



Expert meeting

State Consent to International Jurisdiction: Conferral, Modification or Termination

Geneva, 21 June 2019

10.00 – 11.00	<i>State consent to international jurisdiction</i> – Evaluating the project structure, objectives and next steps
11.00 – 11.20	Coffee break
11.20 – 12.20	Paper 1: <i>State consent to the jurisdiction of the International Court of Justice: modify or perish</i> (Freya Baetens)
12.20 – 13.30	Lunch
13.30 – 14.30	Paper 2: <i>Interim obligations under Article 18 of the VCLT and the ICC Statute</i> (Emma Brandon)
14.30 – 14.50	Coffee Break
14.50 – 15.50	Paper 3: <i>The murky waters of jurisdiction and applicable law in international economic disputes</i> (Nicola Strain)

Participating Experts

Anne Saab (Graduate Institute Geneva)
Brian McGarry (CIDS Geneva)
Clement Marquet (University of Geneva, Geneva)
Daniel Baker (WTO)
Fatsah Ouguergouz (African Court of Human and People's Rights)
Georges Abi Saab (Graduate Institute Geneva)
Joost Pauwelyn (Graduate Institute Geneva)
Josef Ostransky (CIDS Geneva)
Laurence Boisson de Chazournes (CIDS/University of Geneva)
Leigh Swigart (Brandeis University)
Makane Mbengue (University of Geneva, Geneva)
Michele Potestà (Lévy Kaufmann-Kohler)
Neha Jain (University of Minnesota)
Nehal Bhuta (University of Edinburgh)
Philipp Ambach (International Criminal Court)
Rosa Manzo (PluriCourts, University of Oslo)
Yuval Shany (Hebrew University Jerusalem)
Zachary Douglas (Graduate Institute Geneva)

[This event is closed to the public]

Abstracts

Holding Signatories to Account: Applying interim obligations under Article 18 of the VCLT to states in the process of ratifying the Rome Statute.

Without its own police force, the International Criminal Court (ICC) relies on states to facilitate its investigations and ensure enforcement of its decisions. At the same time, 31 states, including the United States and Sudan, have signed but not ratified the Rome Statute that established the ICC and, therefore, their exact set of legal obligations to assist the tribunal is unclear. Article 18 of the Vienna Convention on the Law of Treaties (VCLT) provides a potential source for this set of obligations. It obligates states who have signed a treaty to “refrain from acts which would defeat the object and purpose of [the] treaty.” This paper analyzes the obligation under Article 18 of the VCLT and applies it to states who have signed but not ratified the Rome Statute. This clarification of the obligation allows the Court and advocates to uniformly and efficaciously enforce the obligation and ensure states' vital cooperation with the Court.

The murky waters of jurisdiction and applicable law in international economic disputes

In international legal disputes, there is limited discussion of jurisdiction, leading to an inadequate understanding of the precise boundaries of an international court or tribunal's jurisdiction and the meaning of the term ‘jurisdiction’. As the limits of the term ‘jurisdiction’ is relatively unclear, the line between ‘jurisdiction’ and ‘applicable law’ is necessarily blurred. The distinction between jurisdiction and applicable law is significant to determining the precise scope of the jurisdiction and applicable law to decide questions under other branches of public international law. This paper attempts to develop a clearer picture of the distinction between these two concepts to help us to come to a greater understanding of the intersection between international trade and investment law and other branches of public international law.