

International Courts & Tribunals Interest Group Newsletter

Introductory Note

It has been a busy winter for the International Courts and Tribunals Interest Group. On February 5, we hosted our annual Works in Progress event, in conjunction with UIC John Marshall Law School. The online event workshopped 10 new pieces of exciting scholarship (from over 30 applications) in the field of international disputes.

On February 10, ICTIG organized a panel on the plight of the Rohingyas and insights from international dispute settlement. Organized by ICTIG advisory board members Massimo Lando, Stuart Ford, and Chad Farrell, the panel engaged in a fascinating discussion of the ways in which Myanmar's actions against the Rohingya are being litigated or investigated at the ICJ, ICC, by the IIMM, and in Argentina, and how those litigations and investigations can (and cannot) address the situation on the ground. The event remains available on the [ICTIG webpage](#) for those who missed it.

On March 12, the ICTIG and the ABA's International Courts and Judicial Affairs Committee will co-host an event titled "International Courts: Legitimacy, Perceptions, and Outcomes." This event, organized by advisory board members Sara Ochs and Philipp Kotlaba, will feature a discussion of two recently published volumes edited by ICTIG co-chair Freya Baetens on the identity of international judges and the "unseen actors" in international courts.

Finally, we hope you will join us for our business meeting at the ASIL Annual Meeting, scheduled for March 25 at 9:00 am. We are thrilled to be joined by guest speaker Philippa Webb, who will discuss the new book she co-authored with Amal Clooney, *The Right to a Fair Trial in International Law*.

-David Bigge & Freya Baetens, Co-Chairs

ICTIG Events

International Courts: Legitimacy, Perceptions, and Outcomes

On March 12, from 12:00 to 1:30 p.m. Eastern, the ICTIG will co-host a virtual discussion of themes addressed in two recent books edited by Freya Baetens: *Legitimacy of Unseen Actors in International Adjudication* and *Identity and Diversity on the International Bench*. Panelists will examine the ways in which identity and diversity in international courts and tribunals inform the content and legitimacy of their outputs. **Registration** is now open.

ICTIG Business Meeting, ASIL Annual Meeting

The Interest Group will meet at 9:00 a.m. on March 25, during the virtual ASIL Annual Meeting. Philippa Webb will discuss her new book, *The Right to a Fair Trial in International Law*, which she co-authored with Amal Clooney. The link to participate will be available from the Annual Meeting [webpage](#).

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International Courts & Tribunals Interest Group

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Views contained in this publication are those of the authors in their personal capacity. The American Society of International Law and this Interest Group do not generally take positions on substantive issues, including those addressed in this periodical.



Developments at International Courts & Tribunals

Election of Judges to AfCHPR

Lisa Reinsberg, International Justice Resource Center

In February, the African Union **elected** four judges to the African Court on Human and Peoples' Rights, selecting two new judges and re-electing two current members of the Court. The election had originally been scheduled for 2020, but was apparently postponed due to the pandemic. The AU Executive Council elected the judges during its **38th Ordinary Session**, held virtually on February 3 and 4, ahead of the 34th African Union Summit.

New judges Dumisa Buhle Ntsebeza SC (South Africa) and Modibo Sacko (Mali) will fill the seats of Sylvaine Oré (Côte d'Ivoire) and Ângelo Vasco Matusse (Mozambique) and will be sworn in during the AfCHPR's 61st Ordinary Session, scheduled for June 2021. Rafaâ Ben Achour (Tunisia) and Imani Daud Aboud (Tanzania) were elected to their second and final terms. For additional details, see the AfCHPR's **press release** and Executive Council **decision**.

DRC Ratifies AfCHPR Protocol

Lisa Reinsberg, International Justice Resource Center

The Democratic Republic of Congo ratified a number of human rights instruments at the end of 2020, including the **Protocol** to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights. The DRC did not make the voluntary declaration recognizing the Court's competence to receive complaints against it by nongovernmental organizations and individuals, according to the African Court's **press release**. Per Article 34(4), the Protocol entered into force on the day of the State's deposit of its instrument of ratification: December 8, 2020. The DRC joins the 30 other African Union Member States who have ratified the Protocol. The ratification information on the African Union **treaties webpage** has not yet been updated.

