

Centre for International Law

Autumn Newsletter 2024

Last week, it was announced that **Judge Joan Donoghue**, former President of the International Court of Justice, has been appointed as new [BIICL Vice-President](#). The [Centre for International Law](#) (CIL) is pleased and honoured to welcome Judge Donoghue and looks forward to working with her more closely in the future. Her first engagement with the Institute will be on the occasion of the Harry Weinrebe Memorial Event, where she will be in conversation with Catherine Amirfar (Debevoise & Plimpton LLP) on the 3rd of October, at the Institute.

Recently, we were also grateful to receive additional funding from the Dorset Foundation, which has long supported our work in international law. Over the past year, their support has allowed us to establish an **impact hub**. Through this initiative, we have made several submissions to the UN Special Procedures, highlighting some of our current research such as our work on climate litigation and labour rights. These submissions have now been used and explicitly referred to by several UN Special Rapporteurs, including the Special Rapporteur on the human right to a clean, healthy and sustainable environment and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, in their respective reports to the **UN General Assembly**.

On 11 July, we were incredibly excited to host again our popular annual event on **Public International Law in the Courts of the United Kingdom**, which was expertly chaired by Justice Steyn. The well-informed debate included panellists Sean Aughey, Dr Robert Kovacs and Dr Kate Parlett. They tackled many different cases and issues, including the scope of state immunity and foreign acts of state, the registration and enforcement of ICSID and non-ICSID awards, and the reliance on international law in judicial review. This event could be offered free of charge, thanks to the support of Withers LLP. As it was fully booked, we will definitely convene it again next year!



Finally, we are also delighted to announce that we have secured funding for new projects across our work. Over the next 15 months, the labour rights team will be working with Seafarer Rights International on a project looking at the **rights of seafarers**, with a focus on the context of marine casualty investigations. We are also undertaking a project on **Mixed Disputes in International Dispute Settlement**. You will find more information about these new projects and other current activities in this **Autumn newsletter**, as well as updates about other activities undertaken at the [CIL](#) over the last three months. If you would like to know more about our work and ways to support us, please do get in touch with [Kristin Hausler](#), Dorset Senior Fellow and Director of the Centre for International Law.

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TRAINING COURSES & TEACHING

There is still time to enrol for our courses on [Climate Change Litigation](#) (launching next week), on [Energy Law](#) and on the [Law of the Sea](#) (both of which will take place in December).

We are also particularly excited to launch a series of advanced training workshops with the first focusing on Corruption and International Arbitration and a second focusing on Universal Jurisdiction, which will be announced soon on our website.

The last weeks have seen the launch of several courses, including flagship programmes like Public International Law in Practice, as well as exciting new programmes such as **Transitional Justice: Timing and Tools**. In the meantime, BIICL's online course on [International Investment Law and Dispute Resolution](#) continues to welcome registrations also.

Over the summer we also held a very successful inaugural edition of a **summer school** in public international law which was particularly well received by participants who joined the summer school in London and from across the world. We were also delighted to have the opportunity to deliver further training to colleagues from a regional court, furthering the discussions initiated in that summer school.

More information about our upcoming courses can be accessed [here](#). If you would like to discuss your training needs, please contact our Director of teaching and training and Arthur Watts Senior Fellow, [Dr Jean Pierre Gauci](#).



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- Cultural Heritage Law
- Cyber Operations
- Labour Law
- Climate Change Litigation
- Energy Law
- Law of the Sea

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BUSINESS & HUMAN RIGHTS

We recently started a **podcast** for the HRDD Forum titled 'Reimagining the Law: Business and Human Rights'. In the first episode, Dr Irene Pietropaoli talks with Eve Salomon CBE about the reintroduction of the Foreign Agents Law in Georgia, and in October we are releasing a discussion that Dr Jasmine Elliott had with Professor Robert McCorquodale about his recently published book. Previews of the episodes [are available on the HRDD Forum](#) website.

Our [short course on business and human rights](#) was held on 19 September. In this day-long course, we considered the history and core concepts of business and human rights and discussed recent developments in case law and emerging issues in the field. And on 30 September, the HRDD Forum and Investment Treaty Forum brought together experts at a [joint roundtable to discuss human rights in international investment law](#). Topics discussed included challenges in integrating human rights into investment decision-making and dispute resolution and proposed reforms.

