



The Hague Academy of International Law

2020
Annual Report





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International Law

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2020

Annual Report



1. Foreword by the Secretary-General

In 2020, the human community suffered a large number of deaths caused by the Covid-19 pandemic. More than 3 million according to the WHO. All parts of the world have been affected, some more than others, such as the United States, Brazil, India, Mexico, Peru, to name a few. With gravity and hope, I offer my condolences to those who have lost their loved ones, and I wish everyone a rapid way out of the crisis in the best possible conditions.

For our part, we worked to keep the Academy standing despite the difficulties we faced.

The second edition of the Winter Courses

The year 2020 had started off auspiciously for the Academy. The second edition of the “Winter Courses on International Law”, a bold and innovative concept launched by the Academy in 2019, was a highlight. For the first time in its history, the Academy welcomed more than 320 students from over 80 countries for three weeks in the heart of the Dutch winter. Excellent courses organized according to the programme elaborated by the Curatorium, fascinating lectures given by prestigious personalities, very instructive visits to embassies offered by the diplomatic corps of The Hague, which I cannot thank enough, and many other events and visits organized by the Secretariat of the Academy, gave our attendees’ stay with us a unique character which, I believe, will inspire them and which they will remember for a long time.



The sanitary storm

Then the sanitary storm hit. The year almost came to a halt, just days after the closing speech of the Winter Courses session. The Academy’s first reaction was that of a seafarer when faced with the elements: close the doors and wait for the storm to pass. The decision to suspend all of our 2020 programmes on site was made promptly so as not to jeopardize anyone’s health. The 2020 Summer Courses session was postponed for one year, as well as the Centre for Studies and Research, and a programme on demand developed for Thailand. Another programme on demand, to be held in Hong Kong, was also postponed, as was the External Programme.

Closed doors

The Academy closed its doors and confined itself. All participants in our programmes understood the seriousness of these decisions, because throughout its history, the Academy had only taken such measures in times of war. They were obviously necessary. We decided not to commit



ourselves immediately to alternative “online” formulas, because such formulas could not match the unique experience of the course sessions in The Hague that have characterized the Academy for almost a century. Furthermore, the design of online course formulas that met our requirements necessitated time for reflection.

Continuity of service

Although it retreated behind masks, plastic shields and walls, the Academy did not cease to carry out the activities that are expected of it. Its mission, providing an “international public service”, requires it to remain active as much as possible, even in difficult times. It therefore continued to publish courses in the *Collected Courses* of The Hague Academy of International Law and in the Pocketbooks, as well as the work of the Centre for Studies and Research. The list of publications for the year 2020, impressive in its number and rich in content, is provided in this report. In September 2020, the Academy also launched an exceptional edition of the Centre for Studies and Research, exclusively online and in English, dedicated to “Epidemics and International Law”, under the direction of a highly experienced personality combined with a young and dynamic expert, who was also recently granted the Diploma of the Academy. The combination, as readers of the resulting book will readily appreciate, worked out wonderfully.

Adaptation

As the months passed and the storm did not subside, the Academy decided to redesign the curriculum of the 2021 Winter Courses so that it could be held entirely online. The Academy worked tirelessly on this project as soon as the decision “to switch to online” was made in the summer of 2020. I will have the opportunity to discuss this online session in the 2021 annual report, but I can already state that it was a success beyond our most optimistic expectations.

Impetus

The Academy has overcome the challenges of the year 2020, and has been able to face the year 2021 in good conditions. This is thanks to the efforts of all of us, and because the appetite for international law, ours as well as that of our supporters and attendees, has not wavered during the crisis; on the contrary. May I express the wish that the impetus that has enabled the Academy to “get through” the crisis may find its equivalent in the whole of our human community, so that it may overcome the scourge of Covid-19 as soon as possible and everywhere.

Acknowledgements

As every year, our Academy is grateful for the support it has received from numerous organizations and individuals. 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 Embassy of Switzerland and the City of The Hague

for their exceptional contributions to the preparation and development of the 2021 Online Winter Courses.

The participation in the financing of scholarships, allowing students to register for our sessions, should also be acknowledged as exemplary. Our regular and new donors are warmly thanked. I hope that their example will be followed by new contributors to help us achieve our aim of increasing the number of scholarships as much as possible in order to be able to host more attendees from all around the world. In this respect, the Academy has been deeply touched by the generous

posthumous tribute paid to it by Professor Ignaz Seidl-Hohenveldern who insisted that, after his death, a large part of his legacy be allocated to the Academy. This donation will help fund 10 Seidl-Hohenveldern scholarships each year for many years to come.

1 | 2020 Winter Courses attendees





2. Activities and Events in 2020

2.1. Regular Academic Activities

2.1.1. Winter Courses on International Law

The second edition of the Winter Courses on International Law was held from 6 to 24 January 2020. Confirming the large demand for more international law courses offered by the Academy, the high attendance rate for the second year in a row firmly cemented the Winter Courses within the palette of regular activities offered by the Academy. It was a unique experience for all of us to host more than 300 attendees for this second session, during which outstanding lectures and thrilling activities were offered. One attendee summed up his experience eloquently in writing, praising: “[t]he high level of the lectures, good relationships and nice environment, challenging activities, great satisfaction following hard work”. As a result of the global COVID-19 pandemic this specific session turned out constituting the Academy’s main activity for the year 2020.



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2.1.1.1. General Course and Special Courses

As per the Academy’s tradition, all of the courses were given in English or French, with simultaneous translation into the other language. The Secretary-General officially opened the session, after which Prof. Geneviève Bastid-Burdeau delivered the Inaugural Lecture on *International*

2 | Professor Rüdiger Wolfrum, General Course, 2020 Winter Courses

3 | Professors and attendees of the 2020 Winter Courses



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2.1.1.2. Directed Studies and Diploma

During the 2020 Winter Courses, the Directed Studies sessions were organized twice per week in the afternoons after the compulsory morning courses. These sessions are specifically designed for a carefully selected group of advanced attendees, who wish to prepare themselves for the Diploma Exam of the Academy, or who are simply interested in participating in seminars delving more deeply into questions of public or private international law without wishing to sit the Exam. The French- and English-speaking sessions were conducted by Profs. Romain Le Boeuf and Christopher Whytock respectively.

The Jury of the Diploma Exam was composed of Profs. Jean-Marc Thouvenin (President), Rüdiger Wolfrum, Romain Le Boeuf and Christopher Whytock. The Written Diploma Exam took place, exclusively in English, because no French-speaking candidate took part in it, on Tuesday, 21 January. The candidates were asked to write a paper on one of the following two questions:

Public International Law:

“In practice, when a State challenges an inter-State arbitral award, the award is, in reality, merely an attempt to resolve the dispute at issue, since, under public international law and in view of what might be considered its imperfect essence, there is no binding mechanism guaranteeing the enforcement of inter-State arbitral awards that is independent of the sovereign will of States (Caldeira Brant, L.N., « L'autorité de la chose jugée en droit international public », pp. 209-211)”. What do you think of this statement? (This is an extract of para. 147 of the Conclusions of the Advocate General Pikamaä on the preliminary jurisdictional objections phase in the case C-457/18, *Republic of Slovenia v. Republic of Croatia*, before the European Court of Justice.)

