

Workshop

Specially-Affected States & International Organizations: *Rising Actors in the Formation & Identification of Customary International Law*

5 June 2018, Room A3.01 Roeterseiland Campus (REC), Faculty of Law, 13h00-17h30

The International Law Commission (ILC) adopted the *Draft Conclusions on Identification of Customary International Law* on first reading in 2016 (UN Doc. A/71/10). These Draft Conclusions are an important resource in a classic and thorny area of international law. This workshop aims to explore the position of two actors in the process of forming and identifying customary international law: first, ‘specially-affected states’, as they have been famously termed by the International Court of Justice (ICJ); and, second, international organizations. Both of them play only a modest role in the Draft Conclusions. Have the Draft Conclusions, in terms of doctrine, theory and practice, properly accounted for specially-affected states and international organizations? Or should the final Conclusions – which are due to be adopted by the ILC later this year – accord them greater prominence?

You are cordially invited to attend the workshop, as well as to join the discussion on these and other, related questions.

Programme

PANEL I: SPECIALLY-AFFECTED STATES

- Specially Affected States in CIL Formation: Reflections on Criteria for Generality, Widespreadness, Representativeness, Sienho Yee (*Wuhan University*)
- Why the Draft Conclusions should not make reference to specially affected States, Tullio Treves (*University of Milan*)
- All States are equal, but some are more equal than others. Challenging the SAS doctrine, Tom Ruys (*University of Ghent*)

Moderator: Kevin Jon Heller (University of Amsterdam)

PANEL II: INTERNATIONAL ORGANIZATIONS

- International Organizations in CIL Formation: Reflections on Possible Criteria for Possible Contributions, Sienho Yee (*Wuhan University*)
- The UN and the use of sanctions and self-defence against non-state actors: Reporting requirements as a channel for custom formation, Larissa van den Herik (*University of Leiden*)

- International organizations and the formation of custom: mutualization or separate identification? Jean d'Aspremont (*University of Manchester / Sciences Po Paris*)

Moderator: Catherine Brölmann (*University of Amsterdam*)