

## Centre for International Law

### Spring Newsletter 2024

In this **spring newsletter**, you will find more information about the activities undertaken at the [Centre for International Law](#) (CIL) since the beginning of the year.

Among our **new research projects**, we have undertaken an analysis of the [Rules-Based International Order \(RBIO\)](#) concept, which refers to a system in which countries adhere to established norms, treaties, and agreements to govern their interactions. While the RBIO is said to establish a fair, just, open, and predictable system of governance on the global stage, the project considers whether it is beneficial to inclusive global governance. You can now watch the recordings of our hybrid event on the topic [here](#) and read the discussion paper [here](#).



We are also delighted to be embarking on a three-year project, which started in February, focusing on [Human rights in global supply chains](#), part of a UK-German research partnership. Another new [project](#) will look at labour exploitation in the context of the Cuban Foreign Medical Missions from a State Responsibility perspective. And finally, we have now also been working on a [project](#) focusing on the EU Better Regulation Agenda. You can find more about these new projects in this newsletter.



Many of you joined us in February, when we held a **Rapid Response Webinar** with a panel of experts who discussed legal issues relating to recent developments concerning the *South Africa v Israel* case before the International Court of Justice. The discussion, chaired by Professor Dapo Akande (University of Oxford), included considerations of the

Court's Order on the Request for the indication of provisional measures and the requisite elements of the crime of genocide under international law. For those who have missed it, you can now watch the [recording](#) of the event, as well as read the event [Report](#).

While many of our **short courses on international law** are starting in April, there is still time to register if you, or someone you know, may be interested in attending. You can find the full list of our upcoming courses below, as well as information for registration. This year again, we will offer three scholarships for each of our short courses to participants from communities and backgrounds currently under-represented in the legal community.

We hope that you enjoy reading through this newsletter, which contains more information about our most recent and upcoming activities, including the recent launch of our **Global Toolbox on Corporate Climate Litigation**.

At the end, you will also find a few dates for your diaries with some **upcoming events**.

If you would like to know more about our activities or ways to support or engage with our work, please do get in touch with [Kristin Hausler](#), Dorset Senior Fellow and Director of the Centre for International Law.

To jump to a particular section, please click on the hyperlinks below:

- [Training Courses](#)
- [Business & Human Rights](#)
- [Climate Change Law](#)
- [Cultural Heritage Law](#)
- [Cyber Operations](#)
- [European Law](#)
- [Human Rights](#)
- [International Criminal Law](#)
- [Labour Rights](#)
- [Law of the Sea](#)
- [Migration & Anti-trafficking](#)
- [People at the CIJ](#)
- [Upcoming Events](#)

## TRAINING COURSES

A series of **short courses** are running from April onwards. We are currently accepting registrations across the following range of courses:

- Climate Change Law
- International Trade Law
- War in Ukraine in Context
- Foundations of Public International Law
- Business and Human Rights
- International Migration and Refugee Law
- Artificial Intelligence Governance
- International Cultural Heritage Law
- Public International Law in Practice
- Cyber Operations and International Law
- International Labour Law
- Climate Change Litigation
- Energy Law
- Law of the Sea



More information about our upcoming courses can be accessed [here](#).

This year, we have also launched an **executive education programme** with the Centre for Commercial Law Studies at QMUL focusing on pharmaceuticals and the law. Shortly, we will be launching **summer schools**, targeted primarily at students and young people including one on public international law and one on law and technology.

Note that our self-paced online course on [International Investment Law and Dispute Resolution](#) is also continuing to take registrations.

We remain open to suggestions for cooperation on further courses, including on the provision of in-house training. For more information, please contact our Director of Teaching and Training, [Dr Jean Pierre Gauci](#).

## BUSINESS & HUMAN RIGHTS



In March, the business and human rights team (Dr Irene Pietropaoli, Jasmine Elliott and Dr Sofia Gonzalez) held a hybrid roundtable as part of our [project](#) on the **impacts of human rights due diligence laws on internal corporate practice**, funded by the Laudes Foundation. The roundtable was attended by over 80 people representing various companies, consultants, law firms, NGOs and academics. We are now planning a second roundtable, which will take place in Stockholm in June

2024. Findings from the roundtable will inform the analysis for our final report, which we anticipate will be published in autumn 2024.