Private International Law:

Critically evaluate the contributions of States, international organizations, and non-state actors to the development of private international law.



Rules of Jurisdiction and Contemporary State Practice: Stability or Upheaval? This lecture can be viewed online on the Academy's YouTube channel as well as on the Academy's renewed website.

Prof. Rüdiger Wolfrum gave the *General Course on Solidarity and Community Interests: Driving Forces for the Interpretation and Development of International Law*. Professor Wolfrum literally enthralled his audience for the entire three weeks of the session, confirming the relevance of the very concept of a General Course. The way in which the course was delivered, in the form of reflections and demonstrations, and by creating a genuine interaction with the audience, was particularly appreciated.

The *Special Courses* addressed a variety of topical issues. Prof. Samantha Besson presented a course on *Due Diligence in International Law*. Approaching international law in a transversal way, she assessed whether a principle, standard and/or obligation of due diligence exists in international law, and aimed to identify the general regime that applies to it. Prof. Paolo Borba Casella gave a course on *International Law, History and Culture*, providing a broad overview of international law in its context. Prof. Mathias Forteau focused on

Applicable Law before International Courts and Tribunals, a highly relevant course, especially for students and practitioners involved in cases before international courts and tribunals. Prof. Karen Knop addressed the issue of *Foreign Relations and International Law*, a very topical subject at a time when international law seems to be struggling to provide a framework for State practice, while Prof. Brusil Miranda Metou dealt with the equally relevant topic of *International Scrutiny of Derogations from Human Rights*. Finally, Prof. Mario Oyarzábal, now the Ambassador of Argentina to the Netherlands, presented a particularly rich course on *The Influence of Public International Law upon Private International Law*; a theme that was particularly relevant for the winter session, as it aims to combine both disciplines.

The official list of professors and of the topics they addressed appears on the poster of the 2020 Winter Courses; see Annex 1.

4 | An attendee with Professor Brusil Miranda Metou

5 | Valentin Schatz (Germany) receives the Diploma from the Jury in the presence of the President of the Curatorium

All candidates chose the first topic. The Oral Exam was subsequently held on Thursday, 23 January. On the last day of the session two candidates were awarded the Diploma by the President of the Curatorium, who was present for the occasion, in front of the full Auditorium: Mr. Philipp Kotlaba (Czech Republic) and Mr. Valentin Schatz (Germany).

2.1.1.3. Afternoon Lectures

The Academy systematically invites distinguished speakers who are experts or actors in the legal, diplomatic and political field to give lectures during the afternoons of the course sessions. These high-ranking personalities share their valuable experiences of international law in practice with the participants, who eagerly attend these special events.

Mr. Brooks Daly, Deputy Secretary-General and Principal Legal Counsel of the Permanent Court of Arbitration, kicked off the lecture series by giving his now famous presentation on *The Permanent Court of Arbitration*; Ms. Jessica Joly Hébert and Mr. Emmanuel Giakoumakis, Law Clerks at the International Court of Justice, illustrated *The Work of the ICJ's Judges* through a mock case before the Court; Mr. Philippe Lortie, First Secretary at the Permanent Bureau of the Hague Conference on Private International Law, then gave a lecture on *The Hague Conference on Private International Law*; H.E. Chile Eboe-Osuji, President of the International Criminal Court at the time, graced the attendees by making time in his schedule to talk to them about *Struggles of Justice in a Highly Political Context*. Equally exceptional was the presentation of Mr. Steven Hill on *Practicing Law at NATO*, while he was still Legal Advisor and Director of the Office of Legal Affairs at NATO Headquarters in Brussels; Finally, H.E. Kirill Gevorgian,

Judge at the International Court of Justice, whose workload is well known, very kindly accepted our invitation and enlightened the attendees on the topic of *The ICJ and The Development of International Law*.

The “Case of the Day” lectures, introduced during the first session of the Winter Courses, have started to take their place in the regular schedule as well. During the second edition of the Winter Courses, Mr. Philippe Cavalieros, Partner at Simmons & Simmons LLP in Paris, lectured on *The Arbitrator Dealing with Allegations of Corruption*. In the same afternoon, H.E. Mr. Carlos J. Argüello Gómez, Ambassador of the Republic of Nicaragua in The Hague, gave a detailed presentation on *The Case of Nicaragua v. United States of America: Comments from the Agent of Nicaragua*.

Finally, on 23 January, attendees were given the opportunity to follow the live streaming of the reading of an Order of the ICJ in *The Gambia v. Myanmar Case* in the Auditorium. Furthermore, on the last day of the session, after the official closing ceremony, an extra-curricular seminar on research methodology under the direction of Prof. Romain Le Bœuf was organized at the spontaneous request of the French-speaking doctoral students. The Secretariat tries to accommodate these requests for extra-curricular sessions as much as possible within the limits of the daily time table.

For the complete list of afternoon lectures given in winter 2020, see Annex 2.

6 | Afternoon lecture of H.E. Chile Eboe-Osuji, President of the ICC at the time

7 | Alumnae with Certificates of Attendance



2.1.1.4. Doctoral Networking Meetings

Dr. Daniëlla Dam-de Jong, Associate Professor at the Grotius Centre for International Legal Studies of Leiden University, coordinated and led the doctoral networking meetings. 40 PhD candidates participated in three different groups covering the following topics: sources, law of the sea and protection of the environment (group 1), international dispute settlement, investment and trade (group 2) and security, human rights and international criminal justice (group 3). Dr. Dam-de Jong also convened three general sessions, on “Publication Strategy”, “Presenting at Conferences” and “Research Methodology”; the latter with the participation of the Directors of Studies. Finally, a special breakfast meeting with Professor Besson and Ambassador Oyarzábal was organized for interested attendees.

A programme of social activities was also once again put in place by the Academy’s Secretariat and a group of enthusiastic volunteers. The activities included an official reception at City Hall upon the invitation of the Mayor and Aldermen of the city of The Hague, visits to the Mechanism for International Criminal Tribunals, the International Criminal Court, the Organisation for the Prohibition of Chemical Weapons, the Residual Special Court for Sierra Leone, the Hague Conference on Private International Law, the Special Tribunal for Lebanon, Eurojust and the Kosovo Specialist Chambers. Special tours of the Peace Palace Library’s Grotius Collection were also organized, as well as a “Winter Party” in a nightclub and a potluck lunch in the main Hall of the Academy Building.

2.1.1.5. Embassy Programme and Social Activities

Following a longstanding tradition, 49 ambassadors in The Hague warmly welcomed Academy attendees at their residences and embassies to explain the work of the diplomatic corps to them. Individual attendees were able to visit several different embassies, as a result of which 588 attendees were received by the embassies overall.