Our [HRDD Annual conference](#) will take place next week on 9 October. We will have two expert panels coming together to discuss the current state and potential future development of corporate human rights and climate change litigation. On 15 October, we will be launching [a report on the impacts of mandatory human rights and environmental due diligence \(mHREDD\) regulation on corporate practice](#), presenting key findings and recommendations to inform the design and implementation of more effective mHREDD laws. This report is the culmination of a year-long research project aimed at producing evidence of internal corporate responses to mHREDD legal models, to inform the design and implementation of mHREDD laws.

CLIMATE CHANGE LAW

As highlighted in our latest newsletter, the dissemination of the [Global Perspectives on Corporate Climate Legal Tactics](#) project has progressed through several events held over the summer and will continue with many more this autumn. Recordings of these events, along with the national reports discussed during the hybrid conferences, are now available [here](#).



The [Asian Summit and Philippine national conference](#) were held in Manila on July 8 and 9. The event was organised by BIICL National Rapporteur Mike T. Tiu Jr. and his colleagues at the University of the Philippines, College of Law. The Hon. Marvic Mario Victor F. Leonen, Senior Associate Justice and Chair of the Philippine Supreme Court's Committee on the Environment and Sustainability, delivered the keynote address.



Experts from across India, Bangladesh, South Korea, Japan, China, Pakistan, Australia, and the Philippines—including policy-makers, judges, economists, scientists, and academics—came together for four dynamic panel discussions, shaping critical dialogue on the region's most pressing issues in climate litigation. The event concluded with a closed judicial training session attended by more than 50 environment court judges.



In August, the Australian National Rapporteurs led by Prof. Jacqueline Peel held at the University of Melbourne the [Oceania Summit and Australian national conference](#). This event featured two sessions: one exploring emerging trends, risks, and impacts in corporate climate litigation, and another focusing on practical issues such as barriers to

litigation, the role of science, and the impact of judgments. It included contributions from experts in academia, the judiciary, and legal practice, providing comprehensive insights into both theoretical and practical aspects of corporate climate litigation.

On 11 September, the [Italian national conference](#) was held in Milan, co-organised with Advant NCTM law firm and the University of Salento, featuring 4 panels and 30 speakers. This highly engaging event brought together experts from various fields to share insights and foster exchanges on corporate climate litigation. The discussions were rich with diverse perspectives from academia, the judiciary, legal practice, business (ENI, ENEL, Assonime, AIGI), and banking (Bank of Italy and European Central Bank), creating a platform for exploring the legal, economic, and scientific dimensions of climate litigation. The conference provided an opportunity to delve into both the substantive and procedural aspects of corporate climate litigation, discussing current and potential causes of action, procedural hurdles, remedies, and the prospects of such cases. A dedicated session also focused on the impact of corporate climate litigation on businesses and banks, sparking discussions on the challenges these key economic actors face and their responses to the pressing issue of climate change.



On 24 September, the [Norwegian conference](#) was held at the University of Oslo, led by the Norwegian National Rapporteur Dr Rosa Manzo. The event featured two sessions on 'Challenges in Climate Litigation in Norway' and 'Legal Opportunities for Climate Litigation in Norway', as well as a roundtable discussion on anticipated future developments in Norway's climate legislation and the impact these will have on litigation.

Moreover, during the summer [Dr Ivano Alogna](#) actively participated in several conferences, contributing valuable insights on corporate climate litigation. On 10 September 2024, he spoke at the BIICL's [Competition Law Forum's 21st Anniversary Roundtable](#), where he explored the intersection of corporate climate accountability and competition law, focusing on collective legal strategies for redress. Earlier, on 5 September 2024, at the [Society of Legal Scholars' Annual Conference at the University of Bristol](#), he examined the *Global Toolbox on Corporate Climate Litigation* through a comparative lens, highlighting innovation and scholarly developments. Additionally, in July, Dr Alogna spoke at the [21st Annual Colloquium of the IUCN Academy of Environmental Law](#) in India, where he discussed the collaborative nature of the *Global Toolbox* and its role in fostering sustainable environmental practices.



