

## Conference on Towards a Principle of Common Concern in Global Law

Date: 22<sup>nd</sup> – 23<sup>rd</sup> of June, 2018.

Venue: World Trade Institute, Bern, Switzerland.

This conference would showcase the initial conclusions of a three year long project funded by the SNSF on the same title and expose results to critical review. The project explored the theoretical formation of the globally solidifying norm of Common Concern of Humankind and examined the possibility of its application in different fields of international law, both traditional (e.g. human rights, climate change and trade) and emerging ones (monetary regulation, income inequality). The objective is to present before an expert audience, the theoretical positions taken in the project and brief specific findings regarding the case studies.

The expression Common Concern of Humankind has over time garnered intensive academic attention and different levels of State support in different areas of international law. The overarching theoretical proposition advanced in context of this project suggests some generally accepted consequence of adopting the norm of common concern (e.g. due diligence, and cooperation) as well as some contested ones (e.g. extraterritorial responsibility). We seek to expose the theory to a constructive debate in general, as well as in connection with different manifestation of global collective action problems to elicit a general framework and contribute to its further development.

The papers presented at the conference and the panel discussions would be published in an edited volume. It is our plan that the presented papers will be commented upon by the invited experts, inducing further revisions of the papers presented. Due to the fact that we want to attain focused discussions, external participation in the conference would be limited.

Please find a detailed arrangement of the program in the next page.

## Programme\*

### Day 01: 22/06/2018, Friday

| Time          | Topic   |
|---------------|---|
| 13:30 – 15:00 | Opening Session: The Principle of Common Concern of Humankind<br><b>Thomas Cottier</b><br>Comments: Peter-Tobias Stoll, Cedric Ryngaert, Duncan French, Roland Portmann             |
| Health Break  |   |
| 15:30 - 16:15 | Case study chapter: International Monetary Stability as a Common Concern of Humankind<br><b>Lucia Satragno</b> , PhD Candidate, WTI<br>Comments: Rosa Lastra                        |
| 16:15 - 17:00 | Paper: Financial stability as a Common Concern of Humankind<br><b>Federico Lupo Pasini</b> , Queen's University Belfast<br>Comments: Claus Zimmermann                               |
| Health Break  |   |
| 17:15 - 18:00 | Case study chapter: Income and Wealth Distribution as a Common Concern?<br><b>Alexander Beyleveld</b> , PhD Candidate, WTI<br>Comments: Frances Stewart, Oisín Suttle, Michael Hahn |
| Dinner**      |   |

\* Please find brief profiles of the commentators attached to the programme.

\*\* Restaurant Rosengarten, Alter Aargauerstalden 31B, 3006 Bern.

**Day 2: 23/06/2018, Saturday**

| Time            | Topic  |
|-----------------|--|
| 09:00 – 09:45   | Case study chapter: Trade-Related Measures to Spread Low-Carbon Technologies: A Common Concern Based Approach<br><b>Zaker Ahmad</b> , PhD Candidate, WTI<br>Comments: Michael Hahn, Gabrielle Marceau              |
| 09:45 – 10:30   | Case study chapter: Marine Plastic Pollution as a Common Concern of Humankind<br><b>Judith Schäli</b> , PhD Candidate, WTI<br>Comments: Peter-Tobias Stoll   |
| Health Break    |  |
| 10:45 – 11:30   | Case study Chapter: Human Rights Protection Beyond National Borders: Potential of a Common Concern Doctrine<br><b>Iryna Bogdanova</b> , PhD Candidate, WTI<br>Comments: Krista Nadakavukaren Schefer, Michael Hahn |
| 11:30 – 12:15   | Migration and Common Concern<br><b>Rosa Maria Losada</b> , PhD Candidate, WTI<br>Comments: Thomas Cottier  |
| Lunch           |  |
| 13:45 – 15:15   | <b>Final Panel I:</b> General discussion and comments on the theoretical framework (Peter-Tobias Stoll, Duncan French, Oisín Suttle)   |
| Health Break    |  |
| 15:45 – 17:15   | <b>Final Panel II:</b> Extraterritoriality aspect of Common Concern, its implications on international law (Cedric Ryngaert, Claus Zimmermann, Krista Nadakavukaren Schefer)                                       |
| Closing Remarks |  |

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<https://www.dropbox.com/sh/cmo82gubahnqpyh/AAAmTphYRZMUQ-JkHiqbkvfWa?dl=0>