2.1.1.6. The “Hours of Crisis” Simulation Exercise

Like the “Case of the Day” lectures, the “Hours of Crisis” Simulation Exercise, a competition created specifically for the Winter Courses by the Secretary-General, seems to also have successfully been integrated into the overall programme. The second edition of this competition took place on January 18, 2020, from 9:00 am to 6:00 pm. During the entire day, ten teams of attendees, each rigorously composed of members of



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different nationalities, had to respond to a simulated major international crisis on behalf of their “clients” (States, international organizations, companies) and the legal and political questions such a crisis engenders. The different teams were asked to produce written legal advice and to participate in crisis negotiations. In the final round, each team presented a draft United Nations Security Council Resolution in front of a Jury, composed of Profs. Jean-Marc Thouvenin, Freya Baetens, Christopher Whytock, Romain Le Boeuf and Ms. Alexia de Vaucleroy. After a deliberation, the Jury proclaimed the best team and the best speakers and awarded them with special certificates.

2.1.2. Online Centre for Studies and Research

As a result of the COVID-19 pandemic, it was decided to postpone the session originally planned for 2020 of the Centre for Studies and Research in International Law and International Relations to 2021. In its place, the Curatorium decided to organize an entirely online session of the Centre on the topic of “Epidemics and International Law”. The Directors of Research were Mr.

Shinya Murase, Professor Emeritus of Sophia University Faculty of Law, Tokyo, and Ms. Suzanne Zhou, Acting Manager, Prevention, McCabe Centre for Law and Cancer, Melbourne and an Academy Diploma Awardee.

This special edition of the Centre was conducted entirely in English. The Academy received a record number of applications from potential researchers due to the attractiveness of the topic. 29 participants were selected. The Centre was officially launched at a virtual meeting held on September 1st, 2020. The research agenda formulated by the Directors was ambitious and geared towards presenting the results in a Centre publication by August 2021.

Only those articles produced by the participants whose level corresponds to the Academy’s scientific criteria are eligible for publication, in line with the individual assessments of the Directors of Research. Each article is intended to constitute a chapter in 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 to their name - this is particularly important for those who wish to pursue an academic career. The reports of the two Directors of Research will furthermore be published on the website of the Academy.

8 | Participants discussing during the Hours of Crisis Simulation Exercise

KEY FIGURES WINTER COURSES

Courses, Seminars, Lectures

37.5 hours of courses	18 hours of seminars	8 afternoon lectures
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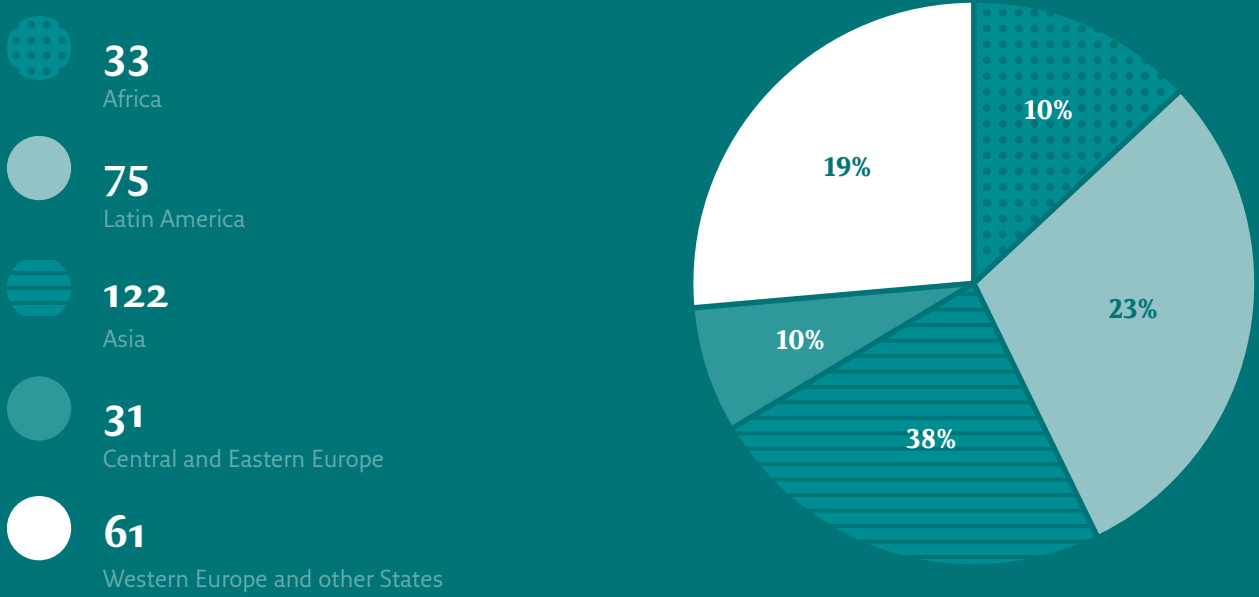
Embassy Programme

49 visits

Registered Attendees

322 attendees	169 female	153 male
84 different countries	63 awarded scholarships	

Geographical distribution of the attendees of the 2020 Winter Courses





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The Peace Palace Library once again provided invaluable support to the programme by producing and updating a comprehensive bibliography. An entirely new programme poster was produced for the 2020-2021 Online Centre. In line with this new practice, future editions of the Centre for Studies and Research will be publicized via a separate poster from now on.

The poster of the 2020-2021 Online Centre for Studies and Research is reproduced in Annex 3.

2.2. Events

2.2.1. New Year's Reception

The Peace Palace New Year's Reception was held for the third time on Thursday, 23 January 2020. The reception took place in the Entrance Hall of the Peace Palace and was co-hosted by the Carnegie Foundation and The Hague Academy of International Law. Both organizations invited their most important partners, supporters and friends to thank them for their commitment in 2019 and to ring in the New Year in a convivial and festive way.

9 | *Professor Jean-Marc Thouvenin, Professor Yves Daudet and Ms. Monique Legerman with guests at the New Year's reception*

President Piet Hein Donner and President Yves Daudet held speeches on behalf of the organizations, after which a musical programme livened up the reception.

In his speech, President Daudet emphasized the perfect complementarity of the two institutions in the pursuit of a common global objective: the search for peace. He stressed the role of the Academy in achieving peace through law by disseminating international law and promoting its knowledge, and underlined the obvious advantage of a stay at the Academy for any national of a State in the service of his or her country. President Daudet took the opportunity to express the Academy's deep gratitude to the States that support it, including financially, and highlighted the historic support given to the Academy by the Netherlands.