CULTURAL HERITAGE LAW

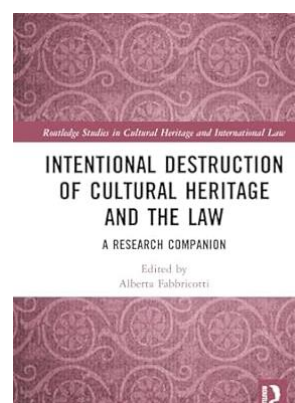
On 4 July, [Kristin Hausler](#) participated in a conference focused on the protection of cultural heritage which took place in Kyiv, where she discussed the PACE adopted Resolution 2558 [Countering the erasure of cultural identity in war and peace](#), to which she contributed along with [Dr Kateryna Busol](#).



On 4 September, [Dr Kateryna Busol](#) participated in the 7th Heritage Forum of Central Europe held in Kraków, Poland. This year's forum was dedicated to the issues of responsibility and renewal. Kateryna discussed the need to develop a more nuanced reading of crimes affecting cultural heritage, commended the PACE stance on cultural erasure

and discussed the progress with the prosecution of heritage crimes perpetrated in the context of Russia's aggression against Ukraine.

In September 2024, Professor Alberta Fabbriotti (La Sapienza University) published an [edited volume](#) on the intentional destruction of cultural heritage. The book explores the remedies against IDCHH available under international law. These remedies are defined as all the lawful responses provided for both by customary law and by the special responsibility regimes created under the many substantive areas of international law. In this volume, Kristin Hausler discusses the UN Security Council resolutions, pointing out that looting can in some circumstances amount to destruction of heritage.



DISPUTE SETTLEMENT

We are also excited to announce the launch of a new project examining '**Mixed Disputes in International Dispute Settlement**'. The project will explore the methods and approaches international courts and tribunals have applied with respect to 'mixed disputes' or 'mixed claims' including how they define 'mixed disputes', when and under what conditions they may have extended, or declined, their jurisdiction over incidental questions or over issues outside the scope of the specific treaty. The project seeks to draw conclusions and enhance knowledge on the current state of 'mixed disputes' in international dispute settlement, highlight practical implications, areas of ambiguity, and areas requiring further investigation. The project will be led by [Dr Constantinos Yiallourides](#), with [Dr Alina Holzhausen](#), [Dr Jean-Pierre Gauci](#), and other researchers. Further details will be available on our website in due course.

EUROPEAN LAW



In the last newsletter, we reported having finalised the research commissioned by the [European Committee of the Regions](#) (CoR) regarding the Better Regulation agenda, in particular active subsidiarity and enhanced territorial dimension. The research was undertaken by [Dr Alina Holzhausen](#), [Dr Jean-Pierre Gauci](#) and [Dr Rosana Garcíandia](#). The final report presenting the research findings has now been published by the CoR and is available [here](#). It sets out arguments for a stronger consideration of the territorial dimensions in EU law-making processes, including a closer collaboration of the European Commission (EC), the European Parliament (EP), and the Council with the CoR, and a paradigm shift towards a genuine application of the subsidiarity approach. The report concludes with five overarching

recommendations, all aimed at strengthening the CoR's capacity to provide better input to policy-making within the context of the Better Regulation agenda.

HUMAN RIGHTS

Over the past few months, our team has made submissions to various UN Special Rapporteurs, who have now published their annual reports, with several of them referring directly to our submissions. For example, the report on the role of workers' organisations in preventing workers from being subjected to contemporary forms of

slavery from the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, to which [Dr Jean-Pierre Gauci](#) and [Dr Rosana Garcíandia](#) contributed with a submission, is now available [here](#). [Dr Ivano Alogna](#) and [Crisela Bernardino](#) submitted their input to the [Special Rapporteur on the human right to a healthy environment](#), which focused on the overview of the implementation of the right to a clean, healthy and sustainable environment. The report from the Special Rapporteur is now available [here](#). [Dr Ivano Algona](#) and [Crisela](#)



[Bernardino](#) also made a submission to the UN Committee on the Rights of the Child's [call](#) on draft general comment no. 27 on children's rights to access to justice and effective remedies in August 2024. Finally, [Sara Al Khashlok](#) submitted an input to the [Special Rapporteur on the right to food](#) focusing on the topic 'human rights and starvation, with an emphasis on the Palestinian people's food sovereignty'. The report from the Special Rapporteur is now available [here](#).

