3rd Postgraduate Conference in International Law and Human Rights
‘Hope in International Law and Human Rights’

17-18 June 2019 | Liverpool, UK
Moot Room, South Campus Teaching Hub

Hosted by the International Law and Human Rights Unit
Welcome Message from the Organising Committee

The annual Postgraduate Conference in International Law and Human Rights comprises a celebration of the breadth and depth of the innovative research being undertaken by postgraduate research candidates globally.

The rationale behind this two-day event is that very few conferences are specifically aimed at doctoral candidates conducting research in international law and human rights. General postgraduate conferences tend to lack a specialised audience. We aim to bridge this gap by providing a unique opportunity for young researchers to present their work in a stimulating and friendly academic environment, among peers with similarly oriented research interests.

We really hope that you enjoy your conference experience.

Dr Ben Murphy
Lecturer in Law & Deputy Director of the International Law and Human Rights Unit, University of Liverpool

Jasmin Johurun Nessa
PhD Candidate, University of Liverpool

Sinead Coakley
PhD Candidate, University of Liverpool

The Organising Committee

3rd Postgraduate Conference in International Law and Human Rights
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### DAY 1: Monday 17th June 2019

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| 08.30 – 09.00 | Conference Registration  
Tea, coffee and breakfast pastries available                                      |
| 09.00 – 10.15 | Opening Keynote Address  
**Professor James A. Green (University of Reading, England)** |
| 10.15 – 10.30 | Break for Coffee and refreshments                                                         |
| 10.30 – 12.00 | Panel 1: International Criminal Law  
**Chair:** Professor Padraig McAuliffe (University of Liverpool)  
- Sara Ochs (Elon University, United States)  
  *Combating Impunity for Mass Atrocities: A Call for Hybrid Tribunals*  
- Suzanne Schot (University of Groningen, Netherlands)  
  *The End Justifies the Means? The Process of Preparing Witnesses of Mass Atrocities for Giving Testimony in Court*  
- Manjida Ahamed (Middlesex University, England)  
  *International Crimes Tribunal in Domestic Platform: An Obligation on the International Crimes Tribunal (Bangladesh) to Follow the Customary/Conventional Rules of International Crimes*  
- Miracle Chinwenmeri Uche (The Chinese University of Hong Kong)  
  *To Be, Or Not to be: That Is the Quandary of Victims Before the ICC* |
| 12.00 – 13.00 | Lunch and Poster Session  
University of Liverpool Management School, 2nd Floor Breakout Area  
- Conor Keir (University of Dundee, Scotland)  
  *Deep Space Mine: The Legal Challenges to Luxemburg’s Space Programme*  
- Jasmine Osabutey (Coventry University, England)  
  *Mob Justice and the Rule of Law: A Case Study of Ghana*  
- Héctor Tejero Tobed (British Institute of International and Comparative Law, England)  
  *The Use of Anti-terrorism Laws Against Dissent: Glorification of Terrorism in Spain After ETA’s Violence*  
- Nnenné Uzoigwe (Lancaster University, England)  
  *Who Are Internally Displaced Persons Under International Law?* |
Day 1 continued...

13.00 – 14.30 Panel 2: Security and Conflict I
Chair: Dr Ben Murphy (University of Liverpool)
- Raphael Oidtmann (University of Mannheim, Germany)
  Fostering Hope, Instilling Justice? – Prosecuting Syrian War Crimes in German Domestic Courts
- Reem Mujadedi (Irish Centre for Human Rights, Ireland)
  The impact of international Law and the adoption of Westphalia state system on pluralism
- Marko Svicevic (University of Pretoria, South Africa)
  Regional Enforcement Action and UN Security Council Authorisation: Collaboration or Contention in the African Regional and Sub-regional Context?
- Áquila Mazzinghy (Koç University, Turkey)
  A Hostile World for Children: An Assessment of Security Council Resolutions and Reports on Children and Armed Conflict

14.30 – 14.45 Break for Coffee and Refreshments

14.45 – 16.15 Panel 3: Economic and Social Rights
Chair: Dr Kanstantsin Dzehtsiarou (Director of the International Law and Human Rights Unit, University of Liverpool)
- Shinya Ito (University of Tokyo, Japan)
  The Right to Food-based Approach to World Trade Law: Rethinking its Effectiveness
- Caroline Lichuma (University of Göttingen, Germany)
  Now is (not yet) the Winter of our Discontent: The Unfulfilled Promise of Economic and Social Rights
- Ebru Demir (University of Sussex, England)
  Implementation of the UN Security Council Women, Peace and Security Agenda: Looking at Practice in the case of Bosnia and Herzegovina
- Vanessa Menéndez Montero (Universidad Autónoma de Madrid, Spain)
  Empowering the Peoples from Former Western Colonies by the Restitution of their Looted Cultural Objects

16.15 – 17.30 Publishing Tips and Strategies Workshop
Chair: Jasmin Johurun Nessa (University of Liverpool)
- Sinead Moloney
  Editorial Director at Hart Publishing
- Professor Iain Scobbie
  Editor of the EJIL: Talk! Blog (University of Manchester)
- Professor James A. Green
  Co-editor-in-chief of the Journal on the Use of Force and International Law (University of Reading)
- Dr Patrick Butchard
  General Editor of the Journal on the Use of Force and International Law’s Digest of State Practice (Edge Hill University)

18.30 – 21.30 Conference dinner: Bistro Franc, 1 Hanover Street, Liverpool, L1 3DW
DAY 2: Tuesday 18th June 2019

09.30 – 10.00  Tea, Coffee and Breakfast pastries available

10.00 – 11.45  Panel 4: Victims and Vulnerability
Chair: Dr Harriet Gray (University of Liverpool)
- **Thomas Welch (University of Lincoln, England)**
  Protection and Assistance of Vulnerable Populations at Point of Transition: Statelessness, the Rohingya, and International Law
- **Naziye Dirikgil (Aberystwyth University, Wales)**
  Guiding Principles on Internal Displacement and Developing Law by Stealth
- **Sarina Landefeld (University of Nottingham, England)**
  The Changing Conceptualisation of Civilians in International Humanitarian Law
- **Valeria Coscini (Australian National University, Australia)**
  Taking a Principled Approach to Embracing Complexity: Sexuality and Gender Variance in Regional and International Human Rights Jurisprudence
- **Helen Kehoe (Irish Centre of Human Rights, Ireland)**
  Applying Feminist Legal Methodologies to the Articulation of Human Rights Abuses Arising from Historic Practices of Illegal Adoption in Ireland; the Transformative Potential of International Human Rights Law

11.45 – 12.00  Break for Coffee and Refreshments

12.00 – 13.30  Panel: 5 Security and Conflict II
Chair: Dr Rob Knox (University of Liverpool)
- **Basheer Alzoughbi (Koç University, Turkey)**
  Internment of Protected Persons without Trial or Charges in International Armed Conflicts: Palestinian Internees as a Case Study
- **Mahmoud Abdou (University of Warwick, England)**
  International Law and the Territorial Controls of Non-State Armed Groups in Yemen and Libya (2011-2018)
- **Hoshman Ismail (University of Reading, England)**
  Non-State Actors and Genocide: ISIS Genocide Against the Yezidis
- **Marta Bitorsoli (Irish Centre for Human Rights, Ireland)**
  Liability of Enablers and profiteers of Economies of war – a Unified Theory of Complicity?