2.2.2 Webinar on the 2021 Advanced Course in Hong Kong

Due to the COVID-19 pandemic, the first edition of The Hague Academy of International Law's Advanced Course in Hong Kong, which was originally scheduled for early December 2020, had to be postponed to the fourth quarter of 2021 at the earliest. Despite this postponement, a few of the invited lecturers intervened at a webinar in English on Monday, December 7, 2020, from 9:00 to 11:00 hrs, The Hague time (GMT+1) / 16:00

to 18:00 hrs, Hong Kong time (GMT+8). The webinar provided an overview of the 2021 programme, which will be devoted to delving into the means for and current practice of the settlement of international commercial disputes. The Advanced Course is organized jointly by the Academy, the Department of Justice of the Hong Kong Special Administrative Region and the Asian Academy of International Law (AAIL).

The webinar was moderated by Dr. Anthony Neoh, Chairman of the AAIL. The speakers were Ms. Theresa Cheng, Secretary for Justice of the Hong Kong Special Administrative Region of the People's Republic of China, who provided an introduction to the 2021 programme and shared on the constitutional structure of Hong Kong; Dr. Christophe Bernasconi, Secretary-General of the Hague Conference on Private International Law, who discussed the work of the HCCH in the field of dispute resolution; Prof. Diego P. Fernández Arroyo, member of the Academy's Curatorium, who gave an overview of the current trends in international commercial dispute settlement; and Prof. Jean-Marc Thouvenin, Secretary-General of the Academy, who highlighted the various programmes of our institution. Over 360 participants from 60 different jurisdictions registered for the webinar and thereby expressed an interest in participating in the Advanced Course in 2021.

The flyer of the Webinar on the 2021 Advanced Course in Hong Kong is reproduced in Annex 4.

2.3 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 2020 the number of visits was very limited due to the outbreak of the COVID-19 pandemic. However, the following foreign personalities and delegations visited the Academy:

- January 29: International Center UNIVERSUM of the Belarussian State University
- February 18: Dr. Le Dinh Tin, Director General, Institute of Foreign Policy and Strategic Studies, Hanoi, Vietnam
- February 24: MGM Law College, Mumbai, India
- March 10: Ms. Anél Van Der Vyver, Senior Legal Officer, Ministry of Justice, Namibia



3. Publications

In 2020 the Academy published the books mentioned below.
These publications are distributed by Brill Publishers (www.brill.com).

3.1. The *Collected Courses* and the Pocketbooks Series

The following volumes of *Collected Courses* were published in 2020:

Volume 403

Yves Daudet, 1919-2019, le flux du multilatéralisme (Inaugural Lecture)



This inaugural lecture was given by the President of the Curatorium of the Academy at the opening of its 2019 summer session on the occasion of the centenary of the Treaty of Versailles. This centenary was unfortunately marked by a challenge to multilateralism by Donald Trump’s United States. After an introduction largely devoted to this situation, which does not appear to herald the disappearance of multilateralism established by the “Peace of Versailles” and the League of Nations, Professor Daudet analyzes the issue from a legal perspective by explaining how multilateralism is primarily a means of expressing policy and the general interest. Secondly, multilateralism is viewed as a means of action, which he analyzes through the specific examples of major conferences and the procedures for adopting decisions. Finally, multilateralism is an institution, which he illustrates with an example that one does not necessarily think of from this perspective, that of the International Court of Justice from the point of view of its competence and the effect of its judgments. The lecture concludes with the idea that globalization must be better harnessed and more

social and that, to do this, the multilateral tool with which it is linked will continue to be the necessary means, although its content and the actors will change with the shift of the world’s center of gravity towards Asia.

Catherine Kessedjian, Le tiers impartial et indépendant en droit international, juge, arbitre, médiateur, conciliateur (General Course)



The impartial and independent third party has taken on such importance in the creation of legal norms that it seemed necessary to examine this character, which has become the focus of a great deal of criticism, probably in proportion to the increased power conferred on it. The course is devoted this specific endeavor. The author takes the reader through the maze of the house of justice: theoretical and philosophical context, historical aspects, architecture, iconography, decision-making methods, alternative modes, the various dialogues set up between third parties and with experts. The author’s objective is to stimulate critical thinking.

Volume 404

Lavanya Rajamani, Innovation and Experimentation in the International Climate Change Regime (Special Course)



This course takes a critical lens to humanity's collective regulatory response to the existential threat of climate change. It explores, in particular, those aspects of the international climate change regime that, albeit born of political dysfunction, demonstrate ingenuity, innovation, and experimentation. This includes aspects relating to:

- the negotiating process and procedures adopted in the regime;
- the legal form of instruments in the regime, the legal character of its provisions, as well as norm hybridity and mutation;
- the nature, extent, and evolution of differential treatment in the regime; and,
- the unique challenges of compliance and effectiveness that arise in the context of the 2015 Paris Agreement.

This course seeks to demonstrate that innovations and experiments in the international climate change regime have resulted in a highly sophisticated and nuanced legal regime – one that challenges the conceptual boundaries of international law, enriches the core of treaty law and practice, and is likely to have an enduring impact on international law, legal practice, and diplomatic intercourse.

Jean-Marc Sorel, Quelle normativité pour le droit des relations monétaires et financières internationales ? (Special Course)



The monetary and financial sphere is made up of international organizations that are often old and traditional, such as the IMF or the BIS, which coexist with entities that are sometimes private in nature and do not correspond to traditional institutions (the Financial Stability Board or the Basel Committee, for example). The most powerful States and regional organizations such as the European Union also play a

role. The recent financial crisis has made it possible to discover – or rediscover – the legal instruments at work in this somewhat opaque sphere where normative entanglement seems to be the rule. If soft law is predominant, the general arrangement could give rise to innovative solutions at the normative level. The aim of this course is therefore to consider this sphere where the structuring has never followed a classic pre-established pattern but reflects a certain modernity of international law from both the institutional and normative points of view through the interweaving of public, private, domestic, international and transnational actors and norms.

Volume 405

Jan Paulsson, Issues arising from Findings of Denial of Justice (Special Course)



In the last 20 years, claims of denial of justice before international tribunals have multiplied with the expansion of the numbers of treaty-based investor-state arbitrations. Claims of denial of justice in such cases pose unusual problems with regard to the definition and assessment of damages, which did not arise in the many old cases where denial of justice involved wrongful prosecution and therefore had a simple solution: annulment. This course focuses on this matter as well as other issues of recent prominence in this field.

Jutta Brunnée, Procedure and Substance in International Environmental Law (Special Course)



The interplay between procedure and substance has not been a major point of contention for international environmental lawyers. Arguably, the topic's low profile is due to the mostly uncontroversial nature of the field's distinction between procedural and substantive obligations. Furthermore, the vast majority of environmental law scholars and practitioners have tended to welcome the procedural features of multilateral environmental agreements

and their potential to promote regime evolution and effectiveness. However, recent developments have served to put the spotlight on certain aspects of the procedure-substance topic. Notably, the ICJ's *Pulp Mills* and *Costa Rica v Nicaragua / Nicaragua v Costa Rica* judgments revealed ambiguity concerning aspects of the customary law framework on transboundary harm prevention that the field had taken for granted as largely settled. In turn, in the treaty context, the Paris Agreement's retreat from binding emission targets and its decisive turn towards procedure reignited concerns in some quarters over the proceduralization of international environmental law. The two developments invite to have a closer look at the respective roles of, and the relationship between, procedure and substance in international environmental law and, more specifically, in the context of harm prevention under customary and treaty law.