These submissions were part of the work of our impact hub, which is being coordinated by [Dr Alina Holzhausen](#).

TRANSITIONAL JUSTICE

In addition to convening our new short course on transitional justice which started in September, [Dr Kateryna Busol](#) joined several conversations on the transformation of gender roles during and post-conflict. For the [Asymmetrical Haircuts](#) podcast on international justice, Kateryna addressed the growing role of women and the LGBTQI+ in Ukraine's military and justice efforts. With the [Oxford Human Rights Hub](#), Kateryna also discussed the avenues for Ukraine's inclusive and gender-sensitive recovery.

LABOUR RIGHTS

We are delighted to be working with **Seafarer Rights International** on a new project exploring marine casualty investigations and the rights of seafarers in that context. The project seeks to address the compelling need for investigations of marine casualties to be conducted properly so that lessons can be learned to prevent, as far as possible, marine casualties and to ensure the fair treatment of seafarers during casualty investigations. It will result in the publication of a book. The project is expected to start in the next quarter and will run for 15 months.

There have been a number of developments on the [GLP-Power project](#), in which our role consists of the provision of international and comparative law analysis to assist the work of grassroots organisations supporting informal **workers in South and Southeast Asia**. Building on the input from the grassroots organisations involved in the project, we have dedicated significant attention in the project to the rights of workers in the gig economy. This work includes a wide-ranging comparative piece of research seeking to draw out promising practices from the countries involved in the project and beyond, and the setting up of the **first-of-its-kind database of litigation on gig workers' rights**. The database brings together cases from across jurisdictions, systematised and presented through short notes about each case. The research and database will be launched by the end of the year.

In addition, we developed and delivered informational materials to support grassroots organisations in the use of international law at the domestic level and in their engagement with labour rights considerations at the international level. We have also delivered a series of layperson versions of the handouts to encourage broader use.

Over the summer, we developed work on the connections between **climate change and labour rights** with an occasional paper on these issues to be published in due course. We have also

designed a **training of trainers, focused on migrant workers**, which we will deliver to partners and grassroots organisations in November.

Finally, as part of our '**Labour Exploitation in Cuban Foreign Medical Missions**' project, we have finalised an extensive literature review on the CFMM programme and its labour conditions. This is the basis for the next phase of the project which will explore the application of various areas of international law to the programme. We have also been compiling and undertaking a critical analysis of the (often hidden) agreements that underpin the programme. The project is currently working on bringing together asylum claims filed by Cuban nationals generally, and participants in the programme in particular, to further elaborate the knowledge ecosystem around this programme which is often shrouded in a lack of information.

LAW OF THE SEA

We were proud to co-sponsor a [Symposium](#) on the 30th Anniversary of the Entry into Force of UNCLOS, which was held in the Courtroom of the International Tribunal for the Law of the Sea in Hamburg. At this event, which was attended by ITLOS Judges, academics and law of the sea experts, [Dr Constantinos Yiallourides](#) delivered a paper on the 'Law of the Sea, Climate Change and State Responsibility'. The Symposium was organised by the International Foundation for the Law of the Sea (IFLOS) and the Korea Maritime Institute (KMI) to celebrate the 30th Anniversary of the entry into force of the United Nations Convention on the Law of the Sea: The 'Constitution for the Oceans' in Light of Emerging Challenges.

Symposium: 30th Anniversary of the Entry into Force of the United Nations Convention on the Law of the Sea: The 'Constitution for the Oceans' in Light of Emerging Challenges

For registration please click here

Organisers
Jointly organised and sponsored by the Korea Maritime Institute (KMI) and the International Foundation for the Law of the Sea (IFLOS)

Additional Sponsors

- British Institute of International & Comparative Law (BIICL)
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- University of the Faroe Islands

September 21st and 22nd 2024
International Tribunal for the Law of the Sea, Hamburg

Contact Us
www.iflos.org
International Foundation for the Law of the Sea
Villa Schoder
Am Internationalweg 1
22609 Hamburg, Germany

MIGRATION & ANTI-TRAFFICKING

In July, we kicked off our work on **Immigration Detention and the Rule of Law**, a project funded by the Nuffield Foundation to update a set of safeguarding principles developed by BIICL in 2012. Over the initial phase of the project, our work has focused on mapping developments in case law and international law and policy on the issue of immigration detention, setting the stage for the analysis. There has indeed been a very significant number of cases addressing the issue of immigration detention, both in the UK and in regional courts and tribunals. At the same time, international bodies have also issued guidance and soft law instruments that have fundamental impacts on the lives, freedom and wellbeing of migrants and refugees.

