



Interest Group on
International Legal Theory & Philosophy
IGITLP

**First ECTPIL and TRICI-Law Conference
24–25 May 2019, University of Groningen**

The Theory and Philosophy of Customary International Law and its Interpretation

Programme

Friday, 24 May 2019

09.00–09.30	Registration	
09.30–10.15	Opening of the Conference Marcel Brus (local host) Pauline Westerman (local host) Panos Merkouris (local host/co-organiser) Jörg Kammerhofer (co-organiser, chair ESIL IGITLP)	Academy Building
10.15–11.00	Keynote Speech Chair: Marcel Brus Keynote Speaker: HE Judge Mohammed Bennouna	Academy Building
11.00–11.30	Coffee Break	
11.30–13.00	<i>The Theory and Philosophy of CIL as a Source of Law</i> Chair: André de Hoogh Jörg Kammerhofer : <i>The Theory of Customary International Law after the ILC Project: Between Pragmatism and Disenchantment</i> Jean d'Aspremont : <i>The Four Lives of Customary International Law</i> Diego Mejia-Lemons : <i>Customary International Law and the Regulation of the Sources of International Law</i> Romel Bagares : <i>Enkapsis and the Development of Customary International Law: A Dooyeweerdian Approach</i>	Academy Building
13.00–14.15	Lunch	Academy Building

- 14.15–15.45 ***Ontological Critiques of CIL*** (parallel) **Senaatskamer**
 Chair: **Pauline Westerman**
Noora Arajärvi: *Misinterpreting Customary International Law: Corrupt Pedigree or Self-fulfilling Prophecy?*
Francesca Iurlaro: *The Fiction of Customary International Law: an Historical and Theoretical Perspective*
Jorge Luis Fabra Zamora: *A Hartian Theory of International Customary Law*
Timothy William Waters: *Tools to Match Desire: Customary International Law's Plastic Hypocrisy*
Andreas Hadjigeorgiou: *Beyond Formalism: Reviving the Legacy of Sir Henry Maine for Customary International Law*
- 14.15–15.45 ***Faultlines and Weak Spots in the Edifice of CIL*** (parallel) **Old Courtroom**
 Chair: **Daniel Peat**
Andreas Føllesdal: *Whence the Legitimate Authority of Customary International Law: to Honor State Consent, or Legitimate Expectations – or Both?*
Max Henry Mayer: *Law and its Other: The Making of Customary International Law*
Asif Hameed: *Particular vs General Rules: A Major Faultline for Customary International Law*
Sean Yau: *Between Identifying and Conceptualising 'Exceptions' to Customary International Law*
- 15.45–16.15 Coffee Break
- 16.15–17.45 ***Alternative Approaches to CIL*** (parallel) **Senaatskamer**
 Chair: **Ingo Venzke**
David Howard: *An Alternative Theory of Customary International Law*
Anna Baka: *The Phenomenology of Absence in Customary International Law*
Frederick Cowel: *Can Customary International Law Emerge from Universal Periodic Review Recommendations? A Democratic-Constructivist Theory*
Markus Beham: *State Interest and Customary International Law – Identifying Custom Through International Relations*
- 16.15–17.45 ***Actor Variety in the Content-Determination of CIL*** (parallel) **Old Courtroom**
 Chair: **Brigit Toebes**
Catherine Brölmann: *Is the Classical Paradigm of State Practice and Opinio Juris still valid today?*
Machiko Kanetake: *The Determination of Customary International Law by Domestic Courts*
Maiko Meguri: *Behind the Fiction of Opinio Juris: the Actors that Actually Create International Law*
Zhuo Liang: *Approaches and Consequences of Incorporating Non-State Armed Groups' Practice into the Formation of Customary International Humanitarian Law*
- 18.30–22.00 Drinks & Dinner **Prinsenhof**

Saturday, 25 May 2019

- 09.00–10.45 ***Domestic Courts Lessons on the Theory and Interpretation of CIL*** (parallel) **Old Courtroom**
 Chair: **Geir Ulfstein**
Cedric Ryngaert: *From Customary Law Ascertainment to Interpretation: the Role of Domestic Courts*
Luigi Crema: *Once You Get to the Top of a Positivized Legal System, Customary Law Comes Out Again*
Gerard Hoogers: *Customary International Law as a Tool for Federal Dispute Settlement*
Nina Mileva: *Old, New, Borrowed, or Blue: How can we Learn from the Interpretive Practices of Domestic Courts?*

- 09.00–10.45 ***The Relevance of Hermeneutics and Interpretation in CIL*** (parallel) **Van Swinderen Huys**
 Chair: **Noora Arajärvi**
Hugh Thirlway: *A Hermeneutic Approach to Customary International Law*
Panos Merkouris: *The Viability of and Need for Interpretation of Customary International Law*
John R Morss: *The Interpretation of Customary International Law: Some Questions*
Orfeas Chasapis Tassinis: *Interpreting State Practice and Interpreting the Rules of Customary International Law: Practical Relevance and Theoretical Reflection*
- 10.45–11.15 Coffee Break
- 11.15–13.00 ***Delineating the Interpretative Stage in the 'Life-Cycle' of CIL*** (parallel) **Old Courtroom**
 Chair: **Malgosia Fitzmaurice**
Riccardo di Marco: *Customary International Law: Identification vs Interpretation*
Mariana Clare de Andrade: *Identification, Interpretation and Application of Customary International Law*
Kostiantyn Gorobets: *Practical Reasoning and Interpretation of Customary International Law*
Marina Fortuna: *Real Life Examples of Identification and Interpretation of CIL*
- 11.15–13.00 ***The Need for Methodological Rigour in the Identification, Interpretation and Application of CIL*** (parallel) **Van Swinderen Huys**
 Chair: **Jörg Kammerhofer**
Anastasios Gourgourinis: *Navigating the Formation, Interpretation and Application of Customary International Law*
Vladyslav Lanovoy: *The Role of International Courts and Tribunals in the Treatment of Customary International Law: A Plea for Greater Methodological Rigour*
Letizia Lo Giacco: *Eureka!: On Courts' Discretion in 'Ascertaining' Rules of Customary International Law*
Nikolaos Voulgaris: *The Genesis of Customary International Law through the International Law Commission; Disentangling Lex Ferenda from Lex Lata*
- 13.10–13.30 Closing **Van Swinderen Huys**
Panos Merkouris (local host/co-organiser)
Noora Arajärvi (co-organiser, chair ESIL IGILTP)