



The Hague Academy of International Law

2019
Annual Report





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1. Foreword by the Secretary-General

The year 2019 at The Hague Academy of International Law was marked by many events, which are documented in this report. Without detracting from the content of the report, allow me to focus on four of our activities, which reflect three of the axes that define the way in which our institution conceives its action, and which could be summarized as follows: tradition and modernity of the course sessions; sensitivity to the expectations of States; and a high scientific level.

Tradition and modernity of the course sessions

As is well known, the Academy held its first session of Summer Courses in July 1923. It was designed around a General Course and thematic Special Courses. This formula worked perfectly, and, quite strikingly, it still works perfectly today. In fact, many other institutions have directly borrowed from it to establish their own programmes. Nevertheless, the summer sessions have been greatly enriched by many other activities, modernizing the approach and adapting it to some of the current expectations of the attendees. The attractiveness of our Summer Courses to the younger generations, as well as the feedback we receive from attendees about the unique experience they enjoy during our sessions, attest to the fact that the Academy has been able to combine tradition and modernity.



It is based on this experience that the Curatorium designed the Winter Courses. I would like to briefly report on the first edition of these courses, as it was one of the three major events of the year 2019. Indeed, this first edition of our Winter Courses on International Law gave us the opportunity to experience a magnificent three-week session. Held during the month of January, it was structured as a summer session, i.e. around a General Course and six Special Courses, to which were added the seminars linked to the courses, the famous Directed Studies sessions that prepare selected attendees for the Diploma Examination, and the doctoral networking meetings. During this historic session, attendees were also able to present oral statements, that had been specially prepared by them on topics selected by the Curatorium, during a round table held in the Academy's Grand Auditorium. They were able to present their views in front of, most notably, the members of the Curatorium. Attendees were also able to register and take part in a new competition created for them, called "Hours of Crisis", and to follow afternoon lectures, including those on "The Case of the Day", which are also a new feature. Additionally, they were able to participate in other activities, in particular at the invitation



of ambassadors and international organizations in The Hague. Some attendees have indicated to us that the Academy offers too many interesting activities, which makes it difficult for them to make a choice, but this is obviously a nice compliment, which attests to the continued attractivity, among the younger generations, of our sessions.

Sensitivity to States' expectations

We offer our regular sessions of Winter and Summer Courses on International Law to promising law students, lawyers and diplomats, who can enjoy the unique experience of the Academy all the more easily now that there are only six months in between each new session. It is on this basis that the United Nations General Assembly annually commends the Academy's contribution "to the teaching, study, dissemination and wider appreciation of international law", and that many States recognize the Academy as a genuine international public service whose work they financially support. By thus recognizing the importance of international law and supporting its teaching at the Academy, States are contributing to the preparation of the international community to face the world's turmoil peacefully by developing and building on the common language of international law.

The Academy wanted to show its gratitude for these expressions of trust granted to it by the diplomatic corps by offering its members a special course on the judicial settlement of disputes free of charge. Held in part in the Great Hall of Justice of the Peace Palace and with the invaluable support of the Registry of the International Court of Justice as well as law firms involved in international litigation, this one-week programme dedicated to the diplomatic corps proved to be an event in 2019, which was particularly appreciated by participants.

Another highlight of the year 2019, again reflecting the Academy's readiness to respond as much as possible to the expectations of States, was the organization of a programme at the request of Thailand on international law relating to the smuggling of migrants and the trafficking of human beings. Designed and implemented in partnership with the United Nations Office on Drugs and Crime and the International Labour Organization, and with the assistance of specialized judges from the Netherlands, the programme enabled 35 eminent Thai judges to update their knowledge, to gain a better understanding of the experience of other judges faced with the same issues through the courses and materials provided to them, and to participate in role-playing exercises.

High scientific level

The courses given at the Academy are rightly considered to be of a high scientific standard, while the Centre for Studies and Research also contributes to the improvement of knowledge of international law. But it is to two quite exceptional events that I wanted to refer briefly here, as they illustrate the place occupied by the Academy in the global academic landscape, namely the hosting by the Academy of the Second World Meeting of Societies for International Law on the one hand and the 79th session of the Institute of International Law on the other. The speech delivered by the President of the Curatorium, Prof. Yves Daudet, at the opening ceremony of the 79th session of the Institute of International Law is reproduced below. It will enlighten the reader on the links between the Academy and the Institute, while at the same time evoking what The Hague Academy of International Law has passed on to its attendees for almost one hundred years, namely "the spirit of The Hague".



Acknowledgements

As every year, our Academy is grateful for the support it has received from numerous institutions and personalities. The full list is included in this report, and all the States, institutions and personalities listed further on are to be warmly thanked. It is my pleasure to do so on behalf of the Curatorium. Among our most generous supporters, I would particularly like to thank the Embassies of Chile, Germany, Italy and Japan. I'm also pleased to note that the Embassy of Andorra decided to resume funding our activities as it had done in the past.

The participation in the financing of scholarships allowing students to register for our sessions should also be acknowledged as exemplary. In this respect, I commend the particularly high financial efforts made by the Governments of France and Switzerland, the STIP Foundation, the City of The Hague and Prof. Pieter Jan Kuijper.

Speech by the President of the Curatorium, Professor Yves Daudet, held at the opening of the 79th session of the Institute of International Law (26 August 2019)

Your Royal Highness;
Mr. President of the International Court of Justice;
Mr. President of the Institute of International Law;
Your Excellencies;
Ladies and Gentlemen,

I am most grateful to the President of the Institute of International Law, Professor Nico Schrijver, for inviting me to say a few words today. It is, of course, a very great honor for me to be able to address such an illustrious audience. It is also a very great honor for The Hague Academy of International Law to host some of your work at its premises, where you are most welcome. Speaking on behalf of the Academy, I feel that I am doubly indebted to you.

A debt first of all to more than a hundred of you among the current members who gave a course, that was subsequently published (most often... not always...) in the *Collected Courses* and sometimes in the new collection of *Pocketbooks*, which gives the Academy a modern image alongside the tradition to which it remains attached. And I hope that tomorrow the Academy will be able to count on the assistance of those of you who have not yet taught there, because, as you can imagine, the collaboration of the members of the Institute is of considerable value to the quality of the courses delivered.

We also owe an eternal debt to the Institute itself, which has done so much for the creation of the Academy. The Academy came into being much later than the Institute, but the idea was in the air as early as 1873, largely thanks to Tobias Asser, co-founder of the Institute, who would later play a decisive role in the establishment of the Academy, with, I am pleased to recall here, considerable support from the Dutch authorities, who understood very early on the importance of an Academy to be established in The Hague.



The seeds of the latter were sown during the period between 1870 and 1914, a time when there was a real stirring of minds in favor of international law, which then truly began to take shape. It is finally here, in The Hague, at the Peace Conferences, that this effervescence took root and materialized in this Palace, which became the symbol and embodiment of it. I don't have to mention to you the major and even driving role played by the Institute in this intellectual movement. As for its unfailing support for the Academy project, in 1913, in Oxford, it adopted a text that was incorporated word for word in Article 2 of the Academy's Statutes and defined its mission: "to facilitate the in-depth scientific examination of questions relating to international legal relations". These statutes were adopted in 1914. It was not until 1923 that the Academy opened its doors, which were those of the very hall in which we find ourselves now, and where the inaugural ceremony took place.

At that time, in a certain way, the roles – of unequal importance – in the international law arena, were distributed according to the texts of the statutes of the organs (adopted at different points in time) to finally evolve into a framework according to which:

- the Permanent Court of Arbitration aims to facilitate the recourse to arbitration,
- the Permanent Court of International Justice has the task of "settling the disputes submitted to it in accordance with international law",
- The Institute of International Law must "foster the advancement of international law".
- And the Academy? It has to "facilitate the examination of international legal issues".

The Academy thus teaches and facilitates the dissemination of international law. In practice, however, the Court did much more than settle disputes since, inevitably and through the settlement of disputes, a jurisprudence was built up, which, as we know, will be of paramount importance for the development of international law.

The Institute, to which one could add a few other learned societies, played an extremely effective role in inspiring many provisions of law, as you know better than anyone else. Subsequently, the establishment of the International Law Commission and other comparable bodies complemented private initiatives as an official standard-setting body.

The question has sometimes been raised whether the Academy, too, plays a role in the development of international law. This is not its primary mission. René-Jean Dupuy, who was a great Secretary-General of the Academy for many years, considered that the Academy had the dual role of "revelation" and "anticipation", both of which lead to the development of international law. The formula is beautiful but slightly over the top, like the formulas that René-Jean Dupuy employed which were often with a touch of Mediterranean excess making them so attractive and imaginative that one would not forget them!

In any event, I think it should be noted that the community of internationalists is not very large. Most of its members know each other, read each other's work or debate amongst each other. Two thirds of the members of the Curatorium are members of the Institute of International Law, several are members of the International Court of Justice or other international courts, and have been, are, or will be members of the International Law Commission or other international institutions. The same applies to those who have been or will be invited to teach at the Academy. Thus, formally or informally, ideas are exchanged, projects are developed and achievements are shared that contribute to the development of international law.

What then are the primary origins of this or that advancement in international law? A case before the Court? A debate at the Institute of International Law? A proposal made in the International Law Commission? An idea launched in a General Course at The Hague Academy of International Law?

I can't answer that question. But what I do know in conclusion is that, at the end of a session, the attendees of the Academy return to their countries, imbued by international law and convinced of its importance and its potential, illuminated by what I call "the spirit of The Hague", that fully deserves its name as the "capital of international law". It is truly an honor for the Government of the Netherlands to maintain its commitment to the Academy, thus rendering a service to the International Community as a whole, since many attendees will later hold important positions in the international order. If, as I believe, they will remember the "spirit of The Hague", the Peace Palace and the Academy, we all stand to gain.



2. Activities and Events in 2019

2.1. Regular Academic Activities

2.1.1. Winter Courses on International Law

The first session of the Winter Courses on International Law was held from 7 to 25 January 2019. The courses were given in English or French, with simultaneous translation into the other language.

2.1.1.1. General Course and Special Courses

Following the Secretary-General's opening speech, Prof. Harold Hongju Koh delivered the Inaugural Lecture on *Schools of International Law in the United States of America*. This lecture can be viewed online on the Academy's YouTube channel and will also be made available soon on the Academy's new website.

The General Course was given by Prof. Catherine Kessedjian who entitled it *The Independent and Impartial International Third-Party - Judge, Arbitrator, Mediator, Conciliator*. This course offered an original perspective on international law through the lens of the impartial and independent third party.



As part of the Special Courses, Prof. Anne Peters gave a pioneering course on *International Law and Animals*. Prof. Jutta Brunnée addressed the topic of *Procedure and Substance in International Environmental Law*, which is very important at a time when international environmental law is a key concern for the International Community. Humanitarian law and human rights law were taught from specific angles offering rich analyses by Prof. Ryan Goodman, whose course was entitled *International Humanitarian Law and the Use of Lethal Force*, and Prof. Yuval Shany, whose teachings dealt with *The Extraterritorial Application of International Human Rights Law*. Focusing on very precise questions concerning justice and international courts, Prof. Jan Paulsson dealt with

1 | Professor Catherine Kessedjian, General Course, 2019 Winter Courses

2 | Professors and attendees of the 2019 Winter Courses



Issues Arising from Findings of Denial of Justice, and Prof. Makane Moïse Mbengue gave his lectures on *Science and International Courts and Tribunals*.

The official list of professors and of the topics they addressed appears on the poster of the 2019 Winter Courses; see Annex 1.