Election of New ICC Prosecutor

Sara L. Ochs, University of Louisville Brandeis School of Law

Following a prolonged process, on February 12, 2021, the Assembly of States Parties **voted to elect Karim Khan** of the United Kingdom as the new Prosecutor of the

International Criminal Court. Mr. Khan's **legal career** spans 28 years and includes experience as a prosecutor, victim attorney, and defense lawyer in both domestic and international criminal tribunals, including the ICC, the ad hoc tribunals for Rwanda and the Former Yugoslavia, and various hybrid tribunals. In 2018, he was appointed to serve as the First Special Advisor and Head of the **United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD)**. Mr. Khan will officially take over for current ICC Prosecutor Fatou Bensouda on June 16, 2021. He will serve a 9-year term as prosecutor.

Yekatom and Ngaïssona Trial Begins at ICC

Sara L. Ochs, University of Louisville Brandeis School of Law

The trial in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona* opened before Trial Chamber V (composed of Judges Bertram Schmitt (Presiding), Péter Kovács, and Chang-ho Chung) of the ICC on February 16, 2021. Both defendants are charged with the commission of war crimes and crimes against humanity in the Central African Republic (CAR) within the context of the conflict between the Seleka and Anti-Balaka between 2013 and 2014. The trial began with a reading of the charges, to which both defendants pleaded not guilty on all counts. The prosecution and the defense counsel then made their opening statements, which concluded on February 18th. The trial is scheduled to resume on March 15th, with the Prosecution's presentation of evidence.

New ICJ Regulations

Julia Sherman, Three Crowns LLP

The International Court of Justice has in recent months adopted two new regulations relevant to pending and future disputes before the Court. First, on December 21, 2020, the Court adopted a **new Article 11** of its Resolution Concerning the Internal Judicial Practice of the Court relevant to requests for the indication of provisional measures. The new Article 11 provides that "[w]here the Court indicates provisional measures, it shall elect three judges to form an *ad hoc* committee which will assist the Court in monitoring the implementation of provisional measures." Further, "[t]he *ad hoc* committee shall examine the informa-



New Publications

Books

We are proud to share that ICTIG members have recently published the following books:

- Christian Tomuschat and Marcelo Kohen, **Flexibility in International Dispute Settlement** (Brill 2020).

Articles & Book Reviews

ICTIG members have recently published articles including the following:

- Zachary Mollengarden and Noam Zamir, **The Monetary Gold Principle: Back to Basics**, 115 Am. J. Int'l L. 41 (2021).
- Md. Rizwanul Islam and Farhaan Uddin Ahmed, **Where Are the LDC and Small Developing State Complainants in the WTO DSB?**, 52(2) Geo. Wash. Int'l L. Rev. 219 (2020).
- Md. Rizwanul Islam and Naimul Muquim, **The Gambia v. Myanmar at the I.C.J.: Good Samaritans Testing State Responsibility for Atrocities on the Rohingya**, 51(1) Cal. W. Int'l L.J. (2021).

Notable Judgments & Decisions

ICJ Finds It Has Jurisdiction in Iran v. U.S.

Massimo Lando, School of Law, City University of Hong Kong

On February 3, 2021, the International Court of Justice delivered its **judgment** on the preliminary objections raised by the U.S. in *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)*.

On July 14, 2015, the European Union and a number of countries including Iran and the U.S. concluded the **Joint Comprehensive Plan Of Action** concerning Iran's nuclear program (JCPOA). The JCPOA provided that certain economic sanctions in force against Iran were to be lifted. President Obama issued an Executive Order on January 16, 2016 lifting the sanctions imposed by the U.S. However, President Trump withdrew the U.S. from the JCPOA on January 12, 2018, and reimposed sanctions on Iran by his Executive Order of May 8, 2018.

Iran filed a case with the Court contending that the reimposition of sanctions breached the provisions of the 1955 Treaty of Amity between Iran and the U.S., which confers,

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tion supplied by the parties in relation to the implementation of provisional measures” and “report periodically to the Court, recommending potential options for the Court.” This development in the Court’s Internal Judicial Practice comes almost a year after the Court’s **provisional measures order** in *The Gambia v. Myanmar*, pursuant to which Myanmar is required to submit periodic reports to the Court regarding its compliance with other provisional measures indicated by the Court.