## Commentators

**Thomas Cottier**, former Managing Director of the World Trade Institute, is Professor Emeritus of European and International Economic Law at the University of Bern. He directed the national research programme on trade law and policy (NCCR International Trade Regulation) located at the WTI from 2006-2014. He is an associate editor of several journals. He was a visiting professor at the Graduate Institute, Geneva, the Paris I Sorbonne, University of Barcelona, and regularly teaches at the Europa Institut Saarbrücken, Germany, at Wuhan University, China, at the University of Torino and more recently at the University of Ottawa, Canada. He was a member of the Swiss National Research Council from 1997-2004 and served on the board of the International Plant Genetic Resources Institute (IPGRI) Rome during the same period. Prof. Cottier has a long-standing involvement in GATT / WTO activities. He served on the Swiss negotiating team of the Uruguay Round from 1986 to 1993, first as Chief negotiator on dispute settlement and subsidies for Switzerland and subsequently as Chief negotiator on TRIPs. He has served as a member or chair of several GATT and WTO panels and currently serves on a high level panel reviewing the International Health Regulations of the World Health Organization.



**Duncan French** is a leading academic on international environmental law and the international legal implications of sustainable development. He has written extensively in these areas, as well as writing generally on both broader questions of public international law (eg. treaty interpretation), international economic and investment law and the interaction between international law and European Union law. He has secondary research interests in international law of the sea and Antarctica. As a key figure in the global debate on sustainable development, he has been co-rapporteur of the International Law Association Committee on the International Law on Sustainable Development for ten years (2002-2012). He was also Chairman of the ILA Study Group on International Law and Due Diligence (2012-2016). Professor French was Professor of International Law at the University of Sheffield from 2009 until 2012, prior to taking up his new post as the Head of Lincoln Law School in February 2012.



**Michael Hahn** is the Director of the Institute for European and International Economic Law of the University of Bern Law School and a Director at the World Trade Institute; in addition, he is, since 2008, a Honorary Professor at the University of Waikato Law School, Hamilton (New Zealand) and, since 2005, a Visiting Professor at the Europa-Institute of Saarland University, Saarbrücken, Germany. Michael holds a Doctorate from the University of Heidelberg and an LL.M. from the University of Michigan Law School. Before joining the University of Bern, he was a Full Professor at the University of Lausanne, Switzerland and at Waikato Law School, Hamilton, New Zealand. He received his basic legal training (1st and 2nd State Exam) in Germany, was a Research Fellow at the Max-Planck-Institute for Comparative Public and Public International Law and a Senior Lecturer at Saarland University and the University of Halle-Wittenberg. Michael Hahn has been retained several times as visiting professor in all continents; recently, he held the Marcel Storme Visiting Chair at Ghent University Law School and was a visiting professor at the University of Macerata. Michael teaches and publishes in English, French and German; he advises sovereign and private clients in questions of international economic law and EU internal market law.



**Rosa María Lastra** is Professor in International Financial and Monetary Law at the Centre for Commercial Law Studies (CCLS), Queen Mary University of London. She is a member of Monetary Committee of the International Law Association (MOCOMILA), a founding member of the European Shadow Financial Regulatory Committee (ESFRC), an associate of the Financial Markets Group of the London School of Economics and Political Science, and an affiliated scholar of the Centre for the Study of Central Banks at New York University School of Law. From 2008 to 2010 she was a Visiting Professor of the University of Stockholm. She has served as a consultant to the International Monetary Fund, the European Central Bank, the World Bank, the Asian Development Bank and the Federal Reserve Bank of New York. From November 2008 to June 2009 she acted as Specialist Adviser to the European Union Committee [Sub-Committee A] of the House of Lords regarding its Inquiry into EU Financial Regulation and responses to the financial crisis.



**Federico Lupo-Pasini** joined the Law School of Queen's University Belfast in September 2015. His expertise focuses on law and economics and finance law, with a particular focus on the regulation of digital financial services as well as international finance. He also maintains a lively interest in international economic law, corporate law, and international business law. Before moving to the UK, he worked as a research fellow at the UNSW Australia in Sydney. Prior to that, he lived for five years in Malaysia, Vietnam and Singapore. Beside his academic work, he has been working extensively as a consultant for the World Bank, the ASEAN, the Asian Development Bank, and a few governments in South Asia and the Pacific, always on matters of international trade policy and financial regulation. He holds a Master in International Law and Economics from the World Trade Institute, and a PhD from the National University of Singapore.



**Gabrielle Marceau**, PhD, is Senior Counsellor in the Legal Affairs Division of the WTO, which she joined in September 1994. Her main function is to advise panellists in WTO disputes, the Director-General Office and the Secretariat on WTO related matters. From September 2005 to January 2010, Gabrielle Marceau was a member of the Cabinet of the WTO Director General Pascal Lamy. Professor Marceau is Associate Professor at the University of Geneva where she teaches WTO law to students from the law and international relations faculties. Professor Marceau is also President of the International Economic Law Society (SIEL). Before joining the GATT/WTO, Professor Marceau worked in private practice in Quebec, Canada, mainly in the sectors of labour law and insurance law. Professor Marceau has published extensively, namely in WTO related matters.



