

**Synergy between the Law of Treaties and the Law of International Responsibility:  
So Far Apart but Still So Close**

**Friday, 17 April 2020 and Saturday, 18 April 2020  
Queen Mary University  
London**

The connection between the law of treaties and the law of international responsibility is a seemingly resolved question. Following the *Rainbow Warrior* award and the *Gabčíkovo-Nagymaros* judgment, it is now commonplace to think of the law of treaties and the law of international responsibility as being in a relationship of 'functional separation'. The law of treaties relates to so-called 'primary rules'; it serves to create obligations for States and establish their validity and scope. The law of international responsibility is a set of 'secondary rules', and it serves to determine when those primary rules, established by treaty, have been breached and what consequences follow. Their 'function' is different and, as such, they apply side-by-side.

But scratching beneath the surface, problems and uncertainties begin to emerge. Is the functional separation between the law of treaties and the law of responsibility airtight or is it porous, and does this matter? For instance, is the suspension of the performance of a treaty obligation by way of countermeasures in essence the same as the suspension of the treaty itself; can the formal distinction be maintained and, if so, to what end? Further, to what extent do treaties containing specific provisions on 'secondary rules' exclude the application the general rules of international responsibility? And what role does the law of responsibility have (if any) in respect of treaties which set up their own 'compliance mechanisms'? Or if a State enters into an international agreement with a non-State actor and either party breaches the agreement? Or if a State fails to comply with a treaty which is only being provisionally applied?

The Annual Spring Conference of the British Branch of the International Law Association, organised and hosted by Queen Mary University of London aims to address these and other relevant questions, with a view to achieving a better and deeper understanding of the relationship between these two fundamental areas of international law.

## Programme

Friday, 17 April 2020

Venue: TBC

**8:30-9:00**     **Arrival and registration**

**9:00-9:20**     **Welcome and Opening Remarks**  
Prof Penny Green, Dr Federica Paddeu, Prof Antonios Tzanakopoulos  
and Prof Malgosia Fitzmaurice

**9:20-10:00**   **Keynote Speaker**  
Mr Olufemi Elias

**10:00-11:15**   **Panel 1 - The interface between the law of treaties and the law of  
State responsibility: Some persistent questions**

Moderator: Prof Phoebe Okowa (QMUL)

Suspension: Dr Federica Paddeu (Cambridge)

Termination: Prof Christian Tams (Glasgow)

Countermeasures: Prof Serena Forlati (Ferrera)

**11:15-11:45**   **Tea/coffee**

**11:45-13:00**   **Panel 2 - *Leges speciales*? Treaty rules on international responsibility**

Moderator: Dr Eva Nanopoulos (QMUL)

Attribution: Mr Robert Volterra (Volterra Fietta)

Defences and treaty-based exceptions: Dr Caroline Henckels (Monash)

Remedies: Dr Geraldo Vidigal (Amsterdam)

**13:00-14:00**   **Lunch**

**14:00-15:15**   **Panel 3 - The relationship between compliance regimes and the  
international of responsibility**

Moderator – Prof Neve Gordon (QMUL)

Environment: Prof Malgosia Fitzmaurice (QMUL)

Corruption: Dr Cecily Rose (Leiden)

Business and HR: Dr Ludovica Chiussi (Bologna)

**15:15-15:45 Tea/coffee**

**15:45-17:15 Panel 4 - Relevant issues to international responsibility**

Moderator - Ms Rae Lindsay (Clifford Chance)

Breach of provisionally applied treaties: what role for ARSIWA?: Dr Anneliese Quast Mertsch (ICTY and ICTR)

Breach of treaties with non-State actors: Ms Tatyana Eatwell (Doughty Street)

Treaties, succession and responsibility: Dr Daniel Costelloe (WilmerHale)

Responsibility and resistance in the evolution of global legal authority: Prof Patrick Capps (Bristol)

**17:15-18:45 Round Table: Synergy between the Law of Treaties and the Law of International Responsibility: So Far Apart but Still So Close**

Chair: Mr Jeremy Carver (President, ILA British Branch)

Participants: Mr Chanaka Wickremasinghe (FCO),

Prof Anne Peters (Max Planck)

Prof Genevieve Bastid-Burdeau (Panthéon-Sorbonne)

Prof Pierre d'Argent (UCLouvain)

Prof Stefania Negri (Salerno)

**18:45-19:45 Drinks Reception**

**19:45 Dinner**

**Saturday, 18 April 2020**

**9:00-10:15 Panel 5 - International Responsibility and Treaties of International Organisations**

Moderator - Dr Leslie-Anne Duvic-Paoli (KCL)

General Attribution: Prof Catherine Brölmann (Amsterdam)

European Union: Dr Paul Gragl (QMUL)

Peacekeeping missions in International Organisations: Prof Jan Wouters (KU Leuven)

**10:15-10:45 Tea/coffee**

**10:45-12:00 Panel 6 - International Responsibility and International Economic Law**

Moderator - Dr Angelos Dimopoulos (QMUL)

WTO: Dr Joanna Gomula (Cambridge)

Investment treaty arbitration: Prof Eric de Brabandere (Leiden)

Investment contract arbitration: Dr Mavluda Sattorova (Liverpool)

**12:00-12:30 Concluding remarks speech** to be delivered by Professor Dai Tamada (Kobe).

**12:30-13:30 Lunch**

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