Volume 406

Rodman Bundy, The Practice of International Law (Inaugural Lecture)



This inaugural lecture discusses how significantly the practice of international counsel before international jurisdictions has evolved since the mid-20th Century.

Lauro Gama, Les principes d'UNIDROIT et la loi régissant les contrats de commerce (Special Course)



The UNIDROIT Principles of International Commercial Contracts – the new *ius commune* of international contracts – are a widely known soft law instrument, increasingly used by actors in the international arena. This course examines the challenges of applying the UNIDROIT Principles as the law governing international commercial contracts, which occurs in a manner distinct from national laws and international conventions. It examines the application of the Principles both in the context of disputes submitted

to State courts and in disputes brought to arbitration. In this sense, theory informs practice and practice informs theory, all in a forward-looking and precise manner. Is the choice of the UNIDROIT Principles as the governing law a valid one? Should the private international law of international contracts be updated – and how?

Volume 407

Jan Wouters, Le statut juridique des standards publics et privés dans les relations économiques internationales (Special Course)



The question of public and private standards in international economic relations, and of their legal status, raises many issues, and is becoming increasingly important in the current legal debate, but remains little known to legal scholars: how can we preserve the delicate balance between the political choice of the standard between several options having different consequences for the general interest, and the economic reasoning that aims to find the standard that facilitates trade in the most efficient way? Do these norms emerge spontaneously, or do they need to be codified? How can the dialogue between practice and codification be maintained? Whatever form standards take, is there a difference between public and private standards? Can the standards set by one party conflict with those set by the other? How can compliance with standards be verified, when, in a globalized world, operators are increasingly numerous and dispersed across the planet? How can democracy be ensured in largely private processes? This course attempts to clarify some of these points, while questioning the future of these norms.

Sandrine Maljean-Dubois, Le droit international de la biodiversité (Special Course)



The global nature and acuteness of the threats to biodiversity create a pressing need for international law. In 1992, under the aegis of the United Nations, States adopted the Convention on Biological Diversity, which has a very broad scope of application. But many sectoral and/or regional conventions coexist alongside it and are intended to protect biodiversity as such or some of its components, as well as a set of customary rules. The study of international biodiversity law also leads us to go beyond the stakes, which are certainly essential, of protection or preservation to address the issues raised by the use and exploitation of biodiversity: fishing, hunting, trade, biosafety, or access to biodiversity and the sharing of the benefits arising out of the utilization of genetic resources. In this, international biodiversity law interacts with, and sometimes conflicts with, other rules of international law, including international trade, investment, maritime and human rights law. The ambition of this course is not to offer an exhaustive presentation of an abundant but still sparse material, but rather to contribute to its conceptualization. International biodiversity law is also an excellent laboratory for studying the ongoing developments of contemporary international law. The institutionalization of cooperation, the development of a secondary law of uncertain normativity, fragmentation, the articulation between customary and conventional rules, the role of the international judge, innovative control mechanisms and, more broadly, State support mechanisms, compensation for damages, are all fundamental issues that go far beyond international biodiversity law, but which it is very instructive to approach through the prism of the latter.

Volume 408

Antônio Augusto Cançado Trindade, Reflections on the Realization of Justice in the Era of Contemporary International Tribunals (Special Lecture delivered during the 2019 Side Event at United Nations Headquarters in New York City)



The distinguished author argues that reflections on the realization of justice are much needed in the era of contemporary international tribunals, given the significant role they play now facing new challenges, with the recent restrictions unduly imposed upon the United Nations Organization itself. International jurisdiction has lately expanded with the operation of international tribunals, protecting vulnerable persons in distinct domains of international law, and seeking to face new needs in their jurisprudential construction. The evolving law of nations is grounded on the universal juridical conscience (*recta ratio*), and guided by general principles of law and human values. Despite the regrettable division of the ICJ in the three recent cases on the *Universal Obligation of Nuclear Disarmament* (Judgments of 05.10.2016), - to which the author appended his three Dissenting Opinions, - the U.N. General Assembly fortunately decided (by the end of 2016) to convene a Conference, held at the first half of 2017, which drafted and adopted (on 07.07.2017) the Treaty on the Prohibition of Nuclear Weapons, to the benefit of humankind. The needs of humankind as subject of international law transcend the insufficient and misleading optics of the “will” of individual States only; there is primacy of *raison d’humanité* over *raison d’État*.

Cristina González Beilfuss, Party Autonomy in International Family Law (Special Course)



Party autonomy, i.e. the power of parties to select the applicable law, is increasingly used in International family law. This course follows this development and questions whether rules that have been developed in relation to commercial contracts work also for personal relationships. This involves an in-depth

analysis of the functions of party autonomy in private international law and the needs of families in contemporary society. The latter has often been neglected in private international law theory that has uncritically assumed a normative idea of family life and failed to consider the care work families do in society and the different roles assumed by family members in accordance to gender.

Volume 409

Yuval Shany, The Extraterritorial Application of International Human Rights Law (Special Course)



This course is dedicated to exploring the law, theory and practice underlying the move by international bodies monitoring the interpretation and application of human rights treaties towards extending the extraterritorial application of human rights law. Among other things, the course addresses the development of legal doctrine on extraterritorial application in the jurisprudence of the European Court of Human Rights and the Human Rights Committee, and specific law and policy discussions related to the application of human rights law to occupied territories, national contingents involved in international peacekeeping forces, extradition or deportation of individuals from one state to another, and human rights standards sets for the overseas business operations of multinational corporations.

Samantha Besson, La due diligence en droit international (Special Course)



Since its entry into arbitral jurisprudence at the end of the 19th century, due diligence has enjoyed increasing success in international law. Its nature, its sources and its regime remain undetermined. In response to the objections to which it is now subject, this course provides a critical overview of the practice of due diligence in international law. The objective is to determine whether a principle, standard and/or obligation of due diligence exists

in general international law, to identify what might constitute its normative structure and general regime, to establish the conditions, content and modalities of implementation of international liability for negligence, and to examine its specificities in a few special international law regimes such as international environmental, cyber security and human rights law.

Volume 410

Harold Hongju Koh, American Schools of International Law (Inaugural Lecture)



Is there still one international law and does the United States of America really believe in it? This lecture inaugurating the Hague Academy’s first Winter Session, by an American scholar who served as US State Department Legal Adviser, argues that Americans do believe in international law as part of their nation’s founding credo. Although recent US administrations have challenged 21st century international law, most American lawyers and legal scholars remain committed to the rule of international law. This dominant strand of international thinking among American academics and practitioners inhabits a school with strong historical roots known as the “‘New’ New Haven School of International Law.” While some American schools of international legal thought diminish international law, they remain the exception. The “New” New Haven School argues, both positively and normatively, that rules of transnational legal process and substance must ensure that international law still matters. As America and the world together face such 21st Century globalization challenges as climate change, pandemic, and migration, this dominant American school remains determined to ensure that the United States will pay decent respect to international law.