Second, on January 20, 2021, the Court issued an **amendment to its Practice Direction III** “in order to establish a page limit on the annexes to written pleadings.” Specifically, the Court now “strongly urge[s]” parties to keep their pleadings “as concise as possible” and to limit the number of pages of annexes parties attach to their

pleadings to 750 pages in total. According to the Practice Direction, the amendment comes as a result of the “excessive tendency towards the proliferation and protraction of annexes to written pleadings” in cases before the Court.

New Rules at Asian Development Bank Administrative Tribunal

Anne Trebilcock, Vice-President, Asian Development Bank Administrative Tribunal

The Asian Development Bank Administrative Tribunal has revised its **Rules** with effect from March 1, 2021. The changes reflect developments in international administrative law, experience under the former rules, and technological change. Watch for more news this year as the ADBAT celebrates its 30th anniversary. ■



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among others, trade-related rights. On October 3, 2018, the Court indicated as provisional measures that the U.S. had to remove all impediments to the free exportation to Iran of medical supplies, foodstuffs, and goods and services necessary for the safety of civil aviation.

The U.S. objected to the Court's jurisdiction arguing that, first, the "real issue in the case" concerned not the 1955 Treaty but the JCPOA and that, second, the measures of which Iran complained concerned trade between Iran and third countries. The Court would thus lack material jurisdiction. The U.S. also argued that Iran's application was an abuse of process and therefore inadmissible and that, because the case related to "fissionable materials" and "essential security measures," it fell outside the scope of the 1955 Treaty pursuant to its Article XX(1)(b) and (d).

The Court rejected all U.S. objections. The case will now proceed to the merits.

ICJ Finds It Has No Jurisdiction in *Qatar v. UAE*

Ignacio Etchepareborda, University of Chile

On February 4, 2020, the International Court of Justice delivered its **judgment** on the preliminary objections raised by the United Arab Emirates in the case concerning the "Application of the International Convention on the Elimination of All Forms of Racial Discrimination."

Qatar brought the proceedings to the Court on June 11, 2018, with regard to alleged violations of Articles 2, 4, 5, 6, and 7 of the International Convention on the Elimination of All Forms of Racial Discrimination (1965), to which both Qatar and the UAE are parties. In its **Application**, Qatar asserted that the UAE "had enacted and implemented a series of discriminatory measures directed at Qataris based expressly on their national origin," resulting in alleged human rights violations. The measures to which Qatar made reference were issued by the UAE on June 2017 in the context of a broader diplomatic boycott of several Gulf States to Qatar, for Qatar's alleged support of terrorism and for its relations with Iran.

On April 2019, the UAE raised **preliminary objections** to the jurisdiction of the Court, alleging, mainly, that the dispute fell outside of the scope *ratione materiae* of the

Convention, since the acts Qatar complained of (expulsion orders, travel bans) did not refer to the interpretation or application of the Convention, as Article 22 mandates.

In agreement with this assessment, the Court upheld, by eleven votes to six, the preliminary objections raised by the UAE, finding immediately that it had no jurisdiction to entertain the Application filed by Qatar.

ICC Verdict against Dominic Ongwen

Sara L. Ochs, University of Louisville Brandeis School of Law

On February 4, 2021, Trial Chamber IX of the International Criminal Court entered its **judgment** in *The Case of the Prosecutor v. Dominic Ongwen*, finding the defendant guilty of a total of 61 war crimes and crimes against humanity committed in Northern Uganda between July 2002 and December 2005. Ongwen served as a Brigade Commander of the Sinia Brigade of the Lord's Resistance Army (LRA), a Ugandan rebel group led by Joseph Kony, which has engaged in armed violence in Uganda, the Democratic Republic of the Congo, and the Central African Republic.

The charges on which Ongwen were convicted included war crimes committed during attacks on civilian populations, including those against people living in Internally Displaced Persons Camps, as well as sexual and gender-based crimes, and the crime of conscripting children under the age of 15 into the Sinia Brigade, all of which were committed within the context of the conflict between the Ugandan Government and the LRA.

This verdict was particularly controversial, as Ongwen himself had been abducted by the LRA and conscripted as a child soldier when he was approximately nine years old. However, the Chamber rejected Ongwen's affirmative defenses premised on his background, finding that Ongwen acted neither as a result of a mental disease or defect or under duress. The Chamber specifically determined that Ongwen did not commit the crimes of which he was convicted while subject to threat of imminent death or bodily harm, did not leave the LRA when he had the opportunity to do so, and committed a number of the crimes of which he was convicted while in private, in circumstances where threats would have had no effect.