13.30 – 14.30  Lunch

14.30 – 15.15  Soapbox Session
Chair: Dr Michelle Farrell
- **Jasmin Johurun Nessa (University of Liverpool, England)**
  A State Does Not Need Any Evidence to Use Force in Self-defence
- **Anthony Wenton (Bingham Centre for the Rule of Law, British Institute of International and Comparative Law, England)**
  Unilateral Humanitarian Intervention is Not Prohibited by the UN Charter
- **Peter Gallagher (Irish Centre of Human Rights, Ireland)**
  There is No Hope of an Effective Ban in International Law of Autonomous Weapon Systems

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15.15 – 16.30  Closing Keynote Address
- Professor Noëlle Quéniivet (University of West of England, Bristol, England)

16.30 – 16.45  Award for Outstanding Presentation Announcement
Conference Concluding Remarks
- Dr Ben Murphy, Deputy Director of the International Law and Human Rights Unit (University of Liverpool, England)

Conference Closed
Opening Keynote Address: Professor James A. Green

The opening keynote address will be delivered by Professor James A. Green from the University of Reading.

James is a Professor of Public International Law and has been a visiting scholar at the University of Oxford and the University of Michigan. He is the author of *The Persistent Objector Rule in International Law* (Oxford University Press, 2016), which was the winner of the European Society of International Law Book Prize 2017, and *The International Court of Justice and Self-Defence in International Law* (Hart Publishing, 2009), which was the winner of the Francis Lieber Prize 2010 awarded by the American Society of International Law. He has also edited three book collections and has authored numerous book chapters and articles published in leading journals around the world.

James is co-editor-in-chief of the *Journal on the Use of Force and International Law* (Routledge). He is also the co-rapporteur of the International Law Association Committee on the Use of Force and sits on the Advisory Council for the Institute for International Peace and Security Law (Cologne, Germany).
Closing Keynote Address: Professor Noëlle Quénivet

The closing keynote address will be delivered by Professor Noëlle Quénivet from the University of the West of England, Bristol.

Noëlle is Associate Professor of International Law, with areas of expertise including international humanitarian law; international criminal law; European human rights law; institutional European Union law; use of force and collective security. Noëlle has worked as Researcher at the Institute for International Law of Peace and Armed Conflict of the Ruhr-University Bochum (Germany).

Noëlle is the author of Sexual offenses in armed conflict and international law (Transnational Publishers, 2005) and the co-author of the books, International humanitarian law and human rights law: towards a new merger in international law (Brill, 2008) and International law and armed conflict: challenges in the 21st century (TCM Asser Press, 2010). Her latest co-written book examines whether child soldiers could successfully invoke the defence of duress if they were to be prosecuted under international criminal law (Palgrave, to be published). She has also published articles on various aspects of international law in a number of leading international law journals.
Due to the 2011 uprisings in Syria, Iraq, Yemen and Libya, those four states became fragmented through violent contestations of territory, most prominently by non-state armed groups (NSAGs) such as ISIS. However, with ISIS in Iraq and Syria defeated by the end of 2018, existing research has extensively addressed the status of Kurdistan in both countries before and after the Arab Uprisings, while ongoing processes of irredentism and/or secession in Yemen and Libya since 2011 remain largely under-examined. Thus, this thesis investigates the developments in Yemen and Libya from 2011-2018, and aims to increase our knowledge about the complex interplay between sovereignty, territoriality and self-determination on the one hand, and state-centric international legal and theoretical frameworks on the other. Most importantly, the thesis puts populations within NSAGs’ territories centre stage, both analytically and normatively. The main research question is:

*What international legal norms address the administrative aspects of the territories that have fallen under the control of NSAGs in post-Arab Uprisings Yemen and Libya, and how is the existence (or lack of) such norms explained by IR theory?*

The analytical framework is based on both Public International Law and the conceptual framework of *International Society* in IR theory, in order to examine the factors that are hindering the international community's response to the territorial fragmentation of a sovereign state – and thereby the ensuing humanitarian crisis in Yemen and Libya – other than through a traditional security lens. In addition, building on the “vanguardist” approach to the study of *International Society* as a Euro-centric expansionary project in English School circles, the thesis utilises the critical IR theory of Post-Colonialism in its indication that the situation resembles the continuation of colonialism by other means: cultural and political.
Presenter Abstract

Manjida Ahamed (Middlesex University, England)

Abstract Title: International Crimes Tribunal in Domestic Platform: An Obligation on the International Crimes Tribunal (Bangladesh) to Follow the Customary/Conventional Rules of International Crimes

The world is optimistic about the domestic prosecution of the international crimes. The most recent example was set by the International Crimes Tribunal (Bangladesh) (Hereinafter ‘ICTB’). The ICTB, remarkably, sets a precedent for the prosecution of international crimes in the domestic platform. The paper underlines the ICTB’s effort to comply with international law by means of national legislation. The International Crimes (Tribunals), Act 1973 -which constituted the Tribunals- had international features and ensured compliance with the international law and standard while prosecuting international crimes in the domestic platform. This study ascertains whether the international features compelled the Tribunal to follow customary rules of international crimes or the Tribunal itself maintained the international standards out of treaty obligation, and particularly to maintain the principles of complementarity. This is also arguable whether a domestic tribunal of this kind is open to exercise its sovereign power arbitrarily going beyond the international standards which are lying in the roots of customary international law. In short, the approach and obligation of the Tribunal towards the application of the customary rules of international criminal law will be discussed in light of judgements delivered by the ICTB along with the criticism if any diversion comes across while analysing. A comparative study can help to understand the ICTB’s reflection to uphold the principle of customary international law with more accuracy. The findings would be equally useful for other and future domestic trials of this kind to employ a more pragmatic approach to bring justice and end impunity ensuring the application of the customary international law.
Presenter Abstract

