

## 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](mailto:paris.seminar2017@gmail.com)

## Thursday 23 March 2017, 14.00 – 18.30

14.00 - 14.15 **Registration**

14.15 - 14.20 **Welcome Address**

**Johs Hjellbrekke** – Centre Universitaire de Norvège à Paris

14.20 - 14.40 **Introductory Remarks: *Back to General Principles. Looking for Cohesion in the Expansion of International Law***

**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