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The trial began on December 6, 2016, and closing statements concluded on March 12, 2021, after 230 days of hearings. In total, 4,095 victims, all of whom were represented by legal representatives, participated in the proceedings. The Chamber has **scheduled** Ongwen's sentencing hearing for the week of April 12th.

ICC Decision on Jurisdiction over Palestine

Sara L. Ochs, University of Louisville Brandeis School of Law

On February 5, 2021, Pre-Trial Chamber I (PTC) of the International Criminal Court issued a **ruling** determining that the Court's territorial jurisdiction in the **Situation in Palestine** extends to portions of Palestine that have been occupied by Israel, including Gaza and the West Bank, which encompasses East Jerusalem. In December 2019, the Prosecutor **concluded the preliminary examination** into the Situation in Palestine and sought to proceed with an investigation into the Situation, a decision that did not require judicial approval from the Pre-Trial Chamber. However, in January 2020, the Prosecutor **requested**, pursuant to Rome Statute article 19(3), that the PTC issue a ruling clarifying the scope of the Court's jurisdiction in the Situation, and specifically whether it extended to the Israeli-occupied portions of Palestine.

The PTC's majority opinion—composing the decisions of Judge Reine Adélaïde Sophie Alapini-Gansou and Judge Marc Perrin de Brichambaut—premised its ruling primarily on the ground that as a State Party, Palestine's territories fall within ICC jurisdiction. In so doing, the PTC noted that pursuant to a UN General Assembly resolution, Palestine became a "UN non-member observer State" in 2012, which provided it with the ability to accede to international treaties like the Rome Statute. Thereafter, in 2015, Palestine formally became a State Party to the Rome Statute upon depositing its **instrument of accession** with the UN pursuant to Rome Statute article 125(3). The majority determined that given Palestine's status as a State Party, pursuant to Rome Statute article 12(2)(a), the Court had the authority to exercise jurisdiction over "the territory of which the conduct in question occurred," which includes the Occupied Palestinian Territory.

The PTC further determined that the clauses of the Oslo Accords which limited the scope of Palestinian jurisdiction

did not bar the Court's exercise of jurisdiction over the Occupied Territory. The PTC found that while these clauses may present issues of "cooperation or complementarity during the investigation and the prosecution stage," they did not impact the Court's jurisdictional reach. The PTC conditioned its ruling by confirming that its conclusions pertain only to jurisdictional issues and were not intended to prejudice any final settlement to be reached between Israel and Palestine.

On March 3, 2021, Fatou Bensouda, the ICC Prosecutor, publicly **confirmed** the opening of an investigation into the Situation in Palestine, which will encompass crimes committed within the Situation since June 13, 2014, the day on which Palestine referred the Situation to the ICC Prosecutor. Given the controversial nature of the Situation, the Prosecutor further stated that the investigation "will be conducted independently, impartially and objectively, without fear or favour."

ECtHR: Hanan v. Germany

Lisa Reinsberg, International Justice Resource Center

Among the **most significant** cases decided by the European Court of Human Rights in recent months is the Grand Chamber's **judgment** in *Hanan v. Germany*, of February 16, 2021. The case concerned Germany's investigation of a 2009 airstrike near Kunduz, Afghanistan that killed Mr. Hanan's two young sons, along with at least 89 other people. Mr. Hanan asserted that Germany had failed to adequately investigate the strike, which was ordered by a German colonel as part of a UN International Security Assistance Force then commanded by NATO. Mr. Hanan also alleged that he had no effective remedy to challenge the German prosecutor's April 2010 decision to end the criminal investigation into the German colonel.

Drawing on diverse international standards and jurisprudence, the Court determined that "Germany was obliged under customary international humanitarian law to investigate the airstrike at issue, as it concerned the individual criminal responsibility of the German armed forces for a potential war crime." The Court saw further support for extraterritorial application of the European Convention in the terms of the ISAF Status of Forces Agreement, which gave Germany exclusive authority to discipline or criminally

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prosecute its own troops in Afghanistan; domestic legislation requiring an investigation by the Federal Prosecutor General in such circumstances; and, the serious nature of the crimes recognized in the domestic criminal provisions enacted to implement the Rome Statute. As such, the Grand Chamber deemed the application admissible.