In February, the business and human rights team also started a new [project](#) on **Human rights in global supply chains: Measuring the effectiveness of home state regulatory models on corporate behaviour**. This project investigates and compares the effect of home state legal models on corporate practice in eight jurisdictions in which key developments have or are taking place: the UK, Germany, France, Norway, the Netherlands, Switzerland, the EU, and the forced labour import bans in the US and as proposed by the EU. It is being funded by the UK Research and Innovation's Arts and Humanity Research Council (AHRC) and the German Research Foundation.

In March, the team held the spring [HRDD Forum roundtable](#) focusing on the future of the EU Corporate Sustainability Due Diligence Directive. Legal experts from different jurisdictions, including France, Germany and Italy, discussed the different scenarios ahead. After lengthy negotiation at the EU levels and disagreement among member states, the Directive was finally approved on 15 March.

## CLIMATE CHANGE LAW

In January, [Dr Ivano Alogna](#) and Professor [Duncan Fairgrieve](#) hosted a webinar on [Tackling Climate Change Through Private Law: Comparative Insights and Prospects](#). This event brought together academics from different legal systems, who are also National Rapporteurs for the [Global Toolbox on Corporate Climate Litigation](#) project (the 'Toolbox project'). The webinar provided comparative insights by analysing the most relevant examples from France, Germany, the Netherlands, and the UK. You can now watch this event [here](#).

During February and March, BIICL published a series of [National Reports](#) from the Toolbox project, drafted by academics from the 17 target countries with the support of national groups of experts, including practitioners, judges, scientists and economists ([Australia](#) [Brazil](#) [Canada](#) [China](#) [France](#) [Germany](#) [India](#) [Italy](#) [Japan](#) [Kenya](#) [Netherlands](#) [Nigeria](#) [Norway](#) [Philippines](#) [Poland](#) [United Kingdom](#) [United States](#)). The National Reports are available on our [Corporate Climate Litigation Platform](#).

The Toolbox project was officially launched with a [hybrid event](#), hosted by Dr Ivano Alogna and Nigel Pleming KC. They presented the content of the Toolbox: an inventory of substantive and procedural provisions, decisions, arguments and ideas relevant to climate change cases involving private actors, to be used as legal models by policymakers, judges and legal practitioners. The event

was introduced by BIICL's President **The Rt Hon Lord Neuberger of Abbotsbury**, with opening remarks from **Professor David Boyd, UN Special Rapporteur on human rights and the environment**, who congratulated BIICL on the launch of the [toolbox](#) and noted, *'...having reviewed the toolbox in depth, I can attest to the fact that it [the toolbox] contains a wealth of information and insights that will be useful to the litigators, judges and others going forward.'*

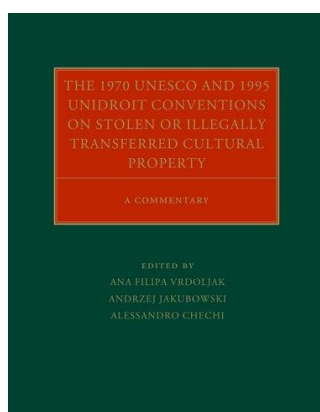


International experts from every continent participated in the launch, including National Rapporteurs and members of the project's Core Group, such as Professor Michael Gerrard (Columbia University), Jacqueline Peel (Melbourne University), Annalisa Savaresi (Stirling University), and Tianbao Qin (Wuhan University). This launch event was followed by the [first of the Toolbox series of national conferences](#), which took place at the Grantham Research Institute on Climate Change and the Environment (London School of Economics and Political Science). The event was organised by the Toolbox's UK Rapporteur, Dr Kim Bouwer, Professor of Law at Durham University, with members of the UK group.

In the margin of this project, Dr Ivano Alogna also lectured on the comparative perspectives related to corporate climate litigation, highlighting the methodology used, lessons learned and key findings from the Toolbox project at the University of Turin ([Hub 3 Seminar Environment and Climate Change](#)), Bocconi University ([Blest Seminar](#)) and Aix-Marseille University (as part of the [Project ProClimex](#)).

## CULTURAL HERITAGE LAW

[Kristin Hausler](#) and [Dr Kateryna Busol](#) have been pursuing their cooperation with the Council of Europe on **countering the erasure of cultural identity in war and peace**. In March, they provided recommendations to an upcoming report on cultural erasure and contributed to drafting a resolution, which will be voted for by the Parliamentary Assembly of the Council of Europe later this spring.