Basheer Alzoughbi (Koç University, Turkey)

Title: Internment of Protected Persons without Trial or Charges in International Armed Conflicts: Palestinian Internees as a Case Study

This paper examines specific issues related to internment or assigned residence of Protected Persons without trial or charges or time span. This will be undertaken firstly by exploring the provisions relative to internment or placement under assigned residence under the laws and customs of war and secondly through discussion of Israel, the occupying power measures towards internment of Palestinian Protected Persons of the occupied territory of Palestine. It gradually examines the position of the Israeli judicial organ on the executive organ practice towards internees without trial or charges. The paper highlights the context and content of the series of resolutions issued by the General Assembly on the matter under investigation and explores their international legal validity. The paper examines whether an abuse of the rules and procedures on assigned residence or internment without trial and without charges can under certain circumstances amount to grave breaches of the Fourth Geneva Convention (war crimes) i.e inhuman treatment and/or wilfully causing great suffering or serious injury to body or health and/or unlawful confinement and/or wilfully depriving a protected persons of the rights of fair and regular trial. It finally examines questions on State responsibility for violations of international humanitarian law.
Presenter Abstract

Marta Bitorsoli (Irish Centre for Human Rights, Ireland)

Title: Liability of enablers and profiteers of economies of war – a unified theory of complicity?

International crimes are by nature collective crimes; they require the participation of several perpetrators at different stages. Legal theories concerning modes of participation in the commission of an international crime have been developed precisely for the purpose of allocating to each participant a proportional share of liability. By and large, participants in international crimes can be grouped in two categories: principals and accomplices. It is now uncontroversial that principal perpetrators seldom are the material perpetrators, predominantly they are the leaders, the organisers, often geographically and temporarily removed from the actual scenes of the crimes. So far, international criminal justice has been focusing mostly on two types of principals: political and military leaders. This article focuses on a third category: economic leaders, in particular enablers and the profiteers of conflict-related economies. Consequently, it considers whether complicity, as interpreted to date, is a suitable and viable instrument to address their criminal liability. This article advocates for the adoption of a unitary theory of complicity. In contrast with the unitary theory of perpetration, the proposed model upholds the distinction between principal and accessorial forms of participation in a crime, but it suggests combining the different forms of accessorial liability, so far elaborated in international criminal practice, into a single form of complicit liability. This project maintains that the linchpin of the proposed form of complicity should be the mental element of knowingly and willingly contributing; which does not encompass the intent to commit the ultimate offence carried out by the principal perpetrator. In so doing, this model poses no restrictions to the objective element of complicity: as long as it significantly contributes to the perpetration of the predicated offence, the *actus reus* can virtually consist of any type of conduct, either inherently illicit or neutral.
Presenter Abstract

Valeria Coscini (Australian National University, Australia)

Abstract Title: Taking a Principled Approach to Embracing Complexity: Sexuality and Gender Variance in Regional and International Human Rights Jurisprudence

This paper aims to present a novel model, a complex fluidity framework, for assessing how international and regional human rights jurisprudence on sexuality and gender identity rights has developed, and whether it meets best practice. This framework incorporates several best practice principles that will be used to assess the jurisprudence. The complex fluidity framework has been developed based upon research from both empirical and theoretical sources.

International and regional human rights jurisprudence forms a practical basis for tracing the evolution of sexuality and gender-identity rights over time. International political developments on these rights are relatively recent and change is gradual. Jurisprudence on these rights exists from 1955, far earlier than any other form of consideration by regional or international institutions and provides over 200 finalised cases for consideration.

The development of the jurisprudence on sexuality and gender-identity rights at the regional and international courts, committees and tribunals will be examined through selected cases. The jurisprudence provides key insights into how courts, committees and tribunals conceptualise and make intelligible sexuality and gender-identity concepts in different ways over time. It also demonstrates how sexuality and gender identity rights have been interpreted and implemented over time.

The complex fluidity framework is made up of several best practice principles that will be used to assess the interpretation of sexuality and gender-identity rights in the jurisprudence. This paper aims to present an overview of the best practice principles in the complex fluidity framework. This includes a presentation on the key findings of the empirical and theoretical research that underpinned the selection of those principles, as well as to explore the general content of the principles.
Presenter Abstract

Ebru Demir (University of Sussex, England)

Title: Implementation of the UN Security Council Women, Peace and Security Agenda: Looking at Practice in the case of Bosnia and Herzegovina

There is a growing literature on the UN Security Council Women, Peace and Security (WPS) agenda. This agenda departs from the victimhood-based discourse which is prevalent in International Criminal Law and International Humanitarian Law and considers women as agents for the peacebuilding processes. The agenda “urges member states to increase representation of women at all decision-making levels” (UN Security Council Resolution 1325). Although considerable research has been devoted to WPS resolutions, rather less attention has been paid to the implementation of the resolutions in individual countries. The paper is primarily concerned with the reflections of the agenda in the field. Reflecting on 26 semi-structured interviews with representatives of women’s rights NGOs and governmental and regional institutions, this paper analyses the current practice of the WPS resolutions in Bosnia and Herzegovina. The paper concludes that although women's participation in the decision-making processes is encouraged today in Bosnia and Herzegovina in compliance with the agenda, especially the implementation of the last resolution of the agenda (Resolution 2242) in Bosnia and Herzegovina is considerably problematic since it creates a risk of securitising and instrumentalising the WPS agenda.
Forced displacement is considered as one of the biggest global issues of our time. The 2019 Global Humanitarian Overview reveals an astonishing severity in humanitarian crises with the increasing number of internally displaced persons (IDPs) by conflict. However, it appears that binding norms are not desirable in some circumstances, and states choose soft law instruments when they are uncertain about whether the rules they adopt today will be desirable tomorrow or when it is advantageous to allow states to adjust expectations in the case of changing circumstances.

This applies to the external protection of IDPs. In this regard, soft legalization has helped states to deal with the domestic political and economic consequences of the Guiding Principles on Internal Displacement (GPs) before they become law, and has facilitated compromise between international actors and countries with large numbers of IDPs. Moreover, the external protection afforded to IDPs is considered a ‘sovereignty sensitive’ issue. States may not be ready to agree to be bound on this because IDPs are under the jurisdiction of their own government and humanitarian assistance/protection provided to IDPs from international actors would be perceived as an infringement on sovereignty.