With regard to the merits, the Court took into consideration “the challenges and constraints” of an investigation in the context of an extraterritorial armed conflict. The Grand Chamber concluded that Germany’s investigation had been “effective,” in that it reliably and thoroughly established the necessary facts, began mere days after the strike, and was carried out by civilian authorities. Although authorities closed the investigation before hearing from Mr. Hanan or granting him access to the file, the Grand Chamber concluded that this did not make the investigation “deficient.” If Mr. Hanan had presented new evidence “this could have led to the reopening of the investigation” and he was later given access to the file. Accordingly, the Court found no violation of the procedural limb of Article 2 (right to life) of the European Convention on Human Rights.

ECtHR Interim Measure on Behalf of Alexei Navalny

Lisa Reinsberg, International Justice Resource Center

On February 16, 2021, the European Court of Human Rights **granted** an interim measure in favor of Russian activist and opposition leader Alexei Navalny, asking Russia to immediately release him from prison. The Court granted Navalny’s request based on the ongoing risk to his life and health, in view of the conditions of detention and his **August 2020 poisoning**. The Russian government **publicly stated** it will not comply with the interim measure. Navalny (referred to as Aleksey Navalnyy by the Court) has previously submitted **numerous applications** to the Court.

UN Experts Criticize ECtHR Judgment on Voting Rights

Lisa Reinsberg, International Justice Resource Center

In a rare move, the United Nations Special Rapporteur on the rights of persons with disabilities, Gerard Quinn, and the Committee on the Rights of Persons with Disabilities issued a statement directly criticizing the European Court

of Human Rights’ recent judgment in *Strøbye and Rosenlind v. Denmark*. The European Court found no violation of the European Convention on Human Rights with regard to Denmark’s denial of the right to vote to persons such as the two applicants, who had each been declared legally incompetent to manage their financial and/or personal affairs. In their **press statement** and attached **analysis**, the UN experts described the judgment as disappointing and at odds with evolving human rights standards as well as current scientific understanding of individuals’ decision-making. They also stated their hope that the ECtHR Grand Chamber will take up the case and afford “more serious treatment” to the views of the Committee on the Rights of Persons with Disabilities.

ITLOS Judgment on Preliminary Observations in Mauritius/Maldives

Julia Sherman, Three Crowns LLP

On January 28, 2021, a Special Chamber of the International Tribunal for the Law of the Sea rendered its **judgment** on preliminary objections in the *Dispute Concerning Delimitation of the Maritime Boundary Between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives)*.

The Maldives had raised five preliminary objections to the Special Chamber’s jurisdiction and the admissibility of Mauritius’ claims:

- First, that the United Kingdom is an indispensable third party to the proceedings, thus depriving the Special Chamber of jurisdiction under the *Monetary Gold* principle;
- Second, that the Special Chamber had no jurisdiction to determine sovereignty over the Chagos Archipelago;
- Third, that the Special Chamber lacked jurisdiction under Articles 74 and 83 of UNCLOS due to the parties’ failure to engage in negotiations;
- Fourth, that there was no dispute between the parties concerning their maritime boundary; and
- Finally, that Mauritius’ claims were an abuse of process.

In its January judgment, the Special Chamber rejected all of the Maldives’ preliminary objections. In so doing, the Special Chamber devoted considerable discussion to the International Court of Justice’s 2019 *Chagos* advisory opin-

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ion, which the Special Chamber considered to have “legal effect” relevant to the Maldives’ first and second preliminary objections.

Ultimately, the Special Chamber concluded that, in light of the *Chagos* advisory opinion (as well as the related General Assembly Resolution), the United Kingdom was *not* an indispensable third party that would be affected by the delimitation of the maritime boundary around the Chagos Archipelago. Moreover, the Special Chamber concluded that Mauritius is the State with an opposite or adjacent coast to the Maldives within the meaning Articles 74 and 83 of UNCLOS. Accordingly, the Special Chamber rejected the Maldives’ first and second preliminary objections. The Maldives’ other preliminary objections were then rejected on various grounds.