[Kristin Hausler](#) also contributed to the first [Oxford Commentary](#) covering both the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects. With this publication presenting an article-by-article analysis, she focused on Article 16 of the 1970 Convention, which concerns the reporting duty imposed on State parties. Compliance with this provision allows the emergence of a clear picture of the state of implementation, which may in turn ensure the adoption of any measure necessary to overcome existing implementation challenges.

[Alina Holzhausen](#) published a blog on [Bonaire v. Netherlands: Climate Change Impacts on Island Communities' Cultural Heritage Before Dutch Courts](#) with the Institute of Art & Law. This piece looks at the rights-based climate claim brought forward by nationals of Bonaire against the Dutch government, who argue that the government's failure to protect the Islanders against climate change impacts violates a number of human rights, including their cultural rights. On Bonaire, nature and culture are closely linked, meaning that climate change impacts do not only lead to the removal of natural habitats, but also of habitats with great cultural significance. The Islanders are asking the court to order the Dutch State to reduce its greenhouse gas emissions, as well as to develop adequate adaptation plans.

## CYBER OPERATIONS

As part of the project [Beyond theoretical differences on international law: Identifying common ground among states on unlawful behaviour in cyberspace](#), led by [Dr Jack Kenny](#), we recently held a private roundtable event discussing normative issues raised by debates over the application of international law to new technologies. The roundtable, in addition to the results of a survey and semi-structured interviews, will inform a forthcoming report. A separate event report for the roundtable event will also be published in due course.

This project is funded by the UK Foreign, Commonwealth & Development Office, and seeks to carry out research related to underlying normative issues that have a direct impact on the debate among states over the application of international law to state cyber operations.

## EUROPEAN LAW

We have been commissioned by the [European Committee of the Regions](#) (CoR) to research approaches to a stronger consideration of the territorial dimension in EU law-making through the better regulation agenda, in particular by strengthening active subsidiarity. The research is being undertaken by [Alina Holzhausen](#), [Dr Jean-Pierre Gauci](#) and [Dr Rosana Garcianidia](#) with a report due for submission at the end of April. More information about the project is available [here](#).



**European Committee  
of the Regions**

In March, [Professor Roman Petrov](#), Head of Jean Monnet Centre of Excellence since 2011 and Jean Monnet Chair in EU Law at the National University of Kyiv-Mohyla Academy and a BIICL British Academy fellow, organised an online training session for Ukrainian doctoral students on getting published in legal journals with the participation of Professor Michael Dougan of the University of Liverpool, who is on the editorial board of the Common Market Law Review. Professor Petrov also recently chaired a session at a University of Westminster conference on UK-Ukraine Relations at the Time of War.

On 16 April, Professor Petrov will take part in an online discussion on the **EU Common Security and Defence Policy** and the place of Ukraine therein. You can register for this free event [here](#).

## HUMAN RIGHTS

In March, [Alina Holzhausen](#) and [Kristin Hausler](#) submitted their input to the **Special Rapporteur on the Right to Adequate Housing**. Their submission highlights the importance of taking into account cultural rights in climate-induced displacement, which is based on their recent [research](#). Referring



to the UNESCO Convention on Protection and Promotion of the Diversity of Cultural Expressions 2005, they noted that adopting measures that safeguard cultural heritage in resettlement processes ensures continued cultural diversity, a ‘defining characteristic of humanity’ and ‘a mainspring for sustainable development for communities, peoples and nations’, ‘indispensable for peace and security at the local, national and international levels’.

## INTERNATIONAL CRIMINAL LAW

In February, [Dr Kateryna Busol](#) moderated Chatham House’s event on [Russia’s Use of Abduction, Torture and Sexual Violence in War](#), which explored the avenues for accountability and survivor-centric redress for Russia’s gravest crimes. In March, Kateryna published an article on [Reparations for Atrocity Victims in Ukraine: Survivors’ Aspirations and the Emerging Legal Framework](#) in *The Cambridge Journal of Law, Politics, and Art*. The piece discusses how reparations — which are at the crux of transitional justice’s survivor-centric ethos — can and should be effectively provided to atrocity victims already amid ongoing hostilities. Kateryna’s analysis of Russia’s use of sexual violence against Ukrainian civilians and POWs has recently appeared in [The Guardian](#).