In order to tackle these obstacles, the drafters of GPs intentionally opted to prepare a nonbinding instrument that would restate existing law in terms of the protection needed by IDPs. The GPs are neither a treaty nor a declaration or resolution adopted by the UN bodies. They are, rather, a set of non-binding guidelines that address the emergency needs of IDPs as quickly as possible and to test whether states support GPs before they become law.

Although not legally binding, they have triggered changes in state behaviour at international level and provide an invaluable focus for shaping the debate on internal displacement and for bringing practical assistance to millions of IDPs. In this sense, this paper argues that the GPs represent a good example of how international law has developed and provided solutions to issues that need to be urgently addressed without a long period of legal uncertainty.

This paper aims to contribute to rethink the ways in the existing international law to address the protection/assistance issues of IDPs in the contemporary legal context.
Presenter Abstract

Peter Gallagher (Irish Centre of Human Rights, Ireland)

Abstract Title: There is No Hope of an Effective Ban in International Law of Autonomous Weapon Systems

The Certain Conventional Weapons (CCW) Convention has provided the forum for consideration of autonomous weapons (referred to in UN parlance as Lethal Autonomous Weapon Systems, LAWS) in UN Geneva since 2114.

Initial “informal” meetings consisted of briefings by experts, mainly from academia, on the subject, but since 2017 the meetings became more formal, classed in UN terminology as meetings of Groups of Governmental Experts (GGE). To date, however, these GGE meetings have been given a mandate by the High Contracting Parties to the CCW Convention to “explore and agree on possible recommendations on options related to emerging technologies in the area of LAWS”.

International Organisations, civil society groups and academic institutions are generally welcome to attend the forum and often make passionate written and verbal contributions. However, to a large extent, contributions from states are repetitious, reiterating the many concerns that are shared in terms of human control, ethical issues, adherence to international humanitarian law, artificial intelligence and responsibility. Of the small number of states that are generally believed to be interested in the development of autonomy in weapons, the United States is generally the only contributor.

The CCW forum requires absolute consensus before adopting any position. It is inconceivable that any meaningful treaty in relation autonomous weapons could be adopted by the CCW Convention despite objections of any member state, much less a powerful state. Some are hopeful that negotiations could be removed from the CCW forum to formal diplomatic conference as was the case in Land Mines and Cluster Munitions. While any treaty that may arise from such a conference would clearly not require consensus, it would be almost meaningless without the participation of the world’s most powerful military powers.
Presenter Abstract

Hoshman Ismail (University of Reading, England)

Title: Non-State Actors and Genocide: ISIS Genocide Against the Yezidis

The Islamic State in Iraq and Syria (ISIS) as a nonstate terrorist actor in the region, between the borders of multiple states, conducted a number of international crimes against groups in the region especially against the Yezidis. This case is very informative in terms of the failure to prevent, as it is outlined under the law of genocide. In the past, genocides have been commissioned by states or states have played significant role in supporting such acts, for example the cases of Srebrenica, Rwanda, Cambodia. However, so far, the case of Yezidis is still pertaining. While, in September 2017 the Security Council adopted resolution (2379) and requested the creation of an investigation team to hold ISIS militants accountable but its progress is rather slow. After nearly five years neither the ISIS militants, potentially complicit states including Iraq, nor any other actors have been held responsible. The ISIS militants have either been killed, indicted under terror law in Iraq and sentenced to death, or accommodated by the communities supporting them in the region. Furthermore, while ISIS as an organisation is defeated and died out but the legacy of the organisation has created more threats than ever before and importantly the ideology is still flourishing. For that, the Yezidis have yet to return to their ancestral land fearing another genocide. The members of their community suffered another genocide again when Turkey with the support of jihadi groups attacked Afrin in the north of Syria. However, international law as currently stands is unable to address the wrongdoings of the actors. Accordingly, this paper will explore the complicity of nonstate actors in the Yezidi genocide and the inability of international law to hold them to account. Moreover, the paper will argue that in order to overcome such challenges, the international criminal law requires further development to take a stricter approach towards such state-proxy relationship.
Presenter Abstract

Shinya Ito (University of Tokyo, Japan)

Title: The Right to Food-based Approach to World Trade Law: Rethinking its Effectiveness

International protection of economic, social and cultural (ESC) rights is at a critical juncture (Nolan). Thanks to the increasing General Comments, normative contents of the International Covenant on Economic, Social and Cultural Rights (ICESCR) have now been significantly clarified, functioning as applicable law before courts and policy guidelines for governments. Ironically however, despite the legal developments, global economic crises have easily and dramatically accelerated the already widespread non-enjoyment of ESC rights. Especially the 2008 World food crisis characterized by the global surge in food prices posed critical challenges to the right to food (Article 11 (2) the ICESCR) by making, for the first time in history, one billion hungry. Are ESC rights only “a powerless companion” (Moyn) before economic globalization? What is a way forward for overcoming such “despair” and regaining “hope” in ESC rights? The role and challenges of ESC rights in international human rights law need to be reconsidered in conjunction with international economic law.

Against these backgrounds, this article examines, as a case study, an interface of the right to food and food security in the World Trade Organization (WTO) law (the General Agreement on Tariffs and Trade [GATT] and the Agreement on Agriculture). Is the current WTO legal framework for policy space to address hunger sufficient from the right to food perspective? If not, what does that mean and what added value does the right to food bring to the ongoing efforts at Doha Round? Based on an analysis of the latest ICESCR General Comment No.24 (2017) which clarified the ICESCR obligations in relation to trade agreements, this article explores some more potentials of international human rights law in achieving one of its central promises i.e. freedom from hunger of everyone.
Presenter Abstract

Helen Kehoe (Irish Centre of Human Rights, Ireland)

Title: Applying Feminist Legal Methodologies to the Articulation of Human Rights Abuses Arising from Historic Practices of Illegal Adoption in Ireland; the Transformative Potential of International Human Rights Law

In 20th century Ireland, the State’s repressive approach to the role of women within society and the family - in this instance through its policy of confining unmarried mothers to institutional settings (‘Mother and Baby Homes’) and the subsequent removal of their children through adoption – can be interpreted as an adherence to a clear public/private dichotomy in Irish society.