**Cedric Ryngaert** is professor of public international law and programme leader of the master public international law. He studied law at Leuven University (2001) and obtained his PhD from the same university in 2007. He subsequently became a lecturer at Utrecht University. Between 2010 and 2013 he carried out research concerning non-state actors on the basis of a subsidy provided by NWO (VENI). Since November 2013 he is heading two research projects concerning jurisdiction, on the basis of subsidies provided by NWO (VIDI) and the European Research Council (ERC Starting Grant). In these projects, he examines to what extent states and regional organizations can apply their own legislation beyond their borders with a view to realizing international values.



**Krista Nadakavukaren Schefer** is Co-Head of Legal Services at the Swiss Institute of Comparative Law. Previously working with the Swiss Center for Human Rights Studies at the University of Zurich and the law faculty of the University of Basel, Krista continues to teach at the universities of Basel and Bern, as well as at the WTI. Her research interests cover a wide range of topics relating to trade and investment, but she mainly focuses on the questions of how the international economic law system interacts with the general international law rules relating to natural and human resources. Krista holds a JD from Georgetown University Law Center and a doctorate and Habilitation from the University of Bern. She is registered with the New York State Bar Association.



**Frances Stewart** was Director of Oxford Department of International Development (ODID) from 1993-2003 and Director of the Centre for Research on Inequality, Human Security and Ethnicity (CRISE) at the department between 2003 and 2010. She has a DPhil from the University of Oxford and an honorary doctorate from the University of Sussex. An Emeritus Fellow of Somerville College, Oxford, Frances has acted as consultant for early Human Development Reports; she has been President of the Human Development and Capability Association; President of the British and Irish Development Studies Association; Chair of the United Nations Committee on Development Policy and Vice-Chair of the Board of the International Food Policy Research Institute. She received the Leontief prize in 2013 for advancing the frontiers of economic thought from Tufts University. She was given the UNDP's Mahbub ul Haq award for her lifetime's achievements in promoting human development in 2009; and named one of fifty outstanding technological leaders for 2003 by Scientific American



**Peter-Tobias Stoll** is a Professor for public and public international law at Göttingen University and the Executive Director of the Institute for International Law and European Law, where he heads the Department for International Economic and Environmental Law. He is also the German Director of the Sino-German Institute for Legal Studies of the Universities of Nanjing and Göttingen at Nanjing University. He co-chairs the ESIL Interest Group on International Economic Law and the Study Group on Preferential Trade Agreements of the International Law Association. He studied law in Hamburg, Lausanne and Bonn and thereafter joined the Walther-Schücking-Institute at Kiel University, where he obtained his Dr. iur. Kiel in 1993. He has been a senior research fellow at the Max-Planck-Institute for Comparative Public and International Law in Heidelberg, where he passed his habilitation in 2001. On occasion, he counselled the German Federal Government, the German Federal Parliament, the UN, the EU and other governmental and non-governmental organization.





**Oisín Suttle** joined the Queen's University as a Lecturer in 2017. He previously worked as a Lecturer at the University of Sheffield (2014-17) and as a Teaching Fellow at University College London, where he completed his PhD. Before moving into full time academic work he practised as a solicitor with a leading Irish law firm, specialising in commercial dispute resolution, technology, data privacy and corporate crime. His primary research interests are in international economic law, including in particular the law of the World Trade Organisation, and legal and political theory. His wider interests include the theory of international law generally, and the relation between international law and international relations, in both theory and practice.



**Claus D. Zimmermann** is a senior associate at Sidley. He regularly advises governments and private stakeholders on international trade matters, with a particular emphasis on dispute settlement under the auspices of the World Trade Organization. In addition, he focuses on International Arbitration, European trade and competition law and policy. Before joining the firm, Claus gained valuable professional experience in the practice of international law and in international dispute settlement, as well as in EU law, through working for the WTO Appellate Body Secretariat, the IMF Legal Department, UNCITRAL, the International Treaties Division of the German Federal Ministry of Justice, the Permanent Representation of Germany to the EU and a Paris-based law firm. Claus is both a lawyer and an economist. He has been a visiting researcher in Stanford's John M. Olin Program in Law and Economics and a visiting fellow at the Institute of International Economic Law at Georgetown University as well as at Harvard's Department of Government. During his time at Oxford, Claus taught European competition law and policy and public international law.

