

## Registration Form

This seminar is free but subject to registration. There are a limited number of places. We would ask that modest numbers of people attend from each organisation.

Please return your completed photocopy of this form to:

Alice Newton  
Blackstone Chambers  
Blackstone House  
Temple  
London EC4Y 9BW

**Tel:** 020 7583 1770

**Fax:** 020 7822 7350

**Email:** conference@blackstonechambers.com

(Please photocopy and return a separate booking form for each delegate)

### Delegate registration details

**Title:** \_\_\_\_\_

**First Name:** \_\_\_\_\_

**Surname:** \_\_\_\_\_

**Organisation & Position:** \_\_\_\_\_

**Email:** \_\_\_\_\_

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**Authorised signature (all bookings must be signed):**

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Contact details of person making the booking (if different from delegate details)

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**First Name:** \_\_\_\_\_

**Surname:** \_\_\_\_\_

**Organisation & Position:** \_\_\_\_\_

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### Blackstone Chambers

Blackstone House • Temple • London EC4Y 9BW  
Tel: 020 7583 1770 • Fax: 020 7822 7350

## Seminar Venue:

### Royal Society of Arts

8 John Adam Street  
Westminster  
London WC2N 6EZ  
Tel: 020 7930 5115



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**British Institute of  
International and  
Comparative Law**



# Sir Ian Brownlie CBE QC Memorial Seminar

Royal Society of the Arts  
Friday 19 November 2010

[www.biicl.org](http://www.biicl.org)

[www.blackstonechambers.com](http://www.blackstonechambers.com)

## Introduction

The Members of Blackstone Chambers and the British Institute of International and Comparative law are proud to present an afternoon seminar in memory of the late Sir Ian Brownlie CBE QC.

Sir Ian Brownlie was a phenomenon in the world of public international law. He was known on the one hand for his academic prowess, with books such as *Principles of Public International Law* now in its 7th edition, translated into many languages and referred to as a classic text by international lawyers and judges alike. On the other, Ian was a litigator on the international stage; during 25 years he appeared in more than 40 contentious cases before the International Court of Justice and was an experienced and active arbitrator. He contributed both through his appearances and his writings to the growing reach of international law, to new subject areas and new states and was a member and Chairman of the UN International Law Commission. His interest in human rights is also

well documented, as evidenced by the recent issue of the 6th edition of *Brownlie's Documents on Human Rights*.

The contributors to this seminar all knew and worked with Ian. They, like him, have an interest in the development of international law and of international human rights law, both in their pure forms and in the developing interface with domestic jurisdictions. The seminar topics, arranged into two panels of speakers, are designed to reflect areas of particular interest to Ian and the contributors will develop themes and encourage debate which Ian would have welcomed, both as a practitioner and an academic. The afternoon culminates with a talk by Judge Sir Christopher Greenwood, the British judge on the International Court of Justice.

## Sir Ian Brownlie CBE QC

Sir Ian Brownlie CBE QC FBA (19 September 1932 – 3 January 2010) was called to the Bar by Gray's Inn in 1958 and was a tenant at Blackstone Chambers from 1983 until his death on 3 January 2010.

During Ian's academic career he taught at the University of Leeds, the University of Nottingham, and Wadham College, Oxford (where he was a Fellow). He was a professor of international law at the London School of Economics between 1976 and 1980. From 1980 to 1999, he was Chichele Professor of Public International Law and a Fellow of All Souls College, Oxford. He was appointed a Distinguished Fellow of All Souls in 2004.

Ian served as an advisor to United States President Jimmy Carter during the 1979 Iranian Hostage Crisis. The cases in which he argued before the International Court of Justice include *Nicaragua v United States*, *Nauru v Australia*, *Bosnia and Herzegovina v Serbia and Montenegro*, the *Pedra Branca dispute*,

*Libya v United Kingdom*, *Libya v United States*, and *Democratic Republic of the Congo v Uganda*. He argued several important cases before the European Court of Human Rights, including *Cyprus v Turkey*. He also represented Amnesty International at the extradition trial of Chilean coup-leader Augusto Pinochet before the English courts in 1999. He was a member of the United Nations' International Law Commission from 1997 until his resignation in 2008.