The existence of this dichotomy remains relevant as Ireland continues to perpetuate this divisive approach through its minimal and restrictive legal responses to the human rights abuses that resulted from these practices, revealing not only a discriminatory attitude towards adopted persons and birth mothers but an unwillingness to acknowledge the existence of human rights abuses, past and present.

A failure to articulate these abuses in legal language stems from their confinement to the private sphere and the resulting lack of human rights language surrounding the range of reproductive and family violence that the State committed through its history of adoption practices. This lack of legal language then hinders the application (both actual and potential) of existing law.

Applying feminist legal methodologies to the legal conceptualisation of these abuses provides a means by which the public/private dichotomy can be bridged, thus enabling a clearer articulation of the abuses suffered. In this context, international human rights law also plays an important role; it offers a legal framework that is amenable to feminist methodological approaches and thus facilitates exploration regarding the articulation of these abuses while also providing the means to bring political pressure to bear on Ireland.

As a result, one way to find hope in international human rights law is to engage in more creative interpretations of existing law, in order to generate more nuanced legal responses to the complex human rights abuses arising from historic practices of illegal adoption.
Presenter Abstract

Conor Keir (University of Dundee, Scotland)

Abstract Title: Deep Space Mine: The Legal Challenges to Luxembourg’s Space Programme

This poster will examine Luxembourg’s new space programme and its framework in international law. Luxembourg has a rich space-faring history, starting in 1988 with the launch of its first Astra geostationary satellite. Since then it has overseen the launch of over 60 satellites and become a hub for commercial space exploration. Luxembourg has begun work on a new space programme to begin commercial mining of celestial bodies. There are countless materials, like helium, water and precious metals, sitting on asteroids waiting to be claimed, and mining these may provide hope for humanity as the natural resources on Earth begin to dwindle.

The poster will look at the obligations created under the Outer Space Treaty 1967 and the Moon Treaty 1984 and how these have been interpreted by the UN General Assembly. These have two main areas: how space and celestial bodies are used for the common good; and how Luxembourg moves liability for environmental damage. By creating a framework for private companies to operate commercial space travel, the Luxembourg model could be rolled out across the globe to facilitate celestial mining.

However, there are also many critics of Luxembourg’s new space programme who claim that mining is a breach of both treaty and of customary international law. These critics draw mainly from the Moon Treaty and it's legal impact on celestial mining. The Moon Treaty is far less widely ratified than the Outer Space Treaty, with only 19 signatories, but has been approved in the UN General Assembly. How this law may apply to Luxembourg’s space programme is unclear but Luxembourg has confidently persuaded critics to drop their objections.

The Luxembourg space programme has traversed its legal issues and is ready to provide new sources of Earth’s depleted resources.
Presenter Abstract

Sarina Landefeld (University of Nottingham, England)

Title: The Changing Conceptualisation of Civilians in International Humanitarian Law

The fourth ‘Geneva Convention Relative to the Protection of Civilian Persons in Time of War’ (Civilian Convention) is often considered as a milestone in the protection of civilians in international humanitarian law. Yet the main protection regime of the treaty is explicitly limited by the so-called ‘nationality requirement’. It not only distinguishes between different categories of non-nationals among the civilians but also excludes states' own nationals from protection. This state-centric understanding of civilians is problematic in light of increasingly complex conflict situations involving non-state actors. The paper examines the decline of the importance of nationality in the conceptualisation and protection of civilians since 1949 and argues that there is still hope for international humanitarian law.

The paper first shows how, for the drafters of the Civilian Convention, nationality was a predominant factor in the determination of who should qualify for its protection. It illustrates how this early protection regime was rooted in the perception of certain civilians as a potential threat. The second part of the paper then critically examines how the conceptualisation of civilians changed through the adoption of the First Additional Protocol to the Geneva Conventions in 1977 as well as in jurisprudence. It highlights how certain developments in the international political and legal system, including human rights, informed the adoption of a more individualised approach to understanding civilians. As a result, civilians have become recognised under the law as innocent and vulnerable human beings in need of protection.

The paper, therefore, concludes that the importance of nationality is diminishing as international humanitarian law has evolved from a traditional state-centric to a more human-centric approach. This development should give us hope for the protection of civilians in war and international armed conflicts under the law.
Presenter Abstract

Caroline Lichuma (University of Göttingen, Germany)

Title: Now is (not yet) the Winter of our Discontent: The Unfulfilled Promise of Economic and Social Rights

Like a pair of star-crossed lovers, the human rights and social justice movements have always had a complicated relationship. The dominant view in political philosophy has been argued to be that they occupy different spheres, with social justice being a set of stronger egalitarian norms and human rights functioning as baseline protections against common threats posed by states to the general interests of persons subjected to them. In a scintillating contribution to this debate Samuel Moyn recently posited that the human rights movement has sacrificed substantive equality on the altar of sufficiency. In a poignant yet jaded exposition he questions the validity of Economic and Social Rights (hereinafter ESRs) where they provide a floor of protection but not a ceiling on inequality because this has resulted into the intensification of material hierarchy.

The present paper offers a rejoinder to these critiques and infuse a much needed optimism into the debate by arguing that for a large part of the human rights movement's life the emphasis has been on Civil and Political Rights (hereinafter CPRs) with ESRs relegated to the status of the 'cinderella' of the movement. It is only in recent times that cinderella has finally arrived at the ball with ESRs having attained the status and equal worth of their CPRs counterpart. As such, this paper cautions against throwing the baby out with the bathwater, because while human rights generally and ESRs specifically have not been a panacea for all the world's problems, ESRs can and do contribute to the lessening of material inequality for the world’s poor.

