



PROGRAM

Florida International University

Seventieth Anniversary Celebration Symposium

The Role and Contributions of the International Law Commission to the Development of International Law in the Past/Next 70 Years: Codification, Progressive Development, or Both?

Friday, October 26 to Saturday, October 27, 2018

DAY 1 - FRIDAY, OCTOBER 26, 2018

7:00 – 8:30 am – Breakfast/Registration

Atrium

8:30 – 9:00 am – Welcome Remarks

Large Courtroom

Prof. Antony Page, Dean, FIU College of Law

Prof. Charles Jalloh, FIU and International Law Commission (“ILC”)

9:00 – 10:00 am – Opening Key Note

The ILC and Seven Decades Shaping International Law

Judge Abdul G. Koroma, formerly International Court of Justice and ILC

Introduction by Dr. Olufemi Elias, International Residual Mechanism for Criminal Tribunals

10:00 – 11:30 am – PANEL 1: THE PROGRESSIVE DEVELOPMENT AND CODIFICATION MANDATES OF THE INTERNATIONAL LAW COMMISSION

This opening session will discuss the original mandate of the International Law Commission (“ILC”/ “the Commission”), as envisaged by the Committee of Seventeen, which prepared recommendations for the UN General Assembly setting forth options for the establishment, composition and functioning of the Commission. The key goal of this panel will be to examine the meaning(s) of “progressive development of international law” and its “codification”, as envisaged by the legal experts and ultimately by States as manifested in the Statute of the Commission adopted in 1947.

Speakers

Moderator: Prof. Kristen Boon, Seton Hall University

Presenters: Prof. Jeffrey Morton, Florida Atlantic University

Prof. Phoebe Okowa, Queen Mary, University of London

Mr. Arnold Pronto, United Nations, Codification Division

Discussion

11:30 – 1:15 pm – PANEL 2: THE ILC’S PAST PRACTICE ON PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION IN GENERAL INTERNATIONAL LAW

This session will examine how the ILC gave effect to its statutory mandate in the past seventy years. Did its practice, over the course of the decades, distinguish between “progressive development of international law”, on the one hand, and “its codification” on the other? If so, how was this practice reflected in its contributions on topics in *general international law* such as the law of treaties, the law of state responsibility, and the law of the sea? What, if any, are the lessons that can be learned from the ILC’s past work on the codification and progressive development of *general international law*?

Speakers

Moderator: Prof. Dapo Akande, University of Oxford

Presenters: Prof. Patricia Galvão Teles, Autonomous University of Lisbon and ILC
Prof. Donald McRae, University of Ottawa and formerly ILC
Prof. Bernard Oxman, University of Miami

Discussion

1:15 – 2:15 pm LUNCH/COFFEE/TEA
Grand Reading Room

2:15 – 3:45 pm – PANEL 3: THE ILC’S PAST PRACTICE ON PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION IN SPECIALIZED AREAS OF INTERNATIONAL LAW

This session will examine how the ILC gave effect to its statutory mandate in the past seventy years. Did its practice, over the course of the decades, distinguish between “progressive development of international law”, on the one hand, and “its codification” on the other? If so, how was this reflected in its contributions on topics in *specialized areas* of international law such as international criminal law, international environmental law, and international human rights law? What, if any, are the lessons that can be learned from the ILC’s past work on the codification and progressive development of specialized subfields of international law?

Speakers

Moderator: Prof. Larissa van den Herik, Leiden University

Presenters: Prof. Claudio Grossman Guiloff, American University and ILC
Prof. Nilüfer Oral, Istanbul Bilgi University and ILC
Prof. Ki Gab Park, Korea University Seoul and ILC

Discussion

3:45 – 5:15 pm – PANEL 4: KEY CONTRIBUTIONS OF THE ILC TO THE DEVELOPMENT OF INTERNATIONAL LAW

During the past seventy years, the ILC has made significant contributions to the development of modern international law. This celebratory session will reflect on some of the key contributions of the Commission that led to widely known global treaties in areas as diverse as the law of the sea, the law of treaties, and diplomatic protection. But the impact of the Commission’s work may extend beyond treaties to softer forms that might require further examination. This includes shaping State practice and legal opinion in the international legal community, as evidenced by reliance on the ILC’s work in the decisions of international and national courts, in the work of legal advisers to governments and international organizations, and in scholarly writings.

