



**WORKSHOP: JUSTICE IN NON-INTERNATIONAL ARMED CONFLICTS
6 & 7 MARCH | MANCHESTER**

FORTHCOMING EVENTS

INTERNATIONAL LAW AND WWI AT THE UNIVERSITY OF MANCHESTER

07.Oct.15 | Dr Ralph Wilde
University College London

11.Nov.15 | Dr Mirko Sossai
University of Roma TRE

24.Feb.16 | Prof Christian Tams
University of Glasgow

30.Mar.16 | Dr Catriona Drew
University of London

TBD | Bruno Simma
Judge on the International
Court of Justice from
2003 until 2012

MELLAND SCHILL
May.2016 | Judge Xue
International Court of Justice

The 2015-2016 Melland Schill lecture will be delivered by her Excellency Judge Xue from the International Court of Justice. More information will follow in due course. The video of the 2014 Melland Schill Lecture by John Dugard is available here:

<http://www.law.manchester.ac.uk/milc/mellandschill/>

MESSAGE FROM THE DIRECTORS OF MILC

MILC was created in 2013 and now has 26 active members. In less than two years, a dozen events have been organised under the umbrella of MILC, including the re-launch of the prestigious Melland Schill Lecture Series as well as a series of lectures on international law and the First World War. During the same period, researchers affiliated with MILC have published several monographs and edited collections and numerous articles. We think that the dynamism of MILC and of its researchers need a showcase and this is why we have created this biannual newsletter. In this publication, we also want to turn the spotlight to our younger researchers and help them improve the visibility of their research. We hope you will enjoy the read. Please do not hesitate to get in touch with us if you are interested in any of our research projects.

THE NEW OXFORD DATABASE ON INTERNATIONAL ORGANISATIONS

Professors Jean d'Aspremont and Iain Scobbie secured an important contract with Oxford University Press for the development of a database of annotated documents and decisions pertaining to international organisations. The database will contain hundreds of entries and constitute a new tool for any researcher or practitioners dealing with the law of international organisations. It is expected that this database will become the largest legal database ever developed by Oxford University Press and generate significant revenues. Philip Burton will be the managing editor of the database during the development phase. For more information on the Oxford Law databases, see here: <http://opil.ouplaw.com/home/oril>

ESIL 2018

The Board of the European Society of International Law has approved Professors Jean d'Aspremont and Iain Scobbie's proposal to host the 2018 Annual meeting of the European Society of International Law. This prestigious meeting will bring up to 400 international lawyers from around the world to Manchester and will make the city the capital of international law for a few days. For more information on the European Society of International Law, please see here: <http://www.esil-sedi.eu/>

6-7.March.15

Workshop | Justice in non-international armed conflicts
University of Manchester

Closed expert workshop organised and hosted by Manchester International Law Centre (MILC), in collaboration of the Syrian Legal Development Programme and Lawyers for Justice in Libya, aimed at reflecting on the standards which should apply to such situations and formulating guidelines for the future. Participants included legal professionals, aid workers, representatives of inter-governmental and supranational bodies, academics and representatives of governments.

3.March.15

International Law and WWI
The Indian Army in Mesopotamia
Prof Charles Garraway
University of Essex



22.April.15

International Law and WWI
The Laws of War at Sea
Prof Steven Haines
University of Greenwich

12.May.15

Have Recent Regulations Spelt the Death of Fractional Reserve Banking?
Prof Emiliios Avgouleas
University of Edinburgh

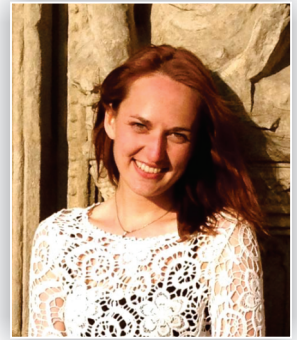
20.May.15

International Law and WWI
War and Peace in Contention:
Neutrality after the Great War
Prof Stephen Neff
University of Edinburgh



MILC RESEARCH | INTERVIEW | Maria Smirnova

As a part of our aim to give visibility to the work done by young researchers – MILC members – we are talking today with Dr Maria Smirnova, Research Associate in Russian law, member of the team working on the project 'A Sociology of the Transnational Constitution' funded by European Research Council.



MILC: Maria, the title of the project can be interpreted in many different ways, but what is the actual focus of your research?

Maria Smirnova: The project I am working on under the supervision of Prof. Chris Thornhill focuses on sociological and legal impact that application of international law produces on domestic legal systems and state building, particularly in countries undergoing transition. Diverse geographic representation of our researchers and their expertise in so many different polities makes this project truly trans-national and even trans-continental, while close collaboration within the team adds the strong comparative dimension.

M: How exactly is the comparative nature of the research achieved?

MS: All members of the team work independently along the lines of the same major research questions, such as, for example, how open is the legal system to international law, how does application of human rights treaties by courts change the volume and the quality of judicial decisions, how successful are cases against government agencies and so forth. We take turns presenting our findings at regular team meetings, thus enriching our understanding of other polities, discovering commonalities of different legal systems, and at the same time providing in-depth feedback to our colleagues.

M: You research Russian legislation and case law for the project. Are there any interesting or perhaps surprising discoveries for you as a practicing Russian lawyer?

MS: In fact, my involvement in this project allows me to take a 'bird's eye view' on the recent developments in Russian legal system, some of them are surprising indeed. For example, I was amazed to discover that application of international law at the appeal level in Russian courts often leads to more favourable decision in anti-government cases, or that the courts tend to use the classic proportionality test to assess permissible limitations of human rights, as imported from ECtHR jurisprudence.