ITLOS Judgment on Preliminary Observations in Mauritius/Maldives: Participation of Ad Hoc Judges

Craig D. Gaver

The **Judgment on Preliminary Objections** rendered on January 28, 2021 by a Special Chamber of the International Tribunal for the Law of the Sea in *Dispute Concerning Delimitation of the Maritime Boundary between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives)* contained a discrete issue concerning the role of judges *ad hoc* in the time of COVID-19 that should interest International judges and counsel alike.

Mauritius originally instituted an Annex VII arbitration against the Maldives to delimit their maritime boundary. The parties later concluded a Special Agreement submitting their dispute to a Special Chamber of ITLOS, selecting the seven ITLOS judges they wished to sit, as well as Bernard Oxman as Judge *ad hoc* (appointed by the Maldives) and a Judge *ad hoc* to be appointed by Mauritius in due course. Mauritius later exercised this right to appoint Nicolaas Schrijver. The Maldives submitted their Preliminary Objections in December 2019, which suspended the proceedings on the merits, leading to an exchange of views on the objections as well as an anticipated oral hearing.

Due to the pandemic, the oral hearing scheduled for May 2020 was initially delayed until October, then, upon the agreement of the parties, conducted in a hybrid format.

Thereafter, the Registrar informed the parties by telephone whether the members of the Special Chamber, including the judges *ad hoc*, would participate in person or remotely. The Maldives expressed its concern that the two *ad hoc* judges had indicated their participation by different modalities, and requested that if its appointee wished to participate remotely, then Mauritius’ appointee should as well. Otherwise, this discrepancy “could potentially undermine the fairness of the proceedings” and would run contrary to the commonly accepted principle that judges *ad hoc* participate in the case “on the same basis.” Mauritius disagreed, asserting that neither the Tribunal’s Statute nor its Rules provide any distinction of treatment between members of the Special Chamber, and in any event, different modalities of participation by the judges *ad hoc* does not impinge upon their “complete equality” in the participation of the Special Chamber.

The Special Chamber agreed with Mauritius. The President noted that in light of the continuing pandemic, the parties had agreed to hold a hybrid hearing premised on the notion that there is no difference between the two modes of participation. That judges *ad hoc* participate in a case “on terms of complete equality” with judges of the Tribunal means that the judges *ad hoc* are at liberty to choose their mode of participation in the same manner as the Tribunal’s judges. Irrespective of the mode of participation, the President assured the parties that each member, including the judges *ad hoc*, would be given “an equal opportunity to participate fully in the proceedings of the Special Chamber.”

This procedural disagreement, resolved prior to the actual hybrid hearing, was unknown to the judges *ad hoc* themselves until December 2020 (presumably as the judgment was being drafted), as the President of the Special Chamber is responsible for scheduling and procedural matters. In their Joint Declaration, the two judges *ad hoc* expressed their appreciation to the President, the Registry, and the Parties for their discretion in the matter of the hybrid hearing.

The pandemic has shifted much, if not all, of the work of international courts and tribunals online, including fully-remote and hybrid hearings. The pandemic will end, but this experience and other considerations, including environmental, cost, and scheduling issues, may lead parties to prefer remote and hybrid hearings to traditional, in-person

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Opportunities

Awards, Grants & Prizes

Rosalyn Higgins Prize: Call for Submissions

The Law & Practice of International Courts and Tribunals now invites submissions for the 2021 Rosalyn Higgins Prize. The Rosalyn Higgins Prize is an annual prize which awards EUR 1,000 of Brill book vouchers and a one-year LPICT subscription to the author of the best article on the law and practice of the International Court of Justice, either focusing solely on the ICJ or with the ICJ as one of the dispute settlement mechanisms under consideration. The winning article will also be published in LPICT and made freely available online for ninety days to maximize its dissemination. See additional information in the [announcement](#) and [author instructions](#). Submissions must be received by June 30, 2021.

GoJIL Student Essay Competition: Call for Papers

The Goettingen Journal of International Law seeks contributions on the topic of *International Law in Times of a Pandemic* from students (including doctoral students). The winning submission will be published in an upcoming issue of the GoJIL. See additional information in the [Call for Papers](#). The deadline for submission is August 1, 2021.