**Anne Peters, Animals in
International Law (Special Course)**



The plight of animal individuals and species inflicted on them by human activity is a global problem with detrimental repercussions for all humans and for the entire planet. This course gives an overview of the most important international legal regimes which directly address animals and which indirectly affect them. It covers species conservation treaties, notably the international whaling regime, the farm animal protection rules of the EU, international trade law, and the international law of armed conflict. It also analyses the potential of international fundamental rights for animals. Finding that international law creates more harm than good for animals, the course suggests progressive treaty interpretation, treaty-making, and animal interest representation for closing the animal welfare gap in international law. A body of global animal law needs to be developed, accompanied by critical global animal studies.

Volume 411

**Gérard Cahin, Reconstruction et
construction de l'État en droit
international (Special Course)**



Cambodia, Sierra Leone, Liberia, Afghanistan, Somalia, Bosnia-Herzegovina, Haiti: the reconstruction of States unable to exercise their functions following an armed conflict or a serious crisis affecting their political, economic and social structures, has since the 1980s, and especially since the end of the Cold War, become a highly topical issue for international law. In Namibia, East Timor and Kosovo, it is even the ab initio construction of new States that mobilizes the action of international organizations and their members. However, such an undertaking is far from self-evident from the point of view of international law, which is certainly intimately concerned with the appearance and disappearance of the first of its subjects, but is entirely indifferent to and external to the historical process of its construction, and it merely limits itself to drawing the consequences of

its realization in its system. To provide a global and systematic vision of the (re)construction of the State in international law thus requires first of all to trace the historical and conceptual evolution by which this undertaking has become a question of major interest for the discipline. The study can then focus on the two complementary aspects that allow us to comprehend it: procedural aspects, on the one hand, or how to (re)construct, according to which principles, on which legal foundations, under which institutional forms, with the participation of which actors; substantive aspects, on the other hand, what to (re)construct of the State, what components, what attributes, what qualities are indispensable to the exercise of its functions and its sovereignty.

Volume 412

**Anastasia Grammaticaki-Alexiou,
Best Interests of the Child in
Private International Law (Special
Course)**



Private international law has opened up to concepts that originally seemed remote to its philosophy of neutrality. In matters relating to international family law, human rights have enriched its rules and solutions via the principle of the best interests of the child, as introduced by the 1989 Convention on the Rights of the Child. This course seeks to highlight the importance of the principle in present “hot” and difficult issues, such as international child abduction, intercountry adoption, international surrogacy, and personal status problems of migrant and refugee children, where it is expected to play an important role. The principle is a valuable tool for the protection of the child, provided it is interpreted and applied correctly. But, as it happens with other general concepts in law, its interpretation and application in specific cases may be influenced by cultural, religious or other personal beliefs of the legal practitioner or state official who applies it, or sometimes be given only lip service. The task of objectivity is difficult. And yet, notwithstanding possible errors, the best interests of the child principle offers solutions that are the most protective of the rights of the child.

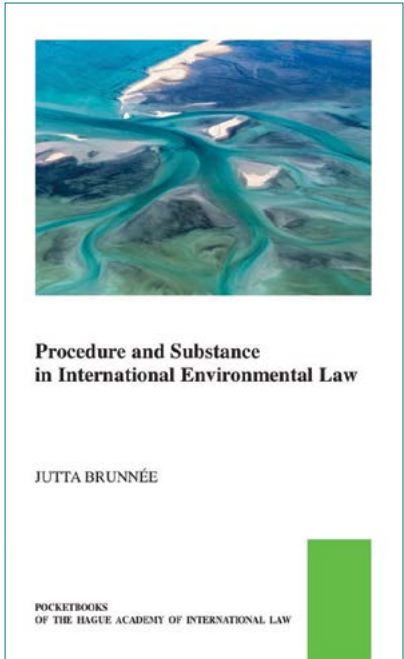
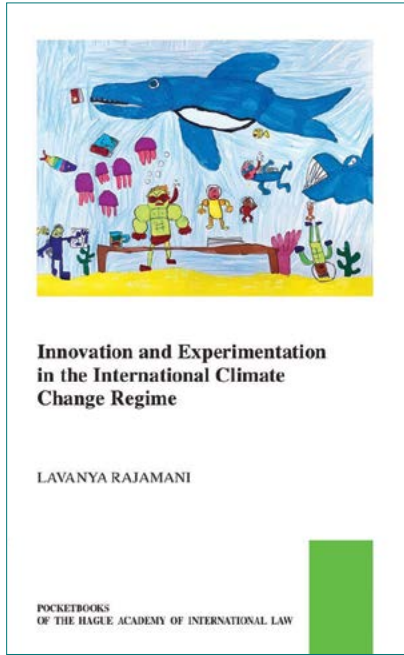
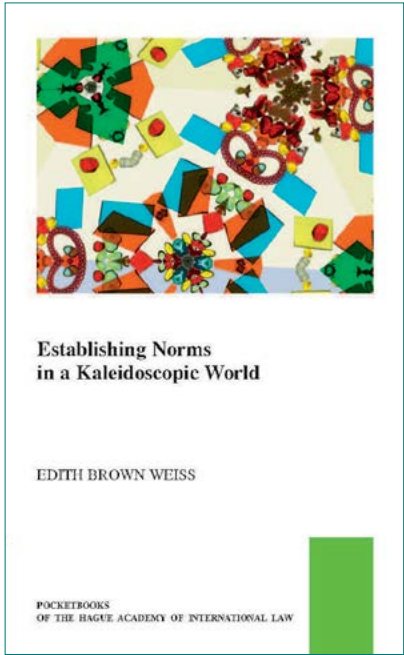
**Djamchid Momtaz, La
hiérarchisation de l'ordre juridique
international (General Course)**



The international legal order has long been characterized by the equality of its norms. But the introduction of peremptory norms into positive law has given rise to a substantial hierarchy. Initially confined to the law of treaties, this hierarchization is gradually tending to become a vehicle for the evolution of the structure of the international order through the non-conventional route. This trend is confirmed by the favorable reception given by certain international bodies to the innovative provisions imbued with a community vision in the International Law Commission's draft articles. Nevertheless, its consolidation and, above all, its generalization within the international community of States as a whole remain fraught with difficulties.