M: Interesting, indeed. How are such discoveries received by Russian lawyers and academics?

MS: With a mixture of delight and disbelief. Russian society can be very self-critical and defensive to critique at the same time, hence the suspicion in reaction to our unexpectedly positive assessment of the recent developments in legal system, effectiveness of the judicial reform and general measures taken to facilitate litigation and increase enforceability of judgments.

M: It sounds like the outcome of the project may produce a certain impact on domestic policies or at least on how Russian people perceive interaction with international law.

MS: That would be too ambitious a goal, but I do hope that distribution of the results of the project will contribute to changing the attitude of an average Russian citizen to international law from passive ignorance to healthy pragmatism.

M: Maria, it has been an illuminating discussion, thank you very much, we wish you and your colleagues new exciting findings and success in achieving analytical and practical goals of the project.

MS: Thank you very much! It is a great pleasure to be part of MILC and to be able to share ideas with the colleagues – esteemed specialists in the field of international law.

PUBLICATIONS

Iain Scobbie

- "Rhetoric, persuasion and interpretation in international law", in A Bianchi, D Peat and M Windsor, *Interpretation in international law*. Oxford UP, 2015. 61-77.
- "Human rights protection during armed conflict: what, when and for whom?", in de Wet E and Kleffner J, *Convergence and conflicts of human rights and international humanitarian law in military operations*. 3-19. Pretoria: Pretoria University Law Press, 2014
- "A view of Delft: some thoughts about thinking about international law", in Evans M (Ed), *International law*. 53-88. Oxford: Oxford UP, 2014 (4th edn).
- "The killer whale of the Hague". 2014. <http://www.ejiltalk.org/the-killer-whales-of-the-hague/>
- "Prolonged Occupation and Article 6(3) of the Fourth Geneva Convention: Why the International Court Got It Wrong Substantively and Procedurally". 2015. <http://www.ejiltalk.org/prolonged-occupation-and-article-63-of-the-fourth-geneva-convention-why-the-international-court-got-it-wrong-substantively-and-procedurally/>

Jackson Maogoto

- *Technology and the Law on the Use of Force: New Security Challenges in the Twenty-First Century*. Routledge Research in International Law. Oxford: Routledge Publishers, 2014.
- "Introducing International Humanitarian Law to Judicial and Quasi-Judicial Bodies." In *Application of International Humanitarian Law in Judicial and Quasi-Judicial Bodies*, ed. Derek Jinks; Jackson N Maogoto; Solon Solomon. The Hague, Netherlands: T.M.C. Asser Press, 2014.
- "The 1919 Paris Peace Conference and the Allied Commission: Challenging Sovereignty Through Supranational Criminal Jurisdiction." In *Historical Origins of International Criminal Law*, ed. Morten Bergsmo; Wui Ling Cheah; Ping Yi, 171-193. Brussels: Torkel Opsahl Academic Publishers, 2014.
- "The Arab Spring's Constitutional Indigestion: Has Democracy Failed in the Middle East?" *Liverpool Law Review* 34, no. 1 (2014): 105-134.

Jean D'Aspremont

- *Epistemic Forces in International Law*. Elgar International Law Series. Edward Elgar, 2015
- Jean d'Aspremont and Jörg Kammerhofer. *International Legal Positivism in a Post-Modern World*. Cambridge University Press, 2014
- "The Multidimensional Process of Interpretation: Content-Determination and Law-Ascertainment Distinguished." In *Interpretation in International Law*, ed. A. Bianchi, D. Peat and M. Windsor, Oxford University Press, 2015
- "Send Back the Lifeboats: Confronting The Project of Saving International Law" *American Journal of International Law* 180 (2014)
- "The Idea of 'Rules' in the Sources of International Law" *84 British Yearbook of International Law* (2014): 103-134

Martin Browne

- "The UK Conservative Party Proposes Changes to Human Rights Protection". 2014. <http://www.ejiltalk.org/author/mbrowne/>

Nicolette Butler

- "In Search of a Model for the Reform of International Investment Dispute Resolution: An Analysis of Existing International and Regional Dispute Settlement Mechanisms." In *Reshaping the Investor-State Dispute Settlement System*, ed. J Kalicki and A Joubin-Bret, Brill, 2015.
- N Butler & O Madhloom, "Teaching company law to business students: an effective framework" *The Law Teacher*, 2015.

Wim Muller

- China: an illiberal, non-western state in a western-centric, liberal order?. In *The Approaches of Liberal and Illiberal Governments to International Law: A conference marking 25 years since the collapse of communist regimes in Central and Eastern Europe* 12 June 2014 - 13 June 2014. ESIL Interest Group on International Legal Theory, Estonian Academy of Sciences, Tallinn.
- Effective Use of International Law in the Chinese Domestic Order: Formal Implementation or Informal Inspiration?. In *Ninth Annual General Conference of the European China Law Studies Association* 15 November 2014 - 16 November 2014. Chinese University of Hong Kong.

Yenkong Ngangjoh-Hodu

- Yen Kong Ngangjoh-Hodu & Chikodili. "ICSID Annulment Procedure and the WTO Appellate System: The Case for an Appellate System for Investment Arbitration." *Journal of International Dispute Settlement* 6, no. 1(2015).

MORE ON RESEARCH

Dr Nicolette Butler's research focuses on international investment law. She recently received a £20,000 ESRC Impact Accelerator grant (alongside Dr Gabriel Siles-Brugge, Lecturer in Politics). The grant enables the academic researchers to work with civil society groups interested in the Transatlantic Trade and Investment Partnership (TTIP) negotiations which are currently ongoing between the EU and USA.