

INTERNATIONAL LAW ASSOCIATION

REGIONAL CONFERENCE 2014

LISBON UNIVERSITY LAW SCHOOL, 11/12 SEPTEMBER 2014

www.ilalisbonconference2014.com

TOWARDS A UNIVERSAL JUSTICE?

PUTTING INTERNATIONAL COURTS AND JURISDICTIONS INTO PERSPECTIVE

PRESENTATION

The recent proliferation of international courts and jurisdictions raises a number of important issues concerning the coherence of the international legal order in this respect. One may, inter alia, ask: a) To what extent do the jurisdictional powers of these courts overlap? b) How can they assist each other? c) Is the case-law of each of those courts of any use in the other court's opinions? d) Do they abide by identical rules in matters of procedure? The Portuguese branch of the International Law Association will organize in September 2014 a regional conference addressing these issues. The conference will include as speakers well-known judges and scholars, several of which from Portuguese-speaking countries around the world, such as Angola, Brazil and Cape Verde. It will also give young researchers the opportunity of presenting their papers. The conference will be hosted by the Law School of the University of Lisbon, Portugal's largest institution of legal education and research.

PROGRAM

11TH SEPTEMBER 2014

8h30 – REGISTRATION OF PARTICIPANTS

9H30/10H00 – OPENING SESSION

Professor Jorge Duarte Pinheiro (Dean of the Lisbon University Law School)

Professor Manuel de Almeida Ribeiro (President of the Portuguese Branch of the International Law Association)

Professor Dário Moura Vicente (Lisbon University Law School and Congress Coordinator)

Professor Catherine Kessedjian (University of Paris II; ILA Scholarship Committee)

SESSION 1 – 10h00/11H30 – THE GROWING ROLE OF INTERNATIONAL COURTS AND JURISDICTIONS: THE PERMANENT COURT OF INTERNATIONAL JUSTICE, THE INTERNATIONAL COURT OF JUSTICE, AND BEYOND

Chair: Professor Rui de Moura Ramos (School of Law of the University of Coimbra; Former President of the Portuguese Constitutional Court and Judge of the Court of First Instance of the EU)

Panelist:

- Dr. Miguel Serpa Soares (Under-Secretary General for Legal Affairs and Legal Counsel of the United Nations)

Presentation of papers:

Dr. Dimitra Papageorgiou/ Dr.Eva Tzavala (Greece), PhD Candidate and Research Assistant at the University of Athens

Energy At Sea in the Jurisprudence of the ICJ

Dr. Rita Teixeira/Dr. Ricardo Bastos (Portugal), PhD Candidate - Research Assistant at the University of Athens

The Cases Where the ICJ Lacked Jurisdiction – the Exception?

11H30/12H00 – Coffee-break

SESSION 2 – 12H00/13H30 – INTERNATIONAL INSPECTION AND CONTROL MECHANISMS

Chair: Professor Eduardo Paz Ferreira (Lisbon University Law School)

Panelist:

- Justice José Cunha Rodrigues (Member and President of the UEFA Financial Control Body; Former Attorney General of the Portuguese Republic; Former Judge of the Court of Justice of the European Union)

13H30/15H00 – LUNCHEON

SESSION 3 – 15H00/18H00 – EUROPEAN AND OTHER REGIONAL COURTS OF HUMAN RIGHTS

Chair: Justice Ireneu Cabral Barreto (European Court of Human Rights)

Panelists:

- Justice Paulo Pinto de Albuquerque (European Court of Human Rights)
- Professor José Pina Delgado (Institute of Social and Juridical Sciences of Cape Verde)

16H00/16H30 – Coffee-break

Presentation of Papers:

Dr. Eleonora Mesquita Ceia (Escola da Magistratura do Estado do Rio de Janeiro, Direito Constitucional, Brasil)

The Influence of Inter- American Human Rights Law in the Jurisprudence of the Brazilian Supreme Federal Court

Dr. Francesca Capone (Scuola Superiore Sant’Anna, in Pisa, Italy)

Reparations for Child Victims before the European Court of Human Rights and the Inter - American Court of Human Rights: Comparing and Discussing the Different Approaches to the Remedial Component of International Justice

Dr. Ondřej Svaček (Palacky University Olomouc, Faculty of Law, Czech Republic)

Human Rights before the International Criminal Court: Achievements and Challenges

Dr. Alex Ian Psarski Cabral (Faculdade de Direito da Universidade de Lisboa, Portugal)/ Dr. Cristiane Helena de Paula Lima Cabral (Direito Público Internacional pela Pontifícia Universidade Católica de Minas Gerais) / Dr. Mário Lúcio Quintão Soares (PhD Candidate of Law on the Federal University of Minas Gerais, Brasil)

Brazil and the Inter-American System of Protection of Human Rights: The Conventionality Control on the Penal Action N. 470

Dr. Ralph Wilde (University College London, University of London , England) - Human Rights Beyond

Borders at the World Court: The Significance of the International Court of Justice's Jurisprudence on the Extraterritorial Application of International Human Rights Law Treaties

20H30 – DINNER AND FADO

12TH SEPTEMBER 2014

SESSION 4 – 9H30/11H00 – DISPUTE RESOLUTION MECHANISMS CONCERNING INTERNATIONAL TRADE AND INVESTMENT, IN PARTICULAR WITHIN WTO AND ICSID

