

Program of the 32nd Informal Meeting of Legal Advisers

24 October 2022

Trusteeship Council Chamber, UN Headquarters, New York

10 am – 10:15 am **Introductory remarks**

- **Dr. Konrad Marciniak**, Legal Adviser and Director of the Legal and Treaty Department at the Ministry of Foreign Affairs of Poland
- **Mr. Miguel de Serpa Soares**, United Nations Under-Secretary-General for Legal Affairs and United Nations Legal Counsel

10:15 am – 11:30 am **Panel 1: Suspension/Termination of Treaties in Armed Conflicts and Other Emergency Situations**

The suspension or termination of treaties is a relatively common practice. However, this topic assumes particular importance in emergency situations such as armed conflicts or other instances of heightened political tensions between states, when it is necessary (or politically desirable) to terminate a treaty relation quickly. In this context, it is clearly worth looking at the provisions of the Vienna Convention on the Law of Treaties to assess the extent to which it is possible to swiftly abandon treaties under exceptional circumstances. Finally, it is worth asking about possible legal paths beyond the Vienna Convention. In particular, the following questions deserve thorough consideration:

- Is there any legal basis other than those mentioned in articles 60-62 of the VCLT for suspending or terminating a multilateral treaty with a State-Party violating *jus cogens* norms?
- Do the ILC Draft articles adopted in 2011 on the effects of armed conflicts on treaties provide an optimal framework for dealing with situations of aggression?
- How does the procedure defined in Article 65 of the VCLT affect the potential actions of states with respect to terminating treaties in emergency situations?
- How does a state's exclusion from an international organisation affect its status as a State-Party to treaties intended solely for members of that particular international organisation?

Panel chair: **Dr. Vilawan Mangklatanakul**, Member of the International Law Commission 2023-2027, Deputy Permanent Secretary at the Ministry of Foreign Affairs of Thailand

Panelists:

- **Professor Duncan Hollis**, Temple University
- **Professor Dapo Akande**, Member of the International Law Commission 2023-2027, University of Oxford

11:30 am – 1 pm

Panel 2: Universal Jurisdiction as an Instrument for Fighting Impunity in Crimes Against International Law

The concept of universal jurisdiction as an instrument for fighting impunity in crimes against international law is well-known. Yet a number of its elements remain undefined. In particular, the following issues seem relevant:

- To what extent is the exercise of universal jurisdiction a state's obligation and not only its prerogative or right?
- Is this principle governed by customary international law (and if so, to what extent)?
- Can specific implementation be left to the discretion of states?

Panel chair: **Ms. Fatou Bensouda**, Gambia's High Commissioner to the UK and the Commonwealth, former Prosecutor of the International Criminal Court

Panelists:

- **Professor Charles C. Jalloh**, International Law Commission 2018-2027, Florida International University
- **Ms. Alina Orosan**, Legal Adviser and Director of the International Law and Treaties Directorate at the Ministry of Foreign Affairs of Romania

3 pm – 4:30 pm

Panel 3: Weaponizing Food – International Armed Conflicts and Food Security

International armed conflicts and their consequences for food supply can have a truly global impact beyond the conflict zones themselves. Therefore, it appears that states should consider these issues not just in light of obligations under the international law of armed conflicts, but also according to other applicable legal norms, including international human rights law. Especially timely questions include:

- Do the IHL treaties sufficiently regulate situations in which the belligerents in international armed conflicts target food production and distribution?
- To what extent can the human right to food influence assessment of the conduct of parties to an international armed conflict?
- Is there an appropriate international legal framework for cases when a war of aggression initiated by one state against another induces a food crisis in other states?
- How can we assess, from the international law perspective, the conduct of a state which disrupts global supply chains and drives up commodity prices, thus jeopardizing access to agricultural products?

Panel chair: **Professor Michał Balcerzak**, Vice-Chair of the United Nations Committee on the Elimination of Racial Discrimination, Nicolaus Copernicus University in Toruń

Panelists:

- **Professor Michael Fakhri**, United Nations Special Rapporteur on the Right to Food, University of Oregon
- **Dr. Cordula Droege**, Head of the Legal Division at the International Committee of the Red Cross

4:30 pm – 6 pm

Panel 4: Resources in Areas Beyond National Jurisdiction – Outer Space and Maritime Areas

Addressing the legal status of ‘common pool’ resources outside national jurisdictions in outer space and maritime areas has always required striking an optimal balance between coexisting and overlapping purposes and principles. Despite significant efforts by the international community, the current regulatory framework and structures put in place over the years, including, most importantly, the United Nations Convention on the Law of the Sea (UNCLOS) and the UN Outer Space Treaty, do not fully address all the issues. These concern first of all ensuring sustainable use of these resources. In consequence, there is now a growing international awareness of the need to develop a model of governance and strengthen the existing structures. While some attempts in this direction have already been made, we have not yet reached a consensus neither on form nor substance. The following issues deserve particular reflection:

- What are the similarities and differences between the outer space and maritime legal regimes? How is the specific status of resources beyond national jurisdiction reflected in current legal instruments?
- Is it relevant that these resources are located in different geophysical realities?
- What conclusions and parallels can or should we draw from current efforts and processes relating to marine and outer space resources outside national jurisdiction?

Panel chair: **Ms. Mariana Durney**, Legal Counsel, International Seabed Authority

Panelists:

- **Professor Joanna Mossop**, Victoria University of Wellington
- **Dr. Peter Martinez**, Executive Director at the Secure World Foundation

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