2.1.1.2. Directed Studies and Diploma

In the same way as in the summer, the Directed Studies during the Winter Courses session are primarily intended for high-level students who wish to prepare for the Academy's Diploma Examination or who simply wish to delve more deeply into issues of public or private international law, without taking the Examination. The Directed Studies sessions were led by Prof. Maurizio Arcari of the University of Milano-Bicocca and by Ms. Emily Crawford, Senior Lecturer at the University of Sydney Law School.

Mr. Gregor Novak (Croatia) and Mr. Apollin Koagne Zouapet (Cameroon) were awarded the Diploma on Thursday, 24 January, following an Oral Exam that was in all respects comparable to the one held during the Summer Courses. The Written Exam was held on Tuesday, 22 January, from 2 p.m. to 7 p.m., on the following two topics, from which the 11 selected candidates had to choose one: Public International Law: "Secession" / Private International Law: "Foreign law before a judge or arbitrator".

The Jury of the Exam was composed of Profs. Jean-Marc Thouvenin (President), Catherine Kessedjian, Maurizio Arcari, and Ms. Emily Crawford.



2.1.1.3. Afternoon Lectures

During certain afternoons, the Auditorium of the Academy welcomes high-ranking personalities from the political, diplomatic or legal world, academics or practitioners, to deliver lectures on selected themes. The list of speakers that follows, as well as the themes discussed, reflect the high level of interest of each of them.

Marking the historic first edition of the Winter Courses, Mr. Miguel de Serpa Soares, United Nations Under-Secretary-General for Legal Affairs and Legal Counsel, travelled from New York to The Hague to give a lecture on *Building an International Accountability System*; Her Excellency Judge Joan Donoghue, Judge at the International Court of Justice, presented her thoughts on *The International Court of Justice as a Court of First Instance*; His Excellency Juan José Quintana Aranguren, Ambassador of Colombia to the Kingdom of the Netherlands, spoke about his experience in cases before the International Court of Justice during a lecture on *Litigation at the ICJ: Challenges to the Court's Jurisdiction*; Mr. Brooks Daly, Deputy Secretary-General and Principal Legal Counsel of the Permanent Court of Arbitration, gave a lecture on The Permanent Court of Arbitration; Mr. Philippe Lortie, First Secretary, Permanent Bureau of the Hague Conference on Private International Law, gave a lecture on The Hague Conference on Private International Law; Ms. Hetty Boone, Head of the Family Team and Liaison Judge at the District Court of The Hague presented her views on international judicial co-operation in child protection matters; Mr. Asier Garrido-Muñoz and Ms. Jessica Joly Hébert, Law Clerks at the International Court of Justice, put the attendees in a mock case before the International Court of Justice

and Ms. Alexandra Schluep, Attorney at Law at Schutte Schluep & Heide Jørgensen, held a presentation on *The International Law Practice of a Private Lawyer*.

During the afternoon lectures concerned with *The Case of the Day*, Mr. Philippe Cavalieros, Partner at Simmons & Simmons in Paris, gave a detailed presentation of a case arbitrated under the ICC using the UNIDROIT principles, and Mr. Ben Juratowitch QC, Head of the Public International Law Practice and Partner in the Arbitration Group of Freshfields Bruckhaus Deringer in Paris, illustrated the conciliation process between Australia and East Timor in respect of their maritime dispute.

Finally, two exceptional events were also offered to the attendees, namely a Round Table with the members of the Curatorium of the Academy, already mentioned in the Foreword above, and a special seminar led by Profs. Catherine Kessedjian and Maya Steinitz, of the University of Iowa College of Law, in which they debated with each other and the audience about the creation of an International Court of Civil Justice.

For the complete list of afternoon lectures given in winter 2019, see Annex 2.

2.1.1.4. Doctoral Networking Meetings and Tutoring

Numerous doctoral networking meetings were enthusiastically led by Prof. Giulio Bartolini, Associate Professor at the University of Roma Tre. 44 students participated in seven different groups covering the following topics: general issues of public international law; private international law and international trade law; international human rights law; international economic law and international investment law; international environmental law, law of the sea and aquifers; international criminal law; use of force and proliferation.

Since a few years the Academy has also had recourse to a tutor, who is present during the course sessions to try and facilitate exchanges between professors and attendees and to answer more practical questions of attendees related to their course of study and career

paths. During the first Winter Courses this role was filled by Dr. Walter Arevalo from the Universidad del Rosario in Colombia.

2.1.1.5. Embassy Programme

The engagement of ambassadors in The Hague, who traditionally welcome Academy attendees at their premises to explain the work of the diplomatic corps to them during the Summer Courses, was equally strong during the first session of Winter Courses. Approximately 250 attendees were received by 50 embassies in January.

2.1.1.6. The "Hours of Crisis" Simulation Exercise

A selection of attendees was invited to take part in the "Hours of Crisis" exercise, a competition created especially for the Academy based on the "Day of Crisis" concept. During eight hours on Saturday 12 January 2019, eight teams of attendees were confronted with a simulation of a major international crisis and the legal and political questions it generates, to which they responded on behalf of their "clients" (States, international organizations, companies). They produced written legal advice and participated in crisis negotiations. During a final meeting before a jury, the participants presented their analyses and arguments. After a deliberation, the jury proclaimed the best team and the best speakers. Special certificates were awarded to the participants and teams that distinguished themselves.

3 | Professor Jutta Brunnee, Special Course, 2019 Winter Courses

4 | A team of attendees during the "Hours of Crisis"



KEY FIGURES WINTER COURSES

Courses, Seminars, Lectures

37.5

hours of courses

18

hours of seminars

6

afternoon lectures

Embassy Programme

50

visits

Registered Attendees

265

attendees

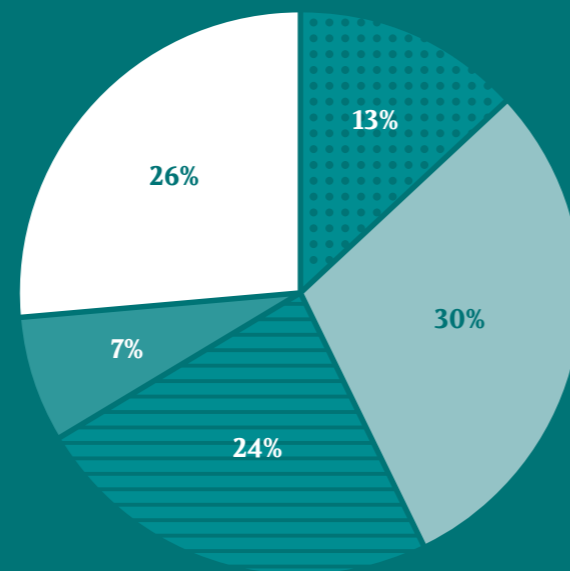
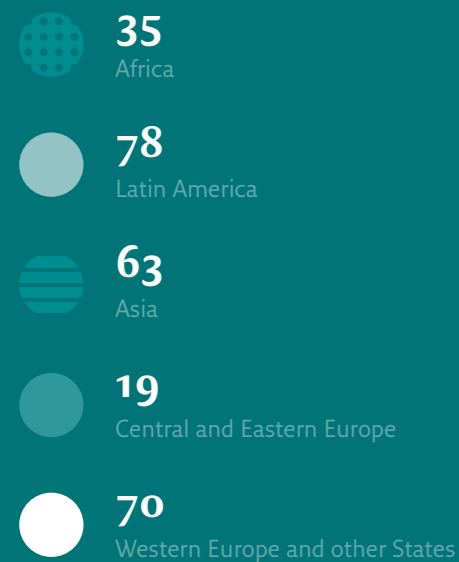
69

different countries

91

awarded scholarships

Geographical distribution of the attendees of the 2019 Winter Courses



2.1.2. Summer Courses on Public and Private International Law

The 2019 Summer Courses, given in English and French with simultaneous translation into the other language, once again proved to be a remarkable experience for all participants.

2.1.2.1. General Course and Special Courses, Seminars and Short Courses

The Public International Law session was held from 8 to 26 July 2019. It was formally opened by Prof. Yves Daudet, President of the Curatorium, who subsequently gave the Inaugural Lecture on the topic *1919-2019, the Flow of Multilateralism*.

The General Course on Public International Law, designed to provide new insights and perspectives on international law, was given by Prof. Hilary Charlesworth on *The Art of International Law*.

With regard to the Special Courses on Public International Law, it was as usual the diversity of topics that distinguished the session. In terms of “classics” that were revisited, Prof. Said Mahmoudi presented an in-depth and critical reflection on *The Argument of Self-Defense in Relation to “Unwilling-or-Unable” States*, while Prof. Concepción Escobar Hernández addressed *Immunities of State Officials in International Law*, a topic that is still very relevant and unsettled within the International Law Commission. Addressing topics less present in international law textbooks but which will be central in years to come, Prof. Sandrine Maljean-Dubois gave a coherent overview of the *International Law of Biodiversity*, and Prof. Kerstin von der Decken presented a course on *International Law on the Protection of Cultural Heritage* with authoritative pedagogy. A useful presentation of *African International Courts* was made by Prof. Gérard Niyungeko. On a more technical but still very accessible level, Prof. Shotaro Hamamoto provided an updated critical overview of the law of investor-State arbitration in his course on *Perspectives on Treaty-Based Investor-State Arbitration*.

The Private International Law session was held from 29 July to 16 August 2019. It was formally opened by Prof. Diego P. Fernández Arroyo and followed by the Inaugural Lecture given by Mr. Gary Born on *International Arbitration: Choices of Law*.

The General Course on Private International Law, presented with verve by Professor Diego P. Fernández Arroyo, was entitled *Across the Mirror: The Progressive Denationalization of Private International Law*.

The programme of the Special Courses on Private International Law was rich in presentations likely to interest attendees of various sensitivities, with two courses on international arbitration (Ms. Yas Banifatemi: *The Powers of the Arbitrator in International Arbitration*; Prof. Eduardo Silva Romero: *Legal Fictions in International Arbitration*), two courses on structural or methodological issues of private international law (Prof. Matthias Weller: *“Mutual Trust”: A Suitable Foundation for Private International Law in Regional Integration Communities and Beyond?* and Prof. Franco Ferrari: *Forum Shopping Despite Unification of Law*), two courses on substantive issues (Prof. Manuel Desantes Real: *Private International Law and Unified Patent Court* and Prof. Anastasia Grammaticaki-Alexiou: *The Best Interests of the Child*

5 | Professor Diego P. Fernández Arroyo, General Course, 2019 Summer Courses on Private International Law



in *Private International Law*), and a course demonstrating that the practice of law is not limited to the application of legal techniques but can (should) include ethical considerations (Prof. Sandrine Clavel: *Integrating Ethical Considerations into International Commercial Contracts Law*).

The official list of professors and of the topics they addressed appears on the poster of the 2019 Summer Courses; see Annex 3.

In summer 2019, for the fourth consecutive year, the Academy organized two special short courses, one on European Union Law and the other on Comparative Law, exclusively for the attendees of the Private International Law session. These short courses, each lasting six hours, are particularly useful for attendees from non-European countries who are not necessarily familiar with the specificities of the legal order of the European Union, as well as for those attendees who wish to update their basic knowledge of comparative law.

In 2019, the Course on the Fundamentals of European Union Law was given by Dr. Thomas Vandamme, Lecturer at the University of Amsterdam. The Course on Comparative Law was given by Prof. Matthias Lehmann, Director of the Institute of Private and Comparative International Law at the University of Bonn.

2.1.2.2. Directed Studies and Diploma

In addition to the courses, the Directed Studies sessions, aimed in particular at advanced students who want to prepare for the Academy's Diploma Examination, or who simply wish to participate in high-level seminars, were very well attended.

Profs. Freya Baetens and Jean d'Aspremont were in charge of the Directed Studies during the Public International Law session and Prof. Laurence Usunier and Ms. Maja Groff were the Directors of Studies during the Private International Law session.