Chair: Dr. Miguel Galvão Teles (Morais Leitão, Galvão Teles, Soares da Silva & Associados)

Panelists:

Professor Dário Moura Vicente (Lisbon University Law School)

The New European Investor – State Dispute Settlement Rules: Some Reflections

Dr. Alejandro Carballo (Legal Counsel Energy Charter Secretariat)

Presentation of papers:

Dr. Ozge Varis (University of Dundee, Center for Energy Petroleum, Mineral Law and Policy, Scotland)

Understanding the Interaction Between the WTO Regime and International Investment Regime: Reversing the Approach

Dr. Sadie Blanchard (Max Planck Institute for International, European and Regulatory Procedural Law, Luxembourg)

Didn't See that Coming? The Possibilities and Limits of the Legitimate Expectations Doctrine in Harmonizing EU Law and International Investment Law

Dr. Carmen Alexandra Saugar Koster (PhD Candidate Geneva-Granada)

Dispute Resolution Mechanisms Concerning International Trade and Investment, in particular within WTO and ICSID

Prof. Dr. Paolo Farah, University Professor at West-Virginia University (WV, USA). Research Scientist and Principal Investigator at gLAWcal – Global Law Initiatives for Sustainable Development (United Kingdom); Principal Investigator and Research Team Coordinator at the University Institute of European Studies (IUSE) in Turin (Italy).

The Concurrence Roles of International Trade Law, International Legal Framework for Climate Change and International Arbitrations in the Energy Sector: A Challenge for International Law

Dr. Emily Sipiorski (Institute of Economic Law at the Law School of Martin Luther University Halle-Wittenberg, Germany)

The Principle of Good Faith in Investment Arbitration: Finding Meaning in Public International Law

Dr. Jerzy Menkes (Chair of International Law and International Organization, Warsaw School of Economics, President of Polish Branch ILA)/Magdalena Słok-Wódkowska (Faculty of Law and Administration, University of Warsaw/Belgium)

Challenges of “Investor – State Dispute Settlement Mechanism” in TTIP

Dr. Odysseas Repousis (Research Assistant, Hong Kong)

Perspectives on Jurisdictional Overlaps in the Enforcement of Awards and Decisions against Sovereigns

Ranyta Yusran (research fellow, Centre for International Law, Singapore)

Saving the Day: Can National Judiciary make ASEAN Human Rights Framework Effective

11H00/11H30 – Coffee-break

SESSION 5 – 11H30/13H00 – INTERNATIONAL COMMERCIAL ARBITRATION

Chair: Professor Luís de Lima Pinheiro (Lisbon University Law School)

Panelist:

- Dr. Fernando Mantilla-Serrano (Latham & Watkins, Paris)

Presentation of papers:

Dr. Tatjana Shterjova (Ss. Cyril and Methodius University, Republic of Macedonia)

The Challenges of Taking Evidence in International Commercial Arbitration – The Problem of Legal Privileges

13H00/14H00 – LUNCHEON

SESSION 6 – 14H00/15H30 – THE COURT OF JUSTICE OF THE EUROPEAN UNION

Chair: Professor Fausto de Quadros (Lisbon University Law School)

Panelist:

- Professor Maria José Rangel Mesquita (Constitutional Court of Portugal)

Presentation of papers:

Dr. Joana Covelo de Abreu (Assistant Lecturer at the Law School of the University of Minho, Portugal)

Infringement Procedure and the ECJ as an EU Law's as Surer: Member States' Infringements Concerning Failure to Transpose Directives and the Principle of an Effective Judicial Protection

Dr. Mateus Kowalski (Phd Candidate, Política Internacional e Resolução de Conflitos na Universidade de Coimbra, Portugal)

UN Sanctions Regimes: The Relation between the UN and EU Legal Orders – The International Constitutional Role of the European Union Court of Justice

15H30/16H00 – Coffee-break

SESSION 7 – 16H00/17H30 – DOMESTIC COURTS AS INTERNATIONAL JURISDICTIONS? THE LIMITS OF PERSONAL JURISDICTION OF DOMESTIC COURTS REGARDING DAMAGES FOR VIOLATIONS OF INTERNATIONAL LAW

Chair: Professor Catherine Kessedjian (University of Paris II; ILA Scholarship Committee)

Panelist:

- Mr. Peter Trooboff (Covington & Burling, Washington DC; The Hague Academy of International Law)

Presentation of papers:

Dr. Rui Pereira Dias (Assistant Professor, Faculty of Law, University of Coimbra, Portugal)

Corporate Group Structures and the Limits of Personal Jurisdiction

Dr. Humberto Cantú-Rivera (Associate Researcher and Ph.D. Candidate at the Research Center on Human Rights and Humanitarian Law (CRDH) of Université Panthéon-Assas Paris II., France; Member of the International Law Association, Mexican Branch)

Judicial Accountability in the Business & Human Rights Sphere After Ruggie

17H30/18H30 – CLOSING SESSION

Closing Addresses:

- Professor Marcel M. T. A. Brus (Director of Studies, International Law Association)
- Professor Miguel Poiares Maduro (Minister for Regional Development, former Advocate General of European Court of Justice, Luxembourg, and former Professor of the European University Institute)
- Professor Manuel de Almeida Ribeiro (President of the Portuguese Branch of the International Law Association)

20H30 – DINNER

13TH SEPTEMBER 2014

9H30/17H00 – VISIT TO SINTRA AND CASCAIS (OPTIONAL)