This article will proceed in three key parts. Part I will discuss the minimum core concept as being compatible with sufficiency, part II will argue that the progressive realization requirement of ESRs offers more than sufficiency even though it may portend less than substantive equality and part III will posit that the use of innovative tools such as the doctrine of constitutional dialogue in contemporary ESRs adjudication holds immense potential for the advancing of distributive justice, and by extension substantive equality.
Presenter Abstract
Áquila Mazzinghy (Koç University, Turkey)

Title: A Hostile World for Children: An Assessment of Security Council Resolutions and Reports on Children and Armed Conflict

The Resolutions of the Security Council on children and armed conflict constitute a benchmark for protecting children from direct and indirect consequences of armed conflicts. They establish a framework upon which States, armed/extremist groups, individuals and private entities can be targeted in specific sanctions. To better understand the juridical pattern of the Security Council in protecting children from hostilities in war, this research methodically scrutinized 32 ordinary Security Council Resolutions, 38 Security Council Resolutions under the authority of Chapter VII of the Charter of United Nations, 92 Security Council Reports and 12 conclusions of the Security Council Working Group on Children and Armed Conflict. In addition, because of topics alike, 15 Reports of the General Assembly Special Representative of the Secretary-General for Children and Armed Conflict were also scrutinized here. This research is structured upon the following topics: 1) sexual violence against children; 2) Abduction and recruitment or use of children; 3) killing or maiming of children; 4) attacks against schools, hospitals and 5) denial of humanitarian access for children.
Presenter Abstract

Vaneza Menéndez Montero (Universidad Autónoma de Madrid, Spain)

Title: Empowering the Peoples from Former Western Colonies by the Restitution of their Looted Cultural Objects

Today cultural rights are perceived as ‘empowering rights’ whose misrecognition, lack of observance and non-implementation prevent the guaranteeing of human dignity and the implementation of other human rights. Three of those cultural rights, whose relationship with cultural heritage seems more obvious, are the right to cultural identity; the right to participate in cultural life; and the right to international cultural co-operation. Bearing this in mind, it is not surprising that some countries, which were former colonies of Western states, are nowadays claiming the restitution of their looted cultural objects, stored and displaced in Western museums and institutions.

Given this situation, three questions might come up to our minds: first, to what extent the existing international dispute settlement mechanisms allow former colonies to effectively claim the return of their cultural objects? Which one is the most suitable for those claiming states? Second, what legal arguments can be raised in favour or against these restitution claims? Lastly, what are the alternative solutions to the material restitution of looted cultural objects for avoiding the emptiness of Western museums and institutions?

The answers to all these questions are put forward with the aim of providing a ‘legal road map’ to former colonies for the recovery of such an essential part of their cultural heritage. The study will advocate negotiation as the most appropriate means for resolving this type of disputes, and it will confront the application of positive law against arguments based on cultural justice. In general, the study presents an area of confluence of several branches of knowledge: history, anthropology, art and public international law. The underlying idea of the study is that the restitution of looted cultural objects is essential for the decolonization process being further achieved and, therefore, for the cultural rights of the peoples in former colonies being fulfilled.
Presenter Abstract

Reem Mujadedi (Irish Centre for Human Rights, Ireland)

Title: The impact of international law and the adoption of Westphalia state system on pluralism

The rapid increase in diversity in societies is putting pressure on the traditional conceptualization of international law to move towards a pluralistic approach in order to provide a robust platform to engage with diversity.

The presence of Islam and human rights as moral systems in a single society has been perceived as a uniquely challenging issue. To an extent, the inherently conflicting foundations of their moral philosophies have paved the way for their problematic relationship. However, despite the emphasis on these conflicting philosophical foundations, the incompatibility between their moral philosophies is not a central issue in their conflict.

The crux of matter, in this conflict, is the framework of the modern system of nation-state, which generates a chain of ideological misuses of moral discourses that led to sharpening the tension between Islam and human rights that did not exist in pre-modern era. Historically, states around the world have played a central role in the use of such moral languages to gain legitimacy.

This research builds on the critique of public International law, drawing attention to the role of the inclusion of Westphalia state system in the modern conception of Islam and human rights.

In the making of states, moral terminologies were used to homogenize societies. The process of homogenization focuses on the regulation of the belonging and behaving of individual within a specific territory.

In this research, I explore how the languages of Islam and human rights have been utilized to homogenize societies in Islamic and western contexts at three different levels namely, war, women, and media. In addition, I discuss how the ideological misuses of moral discourses adversely influence the process of pluralism in societies.
Presenter Abstract

**Jasmin Johurun Nessa (University of Liverpool, England)**

**Abstract Title: A State Does Not Need Any Evidence to Use Force in Self-defence**

In almost every legal proceeding there are two important elements when considering the question of evidence; who bears the burden of proof and what evidentiary standard should be applied. In the case of self-defence in international law, the burden of proof falls upon the State claiming to be acting in self-defence. The second element, the evidentiary standard (also referred to as the standard of proof), determines the amount of evidence or the quantum of evidence that must be provided by the party who bears the burden of proof. It is this second element, the evidentiary standard, to which this soapbox pertains.

Currently, there is no consensus on what the evidentiary standard should be for self-defence. States seldom make reference to an evidentiary standard when responding in self-defence. The International Court of Justice has failed to articulate an explicit evidentiary standard, often referring to varying evidentiary standards within the same case. Furthermore, there is no consensus amongst scholars and government legal advisors.

Thus, a fundamentally important question is laid bare; how much evidence does a State require before it can justify using force in self-defence? In this Soapbox, it will be argued that it is not necessary for there to be an evidentiary standard for self-defence in international law because a State does not need any evidence before it can respond with force in self-defence.
Presenter Abstract

Sara Ochs (Elon University, United States)

Abstract Title: Combating Impunity for Mass Atrocities: A Call for Hybrid Tribunals

This article explores the need to address impunity for global mass atrocities and considers the potential role of hybrid tribunals in prosecuting atrocity crimes. Determining the most effective method for mass atrocity prosecution is especially imperative in the current era of backlash against the International Criminal Court and as widespread crimes continue to be committed globally. The article adopts a broad definition of impunity, encompassing not only retribution and accountability, but also aspects of transitional justice, given the need to restore confidence in the government and judiciary of a State recovering from mass crimes.

While determining the most effective means of prosecuting mass atrocities remains a global issue, examining this within the boundaries of Asia, a continent infamous for its history of impunity, and one of the geographic regions subject to ongoing atrocities, provides an effective geographical case study. This paper considers the viability of the continued use of the hybrid model within Asia based primarily on the legacies of the region's two hybrid tribunals. In determining whether the hybrid tribunal is a judicial mechanism capable of effecting change and promoting justice within Asia, this paper views these two tribunals through a transitional justice lens, with an emphasis on accountability, legitimacy, and capacity building.

