

The Rule of Law and Post–Conflict States: Annual Conference 2007 18 May 2007

Keynote Address:

Sir Adam Roberts KCMG MA FBA Montague Burton Professor of International Relations at Oxford University, and Fellow of Balliol College



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"The Institute's Annual Conference in 2007 will focus upon a single theme: the International Legal Issues Raised for Societies in Post–Conflict Situations.

The application of the international rule of law in the aftermath of civil and international conflicts – while vitally important in Iraq, Afghanistan, Sierre Leone, East Timor, Sudan and the Democratic Republic of the Congo – is by no means clear. Speakers will consider the obligations of occupying powers, economic reconstruction and trade, access of foreign investors to natural resource exploitation, war crimes trials, the relationship between human rights and the 1949 Geneva 'Red Cross' Conventions and the role of non state actors, particularly the United Nations, World Bank and the EU. A core question is whether treaty-based and customary international law provides an adequate response to the contemporary problems faced by States post–conflict where the objectives of key players may range from conserving prior rights to regime change."

Professor Gillian Triggs Director of the British Institute of International and Comparative Law

Morning Session:

Venue: Brunei Gallery, SOAS, University of London, Thornhaugh Street,
London, WC1H 0XG

9:30 Registration

10:00 – 10:10 Welcome

Chair: The Rt Hon Lord Bingham of Cornhill KG Chairman of the British Institute of International and Comparative Law

Professor Gillian Triggs Director of the British Institute of International and Comparative Law

10.10 –11:15 Keynote Address

Military Occupation: The Laws of War and Human Rights

Speaker: Sir Adam Roberts KCMG MA FBA Montague Burton Professor of International Relations at Oxford University, and Fellow of Balliol College

The occupation of Iraq arising from the war in March-April 2003 was one of relatively few military cases since 1945 in which occupants have explicitly recognized the applicability of the Hague and Geneva rules governing the conduct of occupations. How complete was this recognition? What is to be learned from the disasters of Iraq about the adequacy or otherwise of the rules? And what are the lessons for post-conflict governance?

11:15 – 11.30 Morning Coffee/Tea

11:30 – 13:00 Plenary Session

An End to Impunity? Contemporary Prospects for Prosecuting Crimes in Conflict

As the International Criminal Court undertakes its first prosecutions of suspected war criminals, this session will raise the legal, logistical and political issues affecting current efforts to hold to account the perpetrators of serious international crimes committed during armed conflict. The discussion panel, comprising leading practitioners with experience in numerous international criminal tribunals and domestic courts, will consider the current debates concerning international criminal justice in countries including the Democratic Republic of the Congo, Sudan and Uganda.

Chair: Professor Christine Chinkin London School of Economics

Speakers:

- **Geoffrey Robertson QC** Appeal Judge, UN Special Court for Sierra Leone; Doughty Street Chambers
- **Dr Carsten Stahn** Associate Legal Adviser, Pre-Trial/Chambers Division, International Criminal Court
- **Patricia Sellers** Former Gender Legal Adviser to the Office of the Prosecution at The International Criminal Tribunal for the Former Yugoslavia
- **Mr Dilshad Miran** Minister of the Kurdish Regional Government in Baghdad
- **Tom Porteous** London Director of Human Rights Watch

Afternoon Sessions

Venue: The Council Chamber, British Institute of International and Comparative Law, Charles Clore House, 17 Russell Square, London WC1B 5JP

13:00 – 14:00 Buffet Lunch

14:00 – 14:30 Keynote Address

Pro Bono Legal Advice to States in Post-Conflict Situations

Venue: The Lecture Theatre

Chair: The Rt Hon Lord Bingham of Cornhill KG Chairman of the British Institute of International and Comparative Law

Speaker: The Attorney General, The Rt Hon Lord Goldsmith of Allerton QC

Parallel Sessions

14:30 – 15:45

Panel 1: Venue: The Lecture Theatre

Trade as an Instrument for Economic Development of Post-Conflict States: Case Studies of Iraq, Afghanistan and Palestine

The panel will address policy and legal issues in using international trade as an instrument to foster economic development in post-conflict countries (focusing in particular on Iraq, Afghanistan, and Palestine). Reflecting on their own working experiences in these countries, speakers will highlight the opportunities and challenges posed by employing trade as a mechanism for economic development in post-conflict countries.

Chair: Jeremy Carver Clifford Chance; Transparency International, London

Speakers:

- **Miriam Kominarecová** European Commission DG Trade, Brussels (on Iraq)
- **Norine MacDonald QC** Senlis Council, London (on Afghanistan)
- **Hadil Hijazi** WTI Advisors, Geneva (on Palestine)

Panel 2: Venue: The Grotius Library

Reconstruction for Post-Conflict States: the Roles of the United Nations, European Union, World Bank

Chair: Sir Michael Wood KCMG Senior Fellow of the Lauterpacht Centre for International Law, University of Cambridge; 20 Essex Street Chambers

Speakers:

- **Dr Chaloka Beyani** Senior Lecturer in Law, London School of Economics
- **Professor Dr Dr hc Rüdiger Wolfrum** Director, Max Planck Institute for Comparative Public Law and International Law, Heidelberg
- **Professor Paul Reynolds** Global Economic Policy Institute
- **Clare Lockhart** Institute for State Effectiveness

15.45 – 16:15 Afternoon Tea Venue: The Council Chamber

16:15 – 17:30 Parallel Sessions

Panel 1: Venue: The Lecture Theatre

Exploitation of Natural Resources: The Role of Foreign Investment

The engagement of the extractive industries in post-conflict countries might have critical and twofold implications. While developing their core business activities, foreign investors may contribute significantly to the peace-building and reconstruction process or they may exacerbate new tensions and fuel the raising of further conflict. This session considers the responsibilities of the extractive industries in post-conflict States by examining whether and which international legal standards they should meet, while carrying out their core business activity or negotiating investment agreements.

Chair: Professor Philippe Sands QC University College London; Matrix Chambers

Speakers :

- **Professor Peter Muchlinski** School of Law, SOAS University London
- **Aidan Davy**, Programme Director, Community and Social Development, International Council on Mining & Metals (ICMM)
- **Diarmid O'Sullivan** Global Witness

Panel 2: Venue: The Grotius Library

Reconstruction and Development: Financial Issues and Market Reform

Key to a successful transition to a market economy are the signals governments can credibly make to prospective investors and companies. Will contracts be enforced? How fair will bidding processes be? How safe are investments? This panel considers antitrust and procurement; emerging markets regulation; capacity building and other aspects of encouraging infrastructure investment in various countries including Somalia, Bosnia and Sierra Leone, as well as IMF and World Bank strategies and programmes.

Chair: William Blair QC 3 Verulam Buildings

Speakers:

- **Julian Clarke** International Monetary Fund
- **Robert Stone** Oxford Policy Management Ltd

17:30 – 18:30 Drinks Reception

Venue: The Council Chamber