GENERAL PRINCIPLES AND THE COHERENCE OF INTERNATIONAL LAW

PRINCIPES GENERAUX ET COHERENCE DU DROIT INTERNATIONAL

Organised under the auspices of the University of Bologna – School of Law, KU Leuven – Centre for Global Governance Studies, and University of Oslo – Faculty of Law

Organising Committee
Mads Andenæs, Giuseppe Bianco, Ludovica Chiussi, Johann Ruben Leiss, Attila Tanzi and Jan Wouters

What role do general principles of law play in today’s international legal order? Can these general principles contribute – and if so, how and to what extent – to ensuring the coherence of international law, given the rapid developments in the many sub-fields of the latter? What interactions are there between general principles at international, regional, and national levels?

The seminar will address the contribution of general principles to the coherence of international law. It will bring together several high-level experts from academia and practice to discuss: (i) the relationship between general principles and the other sources of international law; (ii) the interactions between general principles as a source of international law and the role of general principles in national and regional legal orders, such as EU law; (iii) the specific role which general principles play in three selected sub-fields of international law, namely international investment law, international environmental law and international human rights law.

The seminar will be held in English and French.
Le séminaire se déroulera en français et en anglais.

Venue: Centre Universitaire de Norvège à Paris
Fondation Maison des Sciences de l’Homme
190, Avenue de France, 75013 Paris

Places are limited. Please, register with paris.seminar2017@gmail.com
Thursday 23 March 2017, 14.00 – 18.30

14.00 - 14.20 Coffee and Registration

14.20 - 14.40 Welcome and Concept Note
Mads Andenæs – University of Oslo and
Ludovica Chiussi – University of Oslo and University of Bologna

14.40 - 15.00 Keynote Speech
Giorgio Gaja – Judge, International Court of Justice

15.00 - 16.45 General Principles and the Other Sources of International Law
Chair: Rolf Einar Fife – Norwegian Ambassador to France

General Principles as a Basis for Promoting the Formation of New Customary Rules
Paolo Palchetti – University of Macerata

General Principles of Law, Jus Cogens and the Unity of the International Legal Order
Robert Kolb – University of Geneva

General Principles Infra, Praeter, Contra Legem? The Role of Equity in Determining Reparation
Enrico Milano – University of Verona

General Principles and Judicial Decisions
Johann Ruben Leiss – University of Oslo

The Relevance of Good Faith for the Creation and Application of Treaty Law: Good Faith as a Standard of Legal Communication
Ulf Linderfalk – University of Lund

16.45 - 17.00 Break

17.00 - 18.30 The Interplay with National and Regional Legal Systems
Chair: Jan Wouters – KU Leuven

General Principles in Balancing International and National Legal Values
Pasquale De Sena – Catholic University of Milan

The General Principles of EU Law: Who Needs Them?
Takis Tridimas – King’s College London
**General Principles of EU Law and General International Law**
Emanuel Castellarin – University of Strasbourg

**The Interpretation of UN Security Council Resolutions between Regional and General International law: what Role for General Principles?**
Matthias Lippold – University of Göttingen

20.30 Dinner for the Speakers

**Friday 24 March 2017, 09.30 – 16.00**

09.30 - 09.45 Registration

*9.45 - 11.00* **General Principles and International Investment Law**  
Chair: Attila Tanzi – University of Bologna

**General Principles of Commercial law and International Investment Law**  
Andrea Carlevaris – ICC International Court of Arbitration

**Unjust Enrichment**  
Ben Juratovich, QC – Freshfield Bruckhaus Deringer

**Res Iudicata between Authority and Persuasion**  
August Reinisch – University of Vienna

11.00 – 11.15 Break

*11.15 – 12.30* **General Principles and International Environmental Law**  
Chair: Malgosia Fitzmaurice – Queen Mary University of London

**Environmental Impact Assessment and Precautionary Approach: why International Courts and Tribunals are Reluctant to Consider them General Principles of Law?**  
Tullio Treves – Curtis, Mallet-Prevost, Colt & Mosle LLP

**General Principles of International Environmental Law in the Case Law of International Courts and Tribunals**  
Makane Mbengue – University of Geneva

**General Principles for the Protection and Sustainable Development of Cultural Heritage**  
Francesco Francioni – European University Institute
12.30 - 13.30 **Lunch Break**

13.30 – 15.00 **GENERAL PRINCIPLES AND INTERNATIONAL HUMAN RIGHTS LAW**
   **Chair:** Bruno Simma – Judge, Iran–United States Claims Tribunal

   *Manufacturing State Practice: Dressing Human Rights Principles in the Guise of Customary Law*
   Payam Akhavan – McGill University

   *Coherence between Human Rights Law and the Laws of War*
   Andrew Clapham – Graduate Institute of International and Development Studies

   *General Principles on Business and Human Rights*
   Régis Bismuth – Sciences Po Law School, Paris

   *General Principles and the Reparation System of the International Criminal Court*
   Juan Pablo Pérez León Acevedo – University of Oslo

15.00 - 16.00 **CONCLUDING DEBATE**
   Moderated by **Abdulqawi Ahmed Yusuf** – Vice-President, International Court of Justice