The Written Exam in Public International Law was held on Tuesday, 23 July, from 2 p.m. to 7 p.m. on the following topic:



“Certain differences of opinion between States are by their very essence beyond judicial settlement through the application of law. Even when they have legal aspects, the use of judicial means to address them does not necessarily lead to a settlement. This may be explained by the fact that the role of law is often limited by its instrumental dimension. *Obligation to negotiate access to the Pacific Ocean (Bolivia v. Chile)*, Judgment, I.C.J. 1 October 2018, Statement by President Yusuf, para. 7. Please discuss”.

Nine candidates from the Directed Studies sessions sat the Witten Exam. Two of them were admitted to the Oral Exam. At the end of the Exams, one candidate received the Diploma, Mr. Amir Ardelan Farhadi (Ireland).

The Jury was composed of Profs. Jean-Marc Thouvenin (President), Hilary Charlesworth, Jean d'Aspremont and Freya Baetens.

The Written Exam in Private International Law was held on Tuesday, 13 August, from 2 p.m. to 7 p.m., on the following topic:

“Is the influence of human rights on private international law disruptive?”.

Six candidates from the Directed Studies sessions sat the Witten Exam. Two of them were admitted to the Oral Exam. At the end of the Exams, two candidates received the Diploma, Mr. Krzysztof Pacula (Poland) and Ms. Camille Marie Elise Pons (France).

The Jury was composed of Profs. Jean-Marc Thouvenin (President), Diego P. Fernández Arroyo, Laurence Usunier and Ms. Maja Groff.

2.1.2.3. Afternoon Lectures

The following lectures were held during the Public International Law session: Mr. Hubert Védrine, former Minister of Foreign Affairs of the Republic of France: *From Chaos to the International Community*; H.E. Peter Tomka, Judge at the International Court of Justice: *The World Court and International Justice: 1919-2029 and Beyond*; Mr. Alfred Soons, Professor emeritus of public international law, Utrecht University: *The Significance of the Rules of Reference in the Law of the Sea Convention*; Ms. Rose Cameron and Ms. Jessica Joly Hébert, Law Clerks at the International Court of Justice: *The work of the ICJ's Judges*; Mr. Philippe Lortie, First Secretary at the Permanent Bureau of the Hague Conference on Private International Law: *Lecture on the HCCH*; H.E. Mr. Péter Kovács (et alii), Professor of international law and Judge at the International Criminal Court: *Centre for Studies and Research Book Presentation: The Concept of Citizenship in International Law*; H.E. Mrs. María Teresa De Jesús Infante Caffi, Ambassador of Chile to the Netherlands and Professor at the University of Chile: *The Crime of Aggression in the ICC System*; Mr. Brooks Daly, Deputy Secretary-General and Principal Legal Counsel of the Permanent Court of Arbitration: *The Permanent Court of Arbitration*.

The following lectures were held during the Private International Law session: Mr. Brooks Daly, Deputy Secretary-General and Principal Legal Counsel of the Permanent Court of Arbitration: *The Permanent Court of Arbitration*; Mr. Thomas John, Attaché and Principal Legal Officer at the Permanent Bureau of the Hague Conference on Private International Law: *Lecture on the HCCH*; Mr. Pietro Franzina, Professor of international law at the University of Ferrara: *Worlds Apart? Jurisdiction in Public and Private International Law in Light of Naït-Liman and the Restatement Fourth of Foreign Relations Law*; Mr. Antoine Ollivier, Legal Officer at the Registry of the International Court of Justice: *Lecture on the ICJ*.

For the complete list of afternoon lectures given in summer 2019, see Annex 4.

6 | Professor Sandrine Clavel, *Special Course, 2019 Summer Courses on Private International Law*
7 | *Alumnae with Certificates of Attendance*





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2.1.2.4. Doctoral Networking Meetings and Tutoring

Doctoral students from a variety of countries working on the same or related topics have the opportunity to meet regularly during the sessions, under the guidance of a professor or practitioner specifically designated for this purpose. These doctoral meetings allow students to exchange ideas and perspectives, and to share different ways of approaching problems related to their research topics. These reciprocal exchanges may, of course, extend well beyond their stay at the Academy.

The meetings organized during the Public International Law session were led by Mr. Giulio Bartolini, Associate Professor at the University of Roma Tre. 33 doctoral students participated, subdivided in six groups covering the following themes: general questions of public international law, human rights; international criminal law; international economic law and international investment law; international environmental law and law of the sea; use of force. Dr. Walter Arevalo from the Universidad del Rosario in Colombia once again acted as tutor to the attendees of the Public International Law session.

The meetings during the Private International Law session took place under the direction of Ms. Alexia Pato, Research Associate in private international law at the University of Bonn, and were attended by 29 participants divided into 5 research topics: arbitration, contractual matters, dispute resolution, private international law and procedure, trade and human rights. Ms. Pato also fulfilled the role of tutor to the attendees during this session.

2.1.2.5. Embassy Programme

Many ambassadors once again responded favorably to the Academy's request to receive groups of attendees to explain the mission and role of an ambassador, in order to give them a better understanding of the realities of international life, by providing an essential complement to the legal aspects studied at the Academy. The ambassadors were kind enough to offer refreshments to the attendees on these occasions. In summer 2019, more than 700 students were received by 68 embassies.

8 | Reception offered by The Hague Municipality for attendees of the 2019 Summer Courses on Private International Law

KEY FIGURES SUMMER COURSES

Courses, Seminars, Lectures

75

hours of courses

36

hours of seminars

12

afternoon lectures

Embassy Programme

68

visits

Registered Attendees

658

attendees

362

Public International Law

296

Private International Law

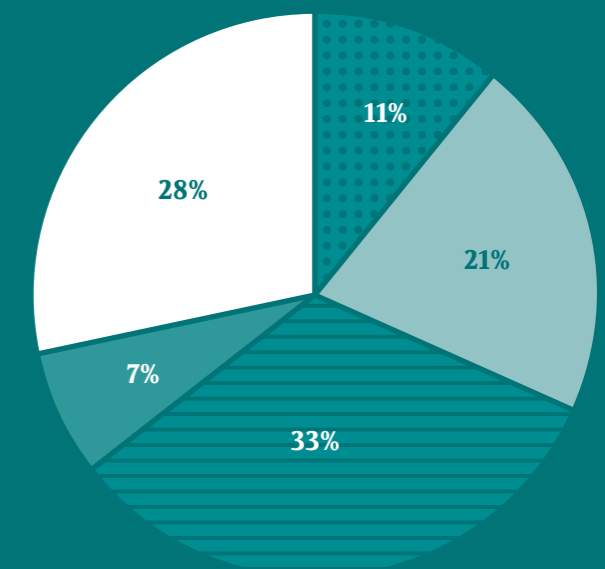
103

different countries

103

awarded scholarships

Geographical distribution of the attendees of the 2019 Summer Courses



2.1.3. Centre for Studies and Research

In 2019, the Centre for Studies and Research in International Law and International Relations dealt with the following topic: “Extraterritoriality”. As usual, the Centre was held directly after the Summer Courses, between 19 August and 6 September, under the direction of one English-speaking and one French-speaking Director of Research: Ms. Hannah Buxbaum (English-speaking section), Professor and *John E. Schiller Chair* at Indiana University Maurer School of Law, and Mr. Thibaut Fleury Graff (French-speaking section), Professor at the University of Rennes 1.

The Centre brought together 23 advanced researchers to each produce a research paper on a particular aspect of the overall theme. Only those articles whose level corresponds to the Academy’s scientific criteria will be published, in accordance with the individual assessments of the Directors of Research. Each article constitutes a chapter of the final publication. For participants whose contributions are accepted, the Centre provides an opportunity to enrich the list of their work by adding a publication in their name - this is particularly important for those who wish to pursue an academic career.

The participants in the Centre were not only able to carry out their work under the attentive and much appreciated guidance of the Directors, but also had access to some of the events of the 79th session of the Institute of International Law and the World Meeting of Societies for International Law, which were held respectively from 25 to 31 August and on 2 and 3 September 2019 on the premises of the Academy.

The rest of the programme consisted of collective meetings within the language groups, joint meetings between the language groups and individual discussions. In general, the majority of the time was devoted to the research work carried out at the Peace Palace Library.

2.1.4. External Programme

The External Programme is a regional programme that is usually held annually and, as far as possible, on a rotational basis in Africa, Asia, and Latin America, at the invitation of foreign governments. This intensive programme allows each participant to develop his or her knowledge of international law on aspects that are of particular interest to the region, but also to build a network with the attendees from the countries in the region. It is designed for approximately 20 nationals of the host State and 20 nationals from neighboring countries.

The 44th External Programme took place from 8 to 15 November 2019 in Morocco and was organized in close collaboration with the Faculty of Legal, Economic and Social Sciences - Souissi of Mohamed V University in Rabat. The courses were held in the premises of the Annex of the Presidency of the University on the topic of *International Law of the Sea*. The programme was held almost entirely in French.

The regional participants had been selected among applicants from the French-speaking countries of the region (Algeria, Benin, Côte d’Ivoire, Republic of Guinea, Lebanon, Mali, Senegal, Togo and Tunisia). They came from different ministries; foreign affairs, transport, agriculture and fisheries, the presidency of their governments, and universities. The local participants shared a similar professional background.

At the opening ceremony the Academy had the opportunity to make a link with its past activities in Morocco. Indeed, personalities who were present at the very first edition of the External Programme in Morocco in 1969 made themselves available once again, as did Professor Miloud Loukili, who had also been one of the local organizers of the 1985 External Programme in Rabat.

The programme of the traditional “get acquainted weekend” before the start of the courses, included a visit to the Académie du Royaume, at the invitation of Mr. Driss Dahak, member of the Académie and former Minister, two lectures given respectively by Professors Chaouki Serghini on Morocco’s foreign policy and Hynd Ayoubi Idrissi on Morocco’s conventional practice in the field of human rights, a visit to the main touristic sites of Rabat, and a visit to the Hassan II Mosque in Casablanca, followed by a walk through the streets of the old city centre.

The participants were invited almost every evening to dinners and receptions, hosted by the Academy, the Embassy of the Kingdom of the Netherlands, the Embassy of the Republic of France, the Council of the Region of Rabat-Salé-Kenitra, and Mohamed V University. Five Seminar-Courses were given throughout the programme: *Les zones maritimes et leur régime juridique* (Prof. Miloud Loukili); *Délimitation et délinéation* (Mr. Elie Jarmache); *Le recours à la contrainte en mer* Prof. Andrea Hamann); *L’exploitation et la protection de la mer* (Prof. Yacouba Cissé); *Le règlement des différends* (Prof. Tullio Treves).

The afternoons were filled with one-hour lectures given by Mr. Moura El Fadil, Central Director of Legal Studies and Research at the General Secretariat of the Government, on *La délimitation des zones maritimes marocaines, entre constance et évolution*; Ambassador Rena Lee (Singapore), President of the Conference on Marine Biodiversity and member of the International Seabed Authority, who presented the work of the said Conference (*BBNJ: The Path to a New Treaty*) and H.E. Mr. Gilbert Guillaume, former Judge and President of the International Court of Justice, who gave a presentation on *Iles, rochers et hauts-fonds découvrant en droit de la mer*.

The programme was concluded with a round table discussion bringing together all of the week’s professors for a Q&A session under the chairmanship of H.E. Mr. Gilbert Guillaume, followed by the awarding of certificates to the participants and an exchange of gifts between the Academy and the organizing committee of Mohamed V University.

For the complete list of courses and lectures, see Annex 5.



