

The Changing Character of International Dispute Settlement: Prospects and Challenges

John G. Merrills Memorial Conference

University of Sheffield, 6 December 2019

Concept

As the late Professor Merrills wrote in his seminal book *International Dispute Settlement* (6th ed, CUP, 2017), 'the peaceful settlement of international disputes is the most critical issue of our time.' Currently, we witness the exponential growth of disputes in areas as diverse as human rights, environment, trade and investment. Contemporary disputes are also more complex, involving multiple disputants, norms and dispute settlement institutions (legal or non-legal). The expansion of the system of international dispute settlement (IDS) through the multiplication of IDS institutions with overlapping competences has exacerbated the risk of fragmentation and of conflicting outcomes. The development of international law in new fields such as cyber law and space law raises the question of whether existing IDS institutions are adequate or whether new institutions are required. Questions are also raised as to whether existing dispute settlement mechanisms have the legitimacy to deal with issues involving public interests, such as health, environment, and human rights. These tensions are compounded by the resurgence of nationalism, protectionism, and isolationism. The immediate question is how the IDS system can address these challenges in order to maintain world peace and international legality. To this end, the **Sheffield Centre for International and European Law** (SCIEL) at the University of Sheffield with support from the **Society of Legal Scholars** (SLS) is organising a one-day conference bringing together academics and practitioners who are experts in different fields of dispute settlement. The conference aims to identify ways and make proposals as to how the IDS system can address the above mentioned challenges and how it can evolve and adapt in order to preserve peace and international legality.

Programme

8.30-9.00 **Registration and Coffee**

9.00-9.30 **Introduction to the Conference and John Merrills**

Nicholas Tsagourias, *University of Sheffield*

Daniel Merrills

9.30-11.30 **PANEL 1: THE MOSAIC OF INTERNATIONAL DISPUTE
SETTLEMENT**

**Parallel Proceedings Concerning Investment and Human Rights
Claims**

Tarcisio Gazzini, *University of East Anglia*

Navigating Choppy Waters: UNCLOS Dispute Settlement Coming of Age

Richard Collins, *University College Dublin*

The Adequacy and Effectiveness of Grievance Mechanisms within Businesses as a Form of International Dispute Resolution

Lorna McGregor, *University of Essex*

The Role of Domestic Courts in International Dispute Settlement

Kimberley Trapp, *University College London*

11.30-12.00 Coffee Break

12.00-13.00 Keynote Speech: International Dispute Settlement - A bright or depressing future?

Sir Michael Wood, *UN International Law Commission and Twenty Essex Chambers*

13.00-14.00 Lunch Break

14.00-16.00 PANEL 2: NEW OPPORTUNITIES IN INTERNATIONAL DISPUTE SETTLEMENT

Dispute Settlement and The ILC Articles on the Protection of Persons in the Event of Disasters: Uncertain Times?

Therese O'Donnell, *University of Strathclyde*

Dispute Settlement in Cyber Conflicts: Challenges and Opportunities

Karine Bannelier-Christakis, *Université Grenoble Alpes*

On the Settlement of Space-related and International Telecommunications Disputes

George D. Kyriakopoulos, *National and Kapodistrian University of Athens*

Consistency, Coherence, and the Reform on Investor-State Dispute Settlement

Eric De Brabandere, *Leiden University*

16.00-16.30 Coffee Break

16.30-18.30 PANEL 3: THE LEGITIMACY OF THE CURRENT SYSTEM OF INTERNATIONAL DISPUTE SETTLEMENT AND POSSIBLE REFORMS

The Security Council and the Peaceful Settlement of Disputes: Does it Have a Future?

Nigel D. White, *University of Nottingham*

Non-Appearance before International Courts and Tribunals: Comparing Approaches of Different Courts

Danae Azaria, *University College London*

**The Role and Legitimacy of International Human Rights Mechanisms
of Dispute Settlement**

Sir Malcolm D. Evans, *University of Bristol*

**Legitimacy in Settlement of Disputes in International Environmental
Law; From Classical to Non-Compliance Procedures**

Malgosia Fitzmaurice, *Queen Mary University of London*

The event is supported by SCIEL and the SLS.