Conferences, Webinars & Programs

AALS Conference on Rebuilding Democracy and the Rule of Law

The Association of American Law Schools (AALS) will be hosting a virtual conference on Rebuilding Democracy and the Rule of Law on May 6-7, 2021. The Conference will focus

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hearings in certain circumstances. What may seem to be a minor procedural point in this *Mauritius/Maldives* Judgment may, in fact, form an important precedent for ensuring the complete equality of judges *ad hoc*, not only with regular judges, but with each other. It will also affirm that remote participation is no hindrance to a judge's full participation in a hearing or the case as a whole.

European Court of Justice: *Commission v. United Kingdom*

Lisa Reinsberg, International Justice Resource Center

Among many interesting [recent judgments and opinions](#) from the Court of Justice of the European Union, the Court of Justice concluded that the UK has "systematically and persistently" violated European Union air pollution restrictions since 2010. Its judgment in [Commission v. United Kingdom](#) concerned various Council directives requiring EU Member States to identify areas with high air pollution and to take measures to reduce emissions so that concentrations of nitrogen dioxide and other pollutants do not exceed the specified limits. The European Commission initiated the action prior to Brexit.

The Court noted that ambient NO₂ levels "regularly exceeded between 25% and 75% of the limit value" and were

sometimes 300% higher than the limit, as in the London area between 2013 and 2015. As such, the Court considered the breaches "persistent and systematic" and rejected the UK's arguments that other Member States' breaches or EU rules permitting certain vehicles could excuse the UK's non-compliance in this regard.

Concerning the UK's required plans to reduce emissions, the Court pointed to the "direct link" between the different directives, which allow a finding that when pollution levels are "of a certain magnitude and duration," they are evidence of failure to act. While the UK did adopt air quality plans and implement relevant measures beginning 2015, the Court found that those plans were "often insufficiently detailed" (e.g., not setting clear targets); overly "generic" and not legally binding (for example, promoting cycling); and not sufficiently urgent (envisioning compliance with EU requirements by 2020 or 2025). While Member States have some discretion in designing their plans, the Court reiterated that governments must "ensure that the period during which the limit values are exceeded is kept as short as possible." Accordingly, the Court declared that the UK had systematically and persistently exceeded NO₂ limits in certain areas since 2010 and had failed to fulfil its obligations to take measures to improve air quality. The Court ordered the UK to pay the costs of the European Commission. ■



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on four themes: (1) the presidency; (2) the electoral process; (3) race and voting rights; and (4) improving presidential elections. It will begin with a discussion of *After Trump: Reconstructing the Presidency* with its authors Bob Bauer and Jack Goldsmith. Additional information is available [here](#).

Society of International Economic Law: 2021 Milan Global Conference

The Seventh Biennial Global Conference of the Society of International Economic Law (SIEL) will be held virtually on July 8 through 10, 2021, in collaboration with Bocconi University, Milan. While the deadline for paper, poster, and panel proposals has passed, an overview of themes is available on the conference [webpage](#).

Calls for Papers

Symposium on Salient Issues in International Arbitration

The Center on International Commercial Arbitration will hold the fifth *Symposium on Salient Issues in International Arbitration* on Wednesday, November 10, 2021. The topic of this Symposium will be: Does a Transnational Legal Order Exist in International Arbitration? The [call for papers](#) requests advanced copies of papers that are between 10,000 and 20,000 which address the Symposium theme. The advanced copies, along with an abstract of between 300 and 600 words, should be submitted to the Symposium organizers by June 15, 2021.

Association of Human Rights Institutes (AHRI) 2021: Human Rights Strategies

The Maastricht Centre for Human Rights, Maastricht University, Faculty of Law, will host **AHRI 2021** virtually on August 27-28, 2021. The conference aims at discussing the practice of human rights strategies from different angles and disciplines. Attention will be paid to the different dimensions such strategies play in discussions about alleged violations and abuses of human rights by a variety of actors while focusing on the question what role academics in the broad field of human rights research can and must play to preserve the delicate balance between exposing human rights abuses and retaining academic integrity. The conference organizers invite abstracts and topic proposals for breakout sessions under three tracks: (1) Naming and Shaming; (2) Strategic Litigation; and (3) Information Politics. The [call for papers](#)

requests that abstract and proposals be submitted by March 31, 2021.