9 | Professors and researchers of the 2019 Centre for Studies and Research

10 | Participants of the 2019 External Programme in Morocco



11

2.2. Special Programmes and Programmes on Demand

2.2.1. Special Course on the Judicial Settlement of International Disputes

This Special Course, developed in part with the Registry of the International Court of Justice, brought together approximately 100 diplomats working at embassies in The Hague and Brussels. The course was offered free of charge by the Academy and was well attended and equally appreciated by its participants. The success of the event was due in particular to the quality of the speakers, who are all leading practitioners. It attests to a real demand from diplomats to learn more about the judicial settlement of international disputes.

The programme was structured around three themes: the International Court of Justice; the Permanent Court of Arbitration; and the major contributions of these two courts. Two lunches were offered, as well as cocktails.

The lectures of the course are outlined in Annex 6.

2.2.2. Programme on Demand on International Law Regarding Migrant Smuggling and Human Trafficking

The Migrant Smuggling and Human Trafficking Programme was conducted from 16 to 27 September for distinguished judges from Thailand. Organized at the request of Thailand for the benefit of 35 Thai judges, mostly from the Supreme Court, the programme was run with the very effective assistance of the United Nations Office on Drugs and Crime (UNODC) and the International Labour Organization (ILO), with the participation of Dutch judges and prosecutors.

The opening lecture by Prof. Jean-Marc Thouvenin was followed by a presentation by Ms. Zoi Sakellidou of the UNODC. Throughout the programme, the lectures and case studies, which were of a high level and given by specialists in the field, were accompanied by Power Point presentations, which the Academy had translated into Thai thanks to the assistance of a Thai alumna. The lectures were given in English, with consecutive translation. For this programme, the Academy organized everything from beginning to end, from picking up the participants at the airport and accompanying them back for their return flights, to organizing daily lunches, two dinners, visits of the Peace Palace, Eurojust and the International Criminal Court, as well as social and touristic activities on Saturday and Sunday.

The programme was a success beyond the 15 days spent at the Academy, as the UNODC subsequently concluded an agreement with Thailand pursuant to which key UNODC documentation will be translated into Thai.

The lectures of the programme are outlined in Annex 7.

2.2.3. Programme on Demand for Californian Judges

The Academy was pleased to welcome a delegation of 40 Californian judges to attend two lectures organized by the Academy and the Hague Conference on Private International Law (HCCH). As the dates of the two programmes coincided, a friendly meeting between the above-mentioned Thai judges and the Californian judges was organized in the presence of H.E. the Ambassador of Thailand.

The lectures of the programme are listed in Annex 8.

2.3. Events

2.3.1. Event on Recent Developments in the Law of the Sea

On May 22nd, 2019, the Academy and The Hague Diplomatic Office of Singapore jointly organized an event on the theme *Recent Developments in the Law of the Sea*.

Welcoming addresses were delivered by H.E. Mr. Jaya Ratnam, Ambassador of Singapore, and Prof. Jean-Marc Thouvenin, Secretary-General of the Academy. After the introduction, the two speakers, Prof. Tullio Treves and former Judge at the International Court of Justice, H.E. Mr. Raymond Ranjeva took the floor. Prof. Treves presented his observations on *The Law of the Sea and the Role of the Judge*, while Mr. Ranjeva expressed his views on *International Law of the Sea and Globalization*.

A Q&A session with the guests, followed by closing remarks by H.E. Mrs. Rena Lee, Minister-Counsellor at The Hague Diplomatic Office of Singapore and concurrently Singapore's Ambassador for Oceans and Law of the Sea Issues, concluded the discussion. All attendees to the event were afterwards invited to a reception generously hosted by The Hague Diplomatic Office of Singapore.

11 | *Special Course on the Judicial Settlement of International Disputes in the Great Hall of Justice*



12

12 | *Attendees of the Programme on Demand on International Law Regarding Migrant Smuggling and Human Trafficking*

13 | *Former Judge of the ICJ H.E. Mr. Raymond Ranjeva, Prof. Tullio Treves and Prof. Jean-Marc Thouvenin*



13



14

Profs. Georges Abi-Saab, Hannah Buxbaum, Maurice Kamto (*in absentia*), Martti Koskenniemi and Dame Rosalyn Higgins. The discussion was moderated by Profs. Marcelo Kohen and Nico Schrijver and was very well attended. During the discussion, several prominent personalities present in the audience shared their views with the speakers.



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2.3.2. 79th Session of the Institute of International Law

The Institute of International Law held its 79th session from 25 to 31 August 2019 in The Hague, at the Peace Palace in the premises of The Hague Academy of International Law. During the opening ceremony, in the presence of HRH Princess Beatrix of the Netherlands, speeches were delivered by Prof. Nico Schrijver, President of the Institute of International Law and member of the Curatorium of the Academy, H.E. Judge Abdulqawi Yusuf, President of the International Court of Justice, Mrs. Sigrid Kaag, Minister of Foreign Trade and Development Cooperation of the Kingdom of the Netherlands, Prof. Yves Daudet, President of the Curatorium, Mrs. Saskia Bruines, Deputy Mayor of The Hague, and Prof. Marcelo Kohen, Secretary-General of the Institute of International Law.

The speech given by Prof. Daudet during the opening ceremony, in which he highlighted the ties linking the Institute of International Law and the Academy, is reproduced in the Foreword of this report.

During the session, the Institute of International Law and the Academy held a round table on 27 August, entitled *World Politics: International Law First?* The speakers were

2.3.3. Second World Meeting of Societies for International Law

The Second World Meeting of Societies for International Law, organized by the French Society for International Law (SFDI), under the auspices of the Academy and in cooperation with the Global Network of Societies for International Law (GNSIL), was held on September 2nd and 3rd on the premises of the Academy. The meeting's overarching theme was *Current Challenges to International Law: The Role of Societies of International Law*, building upon the first debates that the sister societies already had in Strasbourg (France) in 2015, and also focusing on the possible ways to develop coordinated activities between societies. Over 300 participants attended the event, which was held in English and French. For some of the sessions French-to-English interpretation was made available.

The meeting was opened on September 2nd by Prof. Alain Pellet, President of the SFDI, Prof. Yves Daudet, President of the Curatorium of the Academy and H.E. Judge Abdulqawi Yusuf, President of the International Court of Justice. Immediately after, Mr. Miguel de Serpa Soares, United Nations Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, held an opening speech during the first plenary round table, which dealt with the question *New Crisis of International Law or Threat of Collapse of the International Legal Order?*



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The Academy organized a panel discussion on September 3rd on the topic of *Teaching and Studying International Law*. The panel was chaired by Prof. Tullio Treves, member of the Curatorium and the appointed Rapporteur for the panel was Prof. Geneviève Bastid-Burdeau, Second Vice-President of the SFDI and former Secretary-General of the Academy. The panelists were Profs. Mónica Pinto, Honorary Dean, Buenos Aires University, Hannah Buxbaum, member of the Curatorium, Thibaut Fleury Graff, Director of Research of the 2019 Centre for Studies and Research (together with Hannah Buxbaum), Bing Bing Jia, member of the Curatorium, and Laurence Boisson de Chazournes from the University of Geneva.

H.E. Mrs. María Fernanda Espinosa Garces, President of the 73rd Session of the United Nations General Assembly, rounded off the Second World Meeting with a powerful speech before a final statement was adopted to close the meeting.

2.3.4. Seminar in Honor of Dr. Bernard Bot

A seminar in honor of the President of the Carnegie Foundation Peace Palace and of the Administrative Board of The Hague Academy of International Law, Dr. Bernard Bot, was held on April 11th to mark the end of his twelve-year mandate on March 1st. The theme of the seminar was *The Peace Palace; Politics and Implications Related to the Peaceful Settlement of Disputes through International Law*. The event was held in the Great Hall of Justice of the Palace and speeches were given in English and French with simultaneous interpretation.

The event was opened and moderated by Mrs. Nora Stehouwer-van Iersel, former Ambassador of the Kingdom of the Netherlands. Mr. Erik de Baedts, Director of the Carnegie Foundation and Treasurer of the Academy, held an opening address on *Peace Through Law in Practice: the Work of People*, followed by a speech by Mrs. Pauline Krikke, Mayor of the Municipality of The Hague, on *Contributions to Peace from the International City of Peace and Justice*. H.E. Mr. Hugo Siblesz, Secretary-General of the Permanent Court of Arbitration, then took the floor to speak about *The Role of Arbitration in International Relations*, followed by

H.E. Mr. Philippe Couvreur, Registrar of the International Court of Justice, whose presentation was entitled *A Tribute to President Bot, Loyal Friend and Dedicated Partner of the International Court of Justice*.

Prof. Yves Daudet, President of the Curatorium of the Academy, subsequently addressed the audience to highlight the important contributions of Dr. Bot to the proper functioning of the Academy throughout the period of his mandate. His presentation, *Bernard Bot, A Jurist Diplomat at the Academy*, focused on the decisive help and support Dr. Bot provided as President of the Administrative Council to enable the work of the Curatorium and to the prominent place that he thus took to further the mission of the Academy of promoting and disseminating international law.



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14 | The entire group of members of the Institute of International Law
15 | Round table on 27 August 2019, entitled *World Politics:*

International Law First?; photography by Annebeth Rosenboom

16 | Session of the Second World Meeting of Societies for International Law

17 | Mr. Piet Hein Donner, Dr. Bernard Bot and Mr. Urban Larsson in front of the portrait of Dr. Bot, painted by Mr. Larsson

Concluding remarks were made by Mr. Piet Hein Donner, Dr. Bot's successor as President of the Carnegie Foundation and of the Administrative Board of the Academy, as well as by Dr. Bot himself. The entire event was interspersed with musical intermezzo's and concluded with a reception in the Entrance Hall of the Peace Palace and a dinner for a reserved group of family members and persons who closely worked with Dr. Bot.

Last but not least, on June 26th, the official unveiling of a painting of Dr. Bot by Mr. Urban Larsson took place in the Palace in the presence of Mr. Donner, Mr. de Baedts and the personnel of both the Carnegie Foundation and the Academy. The unveiling was in keeping with the tradition whereby a portrait of an outgoing President is added to the ones of his successors in a dedicated room in the Palace.

2.3.5. Side Event at the United Nations in New York

The Academy organized its third Side Event during International Law Week in conjunction with the 74th session of the United Nations General Assembly.

The topic chosen was *The Topicality of the Fundamental Principles concerning the Peaceful Settlement of International Disputes, as Set Out in the Manila Declaration of 1982*. The panel, moderated by the Secretary-General of the Academy, consisted of the President of the International Court of Justice, H.E. Abdulqawi Yusuf, and H.E. Antônio Cançado Trindade, Judge at the International Court of Justice.

The event was sponsored by the delegations of Andorra, Brazil, Chile, France, Germany, Gabon and Ukraine. The delegation of Chile handled most of the logistics with great efficiency. The delegation of Gabon showed great loyalty by sponsoring this event for the second consecutive year. Germany and France expressed their appreciation for the work of the Academy through their support, and Andorra readily sponsored the simultaneous translation of the discussions. The delegation of Brazil wished to mark the importance it attaches to the Academy by its presence.

The session was held on the morning of November 1st, 2019. The Secretary-General first of all warmly thanked the President of the Court for agreeing to devote the only available time in his schedule to the Academy. He equally warmly thanked Judge Cançado Trindade for his availability.

Following a brief introduction, the Secretary-General invited the sponsoring delegations to take the floor, which they did, in alphabetical order. The representatives of Chile, France, Gabon and Ukraine expressed their full support for the activities of the Academy, and in particular for the Side Event, and their interest in the topic chosen for it. The representative of the French delegation underlined the importance of the Academy's teaching activities, making a link with the work of the International Law Commission, which, in order to be properly understood and analyzed, requires a high level of training in international law, which the Academy, in particular, offers. The representative of Brazil spoke at the end of the session, stressing that she is an alumna of the Academy, as are many Brazilian jurists and diplomats.

