

International Law Symposium
Friday/Saturday, 4-5 November 2022
FIU College of Law
Modesto Maidique Campus
Rafael Diaz-Balart Hall, 11200 S.W. 8th Street, Miami, Florida 33199

The Current and Future Work of the International Law Commission

The International Law Commission (“ILC” or “Commission”) is mandated to assist United Nations member States with the promotion of the progressive development of international law and its codification. The ILC is widely recognized for the key role it has played assisting the UN General Assembly with the fulfillment of that responsibility, which is rooted in Article 13 of the United Nations Charter, and mandates the latter to promote international cooperation in the political field and to initiate studies with the view to promoting the progressive development and codification of international law. The Commission’s draft articles, for which it came to be widely known, frequently served as the negotiating basis for many treaties concluded by States in critical areas of international law especially in the period between the 1950s and the 1970s. These range from the law of treaties to the law of the sea, and to the law of diplomatic and consular relations. Some of the treaties concluded on the basis of the ILC’s draft articles today serve as foundations for the smooth conduct of international relations.

But 73 years after it was established, the challenges that face the world today are substantially different from those that existed when the Commission was established in 1947. As States grapple with new challenges, from climate change and sea level rise to global pandemics, cyberthreats, autonomous weapon systems and beyond, what role can the ILC play in our increasingly complex world? What topics has it selected for its *long-term* program of work? What new topics has it added to its *current* work program, and what if anything, does such decisions imply about the direction of its work over the next years under a new membership composition for the term 2023-2027?

The **FIU College of Law** (“FIU Law”), together with the **Center for International Law and Policy in Africa** (“CILPA”), are pleased to convene a two-day symposium in **Miami, Florida on Friday/Saturday November 4 and 5, 2022** to discuss some of these questions. This academic symposium will focus on two specific sub-themes. First, the completion of two main topics, upon second reading, by the ILC during its recently concluded 73rd (2022) session, namely, “peremptory norms of general international law (*jus cogens*)” and “protection of the environment in relation to armed conflicts.” The discussion of those topics center on clarifying the core issues that arose during the studies on those topics, and the final outcomes and possible added value for States and international lawyers. Second, the status of the ILC’s current work, in particular, the significant adoption upon first reading of a full set of draft articles, with commentaries, on the longest running topics in the current work program of the Commission, namely, “immunity of State officials from foreign criminal jurisdiction.”

The discussion of the second reading topics, along with immunity, which has generated considerable interest among States, legal academia, and civil society, will be followed by a private workshop on two of the three most recent topics added to the ILC work program in May 2022, namely, the “prevention and repression of piracy and armed robbery at sea” and “subsidiary means for the determination of rules of international law.” It is expected that the two special rapporteurs for those two topics will present their preliminary ideas on how the ILC could address those studies, including issues of scope and methodology. The workshop will invite peer discussion of their plans for their first reports with the scholars, starting with the discussants, critiquing their plans and making suggestions for potential improvements.

PROGRAM

The Current and Future Work of the International Law Commission

Day 1 – Public Symposium

Friday, November 4, 2022

8:00 – 9:00: Arrival/coffee/registration – *Outside RDB 1009, C.A.M.P. 4 Justice Courtroom*

9:00 – 9:30: Welcome and Introduction - *RDB 1009, C.A.M.P. 4 Justice Courtroom*

- Dean Antony Page, FIU College of Law
- Prof. Charles C. Jalloh, FIU College of Law and Special Rapporteur, ILC

Concurrent Panels: Panel 1 *RDB 1009, C.A.M.P. 4 Justice Courtroom*

9:30 – 12:30: The ILC Draft Conclusions on the Identification and Legal Consequences of Peremptory Norms of General International Law (*jus cogens*) as adopted on second reading

Moderator: Prof. Phoebe Okowa, Queen Mary University and Member-Elect, ILC

Presenter: Prof. Dire Tladi, University of Pretoria and Special Rapporteur, ILC

Discussants:

- Mr. David Bigge, U.S. Department of State
- Prof. James Gathii, Loyola Law School, Chicago
- Prof. Mohamed Helal, Ohio State University and AUCIL

