



## CALL FOR PAPERS

### The concept of obligation in international law

International Conference

The School of Law, University of Milano-Bicocca is organising a **two-days conference** on the concept of obligation in international law, to be held in **Milan, Italy, on 23-24 May 2022**.

#### CONCEPT

The conference starts from the consideration – already advanced by Jean Combacau in 1981 in his study on the distinction between obligations of conduct and obligations of result – that a “theory” of obligations has somehow been neglected in international legal scholarship. First, few studies have focused on a conceptual understanding of international obligations from the viewpoint of their dogmatic foundations and their intrinsic/extrinsic modalities of operation in international law. Most of the contributions in the field have dealt with obligations either from the perspective of their formal sources or in relation to the consequences of their violation. Second, besides the few successful attempts to formalize categories of international obligations according on their internal/external traits – e.g. the concept of “peremptory norms” or “interdependent obligations” provided by the Vienna Convention on the Law of Treaties or the notion of “obligations *erga omnes*” developed by the ILC articles on State Responsibility – prevailing analytical approaches remain largely pragmatic. The dominant idea is that obligations in international law make up of a complex and multifaced variety and, as such, they can hardly be subsumed into formal categories suitable to reflect their juridical reality.

This conference seeks to challenge the above assumptions and to prompt a discussion that looks transversally at international obligations from the perspective of their dogmatic foundations, their nature, content and modalities of operation. We aim to critically examine the concept of legal obligation in international law from multiple perspectives. First, we propose to contribute to systematizing this notion in scholarly thinking. Second, we plan to contextualise the notion of obligation in light of modern developments. Third, we intend to set the framework for future research in this field.

We wish to explore the notion of international obligations from different methodological and conceptual angles and perspectives. At the same time, our aim is that the conference will shed light on some underlying general questions/ recurring themes including, but not limited to:

- Is it possible to conceive of a “theory” of obligations in international law and to what extent a *formalist* approach toward the study of obligations can adequately reflect their realities?
- Which actors (States, judges, practitioners or academics) does a theory of obligations better serve?
- How has the concept of obligations in international law changed across time and space?

The conference will consist in two sections, which will allow to address the concept of international obligations comprehensively and from multiple perspectives, although we are well aware that the division is purely theoretical and its boundaries are often blurred.

#### I. SESSION I: Ontological aspects

By exploring the ontological aspects of international obligations, we aim to critically enquire the foundational elements and structural conditions that make up the concept of obligation under international law. We start from the understanding that any analysis of the *bases* of obligation under international law comes inevitably with a reappraisal of (historical) doctrines on the “binding force of international law” and with consideration on the “nature” of international law and its sources. Accordingly, some of the questions/ areas we are interested at exploring include: i) the concept of legal obligation in international law from a historical perspective; ii) theories on the binding force on international law (e.g. positivist, naturalist, realist, “interactional”, etc.) and their take on the concept of obligations; iii) the relationship between a broadening or narrowing international community and the concept of obligation itself. At the same time, we are also interested at having a fresh look at the fundamental elements that have been associated with the concept of obligation under international law under either traditional theories or novel ones – for example: consent, effectiveness, social necessity, reciprocity, constraint – and to re-examine these concepts in light of past and current development of international law.

## II. SESSION II: Phenomenological aspects

Other than their fundamentals, we are also interested at conducting a “phenomenological” analysis of obligations that focus on their “external” traits and their modalities of operations in international law. Thus, we welcome contributions that engage with various “categories” of international obligations and their utility in international law. We invite participants to think critically about these taxonomies and how far they can adequately capture the externalities of international obligations. Relevant questions / areas of study include, but are not limited to: i) the relationship between the debtor of the obligation and its beneficiaries; ii) taxonomies of obligations (e.g. created by the Vienna Convention on the Law of Treaties and the ILC work on State responsibility), their relationship, and their usefulness or uselessness; iii) the distinction between obligations of conduct and obligations of result; iv) international obligations and their legal effects vis-à-vis participants of the international legal order.

**Confirmed speakers** include (in alphabetical order): Maurizio Arcari, Giulio Bartolini, Samantha Besson, Pierre D’Argent, Serena Forlati, Gina Heathcote, Yann Kerbrat, Enrico Milano, Martins Paparinskis, Catherine Redgwell, Maria Varaki.

### **GUIDELINES FOR SUBMISSIONS**

Junior scholars in international law and related disciplines are invited to submit proposals for presentations addressing the aspects identified above, as well as other aspects related to the conference concept. Authors are invited to submit abstracts of original papers which are neither published nor accepted for publication when the Colloquium takes place, by **15 February 2022**. Only one abstract per author will be considered. Abstracts must not exceed **700 words**, must contain the **name** and **affiliation** of the author(s) and **contact** details, and must be submitted to the following email addresses: [irini.papanicolopulu@unimib.it](mailto:irini.papanicolopulu@unimib.it) and [alice.ollino@unimib.it](mailto:alice.ollino@unimib.it). In addition to the abstract, each submission should contain, as a separate file, a short (one-page) **author’s CV**, including a list of relevant publications.

The organising committee will select up to 5 papers and will invite their author(s) to present them at the conference. Authors of selected abstracts for the Conference will be notified by **28 February 2022**. Following this, they must submit a **draft paper** (6,000-8,000 words) by **10 May 2022**. Final papers will be considered for publication, subject to further peer review, in an edited volume with a reputable publisher.

Selected speakers will be expected to bear the costs of their own travel and accommodation.

## **VENUE, PARTICIPATION AND REGISTRATION**

The Conference will be held at the premises of **the School of Law of the University of Milano-Bicocca**, if the global public health conditions allow. Attendance at the Conference will be open to the public, but a limited number of places is available.

### **KEY DATES**

- **15 February 2022:** Deadline for abstracts submission
- **28 February 2022:** Announcement of accepted abstracts
- **10 May 2022:** Deadline for draft paper submission (6,000-8,000 words)
- **23 and 24 May 2022:** Conference

### **ORGANISING COMMITTEE**

Prof. Maurizio Arcari  
Dr. Alice Ollino  
Prof. Irini Papanicolopulu  
Prof. Antonello Tancredi