President Yusuf provided a critical and up-to-date analysis of the topicality of the Manila Declaration. Judge Cançado Trindade, for his part, gave a brilliant and concise overview of the evolution of international justice, highlighting the ever-increasing consideration for the human dimension in international law. Despite the early hour, a large number of delegation members and United Nations officials attended this event.

18 | The panel of the Side Event during the 74th session of the United Nations General Assembly



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2.4. Visits

The Secretary-General and the Deputy Secretary-General for Administrative Affairs regularly welcome newly appointed ambassadors to The Hague and Brussels at the Academy, as well as governmental delegations from around the world and officials of international and regional organizations, courts and tribunals. Groups of students and professionals from a variety of academic institutions also frequently contact the Academy to schedule a presentation of its activities.

In 2019 the following personalities and delegations from abroad visited the Academy:

- January 30th: Mr. Chia-Jui Cheng, Secretary-General of the Curatorium, Xiamen Academy of International Law, China
- February 18th: European University Cyprus Law School
- March 7th: Mr. Julio Duarte van Humbeck, Legal Counsel on Public International Law of the Ministry of Foreign Affairs of Paraguay
- March 14th: Universidad de la Sabana, Colombia
- April 3rd: Università degli Studi di Genova, Italy
- April 16th: H.E. Ms. Teresa Yeuk Wah Cheng, Hong Kong Secretary for Justice, China
- April 29th: Mongolian Bar Association
- June 25th: Brazilian Association of Federal Judges

- June 25th: SoongSil University, Department of Global Law, Korea
- June 29th: 10-year reunion visit of a group of alumni of the 2009 Summer Courses
- July 1st: H.E. Minister Martínez Simón, Judge of the Supreme Court of Justice of Paraguay and Mr. Julio Duarte van Humbeck, Legal Counsel on Public International Law of the Ministry of Foreign Affairs of Paraguay
- September 13th: H.E. Ms. Martha Delgado Peralta, Vice Minister for Multilateral Affairs and Human Rights of Mexico and H.E. Ambassador José Antonio Zabalgoitia
- October 8th: Visit of a group of German professionals in the context of a continuing education event ("Weiterbildungsveranstaltung")
- October 25th: Stichting Libertas International, accompanying a group of young leaders from Africa
- November 1st: Universidad Mondragon Mexico Faculty of Law
- November 6th: Kuwait University Faculty of Law
- November 20th: Mr. Douangmany Gnotsyoudom, Director General, Department of Treaties and Law, Mr. Anousone Douangxayalath, Deputy Director of Division, and Mrs. Phoumanininh Vilaysouk, Office of the National Boundary Committee, Ministry of Foreign Affairs of Laos

19 | 10-year reunion visit of 2009 Summer Courses alumni, photographed by Luciana Sposito

3. Publications

In 2019 the Academy published the books mentioned below. These publications are distributed by Brill Publishers (<http://www.brill.com>).

3.1. The *Collected Courses* and the *Pocketbooks Series*

The following volumes of *Collected Courses* were published in 2019:

Volume 394

Gilles Cuniberti, *Le fondement de l'effet des jugements étrangers* (Special Course)



How to justify giving effect to judgments rendered by foreign courts? The question is an old one in the common law world. Both England and the United States have developed original theories that provide a legal ground for the reception of foreign judgments and elements of the regime for such reception. By contrast, in the continental legal tradition the question of the legal ground for the effect of foreign judgments has hardly been explored. It should, however, be essential, making it possible either to explain the solutions adopted by positive law or to rationalize them. This course presents and criticizes the various theories and legal grounds existing in comparative law. Some of them put forward the private interests of the litigants, such as the right to enforcement of judgments promoted by the European Court of Human Rights. Others favor the interests of States, be they purely economic or more political. Finally, the course examines the legal grounds for the circulation of judgments in federal systems, with particular emphasis on the principle of mutual trust prevailing in the European Union.

Alexey A. Kostin, *International Commercial Arbitration, with Special Focus on Russia* (Special Course)



The course deals with core features and trends of international commercial arbitration (ICA) in the global and regional dimensions. It covers in a nutshell the modern concept of ICA, its prerequisites in the form of an arbitration agreement or international treaties, the arbitrability, the arbitration procedure, the annulment and the enforcement of arbitral awards. Of particular interest are the author's "first impression" analyses of the recent arbitration reform in Russia. They show that Russia systematically relies on the UNCITRAL Model Law and explain why it has chosen a monist or dualist system of legislative regulation in the field of arbitration. The course is based on a comparative method, which takes into account relevant international treaties, national legislation, soft law, institutional rules and case law.



Volume 395

Francesco Salerno, *The Identity and Continuity of Personal Status in Contemporary Private International Law (Special Course)*



The course is concerned with the personal statuses of individuals and their regulation in cross-border situations. Human rights considerations, the substantive policies of States and the increasing weight accorded to self-determination are crucial to understanding the way in which contemporary private international law deals with matters related to status. The fundamental principles of the forum State, particularly those resulting from its Constitution and its international obligations, shape the approach of that State to personal statuses created abroad or in accordance with foreign rules. The purpose of those principles is two-fold. On the one hand, they set a minimum threshold for the acceptance of foreign personal statuses, and thus work as an obstacle to the recognition of statuses that fall short of meeting the relevant local standards. On the other hand, where recognition is a means of promoting the fundamental values of the forum State, the principles in question facilitate the recognition of foreign statuses, and may in fact ensure that a status can be relied upon in the forum in situations where the ordinary rules of private international law would provide otherwise.

Christine M. Chinkin, *United Nations Accountability for Violations of International Human Rights Law (Special Course)*



The course examines UN accountability for human rights violations, drawing on my experience as a member of the Human Rights Advisory Panel (HRAP) that advised UNMIK on its compliance with international human rights standards. It outlines the contexts in which alleged human rights violations attributable to the UN arise, with examples taken especially from the HRAP case law; the concepts of responsibility and accountability of international organisations; the obstacles facing an individual seeking redress against the UN in national courts;

and mechanisms adopted by the UN for determining accountability, including the HRAP. UNMIK's failure to respond to the HRAP's recommendations for redress leads to consideration of what a future UN accountability mechanism might look like. The central proposition is that when the UN exercises power and control over individuals, it should be subject to the same human rights constraints in the exercise of those powers as States and be held accountable when it falls short.

Volume 396

Edith Brown Weiss, *Establishing Norms in a Kaleidoscopic World (General Course)*



We live in a kaleidoscopic world in the new Anthropocene Epoch. This calls for a more inclusive public international law that accepts diverse actors in addition to States and other sources of law, including individualized voluntary commitments. Norms are critical to the stability and legitimacy of this international system. They underlie responses to rapid change, to new technological developments and to problems of protecting commons, promoting public goods, and providing social and economic justice. Certain fundamental norms can be identified; others are emerging. The norm of mutual accountability underpins the implementation of other norms. Norms are especially relevant to frontier do-it-yourself technologies, such as synthetic biology, digital currencies, cyber activity, and climate interventions, as addressed in the book. Reconceiving public international law lessens the sharp divide between public and private law and between domestic and international law.

Jean-Michel Jacquet, *Droit international privé et arbitrage commercial international (Inaugural Lecture)*



Professor Jacquet's lecture on Private International Law and International Commercial Arbitration, published in written form in Volume 396, will soon also be available in video form on the Academy's new website.

Volume 397

Louis d'Avout, *L'entreprise et les conflits internationaux de lois (Special Course)*



An agent of globalization at the heart of critical thinking, the enterprise is also a legal phenomenon. As such, it has a complex relationship with the rights of States and secretes a power that is claimed to challenge the authority of laws. This course examines the way in which the enterprise is subject to various national laws. It reviews the various rules and methodologies for the connection of situations or the applicability of laws in contemporary business law. Based on certain contemporary developments (sector-based administrative regulation, liability regimes of vigilance-compliance), the course also seeks to explain how the enterprise internalizes the accumulation of legal regimes of various origins and learns how to manage their frictions or contradictions, even outside of litigation. The result is a new understanding of the link between enterprises and States and the urgency of renewed cooperation between public authorities for a coherent global discipline of private economic powers.

Volume 398

Tullio Treves, *The Expansion of International Law (General Course)*



Contemporary international law has developed through a continuing process of expansion particularly evident since 1945. The process encompasses the extension of the scope of international law to hitherto unregulated or only summarily regulated areas, the emergence of new actors, of new forms of State practice, of new rules of customary law, of new treaty law as well as of new rules on the law of treaties, of soft law rules and the impact of the codification process. The law expands vertically through the relevance of new values and in substance through the action of international courts and tribunals. This process encounters opposition, but international law is resilient and resists to difficulties.

Volume 399

Hannah L. Buxbaum, *Public Regulation and Private Enforcement in a Global Economy: Strategies for Managing Conflict (Special Course)*



The global regulatory environment has become increasingly dense. It features multiple forms of regulation, including multilateral treaties, administrative rulemaking, self-regulation, and private enforcement in domestic courts. Regulatory institutions operate on national, regional, and international scales—and in an increasing range of substantive fields. Unsurprisingly, this environment engenders frequent conflict among regulatory regimes. These conflicts involve more than just collisions of substantive legal norms. They also involve concerns about the “who” and “how” of regulation. The entity seeking to enforce a particular norm might be a public agency or a private litigant; a particular proceeding might unfold within an international treaty framework or outside it. Such factors affect the degree of resulting conflict quite significantly. Understanding that conflict, and assessing the efficacy of the tools used to resolve it, therefore requires an analysis that accounts for those factors.

The objective of these lectures is to develop a framework for examining conflicts in cross-border economic regulation, and to use it in assessing various regulatory mechanisms. The analysis employs a trans-substantive approach, providing examples from diverse areas including competition regulation, securities regulation, and data privacy. However, instead of organizing the discussion by subject matter, it classifies different categories of conflict — substantive, procedural, and political — and examines each in turn. This approach permits a nuanced analysis of cross-border regulation as it is practiced by different institutions. In particular, it uncovers the layering of different forms of conflict that makes particular modes of regulation especially problematic.

The analysis draws most heavily on the experience in the United States, which permits a special focus

on one specific question of regulatory design: the role of private enforcement in transnational regulation. Historically, the United States has been an outlier in its reliance on private civil litigation as a regulatory instrument. Today, though, many other legal systems are engaged in procedural reform intended to support more robust private enforcement. That development has the potential to increase significantly the resources devoted to economic regulation. However, it also risks exacerbating conflict in cross-border cases. Accordingly, one goal of the following analysis is to use the analytical framework developed here to consider possibilities for integrating private enforcement most effectively into the transnational regulatory environment.



Atsuko Kanehara, Reassessment of the Acts of the State in the Law of State Responsibility (Special Course)

This course intends to build an integrative theoretical framework of the law of State responsibility regarding the internationally harmful acts of non-State actors. The framework to be built contains not only the attribution theory but also the due diligence theory, and the concept of complicity. The approach is totally different from that in the works on each relevant theory or concept. The critical point is to provide a theoretical tool for the alternative or seamless applications of these theories and the concept to acts of non-State actors. When the attribution is not recognized regarding a harmful act of a non-State actor, by avoiding as much as possible any gaps of entailing State responsibility, the due diligence theory or the concept of complicity need to provide the ground for State responsibility for the harmful act. To realize the alternative or seamless applications, the requirement for attribution, the subject of the due diligence obligation, and the significance of complicity, and others are re-examined.