The following Pocketbooks were published in 2020:

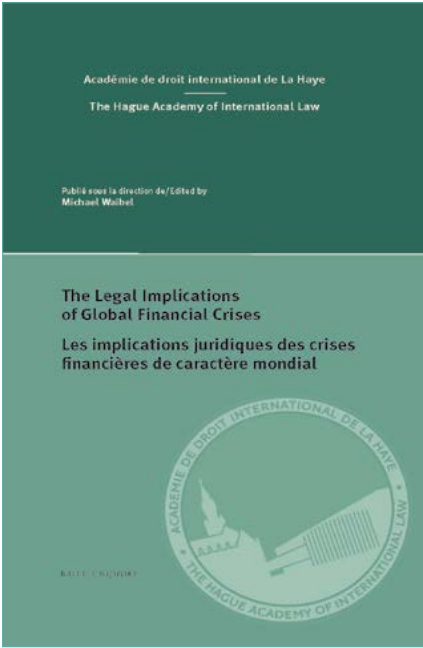
- Edith Brown Weiss, Establishing Norms in a Kaleidoscopic World (General Course)
- Lavanya Rajamani, Innovation and Experimentation in the International Climate Change Regime (Special Course)
- Jutta Brunnée, Procedure and Substance in International Environmental Law (Special Course)
- Catherine Kessedjian, Le tiers impartial et indépendant en droit international, juge, arbitre, médiateur, conciliateur (General Course)



3.2. The Centre for Studies and Research

The following volumes of the work of the Centre were published in 2020:

- The Legal Implications of Global Financial Crises, edited by Michael Waibel
- Fifty Years of Space Law, edited by Philippe Achilleas and Stephan Hobe





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 2020, the Curatorium consisted of the following 18 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 its plenary meetings. At present, the committees are: the Programmes Committee, the Publications Committee and the Committee on Modernization and Reforms.

10 | *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.

Since January 2017, the position of Secretary-General has been 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. Since March 2019, Mr. Piet Hein Donner, Honorary Minister of State of the Netherlands, serves as its President. In 2020 the Board was further composed by the following five members:

Baron Diederik C. van Wassenauer (Treasurer), Dr. Elisabeth M. Wesseling-van Gent, Mr. Wiet (L.W.L.) de Bruijn, Dr. Marinke Steenhuis, and Mr. Boudewijn J. van Eenennaam.

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

12 | Secretariat staff, 2020 winter assistants and Mrs. Andrea Möller-Kramer

4.4. Treasurer and Financial Management

The Administrative Board appoints the Treasurer of the Academy. Mr. Erik de Baedts, Director general of the Carnegie Foundation in the Netherlands holds this position since July 2015. 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.

In 2020, the Treasurer was assisted by Mrs. Andrea Möller-Kramer, Head of the Financial Department of the Academy since 2014, as well as by Ms. Stephanie de Geest until mid-2020 and, subsequently, by Ms. Lucienne Bax, Financial Administration Officers.



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4.5. Secretariat

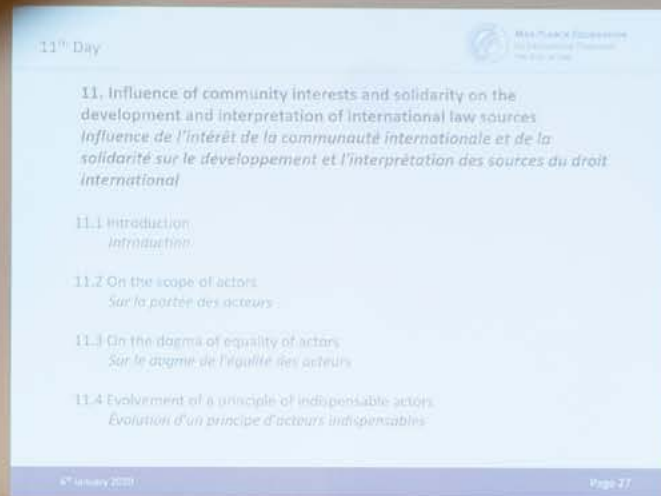
Under the authority of the Deputy Secretary-General for Administrative Affairs, the Secretariat is entrusted with the day-to-day administration of the Academy and the practical organization of its activities. In 2020, it was composed of the following members: Ms. Vanina Guénier, Registration and General Affairs Officer; Ms. Daphne Tengbergen, Registration and General Affairs Officer; Ms. Anna Vasilyeva, General Affairs Coordinator, and Ms. Marina Voronenko, 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. Since 2014 this position is held by Ms. Simone Cartier. The distribution and marketing of the publications is handled by Brill Publishers.



5. Finances

5.1. 2020 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/75/134 of 15 December 2020, paragraphs 23 and 24 of which specifically mention the Academy.

The Academy received voluntary contributions from 14 countries in 2020. These contributions were greatly appreciated.



5.2. Country Contributions

In 2020, the Academy’s activities received generous support from the following States:

- Belgium – Federation Wallonia-Brussels
- Chile
- China
- Denmark

NB: in our 2019 Annual Report, Denmark was erroneously mentioned in the list of country contributions. The contribution made by the State of Denmark was instead meant to sponsor the activities of the Academy in the year 2020.

- India
- Italy
- Japan
- Mexico
- Panama
- Peru
- Philippines
- Singapore
- Slovakia
- Turkey

13 | An attendee receives the Certificate of Attendance

5.3. Scholarship Sponsors

The donors listed below generously allocated scholarships to the Academy to enable selected recipients to attend the 2020 Winter Courses.

States:

- Andorra: **1** scholarship
- Austria: **1** scholarship
- Belgium - Wallonia-Brussels International: **1** scholarship
- China: **2** scholarships
- Thailand: **2** scholarships

Institutions:

- City of The Hague (Netherlands): **2** scholarships
- Luftia Rabbani Foundation - scholarships for international law in memory of Mr. P. Vreede (Netherlands): **3** scholarships
- The Hague Academy of International Law (Netherlands): **49** scholarships

Private persons :

- E. Silva Romero (Colombia/France) - scholarship in memory of Andrés Bello: **2** scholarships





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. 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 offers all course attendees a free 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 during working days and exceptionally opens its doors on Saturdays to the benefit of the Academy's attendees.

During the 2020 Winter Courses, the Head Librarian, Mr. Jeroen Vervliet, once again provided attendees with a glimpse of the underground stacks of the library and its special collection of original, often first edition, publications of Hugo Grotius during a series of tours, which were exclusively organized for the Academy.

The library also traditionally supports the work of the Centre for Studies and Research. In 2020, it produced the initial bibliography used by the Directors of Research and the participants as a basis for their research on epidemics and further facilitated the work of the researchers by providing access to its rich online collection.