Ian was a Fellow of the British Academy and a member of both the International Law Association and the Institut de Droit International. In 2006, he was awarded the Wolfgang Friedmann Memorial Award for International Law (awarded by the Columbia Journal of Transnational Law, University of Columbia). He was awarded a CBE in 1993 and was knighted in the 2009 Birthday Honours, in each case for services to international law.

## Agenda

### 13.30-14.00 Registration

### 14.00-14.15 Welcome and Introductions

Sir David Edward QC, Blackstone Chambers & Professor Robert McCorquodale, British Institute of International and Comparative Law

### 14.15-15.30 Panel One: Legal Frontiers: causes of action, interconnecting and overlapping systems of law

**Chair:** Sir Daniel Bethlehem QC, Foreign & Commonwealth Office

#### Causes of action

#### Professor Vaughan Lowe QC, Essex Court Chambers

- In 1979 Sir Ian Brownlie drew up a 'Calendar of Causes of Action' in international law; this talk considers whether international claims are limited to certain causes of action

#### International law in English courts

#### Shaheed Fatima, Blackstone Chambers

- Primary uses of international law in English courts
- Overview of key recent trends and case law
- Future challenges

#### Interaction between Strasbourg/ECJ case law and international law

#### James Eadie QC, Blackstone Chambers

- The hierarchy of international law and UN Security Council Resolutions
- *Kadi* in the ECJ
- *Behrami* and *Saramati*, and the undecided *Al Jeddah* in the ECtHR

### 15.30-15.45 Tea break

### 15.45-17.00 Panel Two: The ICJ's Advisory Opinion on Kosovo – themes and analysis

**Chair:** Dame Rosalyn Higgins QC

#### The Kosovo Advisory Opinion: reflections on process

#### Maurice Mendelson QC, Blackstone Chambers

- How the request for an advisory opinion was obtained
- Appropriateness of one UN organ asking questions apparently within the competence of another
- The Court's opinion

#### The ICJ's jurisprudence and the emergence of new States

#### James Crawford SC, Matrix Chambers

- The special circumstances of Kosovo and the deficiencies of the question asked
- What the Kosovo opinion did not say about the emergence of new States
- The status of Kosovo after the advisory opinion: recognition and the United Nations

#### The United Nations' involvement in multi-national military operations

#### Guy S. Goodwin-Gill, Blackstone Chambers

- When is the United Nations 'involved'?
- What is the United Nations' role and what are or ought to be its guiding principles?
- What lessons can be learned from Kosovo?

### 17.00 -18.00 Keynote Speech

- Judge Sir Christopher Greenwood QC, International Court of Justice, The Hague

### 18.00-19.00 Drinks Reception

**The members of Blackstone Chambers very much hope that you will be able to remain for a drinks reception at the end of the afternoon's proceedings.**

## Speaker Biographies

**Sir Daniel Bethlehem QC, Legal Adviser Foreign & Commonwealth Office** since 2006. He is a member of the Advisory Council of the BIICL and was in practice at the Bar before taking up his current post. He has lectured at the London School of Economics and has served as head of the Lauterpacht Centre for International Law. Sir Daniel was awarded a knighthood for his services to international law in 2010.

**Professor James Crawford SC, Matrix Chambers** is Whewell Professor of International Law and a Member of Matrix Chambers. As a member of the International Law Commission he was responsible for the Draft Statute for an International Criminal Court (1994) and the Draft Articles on State Responsibility (2001). He did his doctorate with Ian Brownlie in Oxford in the 1970s, and appeared with, against or before him in numerous international cases.