Volume 400

Lotfi Chedly, L'efficacité de l'arbitrage commercial international (Special Course)



On the basis of a study of comparative law, international texts governing the matter and arbitral jurisprudence, this course demonstrates the existence of a general principle of efficiency in international commercial arbitration, which transcends the multiplicity of legal orders concerned by arbitration (the arbitral order, State orders, seat of arbitration and execution of the award and the international legal order), and this despite the diversity of solutions and the search for a balance between the need for efficiency and other fundamental imperatives, such as State sovereignty or the protection of weak parties. This principle of efficiency permeates the various rules of law applicable to this private justice system, from the conclusion of the arbitration agreement, through the constitution of the arbitral tribunal and the conduct of the arbitral proceedings, to the enforcement of the award obtained and the means for review. This principle of efficiency is both a method of producing standards, but also of finalized interpretation of existing standards. It is the driving force behind the contemporary evolution of international commercial arbitration law, and its dynamo allows the author to propose an interesting and ambitious reading of positive law.

Volume 401

Diane P. Wood, Extraterritorial Enforcement of Regulatory Laws (Special Course)



This course explores the ways in which regulatory laws of one country can be enforced against either persons (natural or legal) or events taking place in another country. After a look at the history of extraterritorial regulation, it examines the spread of extraterritoriality around the globe. It then offers a detailed look at specific examples of extraterritorial application of regulatory laws — first the three primary areas in which this has occurred (competition law, securities regulation, and export controls), and then the Arab Boycott of Israel and

the global intellectual property regime. Finally, the course addresses multinational frauds, privacy rules, and misuse of the Internet. It concludes with suggested ways in which extraterritorial applications of regulatory laws can be made more effective.

Yuko Nishitani, Identité culturelle en droit international privé de la famille (Special Course)



In the era of globalization, the belonging of persons to States, communities, families and other groups is gradually being relativised and redefined. This phenomenon poses the challenge of accommodating divergent legal, religious and customary norms within multicultural and multiethnic societies. Against this background, this course examines different issues in private international family law from the perspective of the cultural identity of individuals. This study explores appropriate methods for determining personal law and dealing with the interaction between State law and non-State norms in order to respect the latter. It further analyzes the functioning of public policy and fundamental rights and considers alternative methods for administrative and judicial cooperation between States. A perspective of future developments concludes this course.

Volume 402

Patrick Kinsch, Le rôle du politique en droit international privé (General Course)



In a traditional (and idealized) view of private international law, its rules are clearly separated from political considerations: they are essentially based on considerations of proximity and of foreseeability of the applicable law and of the competent courts. However, this conception has never corresponded perfectly to reality. Political considerations, as opposed to technical considerations, have their importance in private international law, in a dual form: the defence of public (or political) interests in a narrow sense, but also the definition by the legislatures and by the courts of policies

which directly influence the solutions adopted by the rules of private international law. This is what the course tries to show, through explanations of the political implications of the major methodological choices of private international law; of the reflection in private international law of major political choices within a democratic or non-democratic society; and of the externalities such as foreign public law, the federal or supranational integration of States and, finally, the external relations of the forum State with third States.

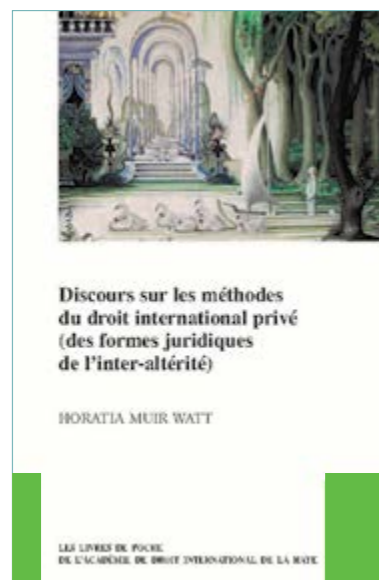
Felix Dasser, "Soft Law" in International Commercial Arbitration (Special Course)



"Soft law" is a current buzzword and considered a panacea for all kinds of issues that arise in international commercial arbitration. Very little research has, however, been done on the dogmatic underpinnings of the concept and its actual legal relevance. This course follows the development of "soft law" from its controversial origins in public international law, where it denotes legally non-binding agreements between States, to commercial arbitration, where it is used as a label for various, very different instruments and phenomena that enjoy particular recognition, covering both procedural aspects and the applicable law on the merits: model laws, arbitration rules, guidelines, the UNIDROIT Principles, the lex mercatoria, and others. Deep dives into three particularly well known sets of guidelines by the International Bar Association allow to highlight the pros and cons of "soft law" instruments and to scrutinize claims of certain normativity. Empirical analysis suggests that "soft law" instruments are often less well recognized in practice than is generally assumed. A synthesis explains what such instruments may or may not achieve and what minimum requirements they have to fulfill in order at least to aspire to some legitimacy. In essence, "soft law" instruments can be useful, even very useful tools, but contrary to a widely held belief they do not carry any normativity.

The following Pocketbooks were published in 2019:

- Horatia Muir Watt, Discours sur les méthodes du droit international privé (des formes juridiques de l'inter-altérité) ; (General Course)
- Gilles Cuniberti, Le fondement de l'effet des jugements étrangers (Special Course)
- Louis d'Avout, L'entreprise et les conflits internationaux de lois (Special Course)



3.2. The Centre for Studies and Research

The following volume of the work of the Centre was officially launched in 2019:

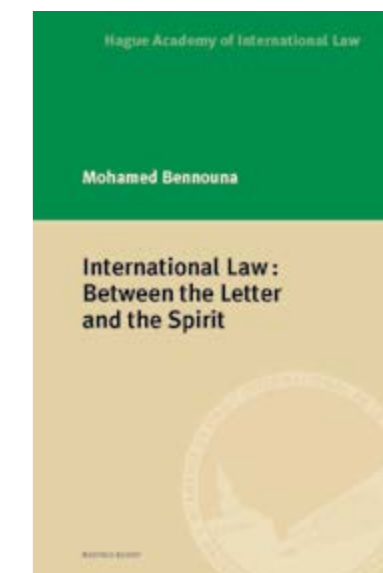
- The Access of Individuals to International Justice, edited by Maurice Kamto and Yogesh Tyagi



3.3. Special Editions

The following book was published in 2019:

- Mohamed Bennouna, International Law: Between the Letter and the Spirit (General Course, English translation)





4. Organization of the Academy

4.1. Curatorium

The Curatorium is responsible for the scientific management of the Academy. It determines the policy and activities of the Academy, draws up the annual programme, selects the lecturers from among the most competent members of universities and leading practitioners of international law. The members of the Curatorium generally meet twice a year.

To carry out its mission, the Curatorium itself is composed of renowned legal experts from various regions of the world, thus ensuring a fair geographical distribution of its members. In 2019, the Curatorium consisted of the following eighteen members:

Prof. Yves Daudet, President (France), Dr. Beat W. Hess, Vice-President (Switzerland), Judge Mohamed Bennouna (Morocco), Prof. (Ms.) Katharina Boele-Woelki (Germany), Prof. (Ms.) Hannah Buxbaum (United States), Judge Antônio A. Cançado Trindade (Brazil), Prof. (Ms.) Hilary Charlesworth (Australia), Prof. Diego P. Fernández Arroyo (Argentina), Prof. (Ms.) Giuditta Cordero-Moss (Norway), Prof. Bing Bing Jia (China), Prof. Maurice Kamto

(Cameroon), Prof. Djamchid Momtaz (Iran), Prof. (Ms.) Yuko Nishitani (Japan), former Judge Raymond Ranjeva (Madagascar), Prof. Nico J. Schrijver (Netherlands), Judge Linos-Alexander Sicilianos (Greece), Judge Peter Tomka (Slovakia), Prof. Tullio Treves (Italy).

To facilitate its work, the Curatorium has set up committees, whose members examine a multitude of subjects and draw up proposals, on which the Curatorium decides in plenary meetings. At present, the committees are: the Programmes Committee, the Publications Committee and the Committee on Modernization and Reforms.



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20 | *The members of the Curatorium, the President of the Administrative Board, the Secretary-General, his Deputy, and the Treasurer of the Academy.*

4.2. Secretary-General and Deputy Secretary-General for Administrative Affairs

The Secretary-General of the Academy, who is always a professor of international law, is responsible for academic and scientific research matters and represents the Curatorium on all these aspects vis-à-vis other institutions. His task is to implement the decisions taken by the Curatorium and he may also make proposals to it. The Secretary-General is appointed by the Curatorium.

The position of Secretary-General is currently held by Mr. Jean-Marc Thouvenin, Professor at the University of Paris Nanterre. He is assisted by the Deputy Secretary-General for Administrative Affairs, Ms. Monique Legerman, who is also Head of the Academy's Secretariat.



4.3. Administrative Board

The Administrative Board is responsible for the practical and financial management of the Academy. It is traditionally composed of Dutch nationals.

Mr. Piet Hein Donner was appointed President of the Administrative Board of The Hague Academy of International Law and President of the Carnegie Foundation by its Administrative Board and the Minister of Foreign Affairs of the Netherlands. HRH King Willem-Alexander of the Netherlands accepted this appointment. Mr. Donner succeeds Mr. Bernard Bot, who served in both capacities for twelve years and whose term of office ended on March 1st 2019.

Mr. Donner is Honorary Minister of State of the Netherlands and was Vice-President of the Council of State until November 2018. Prior to that, he was Minister of Justice, Minister of the Interior and Kingdom Relations, Minister of Social Affairs and Employment and a member of Parliament.

In addition, the Board consisted of six other members in 2019: Baron Diederik C. van Wassenauer (Treasurer), Dr. Elisabeth M. Wesseling-van Gent, Mr. Wiet (L.W.L.) de Bruijn, Dr. Marinke Steenhuis, Mr. Joost van Lanschot and Mr. Boudewijn J. van Eenennaam.

4.4. Treasurer and Financial Management

The Administrative Board appoints the Treasurer of the Academy. This position is currently held by Mr. Erik de Baedts, Director of the Carnegie Foundation in the Netherlands. The Treasurer is responsible for the Academy's finances and the human resources management of the Secretariat. He implements the decisions of the Board as well as the decisions of the Curatorium when these have financial implications. The Treasurer is assisted by Mrs. Andrea Möller-Kramer, Head of the Finance Department of the Academy.

4.5. Secretariat

Under the authority of the Deputy Secretary-General for Administrative Affairs, the Secretariat is entrusted with the day-to-day administration of the Academy and the practical organization of its activities. In 2019, it was composed of the following members: Ms. Anna Vasilyeva, General Affairs Coordinator, Ms. Sabriena van Rijn, General Affairs Officer, Ms. Marina Voronenko, General Affairs Officer, Ms. Daphne Tengbergen, Registration and General Affairs Officer and Ms. Vanina Guénier, Registration and General Affairs Officer.

4.6. Publications Manager

The majority of the Academy's scientific activities are published in a number of specific publications. The most famous is the *Collected Courses* series, which comprises all the Summer and Winter Courses given at the Academy since 1923. In addition to the printed version, the complete collection also exists in electronic form.

Since 2008, selected courses published in the *Collected Courses* series are also published in pocketbook edition and as e-books.

In order to streamline the production of its publications, the Academy has appointed Publications Manager. This position is currently held by Ms. Simone Cartier. The distribution and marketing of the publications is handled by Brill Publishers.



21 | Ms. Monique Legerman and Prof. Jean-Marc Thouvenin

22 | Secretariat staff, 2019 winter assistants and Dr. Walter Arevalo



5. Finances

5.1. 2019 Financial Overview

The Academy's income is primarily derived from the registration fees of the participants in its various programmes. In addition to these fees, the revenues from the sale of its publications, in particular from the *Collected Courses* series, constitute an important contribution supporting the activities of the Academy.

Donations from States, institutions, foundations and private persons have always been of crucial importance to the Academy.

The General Assembly of the United Nations regularly draws the attention of Member States and interested organizations to the contribution that the Academy makes to the teaching, study, dissemination and wider appreciation of international law, and recommends that they subsidize the programmes of the Academy. The most recent General Assembly Resolution to this effect is A/RES/74/185 of 18 December 2019, paragraphs 23 and 24 of which specifically mention the Academy.