The article ultimately concludes that hybrid tribunals provide a solution to impunity for global mass atrocities. This model provides a viable alternative to purely international or domestic prosecutions, with regard to both potential legitimacy and the availability of resources. Specifically, from a broader transitional justice perspective, hybrid tribunals are equipped to provide accountability, implement capacity building, and strengthen the rule of law within recovering communities. Yet, the shortcomings of the Asian hybrid tribunals clarify the constraints of the hybrid model that must be recognized and accommodated to ensure future success for hybrid tribunals.
Presenter Abstract

Raphael Oidtmann (University of Mannheim, Germany)

*Title: Fostering Hope, Instilling Justice? – Prosecuting Syrian War Crimes in German Domestic Courts*

The instruments of contemporary international justice have persistently proven to be ineffective in the context of the still raging Syrian Civil War: with an international community being paralysed – mostly due to the deadlock within the United Nations Security Council – international adjudicative bodies, such as the International Criminal, have likewise been prevented from taking action in the form of initiating preliminary examinations into atrocities allegedly committed by state agents, rebel groups as well as the so-called Islamic State. Notwithstanding developments such as the most recent motion tabled by the Swedish government to create an international tribunal to bring ISIS fighters to justice, victims’ hopes to have their cases being heard before a competent international adjudicative body have been constantly neglected since the beginning of the conflict, more than seven years ago.

Quite recently, however, there have been rather encouraging developments that – on the domestic level – states are increasingly inclined to engage in positive complementarity by bringing alleged perpetrators of international crimes to justice before their competent courts, hence spurring a glimpse of hope for victims to see their former tormentors being held criminally responsible. The present contribution seeks to retrace this alternative mechanism by analysing the pending case of former Syrian Air Force Intelligence Director, Jamil Hassan, who was recently issued with an arrest warrant by the German Federal Prosecutor, acting under the *Code of Crimes against International Law*. In so doing, it is sought to propose a somewhat ‘counter narrative’, bearing the potential to provide refreshed hope to victims who have felt disenfranchised and neglected by international justice’s contemporary mechanisms for years. Simultaneously, it is envisaged to provide a comprehensive account of a high-profile case of positive complementarity being implemented, hence bearing the potential of lastingly strengthen the system of international justice by diversifying potential avenues to prosecute alleged perpetrators of international crimes, short of resorting to international criminal courts and tribunals.
Presenter Abstract

**Jasmine Osabutey (Coventry University, England)**

*Abstract Title: Mob Justice and the Rule of Law: A Case Study of Ghana*

The emergence of globalisation has gradually seen the promotion of human rights education across the world and a developing country like Ghana has not been left out. Recently, the media and scholarly work like Kodah, have drawn attention to activities such as vigilante violence constantly recurring within the country.

Mob justice also known as jungle justice was described by Abrahams as an alternative means through which, ordinary citizens seek justice of suspected criminals as a form of expressing their frustrations against the inadequate effective security expected from the state.

According to Aristotle, the rule of law applies equally to all citizens, is publicly known and clearly stated and this is supported by the Human Rights Act 1998. The rule of law is linked to human rights because it's needed in implementing human rights. Without it, individual rights would be a mere puff.

The research aims at examining how mob justice violates the cardinal principles of the rule of law since every individual has a right to life and fair trial. In order to assess the consequences of mob justice in Ghana’s democracy, the research will adopt the Tylerian procedural justice perspective theory which suggests that, perceived procedural injustice/fairness contributes to increase public support for violent acts such as mob justices.

Employing clusters sampling, the 2010 population and housing census figures will be used as a sampling frame. 100 households from three selected regions in Ghana namely, Greater Accra Region, Ashanti Region and Central Region will be sampled. Semi-structured questionnaires, case studies and interviews will be the main research instruments. The police, clinical psychotherapist and family members of victims will be interviewed. Ordinary Least Squares is one of the methods of analysis.

The research will make recommendations by designing a conceptual framework to curtail the incidence of mob attacks in Ghana.
Presenter Abstract

**Suzanne Schot (University of Groningen, Netherlands)**

*Abstract Title: The End Justifies the Means? The Process of Preparing Witnesses of Mass Atrocities for giving Testimony in Court*

International criminal courts and tribunals receive many witnesses who give their testimony as evidence, mostly many years after the alleged crimes took place. Yet, before answering the questions posed to them in relation to certain events or the accused and before examination-in-chief and cross-examination, these witnesses arrive in the country and city where the court is situated, and on the day(s) of giving their testimony they arrive at the court. Although scholarly attention has been paid to witnesses and their testimony in the courtroom, the process preceding their testimonies is addressed to a lesser extent. Hence, this paper aims to bridge this gap by focusing on the process preceding the testimony given in court, namely the process of preparing the (international) witnesses for giving their actual testimony within the courtroom. In light of their varying approaches, emphasis is placed upon the practices of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Court (ICC).

Overall, this study aims to understand how witnesses have been prepared before they arrive at the court, as well as their preparation taking place at the court before they enter the courtroom. This includes, for example, taking into consideration witness familiarization and witness proofing, as well as considering the difference between preparing and influencing the witnesses. This study draws upon case law and scholarly literature to understand the process of preparing witnesses for testifying in a courtroom setting with which many international witnesses are not familiar. Since many of the witnesses offering their testimony have experienced extreme traumatic events and will most likely have given multiple statements before testifying in court, considering their preparation should be as important - or taken as seriously - as their accounts in the form of legal testimony.
Presenter Abstract

Marko Svicevic (University of Pretoria, South Africa)

Title: Regional Enforcement Action and UN Security Council Authorisation: Collaboration or Contention in the African Regional and Sub-regional Context?

In recent decades, unilateral enforcement action on the African continent has aroused significant debate. More specifically, African regional and sub-regional organisations have taken an ever-increasing role in addressing matters of peace and security within their member states. This was most recently seen with the Economic Community of West African States (ECOWAS) intervention in The Gambia in 2017. To this end, the African Union (AU), as well as ECOWAS, have developed several legal mechanisms enabling these organisations to take coercive military measures against their member states, seemingly in an effort to prevent human rights violations. Most notable are the provisions of the AU Constitutive Act and the ECOWAS 1999 Mechanism Protocol which make provision for these organisations to decide upon and engage in coercive military intervention. The significance (and controversy) of these legal regimes stems predominantly from the fact that primary responsibility over matters of peace and security is prescribed not the UN Security Council, but to these organisations themselves.

