Vulgarisation of International Law in a Context of Democratic Transition

Fatmah Raach, President, Tunisian Association of International Law

Panel n° **3. National Societies for International Law, Their Members and Foreign Affairs: What Interactions?**

Organisation

Belgian Society of International Law

General idea

Beyond appearances perhaps, the situation of national Societies for In-

ternational Law is likely to raise sensitive issues. One aspect is the relationship between the Society and its members. Is the society intended to speak and adopt positions on behalf of all its members? The question does not seem to receive consistent answers in practice. A second aspect concerns the relationship between the society and the Ministry of Foreign Affairs – and more broadly the government – of the State concerned. In particular, does the society advise the Department, and if so, how? Once again, it seems possible to identify a variety of practices in this area. Both dimensions can be linked. The panel will be an opportunity to take stock of existing approaches and, on this basis, to return to the fundamental role, the ‘institutional’ positioning and, if necessary, the conception of the independence of national Societies for International Law.

Chair

Erik Franckx, Belgian Society of International Law

Rapporteur: **Anne-Thida Norodom**, Secretary General, French Society for International Law

The Point of View of the Australian and New Zealand Society of International Law

Timothy Stephens, President, Australian and New Zealand Society of International Law

The Point of View of the Brazilian Society of International Law

Wagner Menezes, President, Brazilian Academy and Brazilian Society of International Law

The Point of View of the Nigerian Society of International Law and the Nigerian Branch of the ILA

Damilola Olawuyi, Vice-President, Nigerian Society of International Law and Nigerian Branch of the ILA

The Point of View of the Swiss Society of International Law

Christine Kaddous, President, Swiss Society of International Law

The Point of View of a Ministry of Foreign Affairs Foreign

Sir Iain Macleod, Legal Adviser, Foreign and Commonwealth Office of the United Kingdom

Organisation

The Hague Academy of International Law

General idea

The *Institut de Droit International* has adopted two resolutions on the teaching of international law. The second, adopted in 1997, was very ambitious and called for an effort to be made "to provide an introduction to the international legal system in secondary schools", and efforts to disseminate international law have undoubtedly been made since then, not only at the level of universities and law schools. However, is international law sufficiently disseminated through its teaching, and is it beyond the circle of lawyers? An ILA committee reported in 2010 that international law was still generally insufficiently taught, with national and European law being the students' priorities. With regard to research, while it is undoubtedly dynamic, as evidenced by the large number of publications produced, one of the questions that may arise is whether it is sufficiently valued. In other words, do the fruits of this research go beyond the circle of insiders to 'infuse' the society? The workshop will provide an opportunity to discuss these issues and the role that societies play in international law.

Chair

Tullio Treves, Partner, Curtis Mallet-Prevost Colt & Mosle

Rapporteur: **Geneviève Bastid-Burdeau**, Second Vice-President,
French Society for International Law

The Role of the Societies for International Law in the Establishment of International Law Examination and Teaching Programmes: Prominent or Insufficient?

Mónica Pinto, Professor and Honorary Dean, Buenos Aires University

International Law Taught beyond the Circle of Jurists: What Contribution Can Societies for International Law Make?

Hannah Buxbaum, Member, Curatorium of The Hague Academy of International Law

Societies for International Law and the Promotion of the Use of Modern Technologies in the Teaching of International Law?

Thibaut Fleury-Graff, Co-Director, Center for Studies and Research on Extraterritoriality, The Hague Academy of International

The Contribution of the Societies for International Law in Research and its Valorisation?

Bin Bing Jia, Curatorium of The Hague Academy of International Law

The Place of Junior International Lawyers in the Societies for International Law

Laurence Boisson de Chazournes, Professor, Faculty of Law, Geneva

16.00 --- *Coffee Break*

Animation/demonstration by  JUS MUNDI

16.30 --- *Plenary Round Table* What Should We Do?

General idea

Is there a place for Societies for International Law in the contemporary world? The panel rapporteurs will each present, briefly, the conclusions they draw from the debates, adding, if they so wish, some personal reflections.

Chair

Dame Rosalyn Higgins, former President, International Court of Justice
Rapporteur général: **Alain Pellet**, President, French Society for International Law

Membership of and Participation in the Societies for International Law
Pavel Šturma

The Governance of the Societies for International Law
James Kingston

Interactions between National Societies for International Law, Their Members and Foreign Affairs
Anne-Thida Norodom

Societies for Which International Law(s)?
Liesbeth Lijnzaad

English Dominance and Linguistic Pluralism
Sir Michael Wood

Promoting and Defending International Law
Pierre D'Argent

Teaching and Studying International Law
Geneviève Bastid-Burdeau


The Network of Societies for International Law
Sir Franklin Berman

Closing Speech

María Fernanda Espinosa*, President, United Nations General Assembly

18.30

End of the Meeting



Rencontre
Mondiale
World
Meeting

2019