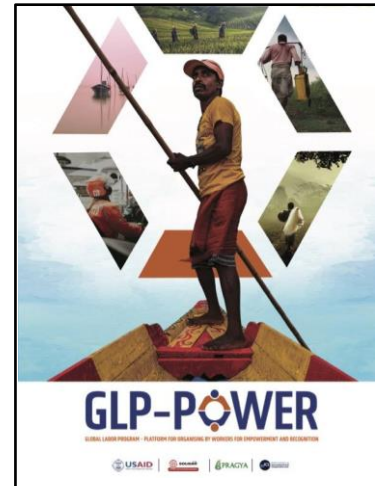
In addition, Kateryna is currently co-editing Just Security’s Symposium [International Law in the Face of Russia’s Aggression in Ukraine](#) and has recently contributed to an inaugural [podcast](#). The Symposium is based on the premise that “Ukraine is embedded in a locale that cannot be disentangled from its histories of colonialism, racism, and broader imperial struggle. Ukraine defies categorization as part of either “the West” or “the Global South,” yet much of the scholarly writing has struggled to embrace this reality.”

## LABOUR RIGHTS

We have secured funding for a new [project](#) exploring **Cuba’s foreign medical missions programme** from the perspective of international labour and human rights standards. The project will analyse the working conditions of participants of this programme in host countries around the world, to better understand the realities they face in light of allegations of labour exploitation and risks of trafficking. To this end, a human trafficking law and state responsibility angle will be adopted.

The project will also aim to identify promising practices in host countries and develop recommendations on measures that will help Cuba and receiving States to ensure that the programme complies with international labour and human rights standards. The project will support relevant entities and individuals by providing capacity-building and networking opportunities. It will also establish a helpdesk to provide international law information and analysis to support activism on these issues. The team implementing the project includes [Dr Jean-Pierre Gauci](#), [Dr Rosana Garcíandia](#), [Georgia Greville](#), [Iris Anastasiadou](#), and Victoria Wyndham.

We have also continued working closely with partners on our [GLP-Power project](#), which provides international and comparative law analysis to assist the work of **organisations supporting informal workers in South and Southeast Asia**. It has recently produced and made accessible to beneficiaries of the project research on the potential of business and human rights instruments for protecting the rights of informal workers. It has also continued sharing relevant information with partners, including on relevant internal and external events and legal developments, as well as on opportunities to engage with international bodies and agendas relevant to the project's areas of work. In the next phase of the project, we will deliver **training** on business and human rights and on migrant workers and undertake research on labour rights in the platform economy. As part of the project, [Dr Rosana Garcandia](#) and [Dr Jean-Pierre Gauci](#) made a submission to the **Special Rapporteur on Contemporary Forms of Slavery** on the role of labour organisations in preventing and addressing exploitation.



## LAW OF THE SEA



[Dr Constantinos Yiallourides](#) recently shared his expertise at the [Eastern Mediterranean Initiative: Building Regional Dialogue](#) conference. Hosted by Swiss Peace in Basel, the event provided a platform for discussing regional maritime cooperation. Dr Yiallourides' presentation offered an overview of existing delimitation agreements in the Eastern Mediterranean region. He highlighted how the progress achieved thus far reflects a deep understanding of maritime delimitation principles and their practical applications.

In March, Dr Yiallourides participated in a hybrid workshop organised by the Geneva Centre for Security Policy (GCSP). The discussion focused on recent developments in the Eastern Mediterranean Sea, the ongoing conflict in Gaza, and diplomatic efforts to prevent broader regional escalation.



Also in March, Dr Yiallourides organised a seminar with Professor Alexander Proelss of the University of Hamburg. Hosted by the Macquarie Centre for Energy and Natural Resources Innovation and Transformation (CENRIT) and the Centre for Transforming Energy Markets (TEM), the seminar focused on **Oceanic Carbon Storage & Abatement: An International Law Perspective**.

Dr Yiallourides' latest publication, [Maritime Boundaries in the Energy Transition: Carbon Dioxide \(CO<sub>2</sub>\) Storage Across Maritime Jurisdictions](#), appears in the *Journal of Energy & Natural Resources*

Law. The article discusses the key international legal aspects of CO2 storage in sub-seabed geological formations of the continental shelf, emphasising the need for international coordination and consent from all states with jurisdiction over the relevant storage formations.

## MIGRATION & ANTI-TRAFFICKING



In February, we published the findings of our [project](#) on the **identification of adults with lived experience of modern slavery in the UK**, conducted in partnership with the Human Trafficking Foundation. The project undertook a first-of-its-kind analysis of 'duty to notify' data collected by the UK Home Office to analyse reasons adults with lived experience of modern slavery decline to be referred into the UK's formal system for identification and support (the National Referral Mechanism). It also hosted a co-creation workshop to design a pilot framework for assessing the effectiveness of training delivered to organisations responsible for making these referrals (first responder organisations).