This rightfully evokes several questions under international law, which this paper aims to address: first, to what extent is the relationship between the UN Security Council and these organisation still governed by Article 53 of the United Nations Charter? Second, does the development of these organisations’ legal frameworks (as well as their subsequent practice) suggest they may be usurping the UN Security Council in matters of peace and security, at least within the African context? In addition, considering more recent developments of collective security in the twenty-first century (and in particular, the stalemate of the UN Security Council on, for example, the situation in Syria), a necessary question which arises is whether these regional and sub-regional organisations should indeed have a residual right of intervention where the UN Security Council does not take action on a given situation.
Presenter Abstract
Héctor Tejero Tobed (British Institute of International and Comparative Law, England)

Abstract Title: The Use of Anti-terrorism Laws Against Dissent: Glorification of Terrorism in Spain After ETA’s Violence

The potential of domestic counter-terrorism legislation to erode human rights is not breaking news. This paper will particularly analyse how such laws may impact and chill political dissent.

It will provide a case study on how the offence glorification of terrorism under to Article 578 of the Spanish Criminal Code embodies a tool for repression of political dissent. In doing so, this paper will first examine the international human rights law framework on the protection of dissent, with a specific focus on the offence of glorification of terrorism. Second, it will draw an example on the Spanish case and will illustrate how dissent, particularly through social, media has been tackled by means of anti-terrorist legislation in the period after ETA abandoned armed violence.

This paper will suggest that Spanish anti-terrorism laws appear to embody a tool for potential repression of dissent, entailing both risk of chilling effect and worrying implications on the protection of freedom of speech. It will point to the vagueness of Spanish terrorism offences and the troubling determination of Prosecutors, the High Court and the Supreme Court as possible causes for this. Additionally, the existing mismatch between the regional (EU and Council of Europe) and the Spanish legal frameworks in the matter will be stressed as a further concern. It will be submitted that the Spanish offence of glorification of terrorism as it currently stands does not comply with international human rights law standards on the matter.
Presenter Abstract

Miracle Chinwenmeri Uche (The Chinese University of Hong Kong)

Abstract Title: To Be, Or Not to be: That Is the Quandary of Victims Before the International Criminal Court

Like Hamlet’s famous soliloquy in Act III Scene I, justice for victims of international crimes at the International Criminal Court (ICC) is bogged down with difficult contemplations. These contemplations which begin with the recognition criteria have strong impacts on the concerned victims up to the reparations stage. In spite of this, the court’s “justice rhetoric” centers on the equation of punishment of perpetrators to justice for victims. Such an equation evinces the defective criteria and process for victim recognition at the court; one that is mainly dependent on a perpetrator and crimes charged. Consequently, victims’ status before the court determines what type of representational and participatory rights they will be entitled to.

The problem with such a system is that it harbors several “exclusionary factors” that negatively impact victims’ status. These factors have been the subject of scholarly work focused on examining the impact of the application process for victim status and on justice for victims. While excellent proposals have been made to correct this issue, there remains a need for a set of recognition and evaluative criteria that is more restorative to ensure that victims are afforded meaningful justice beyond the rhetoric.

This paper will review the ICC’s victims’ regime and case law, to discuss the impact of these exclusionary factors on victims’ justice experience and reparations. It will posit that the court’s victim-regime is defective and often appears to be a stumbling block to the court in achieving justice for victims. This paper will therefore propose a set of criteria for victim-status which should neither be divisive nor dependent on an alleged perpetrator, but will be more restorative than purely retributive.
Presenter Abstract

Nnenne Uzoigwe (Lancaster University, England)

Abstract Title: Who Are Internally Displaced Persons Under International Law?

The need to define internally displaced persons as a distinct category of persons with special rights emanates from their dire humanitarian situation and gross neglect from the global community. Although certain steps have been taken through the evolution of the Guiding Principles on Internal Displacement that defined the category of persons referred to as internally displaced persons, the recognition of their rights are however, stalled by the fact of its descriptive and non-binding nature. The reluctance of the international community to recognise and respond to the plights of internally displaced persons is owed to the impediment of geographical demarcation that distinguishes them from refugees regardless of their similar situation. One outstanding feature of the widely accepted definition of internally displaced persons is the element of non-individualistic rights given to them in the Guiding Principles on Internal Displacement which makes the status of an individual displaced person unknown under international law. This brings to fore the question as to whether they should indeed be accorded individual or collective rights looking at the peculiar nature of their situation and the fact of the intent of the Guiding Principles on Internal Displacement? To put in another way, whether they are considered a minority group in the society and as such, are they able to exercise their rights jointly and severally? This paper seeks to answer these questions by exploring the evolution, elements and status of internally displaced persons under international law and in relation to the international recognition of the rights of individual members of minority groups in the society. It concludes by recommending that the individual right of an internally displaced person should be recognised under international law in line with the various international human rights instruments.
Presenter Abstract

Thomas Welch (University of Lincoln, England)

Title: Protection and Assistance of Vulnerable Populations at Point of Transition: Statelessness, the Rohingya, and International Law

The Rohingya are an ethno-religious minority whose ancestral home lies in an area now known as Rakhine State, in the north-west of Myanmar. Having been denied appropriate access to any effective system of education, employment, or legal protection as a result of their exclusion from formal recognition as citizens of any nation-state, and subject to an endemic experience of marginalisation and abuse at all levels of Myanmarese society, as many as 800,000 Rohingya are now thought to be residing outside of Myanmar. The vast majority of displaced Rohingya select either Bangladesh - due to their close proximity to the Bangladeshi-Burmese border -, or Malaysia - due to its shared cultural and religious ideologies - as their preferred countries of refuge.

The aim of this research is to develop a more precise understanding of the ways in which stateless individuals navigate applicable legal systems in order to protect and enjoy their rights, by using displaced and stateless Rohingya currently residing in both Bangladesh and Malaysia as a case study. In realising this aim, the following issues have/will also been considered: the way in which international law has developed so as to protect the rights of stateless individuals; the ways in which Bangladesh and Malaysia have worked to circumvent their obligations to stateless Rohingya populations; and the issues that are faced by legal practitioners and advocates in the pursuit of assisting stateless Rohingya as they attempt to navigate available legal frameworks.
Presenter Abstract

Anthony Wenton (Bingham Centre for the Rule of Law, British Institute of International and Comparative Law, England)

Abstract Title: Unilateral Humanitarian Intervention is Not Prohibited by the UN Charter

Unilateral humanitarian intervention is not prohibited by the UN Charter. A right to unilateral humanitarian intervention existed under customary law prior to the adoption of the UN Charter and I submit that the right continues to survive as it does not unavoidably contradict Article 2(4): a) humanitarian intervention is not against the territorial integrity or political independence of a State; b) humanitarian intervention upholds fundamental purposes of the UN: Articles 55(c) and 56 place an active obligation on States to take joint and separate action to promote human rights.