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, University of Oslo – Faculty of Law and Centre Universitaire de Norvège à Paris.

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 - 14.15 Registration

14.15 - 14.20 Welcome Address
Johns Hjellbrekke – Centre Universitaire de Norvège à Paris

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 Application of Treaty Law: Good faith as a Principle of Legal Pragmatics
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

Friday 24 March 2017, 09.30 – 16.00

09.30 - 09.45 Registration

09.45 - 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

General Principles and the Coherence of International Investment Law: of Res Judicata, Lis Pendens and the Value of Precedents
August Reinisch – University of Vienna

11.00 - 11.15 Break

11.15 - 12.45 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

Reparations Principles at the International Criminal Court
Juan Pablo Pérez León Acevedo – University of Oslo
12.45 - 13.45 **Lunch Break**

13.45 – 15.00 **GENERAL PRINCIPLES AND INTERNATIONAL ENVIRONMENTAL LAW**  
*Chair: Malgosia Fitzmaurice* – Queen Mary University of London

*Environmental Impact Assessment and the Precautionary Approach: Why are International Courts and Tribunals Reluctant to Consider Them as 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

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