Annex 1. Poster of the 2020 Winter Courses



THE HAGUE ACADEMY OF INTERNATIONAL LAW 2020

Curatorium:
Prof. Yves Daudet (President)
Dr. Beat W. Hess (Vice-President)
Judge Mohamed Bennouna
Prof. Katharina Boele-Woelki
Prof. Hannah L. Buxbaum
Judge Antônio A. Cançado Trindade
Prof. Hilary Charlesworth
Prof. Giuditta Cordero-Moss
Prof. Diego P. Fernández Arroyo
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

Secretary-General:
Prof. Jean-Marc Thouvenin

WINTER COURSES

ON INTERNATIONAL LAW

6 - 24 January 2020

* Inaugural Lecture International Rules on Jurisdiction and Contemporary State Practice: Stability or Change?	Geneviève BASTID-BURDEAU Professor Emerita of Sorbonne Law School, Paris 1 University
General Course Solidarity and Community Interests: Driving Forces for the Interpretation and Development of International Law	Rüdiger WOLFRUM Emeritus Professor and Director at the Max Planck Institute for Comparative Public Law and International Law
* <i>Due Diligence</i> in International Law	Samantha BESSON Professor at the University of Fribourg
* International Law, History and Culture	Paulo Borba CASELLA Professor at the University of São Paulo
* Applicable Law before International Courts and Tribunals	Mathias FORTEAU Professor at Paris-Nanterre University
Foreign Relations and International Law	Karen KNOP Professor at the University of Toronto
* International Scrutiny of Derogations from Human Rights	Brusil Miranda METOU Professor at the University of Dschang, Cameroon
The Influence of Public International Law upon Private International Law	Mario OYARZABAL Professor at the National University of La Plata

* Lecture delivered in French, simultaneously interpreted into English.

DIRECTED STUDIES FOR DIPLOMA CANDIDATES AND ADVANCED STUDENTS

Directors of Studies:

English-speaking section: Christopher A. WHYTOCK , Professor at the University of California, Irvine School of Law	French-speaking section: Romain LE BOEUF , Professor at Aix-Marseille University
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REGISTRATION

All applicants are required to register online. A limited amount of scholarships is available.

- Registration period for full fee applicants: 1st May – 29th September 2019
- Registration period for scholarship applicants: 1st May – 31st July 2019

Participants in the Winter Courses will also be able to register for an exceptional event: the “Hours of Crisis” Simulation Exercise!


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 2. Afternoon Lectures – 2020 Winter Courses

- H.E. Carlos J. Argüello Gómez, Ambassador of the Republic of Nicaragua in The Hague: *The Case of Nicaragua v. United States of America: Comments from the Agent of Nicaragua.*
- Mr. Philippe Cavalieros, Partner, Simmons & Simmons LLP, Paris: *The Arbitrator Dealing with Allegations of Corruption.*
- Mr. Brooks Daly, Deputy Secretary-General and Principal Legal Counsel of the Permanent Court of Arbitration: *The Permanent Court of Arbitration.*
- H.E. Chile Eboe-Osuji, President of the International Criminal Court: *Struggles of Justice in a Highly Political Context.*
- H.E. Kirill Gevorgian, Judge at the International Court of Justice: *The ICJ and The Development of International Law.*
- Mr. Emmanuel Giakoumakis and Ms. Jessica Joly Hébert, Law Clerks, International Court of Justice: *The Work of the ICJ's Judges.*
- Mr. Steven Hill, Legal Advisor and Director of the Office of Legal Affairs at NATO Headquarters: *Practicing Law at NATO.*
- Mr. Philippe Lortie, First Secretary, Permanent Bureau of the Hague Conference on Private International Law: *The Hague Conference on Private International Law.*

Annex 3. Poster of the 2020-2021 Online Centre for Studies and Research



THE HAGUE ACADEMY
OF INTERNATIONAL
LAW

2020-2021

Curatorium:
Prof. Yves Daudet (President)
Dr. Beat W. Hess (Vice-President)
Judge Mohamed Bennouna
Prof. Katharina Boele-Woelki
Prof. Hannah L. Buxbaum
Judge António A. Cançado Trindade
Prof. Hilary Charlesworth
Prof. Gaudita Cordero-Moss
Prof. Diego P. Fernández Arroyo
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

Secretary-General:
Prof. Jean-Marc Thouvenin

CENTRE FOR STUDIES AND RESEARCH
ONLINE

1 September 2020 – 1 June 2021

Epidemics and International Law

The history of epidemics can be traced back to the beginning of the history of humankind itself, with the first recorded epidemic being the “Plague of Athens” in 429-426 BC, the death toll of which was estimated at 100,000. There have been numerous such instances of epidemics from the first human settlements to the modern day. International law began to address epidemics in the latter half of the 19th century. While there are international instruments that regulate public health worldwide, they nonetheless remain the purview of a patchwork of specific treaty and non-treaty instruments. The problem is not merely the matter of sanitary and health concerns covered by the WHO’s mandate. It warrants broader consideration in international law.

Accordingly, the problem of epidemics should be addressed, not by the single-issue approach of a special regime of international law, but by considering the overall interrelationships of the relevant rules of international law, including, but not limited to: global health law, international human rights law, international trade law, and international investment law, international financial law, international environmental law, intellectual property law, international labor law, maritime and air law, international law relating to peace and security, and arms control and international humanitarian law. Linkages among the relevant rules of these regimes should be addressed as far as possible. Additionally, issues of State responsibility may also be pertinent in considering the topic of epidemics.

Considering that, selected researchers will be called to work on the following topics – which will be refined in due course - under the guidance of the Directors of Research:

- History of epidemics and international law
- Legal definitions and practice (epidemics, pandemics, health emergencies, cf. disasters)
- Institutional framework: WHO, States, UN, regional organizations, other international organizations and entities
- Legal instruments (including the WHO IHRs (2005))
- Assessment of scientific evidence
- International cooperation (obligations of the affected State; assistance to the affected State)
- Epidemics and human rights
- Epidemics and trade / investment / intellectual property / environment / humanitarian law
- Epidemics and international responsibility
- Epidemics and dispute settlement

Directors of Research:

Shinya MURASE, Professor Emeritus of Sophia University Faculty of Law, Tokyo

Suzanne ZHOU, Acting Manager, Prevention, McCabe Centre for Law and Cancer, Melbourne

REGISTRATION

Registration is free of charge.

Interested candidates must be researchers and preferably hold an advanced degree (PhD or Doctorate degree).

Registration period: 1st July to 1st September 2020. We expect to receive a large number of applications, which might lead us to move the application deadline to August 1st, 2020.

Interested candidates are therefore encouraged to apply as soon as possible.

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>

Despite the foregoing, part of the lecturers will be speaking at a webinar next month to give an overview of the Course of 2021, which shall be devoted to delving into the means and current practice of the settlement of international commercial disputes.

Ms Teresa Cheng GBS SC JP	TBC
Dr Christophe Bernasconi	The Hague Conference on Private International Law and Its Work Regarding Dispute Resolution
Professor Diego P. Fernández Arroyo	Current Trends on International Commercial Dispute Settlement – An Overview
Professor Jean-Marc Thouvenin	The Hague Academy of International Law Programmes

- Language: English
 - Enquiry: events@aail.org
 - Free Registration: <https://events.aail.org/en/event/2020HAIL-HK/>
- *CPD POINTS BEING APPLIED FOR