The report highlights an increase in the numbers of those refusing to be referred into the National Referral Mechanism and calls for improved data collection in this area. It also makes several recommendations around improving the training provided to first responder organisations. You can watch a recording of the launch event [here](#), read the report [here](#) and the research summary [here](#). We have also been commissioned to undertake some follow up work on this issue with an analysis of the impacts of the Nationality and Borders Act on those experiencing modern slavery. The findings of that research will be published in May 2024. Findings from the analysis have been included in **submissions to the House of Lords Special Inquiry on the Modern Slavery Act**.

[Dr Yiallourides](#) contributed to a workshop titled [Rewriting Jurisprudence: Refugee and Migrant Justice Reimagined](#) hosted by the ANU College of Law, Australia, in February. He presented a working paper co-authored with Professor Irene Antonopoulos of Royal Holloway, University of London. The paper, focusing on the situation in Cyprus and titled **What Is a Home to a Refugee? Redefining 'Home' in the Context of War-Related Displacement**, explores the concept of 'home' for refugees affected by war.

Finally, [Dr Jean-Pierre Gauci](#) spoke at a conference convened by the [Independent Commission for UK-EU Relations](#) and the UCL European Institute on the UK-EU Future relationship. As part of the migration panel, he discussed, from a rule of law and human rights perspective, issues involving EU Nationals living and working in the UK, as well as some of the concerning developments in UK and EU migration policies specifically in relation to third states.



## PEOPLE AT THE CIL



We are delighted to welcome **Crisela Bernardino**, who has recently joined the research team on our Global Toolbox on Corporate Climate Litigation. She is a member of the Philippine bar. She brings over a decade of experience from her roles in a full-service law firm, international NGOs—including the ICRC and the International Lawyer's Project—and academia. Her work experience spans litigation, renewable energy, climate change law and policy, environmental law, human rights, and international humanitarian law. In addition, she serves as a Senior Lecturer in Legal Method (Legal Research and Philosophy) at the University of the Philippines, College of Law.

We are also pleased to be welcoming a new cohort of **volunteer researchers** this year, with some having already started their work experience with us. Sabrina Berardinelli, Ellie Cooney Hunt, Tiffany Chan, Victoria Costa and Deborah Vethecan have joined us from the University of Melbourne whilst Anna Darnopykh joined us from Humboldt University. They are contributing to various ongoing research projects. Barbara Silvestro and Umberto Pomenti are on a full time study visit from Scuola Superiore Sant Anna, in Pisa, Italy.

Over the coming months, we will also welcome students from Harvard Law School, the University of Chicago Law School, and Syracuse University Law School.

## UPCOMING EVENTS - Selected Highlights

### Friday 19 April

#### [Forty-First ITF Public Conference: Contracts with States in International Investment Law](#)

The Investment Treaty Forum brings together leading practitioners and scholars of international investment law, as well as representatives of governments and intergovernmental organisations to discuss these complex issues and related recent developments.

Keynote address: Dr Maria Chiara Malaguti, President of UNIDROIT (International Institute of Unification of Private Law). UNIDROIT is known for its work on the harmonisation of contract law principles and it is currently working on a major project on investor-state contracts.

### Monday 19 April

#### [ICLQ Annual Lecture 2024: Non-Forcible Measures and the Law of Self-Defence](#)

This year's ICLQ Annual Lecture will be given by Professor Russell Buchan of the University of Reading, based on his article 'Non-Forcible Measures and the Law of Self-Defence', published in Vol 72(1) ICLQ.

The event, chaired by ICLQ General Editor Professor Alex Mills, will also provide the opportunity to present this year's Early Career Prize to Dr Lewis Graham, for his article 'Liberty and its Exceptions' published in Vol 72(2) ICLQ.

### Tuesday 21 May

#### [From Spoliated Art Restitution to Colonial Loot Repatriation](#)

The panel will address some of the ongoing challenges associated with restitution claims, including provenance research but also the legal barriers faced by some claimants. Drawing from claims

concerned with Nazi-looted art, the discussion will also seek to identify some lessons learnt, which may be relevant to the current debate surrounding colonial-looted objects.

**SAVE THE DATE Monday 8 July**

**PIL in the UK Courts** - more details on our [website](#) soon!

We look forward to seeing you at our forthcoming events in person or online!

**Stay tuned for our next newsletter, which will be out in July 2024!**