GENERAL PRINCIPLES AS APPLIED BY INTERNATIONAL COURTS AND TRIBUNALS AND THE COHERENCE OF INTERNATIONAL LAW

LES PRINCIPES GÉNÉRAUX APPLIQUES PAR LES TRIBUNAUX INTERNATIONAUX ET LA COHERENCE DU DROIT INTERNATIONAL

Paris, 21-22 June 2017

Organised under the auspices of the KU Leuven – Centre for Global Governance Studies, Pluricourts – University of Oslo and University of Bologna at Centre Universitaire de Norvège à Paris, CUNP, Fondation Maison des Sciences de l'Homme, 54, Boulevard Raspail, 75006 Paris.

Organising Committee
Jan Wouters, Emanuel Castellarin, Mads Andenas.

The application by international courts and tribunals is the focus of this second Paris seminar on general principles of law in the international legal order.

The seminar is a tribute to Alain Pellet who is 70 this year and wrote his doctoral dissertation on general principles of law in international law (Recherche sur les principes généraux de droit en droit international public, Paris II, 1974, 504 pp).

Waldock referred to general principles as the ‘common law of the international community’. General principles clearly have a role beyond the residual and gap-filling. General principles provide a context in which constitutionalisation and hierarchy are discussed. They deal with institutional, procedural and substantive questions. Can the application of general principles by international courts and tribunals contribute – and if so, how and to what extent – to ensuring the coherence of international law?

General principles – with peremptory norms (jus cogens) at the core – constitute the general foundations of international law. In times of turmoil and when the treaty-making process and custom formation are less effective, general principles may play a more important role.

The seminar will bring together experts from academia and practice to discuss the contribution of general principles to the coherence of international law (i) through the jurisprudence of international courts at a general level; (ii) in constitutionalisation and hierarchy, including jus cogens; (iii) in developing interim, compensatory and other remedies and the principles of effectiveness; (iv) proportionality, subsidiarity and margins of appreciation; and (v) res judicata, lis pendens and other jurisdictional rules.

The purpose of this seminar is to provide a smaller forum for an informal exchange on the core issues, including how to take the project forward, including the prospect of forming a working group under the International Law Association on general principles of law in the international legal order.

This seminar builds on the first Paris seminar which took place on 23-24 March 2017. The first seminar focused on: (i) the relationship between general principles and the other sources of international law; (ii) the interactions between general principles as a source of international law and the role of general
principles in national and regional legal orders, such as EU law; (iii) the specific role which general principles play in a number of selected sub–fields of international law. See Andenas, Mads and Chiussi, Ludovica, General Principles and the Coherence of International Law – Principes Généraux Et Cohérence Du Droit International (March 22, 2017). University of Oslo Faculty of Law Research Paper No. 2017-14. Available at SSRN: https://ssrn.com/abstract=2939082

The seminar will be held in English and French.
Le séminaire se déroulera en français et en anglais.


Places are limited. Please register with paris.seminar2017@gmail.com