

Program of the 33rd Informal Meeting of Legal Advisers
Theme: The Interdependence and Interconnectedness of International Law
[23-24 October 2023]

Trusteeship Council Chamber, UN Headquarters, New York

23 October, 2023

01.00 pm – 02.45 pm Lunch hosted by PR for the Permanent Representatives, Legal Advisers and Sixth Committee Experts

03.00 pm – 03.15 pm Opening of the Informal Meeting

- Opening Remarks by **Ambassador Ruchira Kamboj**
Permanent Representative of India to the UN
- **Mr. Miguel de Serpa Soares**
United Nations Under-Secretary-General for Legal Affairs and
Legal Counsel
- **Ms. Uma Sekhar**
Additional Secretary (L&T) and Legal Advisor, Ministry of
External Affairs

03:15 pm – 04:30 pm **Panel 1: Pacific Settlement of Disputes beyond Contentious Settlement: Alternative Dispute Resolution (ADR) in International Law: Conciliation and Mediation Efforts.**

The role of international courts and arbitral tribunals in the pacific settlement of disputes – consequent impact on international law – is lauded and well documented. At the same time, the administrative challenges and the costs involved, have led States to explore their contribution to International Law by promoting greater compliance and better implementation.

(The panel could also look into the increasing tendency to seek advisory opinions of ICJ/ITLOS and the role of mediation in investor state dispute settlement.)

Guiding questions:

- The advantages – and potential disadvantages of Alternative Dispute Resolution (ADR) mechanism compared with courts and tribunals.
- Are specific means better suited to specific areas of international law? For example, implementation and compliance committees for environmental issues, commissions of inquiry for human rights issues.
- How should States approach making choices – assuming they have choices when selecting specific means of settlements? –

This can be at the stage of negotiating a treaty on a particular subject or at the stage when a dispute has arisen and options are available?

- Based on your experiences with specific means of settlement, do you have suggestions of how to improve or maximize the effectiveness of each of these means to aid in the peaceful settlement of disputes?

Panel Chair: **Mr. Martins Paporinskis, ILC**

Panelists:

- **Mr. Shane Spelliscy**
Director General and Deputy Legal Advisor
Trade Law Bureau at Government of Canada
- **Ms. Catherine Amirfar**
Debevoise & Plimpton
Attorney NY

04:30pm – 06:00 pm

Panel 2: The Principle of "Prevention" Across Public International Law Regimes: With a Focus on Deep Seabed Mining (ISA); the Atmosphere, Global Pandemics and Health Related Challenges.

The intrinsic link between international law and crises is well known. The international law is shaped by crisis. And yet across a variety of fields, it is recognized more than ever that there is no substitute for prevention. The issues relating to prevention of the next global pandemic and other health related challenges and protecting the environment is increasing in both breadth and depth.

Through the lens of a range of international law topic areas, this panel will examine how evolution of international law over the years has helped to address the global challenges. Which instruments and frameworks have been the most effective? What has helped to make these tools most effective, and how could they be adapted and adopted in the future.

Guiding questions:

- Within this topic, how is the global law-making adjusting to the necessity of an enhanced focus on prevention? Has questions of liability and responsibility for inadequate prevention and preparation been adequately covered in discussions on this topic?
- Do questions of prevention in international law require distinct approaches and even institutional mechanisms?
- Is international law able to adequately prepare and enforce obligations of prevention?

Panel Chair: **H.E. Mr. Mohan Pieris**

Permanent Representative of Sri Lanka to the UN

Panelists:

- **Mr. Michael W. Lodge**
SG, ISA.
- **Prof. Dapo Akande**
ILC
- **Prof. Monica Hakimi**
Columbia Law School

24 October 2023

03.00 pm – 04.30 pm

Panel 3: The Shared Natural Resources: Challenges and Opportunities for International Law Development: With a focus on Outer Space, Cyber Law and Marine Biological Diversity (BBNJ).

Multilateral international law-making is a complex and challenging arena, whereby a myriad of issues interlink and overlap to produce complicated obstacles to overcome. With the foundation of international law remaining that of State consent and State participation, perhaps no aspect of international law-making remains more challenging than involving the shared natural resources. From the atmosphere to the oceans, from outer space to the digital commons, the necessities of compromise and cooperation that issues pertaining to the shared natural resources demand are challenged by the procedural and substantive requirements of individual State engagement.

Guiding questions:

- Do you think developing the law for “shared natural resources” throws up particular challenges as compared to other forms of bilateral or multilateral international law making?
- Are there aspects of the usual ways and means of making international law that are particularly challenging for law-making within the shared natural resources?
- How have the form and institutional processes helped or harmed the success of law making with respect to those specific challenges?
- For States, are the preparations for participation in these challenges pertaining to shared natural resources distinct from preparation in other fora?
- Are there specific principles of international law that need to be emphasized or utilized while dealing with law-making in the global challenges? Equally – are there principles that need to be made less prominent when States address challenges pertaining to shared natural resources?

Panel Chair: **Mr. Daniel Stewart**, Executive Director at Independent International Legal Advocates (IILA)

Panelists:

- **Ms. Daphne Hong**
Solicitor General, Singapore.
- **Ms. Gina Guillen -Grillo**
Director General for Foreign Policy, Costa Rica

04.30 pm- 06.00 pm

Panel 4: Democratization of Sources of International Law.

The construction of international law is an ongoing project, where historic, cultural, and sociological factors exert influence over the perception of legal concepts and international institutions comprising the interpretation of the evolution, formation and function of the sources of international law. However, doctrine and practice are still generally silent on the inclusion of global south legal traditions when considering history, structure and process of international law even though there exists sufficient international law scholarship. It is important to bring out the domestic law jurisprudence of global south at international level for the development of international law.

In order to achieve the democratisation of international law at global level, it is important to revisit international law concepts and foundational assumptions which permeate international legal order, by looking at them from global south perspectives. We need to explore non-traditional legal systems, demonstrating that there is a greater and growing understanding of the need to discuss models of law outside the traditional bounds that classically make up public international law.

From the global south perspective, the democratisation of international law will shape the development of international law which is inclusive, recognising values emanating from various legal systems, rich diversity of cultures and legal traditions involved.

Possible Questions for Discussion:

- How the legal traditions of global south influenced contemporary international law and its development?
- What role did the de-colonization movements play in shaping the principles and sources of international law.
- In what ways the global south contributed to the establishment and development of regional legal frameworks?
- Identify specific cases or judgements from courts in global south that have had a significant impact on international law?

- Trace the global south's contribution to the codification and progressive development of international law, including on human rights, environmental protection, climate change, law of the sea issues, etc.

Panel Chair: **Prof. Bimal Patel, ILC**

Panelists:

- **Prof. Antony T. Anghie**
The University of Utah
- **Dr. Kamalinne Pinitpuvadol**
Secretary General, AALCO
- **Dr. (Ms.) Danae Azaria**
Associate Professor of International Law, University
College London, Faculty of Laws; Principal Investigator, ERC
Starting Grant, State Silence; Senior Global Hauser Fellow, NYU
Law School

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