The Academy received voluntary contributions from 18 countries in 2019. These contributions were greatly appreciated.



5.2. Country Contributions

In 2019, the Academy's activities received generous support from the following States:

- Andorra
- Belgium – Federation Wallonia-Brussels
- Chile
- China
- Cyprus
- Denmark
- Germany
- Italy
- Japan
- Jordan
- Kuwait
- Mexico
- Panama
- Peru
- Poland
- Singapore
- Sweden
- Thailand

5.3. Scholarship Sponsors

The donors listed below have generously allocated scholarships to the Academy to enable selected recipients to attend the 2019 Winter and Summer Courses.

States:

- Andorra: **2** scholarships
- Austria: **1** scholarship
- Belgium - Wallonia-Brussels International: **3** scholarships
- France: **12** scholarships
- Israel - scholarships in memory of Prof. S. Rosenne: **5** scholarships
- Jordan: **4** scholarships
- Switzerland - Emer de Vattel Scholarships: **12** scholarships
- Thailand: **6** scholarships

Institutions:

- City of The Hague (Netherlands): **9** scholarships
- École doctorale de droit international de l'Université Paris 1 (France): **2** scholarships
- French Society for International Law - SFDI (France): **2** scholarships
- Lutfia Rabbani Foundation - scholarships for international law in memory of Mr. P. Vreede (Netherlands): **3** scholarships
- Organisation intergouvernementale de la Francophonie - OIF (France): **3** scholarships
- The Rotary Clubs of The Hague (Netherlands): **1** scholarship
- Shell (Netherlands): **6** scholarships
- Stichting ter bevordering van internationaal privaatrechtelijk onderzoek - STIP (Netherlands): **15** scholarships
- The Hague Academy of International Law (Netherlands): **96** scholarships

Personalities:

- G. Bastid-Burdeau (France) - scholarship in memory of Prof. J. Basdevant: **1** scholarship
- B. and C. Bot (Netherlands): **1** scholarship
- C.N. Brower (United States): **1** scholarship
- Dame R. Higgins (United Kingdom): **1** scholarship
- P. J. Kuijper (Netherlands) - scholarships in memory of Prof. H.F. van Panhuys: **10** scholarships
- L. Malintoppi (Italy) - scholarship in memory of Prof. A. and Mrs. P. Malintoppi: **1** scholarship
- B. Roth (France) - scholarship in memory of Prof. E. Frankenstein: **1** scholarship





6. The Peace Palace Library

Since 1913, the Peace Palace Library has been collecting documentation on public international law, private international law, comparative law, international relations and the international history of conflict areas. The library therefore owns one of the largest existing collections in the world of works devoted to these topics, making it essential for the proper functioning of the international courts, tribunals and organizations based in The Hague and abroad.

As part of their stay at the Academy, attendees are enabled and encouraged to consult the library's resources. It is therefore not surprising that an independent audit commissioned by the Netherlands Ministry of Foreign Affairs and carried out in 2019, placed the Academy amongst the primary users of the library, together with the International Court of Justice and the Permanent Court of Arbitration.

The Peace Palace Library is indeed an indispensable tool for participants in the Academy's programmes. In fact, during the Winter and the Summer Courses, the Peace Palace Library functions as The Hague Academy's library and provides all course attendees with a membership. At the start of every session, attendees are invited to follow an instructive seminar by Ms. Candice Alihusain, Coordinator of the library's Reading Room, on how to best use the library's extensive catalogue. Designated librarians also collect and upload recommended reading materials by professors invited to teach at the Academy to the Academy's e-learning environment, which attendees can access a few months

before, during and after the courses. Furthermore, they are enabled to prolong their library membership in order to enjoy remote access to its resources from their respective countries. As a matter of general policy, during the Winter and the Summer Courses the library also extends its opening hours on working days and exceptionally opens its doors on Saturdays to the benefit of the Academy's attendees.

During the 2019 Winter and Summer sessions, at the request of many interested attendees, the Head Librarian, Mr. Jeroen Vervliet, enthusiastically agreed to give private tours of the underground stacks of the library and its special collection of original, often first edition, publications of Hugo Grotius. The tours were such a success that they will likely continue to be part of the extracurricular activities offered during the courses.

The library also traditionally supports the work of the Centre for Studies and Research. In 2019 it produced the initial bibliography used by the Directors of Research and the participants as a basis for their research on extraterritoriality and further facilitated the work of researchers by providing access to its rich collection during their stay in The Hague.

In 2019, the library's users borrowed a total of approximately 12.000 books. Most books were lent out during the Winter Courses, the Summer Courses and the Centre for Studies and Research, with an average of 1500 publications borrowed per month during the months of January, July and August 2019.

Annex 1. Poster of the 2019 Winter Courses



THE HAGUE ACADEMY OF INTERNATIONAL LAW 2019

Curatorium:
Prof. Yves Daudet (President)
Dr. Beat W. Hess (Vice-President)
Judge Mohamed Bennouna
Prof. Katharina Boele-Woelki
Judge António A. Cançado Trindade
Prof. Hilary Charlesworth
Prof. Diego P. Fernández Arroyo
Prof. Maarit Järäterä-Jareborg
Prof. Bing Bing Jia
Prof. Maurice Kamto
Prof. Djamchid Momtaz
Prof. Yuko Nishitani
Former Judge Raymond Ranjeva
Prof. Nico J. Schrijver
Judge Linos-Alexander Sicilianos
Judge Peter Tomka
Prof. Tullio Treves
Mr. Peter D. Trooboff

Secretary-General of the Academy:
Prof. Jean-Marc Thouvenin

WINTER COURSES

ON INTERNATIONAL LAW

7 - 25 January 2019

Inaugural Lecture Schools of International Law in the United States of America	Harold Hongju KOH Sterling Professor at Yale Law School
* General Course The Independent and Impartial International Third-Party - Judge, Arbitrator, Mediator, Conciliator	Catherine KESSEDJIAN Emeritus Professor at Paris II University (Panthéon-Assas)
Procedure and Substance in International Environmental Law	Jutta BRUNNEE Professor at the University of Toronto
International Humanitarian Law and the Use of Lethal Force	Ryan GOODMAN Professor at New York University School of Law
* Science and International Courts and Tribunals	Makane Moïse MBENGUE Professor at the University of Geneva
Issues Arising from Findings of Denial of Justice	Jan PAULSSON Professor at the University of Miami Law School
International Law and Animals	Anne PETERS Director at the Max Planck Institute for Comparative Public Law and International Law
The Extraterritorial Application of International Human Rights Law	Yuval SHANY Hersch Lauterpacht Chair at the Hebrew University of Jerusalem

* Lecture delivered in French, simultaneously interpreted into English.

DIRECTED STUDIES FOR DIPLOMA CANDIDATES AND ADVANCED STUDENTS

Directors of Studies:

English-speaking section: Emily CRAWFORD, Senior Lecturer at the University of Sydney Law School	French-speaking section: Maurizio ARCARI, Professor at the University of Milano-Bicocca
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REGISTRATION

Opening of the registration period: January 3rd, 2018.

EARLY BIRD REGISTRATION FEE: € 1100
for applicants registering online between January 3rd and April 30th 2018.

The regular registration fee of € 1250 will be in effect for applicants registering online between May 1st and August 31st 2018.

The Hague Academy of International Law, Peace Palace, Carnegieplein 2, 2517 KJ THE HAGUE, The Netherlands

For all information, please visit the website: <http://www.hagueacademy.nl>

Annexes

Annex 2. Afternoon Lectures – 2019 Winter Courses

- H.E. Hetty Boone, Head of the Family Team and Liaison Judge at the District Court of The Hague: *International Judicial Cooperation in Child Protection Cases and Return Proceedings.*
- H.E. Juan José Quintana Aranguren, Ambassador of Colombia to the Kingdom of the Netherlands: *Litigation at the ICJ: Challenges to the Court's Jurisdiction.*
- Mr. Brooks Daly, Deputy Secretary-General and Principal Legal Counsel of the Permanent Court of Arbitration: *The Permanent Court of Arbitration.*
- Mr. Asier Garrido-Muñoz and Ms. Jessica Joly Hébert, Law Clerks, International Court of Justice: *The Work of the ICJ's Judges.*
- Mr. Philippe Cavalieros, Partner, Simmons & Simmons LLP, Paris: *The Case of the Day.*
- Ms. Alexandra Schluep, Lawyer at Schutte Schluep & Heide Jørgensen, Amsterdam: *The International Law Practice of a Private Lawyer.*
- Mr. Miguel de Serpa Soares, United Nations Under-Secretary-General for Legal Affairs and United Nations Legal Counsel: *Building an International Accountability System.*
- Mr. Ben Juratowitch QC, Head of the Public International Law Practice and Partner in the Arbitration Group, Freshfields Bruckhaus Deringer, Paris: *The Case of the Day: Efficient Resolution of Longstanding Disputes Through Compulsory Conciliation: The Case of Australia and Timor Leste.*
- H.E. Joan Donoghue, Judge at the International Court of Justice: *The ICJ as a Court of First Instance.*
- Mr. Philippe Lortie, First Secretary, Permanent Bureau of the Hague Conference on Private International Law: *The Hague Conference on Private International Law.*
- Prof. Catherine Kessedjian and Prof. Maya Steinitz: Special seminar on *The Creation of a Civil International Court of Justice.*

Annex 3. Poster of the 2019 Summer Courses



THE HAGUE ACADEMY OF INTERNATIONAL LAW 2019

SUMMER COURSES

First Period: 8 - 26 July 2019
PUBLIC INTERNATIONAL LAW

Second Period: 29 July - 16 August 2019
PRIVATE INTERNATIONAL LAW

Curatorium:
Prof. Yves Dautet (President)
Dr. Beat W. Hess (Vice-President)
Judge Mohamed Bennouna
Prof. Katharina Boele-Woelki
Judge António A. Cançado Trindade
Prof. Hilary Charlesworth
Prof. Diego P. Fernández Arroyo
Prof. Maarit Jänterä-Jareborg
Prof. Bing Bing Jia
Prof. Maurice Kamto
Prof. Djamchid Momtaz
Prof. Yuko Nishitani
Former Judge Raymond Ranjeva
Prof. Nico J. Schrijver
Judge Linos-Alexandre Sicilianos
Judge Peter Tomka
Prof. Tullio Treves
Mr. Peter D. Trooboff

Secretary-General of the Academy:
Prof. Jean-Marc Thouvenin

Course	Speaker	Speaker Title
* Inaugural Lecture 1919-2019, The Flow of Multilateralism	Yves DAUDET	Professor Emeritus at Sorbonne Law School, Paris 1 University
General Course The Art of International Law	Hilary CHARLESWORTH	Professor at Melbourne Law School and at the Australian National University
* Immunities of State Officials in International Law	Concepción ESCOBAR HERNÁNDEZ	Professor at the National University of Distance Education, Madrid
* Perspectives on Treaty-Based Investor-State Arbitration	Shotaro HAMAMOTO	Professor at the University of Kyoto
The Argument of Self-Defense in Relation to "Unwilling-or-Unable" States	Said MAHMOUDI	Professor at Stockholm University
* International Law of Biodiversity	Sandrine MALJEAN-DUBOIS	Director of Research at the National Centre for Scientific Research at Aix-Marseille University
* African International Courts	Gérard NIYUNGEKO	Former President of the African Court on Human and Peoples' Rights
International Law on the Protection of Cultural Heritage	Kerstin VON DER DECKEN	Professor at Kiel University
Inaugural Lecture International Arbitration: Choices of Law	Gary BORN	
* General Course Across the Mirror: The Progressive Denationalisation of Private International Law	Diego P. FERNÁNDEZ ARROYO	Professor at Sciences Po Law School, Paris
* The Powers of the Arbitrator in International Arbitration	Yas BANIFATEMI	Partner at the International Arbitration Group and Head of Public International Law Practice at Shearman & Sterling, Paris
* Integrating Ethical Considerations into International Commercial Contracts Law	Sandrine CLAVEL	Professor at the University of Versailles Saint-Quentin-en-Yvelines / Paris-Saclay
* Private International Law and Unified Patent Court	Manuel DESANTES REAL	Professor at the University of Alicante
Forum Shopping Despite Unification of Law	Franco FERRARI	Professor and Director of the Center for Transnational Litigation, Arbitration, and Commercial Law at New York University School of Law
Best Interests of the Child in Private International Law	Anastasia GRAMMATIKAKI-ALEXIOU	Professor Emerita at Aristotle University of Thessaloniki
Legal Fictions in International Arbitration	Eduardo SILVA ROMERO	Professor at Rosario University, Bogota, and at Sciences Po Law School, Paris
* "Mutual Trust": A Suitable Foundation for Private International Law in Regional Integration Communities and Beyond?	Matthias WELLER	Professor at the University of Bonn

* Lecture delivered in French, simultaneously interpreted into English.