**James Eadie QC, Blackstone Chambers**, specialises in commercial and public law. He was appointed as First Treasury Counsel on 1 January 2009 and is the most senior barrister advising the government on all civil law matters; work has included acting for the Government in the Gibraltar shootings litigation in the ECtHR, advising and acting for the Government in relation to a number of aspects of the emergency following September 11 and the war in Iraq, including the challenge both domestically and in Strasbourg to the detention of Al Q'aida suspects (*R (A and others) v SS Home Dept* (HL)); and the control order regime.

**Sir David Edward QC, Blackstone Chambers**, was the British judge at the Court of Justice of the European Communities, 1992-2004 and now sits as a temporary judge of the Court of Session in Scotland, hearing civil appeals. He is vice President of the British Institute of International and Comparative Law, Professor Emeritus of the School of Law of the University of Edinburgh, and Chairman of its Europa Institute.

**Shaheed Fatima, Blackstone Chambers** specialises in public law, human rights and public international law. Author of "*Using International Law in Domestic Courts*" (2005), she was awarded the Liberty/Justice "Human Rights Lawyer of the Year" Award in 2007 and appointed a Lecturer at Harvard Law School in 2008 (teaching "The War on Terror and Human Rights Law in the UK" in 2009). Recent cases include the *Kosovo Advisory Opinion* (ICJ); *Al-Skeini* and *Al-Jedda* (Grand Chamber ECtHR) and *Ahmed v HMT* (Supreme Court). She is a member of the Attorney-General's B Panel.

**Professor Guy Goodwin-Gill, Blackstone Chambers**, is a Senior Research Fellow of All Souls College, Oxford and Professor of International Refugee Law. He practices in public international law generally, and in human rights, refugee and asylum law. He has worked extensively with the United Nations, including twelve years with UNHCR, and been a member of the Council of the Overseas Development Institute (ODI) since 2007. His recent publications include *Brownlie's Documents on Human Rights*, 6th edition with Ian Brownlie, Oxford (OUP 2010). From 2000–2003, he was President of the Media Appeals Board of Kosovo.

**Judge Sir Christopher Greenwood QC** was elected a member of the International Court of Justice in November 2008 where he serves as the British member of the court. Prior to his appointment he practiced as a barrister, regularly appearing in the International Court of Justice and the European Court of Human Rights and was the Professor of International Law at the London School of Economics.

**Dame Rosalyn Higgins DBE QC** was a Judge of the International Court of Justice (1995-2009) and President (February 2006 to February 2009). Former Professor of International Law at the London School of Economics and barrister appearing in the English courts and before various international tribunals. Queen's Counsel (1986); Bencher of the Inner Temple (1989). Author of works on international legal theory, United Nations law, the use of force, State and diplomatic immunities, human rights and international petroleum law. Currently she is serving as advisor to the Iraq Inquiry, and is a vice president of BIICL.

**Professor Vaughan Lowe QC, Oxford University** is Chichele Professor of Public International Law, an appointment in which he followed Sir Ian Brownlie QC in 1999, and a Fellow of All Souls College in the University of Oxford. He is a practising barrister at Essex Court Chambers, London. He is a member of the Board of Trustees of the BIICL.

**Professor Robert McCorquodale, British Institute of International and Comparative Law**, was appointed Director of the British Institute of International and Comparative Law in 2008. He is also Professor of International Law and Human Rights, and former Head of the School of Law, at the University of Nottingham. Previously he was a Fellow and Lecturer in Law at St. John's College, University of Cambridge and at the Australian National University in Canberra. His career in academia and in legal practice, both in the UK and Australia, has been as wide-ranging and he is the co-author of *Cases and Materials on International Law*.

**Maurice Mendelson QC, Blackstone Chambers**, has been a member of Blackstone Chambers since 1971. In addition, he had a distinguished academic career in public international law until taking early retirement from the Chair of International Law at University College London in 2001. His work, both professional and academic, has spanned most branches of international law and most fora. Amongst other honours, he is a Bencher of Lincoln's Inn and a member of the American Law Institute.

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