

ADI/ILA

150 ANS/YEARS



2023 PARIS

Newsletter
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Registration for the 2023 Webinars is launched

Editorial by Prof. Catherine Kessedjian

Emerita Professor, University Paris-Panthéon Assas, Chair of the ADI/ILA 2023 Organising Committee

In this Issue

Editorial by Prof. Catherine Kessedjian

Global Governance

Partners and Sponsors

About seven years ago, when the 150th anniversary of the International Law Association was evoked at the Executive Committee of the Organisation, I could not imagine that we would have to celebrate this anniversary in an uncertain world, where wars are even more present than they were at the time, where there is a possibility of a major economic recession with increasing poverty, where the nuclear threat is growing, and where international law is being increasingly called upon but sometimes with abusive interpretations that are always surprising.

The motto of Paris, "*Fluctuat nec Mergitur*", seems to be a formidable reminder that also applies to the ship of international law: it is beaten by the waves but does not sink. It is up to all of us, lawyers from all walks of life, from all cultures, whatever our position or expertise, to guide this ship through the storms.

The 150th anniversary of the International Law Association is a unique opportunity to think about the international law of tomorrow, with a view to proposing recommendations for future work in such fundamental areas as the Anthropocene, food and agriculture, anti-corruption, human rights, international governance, migration, to name but a few of the themes that are the subject of the white papers (available [here](#)), as well as other themes that will be dealt



with during the June 2023 symposium. Please note that some of the white papers are already published on the website

Please note also that the **public consultation** for each of the white papers runs until **December 31, 2022**. The specific email address to send your input appears on the last cover page of each white paper.

2023 is divided into four phases:

- 1) An inaugural, fully online, conference on "Enhancing the Legitimacy of International Law - The Role of Parliaments" to be held on **January 12, 2023**.
- 2) A series of webinars (more information available [here](#)) entirely online, each one of them being devoted to one of the white papers. The first webinar will be held on **January 24, 2023** and will focus on Energy, a subject at the heart of the current turmoil.
- 3) A hybrid symposium in June 2023 (**June 18, 19 and 20**) to be held at the *Cité internationale universitaire de Paris*, which will allow us to discuss cross-cutting topics such as cooperation, due diligence, rethinking international institutions, international law for future generations, and international law confronted with the uncertain, the unpredictable and the unthinkable ([here](#)).
- 4) On **December 14, 2023**, we will draw the conclusions of two and a half years of work (white papers, public consultation on the white papers, webinars and the June symposium) in the form of recommendations for the future. All of this will be published in a book as the International Law Association's contribution to the development of international law fully consistent with its mandate since 1873.

Registration for all these online events is now open at [this site](#).

We have been particularly careful to keep registration fees low so that everyone who is interested can register.

Registration for the June 2023 face-to-face symposium will begin on or about February 1, 2023.

WHITE PAPER – GLOBAL GOVERNANCE

White paper available ([here](#))

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3 questions to Prof. Jeffrey L. Dunoff, Professor of Law, Temple University and Steering Committee Member

1) During the 1990s, there was enormous momentum to strengthen multilateralism and global governance. Today, in contrast, international institutions and laws are under renewed stress. What has changed?



Contemporary global governance efforts confront many challenges. Some reflect changes in geopolitics and the relative power of leading states. For example, the ambiguous role of the United States in global governance in recent times, and the rise of China as a self-appointed champion of developing states, generate new dynamics in existing global bodies. Others are the result of new technologies and scientific developments. For example, the rise of artificial intelligence and big data pose difficult policy issues, yet international institutions are often several steps behind the rapid developments in these areas. Yet other challenges are structural and not new at all, such as international law's lack of centralized legislative processes and

limited enforcement mechanisms. The White Paper reviews these and other challenges in greater detail. But the result of these simultaneous challenges is that global governance is today at a cross-roads.

2) How does the rise of populist leaders impact efforts at global governance?

Populism comes in many forms, so it can be difficult to generalize. That said, many nations have seen the rise of right-wing or authoritarian leaders who wish to challenge the post-World

War II liberal international order. Europeans have confronted populist policies enacted in Hungary and Poland that are difficult to harmonize with core European values. In Asia, Chinese leader Xi Jinping's 'New Era' is characterized by significant efforts to shift the international legal order so that it better serves China's interests. Recent developments suggest that, as compared with liberal democracies, authoritarian states seek to use international law to pursue very different goals.

The post-War system, dominated by Western, mainly democratic states, produced a distinctive set of rules and institutions that expressed commitments to human rights as well as to increased flows of goods, services and capital around the world. Authoritarian states, in contrast, seek governance regimes that are more focused on protecting sovereignty and promoting stability, and less focused on promoting the liberties or welfare of their citizens. These regimes will promote shallower cooperation, place less emphasis on third party dispute settlement systems, and may help entrench authoritarian leaders in power. We are witnessing a great competition among important stakeholders – including major state actors with divergent interests, such as the U.S., China, and the EU; multinational corporations including technology firms; newly-empowered state and non-state voices from the Global South; and influential civil society actors located in many parts of the globe – to determine the future shape of global governance.

3) What do you and the committee foresee for the future?

The White Paper brings together a set of diverse perspectives from independent thinkers on potential changes to global governance. The Committee's mandate was not, however, to determine what reforms should be prioritized, nor prescribe how decision-making systems should work. Rather our goal was to 'set the table' for such discussions by providing a thoughtful analysis of the key ideas and critical challenges, including those discussed above, implicated when re-envisioning global governance.

In considering the future, I recall a wonderful aphorism of René Char: '*Notre héritage n'est précédé d'aucun testament,*' or 'our inheritance was left to us by no testament'. In this context, I take Char's statement to mean that the future of global governance has not been determined; rather it is open, and the responsibility falls on us as international lawyers – and as citizens – to implement and make real the vision of global governance we find most appealing.

Acknowledgements

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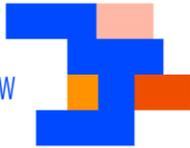


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