In the last newsletter, we reported having secured funding for a **project with the American Bar Association Rule of Law Initiative (ABA ROLI) on the Prevention and Protection of Migrant Workers from Trafficking in Jordan**. Over the past months we have been busy setting out the research framework for this exciting new area of work for us and we are delighted to be moving ahead with this research in the next few months whilst also exploring how our Determinants of Anti-Trafficking Efforts work can inform research and programming in a variety of contexts.

Colleagues have continued to publish work in this area. For example, [Dr Céline Hocquet](#) has published an article entitled '[Tracking the civilising mission's continuities in externalised migration controls](#)' in the London Review of International Law, which looks at the EU cooperation on migration with third countries (especially the EU-Turkey, EU-Afghanistan, and Italy-Libya cooperation), analysing how the emphasis on benevolence towards migrants and partner states replicates characteristics of the civilising mission. She has also published a blog post on the Refugee Law Initiative Blog entitled on [Financing mechanisms in EU cooperation on migration with third countries: Monitoring impact or legitimising contested policies](#).

In September, [Sara Al Khashlok](#) spoke at the Biennial Conference on International Law and Social Sciences presented by The American Society of International Law at Northwestern University's Pritzker School of Law, Chicago. The conference, with its focus on bridging social science and international law, provided a platform for researchers across disciplines to engage in dialogue and integrate diverse perspectives when reshaping legal discourse. Speaking on the panel 'Internal Features Shaping Legal Strategies,' Sara highlighted the critical gaps in historical analysis when addressing issues of national identity, migration, racism, and injustice in the Middle East.

PEOPLE AT THE CIL



[Lydia Kim](#) joined BIICL as a Research Fellow in Labour Exploitation and Human Rights in August 2024 for a short term role. She supports the implementation of BIICL's work in areas of immigration detention and labour rights. Prior to joining BIICL, Lydia worked as the Judicial Assistant to Lord Briggs at the UK Supreme Court. She is a qualified solicitor, having trained and practised at an international law firm in London. Lydia has also worked at the International Criminal Court and volunteered with multiple human rights NGOs.

We have also continued to welcome **volunteer researchers** to the team. Over the last months, we welcomed: Johanna Konik (Muenster University), Emma Wang (University of Virginia), Sahar Omer (University of Chicago), Sidrah (Sciences-Po), as well as Ishran Jahat and Maleesha Fernando (Melbourne University).

Finally, we were also delighted to welcome [Prof Silvia Scarpa](#) (John Cabot University) as a visiting fellow at BIICL. Silvia has engaged with BIICL's work on anti-trafficking for a number of years.

UPCOMING EVENTS - SELECTED HIGHLIGHTS

[Judge Joan Donoghue: Challenges and Future of International Adjudication](#)

3 October 2024

The Harry Weinrebe Memorial Event 2024 will be delivered by **Judge Joan Donoghue**, former President of the International Court of Justice. She will be in conversation with **Catherine Amirfar**, Debevoise & Plimpton LLP, reflecting on the challenges and future of international adjudication.

[Roundtable on Immunity of State Officials from Foreign Criminal Jurisdiction](#)

16 October 2024

BIICL will be hosting a roundtable discussion with public international law and international criminal law scholars, judges and practitioners. The meeting will consider how to move forward with a new research project on immunity of State officials. The central focus is on a new legal appraisal of the contemporary relevance of the United Nations War Crimes Commission, which assisted States in the 1940s to conduct over 2,000 war crimes trials in domestic courts.

[London Conference on International Law](#)

17-18 October 2024

The London Conference on International Law has become an **unmissable event** in the international law calendar. This year, BIICL is again very pleased to support the organisation of the conference, which will include many topical panels, as well as unique opportunities to meet and discuss all international law matters with experts and practitioners. Do not forget to book your place [here](#).

We hope to see you soon at our forthcoming events or training courses, in person or online!

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