Concurrent Panels: Panel 2 *RDB 1081*

9:30 – 12:30: The ILC Draft Principles on the Protection of the Environment in Relation to Armed Conflicts as adopted on second reading

Moderator: Ms. Paola Patarroyo, Office of Legal Affairs, United Nations

Presenter: Amb. Marja Lehto, Ministry for Foreign Affairs of Finland and Special Rapporteur, ILC

Discussants:

- Mr. Carl Bruch, Environmental Law Institute
- Ms. Helen Obregón Gieseken, International Committee of the Red Cross
- Prof. Charles C. Jalloh, FIU and Special Rapporteur, ILC
- Dr. Britta Sjöstedt, Lund University

12:30 – 13:30: Lunch, *Grand Reading Room*

Panel Discussion
RDB 1009, C.A.M.P. 4 Justice Courtroom

13:30 – 16:00: The ILC Draft Articles on Immunity of State Officials from Foreign Criminal Jurisdiction as adopted on first reading

Moderator: Prof. Erika de Wet, University of Graz

Presenter: Prof. Concepción Escobar Hernández, Universidad Nacional de Educación a Distancia and Special Rapporteur, ILC

Discussants:

- **Prof. Dapo Akande**, University of Oxford and Member-Elect, ILC
- **Prof. Chimène Keitner**, UC Hastings College of Law
- **Prof. Leila Nadya Sadat**, Washington University of St. Louis School of Law
- **Prof. Claudio Grossman Guiloff**, AU Washington College of Law and ILC

Open Plenary Debate
RDB 1009, C.A.M.P 4 Justice Courtroom

16:00 – 17:30: The ILC and the Future of International Law: *Quo Vadis?*

Moderator: Amb. Juan Manuel Gomez Robledo, Permanent Mission of Mexico to the United Nations and ILC

Panelists:

- **Prof. Erika de Wet**, University of Graz
- **Prof. Claudio Grossman Guiloff**, AU Washington College of Law and ILC
- **Amb. Michael Kanu**, Permanent Mission of Sierra Leone to the United Nations

19:00: Conference Dinner, *Grand Reading Room*

Day 2 – Private Workshop

Saturday, November 5, 2022

8:00 – 9:00: Arrival/coffee - *Outside RDB 1009, C.A.M.P. 4 Justice Courtroom*

Workshop 1 *RDB 1081*

9:00 – 12:00: **The ILC and Prevention and Repression of Piracy and Armed Robbery at Sea**

Moderator: Amb. Michael Kanu, Permanent Mission of Sierra Leone to the UN

Presenter: Prof. Yacouba Cissé, Ivorian Ministry of Foreign Affairs and Special Rapporteur, ILC

Discussants:

- **Prof. Brittany Gilmer**, University of Alabama
- **Dr. Louis Savadogo**, International Tribunal for the Law of the Sea and Member-Elect, ILC
- **Prof. Alioune Sall**, Cheikh Anta Diop University and Member-Elect, ILC

12:00 – 12:30: **Closing Remarks by the Special Rapporteur**

12:30 – 13:30: **Lunch, *Grand Reading Room***

Workshop 2 *RDB 1081*

13:30 – 16:30: **The ILC and Subsidiary Means for the Determination of Rules of International Law**

Moderator: Prof. Chiara Giorgetti, University of Richmond Law School

Presenter: Prof. Charles C. Jalloh, FIU and Special Rapporteur, ILC

Discussants:

- **Prof. Dapo Akande**, University of Oxford and Member-Elect, ILC
- **Prof. Patricia Galvao-Teles**, Autonomous University of Lisbon and Study Group Co-Chair, ILC
- **Prof. Martins Paparinskis**, UCL and Member-Elect, ILC
- **Dr. Penelope Ridings**, University of Auckland, Member-Elect, ILC

16:30 – 17:00: **Closing Remarks by the Special Rapporteur**

17:00 – 17:30: **Conference Closing Remarks**

19:00: **Conference Dinner, *Grand Reading Room***