Trade, Law & Development: Special Issue on Trade and Technology

The editors of Trade, Law and Development [invite submissions](#) for a special issue on *Trade and Technology: Rebooting Global Trade for the Digital Millennium*, to be published in summer 2021. For additional instructions, see the [submission guidelines](#). Manuscripts must be received by March 31, 2021.

African Human Rights Yearbook: Volume 5 (2021)

The African human rights bodies have announced a [call for papers](#) for Volume 5 of the African Human Rights Yearbook, to be published in November 2021. Submissions may address aspects of the African human rights system or standards, the African Union's 2021 theme of "arts, culture, and heritage," or case decisions from the African Court on Human and Peoples' Rights, its counterpart Commission, or the African Committee of Experts on the Rights and Welfare of the Child. Abstracts must be submitted by March 31, 2021.

Asian Law Works-in Progress Session

The Section on East Asian Law and Society of the American Association of Law Schools, the Asia-Pacific Interest Group of the American Society of International Law, and the Asia Committee of the American Society of Comparative Law will convene a virtual works-in-progress session on Monday, July 19, 2021. Draft papers must be submitted in accordance with the instructions set forth in the [call for papers](#) by June 14, 2021.

Job Postings & Other Opportunities

ICTIG members may be interested in a new Twitter account, [International Legal Jobs](#), as a complement to traditional sources for job postings. Other recently announced opportunities include the following:

Associate Legal Officer (P2), International Criminal Court

The ICC is accepting applications for an Associate Legal Officer position in the Office of Public Counsel for Victims, to be based in The Hague, Netherlands. The deadline for applying is March 31, 2021. See additional details in the [posting](#).

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Member News

ICTIG members, please send news of your promotions, new positions and appointments, awards, events, and other developments to share in the ICTIG Newsletter. See the first page of this newsletter for submission guidance.

Mary Ann McGrail, Law Office of M.A. McGrail has won the 2020 annual Loeb Award from the Washington Center of Lawyers for the Arts for her pro bono work with clients on intellectual property issues. She practices in the field of international law, specializing in higher education and intellectual property.

We invite submissions to the newsletter on an ongoing basis, and encourage members to contribute case summaries, news items, publications, relevant announcements and opportunities, and their own professional news for inclusion in the next issue. For summaries and news items, please limit submissions to 300 words or fewer and indicate how you would like to be credited. All submissions may be sent via email with the subject "ICTIG newsletter submission" to Sara Ochs (sara.ochs@louisville.edu) and Lisa Reinsberg (lisa@ijrcenter.org).

Opportunities —continued from page 9

Senior Legal Officer (P5), International Residual Mechanism for Criminal Tribunals

The IRMCT is accepting applications for an Officer in Charge within the Registry, to be based in Arusha, Tanzania. The deadline for applying is March 25, 2021. See additional details in the [posting](#).

Legal Officer (P4), Special Tribunal for Lebanon

The STL is accepting applications for a Legal Officer to be based in Leidschendam, Netherlands. The deadline for applying is March 15, 2021. See additional details in the [posting](#).

Assistant Professor in Public International Law, Amsterdam Centre for International Law

The Amsterdam Centre for International Law is looking for two Assistant Professors to teach in the field of public international law within the Bachelor, and in the Master track Public International Law and/or the Master track International Trade and Investment Law. The deadline for applying is March 15, 2021. See additional details in the [posting](#).

Five Fully Funded PhD Positions, Max Planck Research School for Successful Dispute Resolution in International Law

The International Max Planck Research School for Successful Dispute Resolution in International Law is

accepting applications for PhD proposals within the research areas of the Department of International Law and Dispute Resolution. The deadline for applying is March 31, 2021. See additional details in the [posting](#).

Fully Funded Doctoral Candidates in EU & Comparative Procedural Law, Max Planck Institute Luxembourg for Procedural Law

The Max Planck Institute Luxembourg for Procedural Law, an Institute of the Max Planck Society, is accepting applications for two fully funded doctoral candidates in EU and Comparative Procedural Law. The deadline for applying is March 31, 2021. See additional details in this [posting](#).

Managing Editor, International Review of the Red Cross

The International Review of the Red Cross, produced by the International Committee of the Red Cross and published by Cambridge University Press is seeking a Managing Editor to work closely with the Editor-in-Chief in all activities related to the production and promotion of the publication. The deadline for applying is March 24, 2021. See additional details in the [posting](#). ■