Speakers

Moderator: Prof. Noah Weisbord, Queen’s University

Presenters: Dr. Danae Azaria, University College London
Prof. Charles Jalloh, FIU and ILC
Prof. Siegfried Wiessner, St. Thomas University

Discussion

6:00 – 7:00 pm – Special Event

7:15 – 8:45 pm – Conference dinner (for invited moderators, speakers/panelists only)

9:00 pm – Depart FIU campus for Hyatt Hotel Coral Gables



70 YEARS
OF THE INTERNATIONAL
LAW COMMISSION

DAY 2 - SATURDAY, OCTOBER 27, 2018

8:00 – 9:00 am – Breakfast

Grand Reading Room

9:00 – 10:00 am – KEYNOTE SPEECH

The Contributions of the International Law Commission to the Development of International Law: Codification, Progressive Development, or Both?

Prof. Pavel Šturma, Charles University, Prague and First Vice Chair of the ILC (70th Session) and Special Rapporteur, ILC

Introduction by Prof. Charles Jalloh, FIU and ILC

10:15 – 11:45 am – PANEL 5: THE ILC'S CURRENT TOPICS FROM THE PERSPECTIVE OF PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION

This session will address some of the current topics of the ILC from the perspective of progressive development of international law and its codification. We will examine whether there is, in its ongoing work, a coherent approach to the mandate of the Commission in light of the draft articles, guideline, conclusions and principles proposed on topics such as crimes against humanity, immunity of state officials from foreign criminal jurisdiction, protection of the environment in relation to armed conflicts, and peremptory norms of general international law (*jus cogens*).

Speakers

Moderator: Prof. Linda Carter, Pacific McGeorge University

Presenters: Prof. Concepción Escobar Hernández, Special Rapporteur, ILC
Amb. Marja Lehto, Special Rapporteur, ILC
Prof. Dire Tladi, Special Rapporteur, ILC

Discussion

11:45 – 1:15 pm – PANEL 6: HOW WELL EQUIPPED IS THE ILC TO PERFORM ITS TASKS?

This session will examine the composition and working methods of the ILC. We will consider if and how well the Commission is equipped to carry out its mandate of progressive development and codification of modern international law. Does the professional background and gender composition of the ILC membership have implications for its work? What is the role of special rapporteurs, the drafting committee, working groups and study groups? Could those be improved? If so, how? If not, why not? What about the Secretariat of the Commission? Are there structural, budgetary and other impediments to the improvements of the working methods and efficiency of the Commission? If so, how could those be overcome? What, if any, are the pros and cons of the ILC's seeming shift to draft conclusions rather than draft articles destined to become conventions?

Speakers

Moderator: Judge Abdul Koroma, formerly International Court of Justice and ILC

Presenters: Ms. Catherine Boucher, Permanent Mission of Canada to the UN
Amb. Mahmoud Hmoud, Embassy of Jordan to Singapore and ILC
Amb. Osman Kamara, formerly Sierra Leone Permanent Mission to the UN and the AU
Mr. Patrick Luna, Permanent Mission of Brazil to the UN

Discussion

1:15 – 2:15 pm LUNCH/COFFEE/TEA *Grand Reading Room*

2:15 – 4:00 pm – PANEL 7: THE ILC'S FUTURE ROLE AND THE CHANGING LANDSCAPE OF INTERNATIONAL LAW

In this session, we will look to the future and consider the topics that the ILC ought to consider working on in the next seventy years. In general, we will examine whether the days of codification are really over, and, if so, what this should mean for the work of the ILC. Are there particular topics in newer and specialized areas of international law requiring the attention of a body like the ILC? What role can States and international organizations play in identifying topics for the Commission? How could the ILC improve its relationship with States, especially the Sixth Committee of the General Assembly? Should the ILC strategically develop closer relationships with regional and other bodies? If so, what form should such relationships take?

Speakers

Moderator: Prof. Leila Sadat, Washington University in St. Louis

Presenters: Prof. Elena Baylis, University of Pittsburgh
Prof. Eirik Bjorge, University of Bristol
Prof. Juan Santolaria, Ministry of Foreign Affairs of Peru and ILC

Discussion

4:00 – 5:30 pm – CLOSING PANEL: FINAL REFLECTIONS ON THE CONTRIBUTIONS OF THE ILC TO THE DEVELOPMENT OF INTERNATIONAL LAW

The goal of this last session is to bring together the two days of discussion in an intellectually coherent way to identify initial conclusions that may be drawn regarding the mandate and contributions of the ILC to the development of international law. All presenters and participants at the conference are invited to participate.

Speakers

Moderator: Dr. Olufemi Elias, International Residual Mechanism for Criminal Tribunals

Presenters: Prof. Dapo Akande, University of Oxford
Prof. Charles Jalloh, FIU and ILC
Prof. Dire Tladi, University of Pretoria and ILC

All participants