DIRECTED STUDIES FOR DIPLOMA CANDIDATES AND ADVANCED STUDENTS

Directors of Studies:

English-speaking section: Freya BAETENS, Professor at the University of Oslo	English-speaking section: Maja GROFF, Senior Legal Officer at the Hague Conference on Private International Law
French-speaking section: Jean D'ASPREMONT, Professor at Sciences Po Law School, Paris	French-speaking section: Laurence USUNIER, Professor at the University of Cergy-Pontoise

CENTRE FOR STUDIES AND RESEARCH
19 August - 6 September 2019
Research topic: EXTRATERRITORIALITY

Directors of Research:
English-speaking section: Hannah BUXBAUM, Professor and John E. Schiller Chair at Indiana University Maurer School of Law
French-speaking section: Thibaut FLEURY GRAFF, Professor at the University of Rennes 1

The Hague Academy of International Law, Peace Palace, Carnegieplein 2, 2517 KJ THE HAGUE, The Netherlands

For all information, please visit the website: <http://www.hagueacademy.nl>

Annex 4. Afternoon lectures - 2019 Summer Courses

Public International Law period:

- Mr. Hubert Védrine, Former Minister of Foreign Affairs of the Republic of France: *Du chaos à la communauté internationale*.
- H.E. Peter Tomka, Judge, International Court of Justice: *The World Court and International Justice: 1919 – 2019 and Beyond*.
- Mr. Alfred Soons, Professor emeritus, Utrecht University: *The Significance of the Rules of Reference in the Law of the Sea Convention*.
- Ms. Rose Cameron / Ms. Jessica Joly Hébert, Law Clerks, International Court of Justice: *The Work of the ICJ's Judges*.
- Mr. Philippe Lortie, First Secretary, Permanent Bureau of the Hague Conference on Private International Law: *The Hague Conference on Private International Law*.
- H.E. Péter Kovács (et alii), Judge at the International Criminal Court, *Centre for Studies and Research Book Presentation: The Concept of Citizenship in International Law*.
- H.E. María Teresa De Jesús Infante Caffi, Ambassador of Chile to the Netherlands: *The Crime of Aggression in the ICC System*.

- Mr. Brooks Daly, Deputy Secretary-General and Principal Legal Counsel of the Permanent Court of Arbitration: *The Permanent Court of Arbitration*.

Private International Law period:

- Mr. Brooks Daly, Deputy Secretary-General and Principal Legal Counsel of the Permanent Court of Arbitration: *The Permanent Court of Arbitration*.
- Mr. Pietro Franzina, Professor at the University of Ferrara: *Worlds Apart? Jurisdiction in Public and Private International Law in Light of Naït-Liman and the Restatement Fourth of Foreign Relations Law*.

- Mr. Thomas John, Attaché, Principal Legal Officer at the Permanent Bureau of the Hague Conference on Private International Law: *The Hague Conference on Private International Law*.
- Mr. Antoine Ollivier, Legal Officer at the Registry of the International Court of Justice: *The International Court of Justice*.

Annex 5. Seminar-Courses and One-Hour Lectures – 2019 External Programme

Seminar - Courses:

- Mr. Miloud Loukili, Professor, University Mohamed V Rabat: *Les zones maritimes et leur régime juridique*.
- Mr. Elie Jarmache, Member of the Legal and Technical Commission of the Seabed Authority (AIFM), former Head of the French Delegation to the CLCS: *Délimitation et délinéation*.
- Mrs. Andrea Hamann, Professor, University of Strasbourg: *Le recours à la contrainte en mer*.
- Mr. Yacouba Cissé, Member of the United Nations International Law Commission: *L'exploitation et la protection de la mer*.
- Mr. Tullio Treves, Professor, University of Milan, Member of the Curatorium of The Hague Academy of International Law: *Le règlement des différends*.

One-Hour lectures :

- Mr. Mourad El Fadil, Central Director of Legal Studies and Research at the General Secretariat of the Government: *La délimitation des zones maritimes marocaines, entre constance et évolution*.
- Mrs. Rena Lee, Ambassador (Singapore), President of the Conference on Marine Biodiversity and member of the International Seabed Authority: *BBNJ: The Path to a New Treaty*.

- H.E. Mr. Gilbert Guillaume, former Judge and President of the International Court of Justice : *Iles, rochers et hauts-fonds découvrant en droit de la mer*.

Annex 6. Lectures – Special Course on the Judicial Settlement of International Disputes

- Mr. Nico Schrijver, Professor at Leiden University, State Councilor of the Netherlands, President of the Institute of International Law: *Inaugural Lecture*.
- Mr. Jean-Marc Thouvenin, Secretary-General of The Hague Academy of International Law: *The History of the Judicial Settlement of International Disputes*.
- Ms. Laurence Boisson de Chazournes, Professor at the University of Geneva: *The Jurisdiction Rationae Materiae and Rationae Personae of the Different Courts and Tribunals in Charge of the Judicial Settlement of Disputes*.
- Roundtable graciously organized by Le Club de Droit International: *International Justice Today: Unity or Fragmentation?*
- Ms. Cristina Hoss, Legal Officer at the Registry of the International Court of Justice: *The Composition and Organization of the Court*.
- Mr. Yves Daudet, Emeritus Professor at Sorbonne Law School, Paris 1 University, President of the Curatorium of The Hague Academy of International Law, Ad Hoc Judge at the International Court of Justice: *The Ad Hoc Judge*.
- Mr. Antoine Ollivier, Legal Officer at the Registry of the International Court of Justice: *The Role of the Court: Contentious and Advisory Functions*.
- H.E. Mr. Ronny Abraham, Judge at and former President of the International Court of Justice: *The Deliberation*.

- Mr. Rodman Bundy, Partner, Eversheds: *The Dilemmas of the Applicant*.
- Mr. Alain Pellet, Emeritus Professor at Paris Nanterre University, former member and former President of the International Law Commission, member of the Institute of International Law: *The Strategies of the Defendant*.
- Mr. François Boudreault, First Secretary at the International Court of Justice: *The Participants to the Proceedings: States, International Organizations, and Other Non-Parties to the Proceedings*.
- A Dialogue with H.E. Mr. Philippe Couvreur, Registrar of the International Court of Justice.
- Mr. Brooks Daly, Deputy Secretary-General and Principal Legal Counsel of the Permanent Court of Arbitration: *The History, Structure and Functioning of the Permanent Court of Arbitration*.
- Dr. Constantinos Salonidis, Partner, Foley Hoag: *The Contribution of the Permanent Court of Arbitration to the Development of International Law – Substantial Law*.
- Mr. Lawrence Martin, Partner, Foley Hoag: *The Contribution of the Permanent Court of Arbitration to the Development of International Law – Procedural Law*.
- Mr. Michel Pitron, Partner, Gide Loyrette Nouel: *The Influence of the International Court of Justice and the Permanent Court of Arbitration on the Evolution of the Law of the Sea*.
- Ms. Isabelle Rouche, Associate, Gide Loyrette Nouel: *The Contribution of the International Court of Justice and the Permanent Court of Arbitration to the Law Regarding the Delimitation of Maritime Boundaries*.
- Ms. Marney Cheek and Mr. Jonathan Gimblett, Partners, Covington and Burling: *The Landmark Diplomatic Protection Cases*.

- Ms. Marney Cheek and Mr. Jonathan Gimblett, Partners, Covington and Burling: *The Landmark Territorial and Boundary Dispute Cases*.

Annex 7. Lectures - Programme on Demand on International Law Regarding Migrant Smuggling and Human Trafficking

- Prof. Jean-Marc Thouvenin, Secretary-General of The Hague Academy of International Law: *International Law and Its Relevance in Domestic Legal Systems*.
- Ms. Zoi Sakelliadou, Crime Prevention and Criminal Justice Office, Human Trafficking and Migrant Smuggling Section, United Nations Office on Drugs and Crime: *Trafficking in Persons and Migrant Smuggling: International Instruments and Legal Framework*.
- Mr. Panagiotis Papadimitriou, Crime Prevention and Criminal Justice Officer, Human Trafficking and Migrant Smuggling Section, United Nations Office on Drugs and Crime: *Key Concepts*.
- Ms. Zoi Sakelliadou, Crime Prevention and Criminal Justice Office, Human Trafficking and Migrant Smuggling Section, United Nations Office on Drugs and Crime: *The Means (How it is Done) in Trafficking in Persons*.
- Mr. Panagiotis Papadimitriou, Crime Prevention and Criminal Justice Officer, Human Trafficking and Migrant Smuggling Section, United Nations Office on Drugs and Crime: *Evidential Issues in Trafficking in Persons Cases*.
- Dr. Marian T.A. Tankink, Medical Anthropologist, Independent Consultant, Researcher on Gender, Violence and Mental Health: *Victims of Trafficking, the Psychological Perspective*.
- Mr. Thiago Ribeiro, Office of the Federal Labor Prosecutor, Brazil: *Forced Labor in the Context of Human Trafficking and Migrant Smuggling*.
- Prof. Hélène Tigroudja, member of the UN Human Rights Committee: *The Role and Case Law of the UN Human Rights Committee Regarding Human Trafficking, Smuggling, Forced Labor*.
- Dr. Anne T. Gallagher, Director-General of the Commonwealth Foundation: *Establishing the Crime of Trafficking: Issues and Questions*.
- Dr. Anne T. Gallagher, Director General of the Commonwealth Foundation: *Victims as Witnesses: Challenges and Good Practices*.
- Mr. Panagiotis Papadimitriou, Crime Prevention and Criminal Justice Officer, Human Trafficking and Migrant Smuggling Section, United Nations Office on Drugs and Crime: *International Issues*.
- Ms. Els Martens, Public Prosecutor, the Netherlands: *Labor Exploitation in the Context of Migrant Smuggling and Human Trafficking*.
- Mr. Maarten Noordzij, Senior Public Prosecutor, the Netherlands: *Financial Investigations and Money Laundering Issues*.
- Judge Mappie Veldt-Foglia, Ministry of Justice, the Netherlands: *Judicial Issues (Sentences, Evidences) in Human Trafficking and Migrant Smuggling*.
- Ms. Yoshie Noguchi, Senior Specialist in Labor Law, ILO: *Worst Forms of Child Labor*.

Annex 8. Lectures- Programme on Demand for Californian Judges

- Mr. Steven van Hoogstraten, former Director of the Carnegie Foundation and former Treasurer of The Hague Academy of International Law: *International Justice in The Hague, Where Old and New Meet*.
- Dr. Christophe Bernasconi, Secretary-General, Permanent Bureau of the Hague Conference on Private International Law: *The Hague Conference on Private International Law*.

