

THE SOURCES OF INTERNATIONAL LAW AND THE INTERNATIONAL LAW OF SOURCES

A Workshop

University of Fribourg, 26th January, 2018

Room 102, Centre de formation continue, Rue de Rome 6

Topic:

The present workshop is organized by Samantha Besson and Jean d'Aspremont with the sponsorship of the Swiss National Foundation for Scientific Research (SNF).

It is meant to perpetuate the discussion that has been initiated by the publication of the *Oxford Handbook of the Sources of International Law* (Besson and d'Aspremont (eds), OUP, 2017) and to add new voices to the debate by addressing outstanding theoretical, epistemological and empirical questions pertaining to the sources of international law.

Format and output:

The workshop is organized as a roundtable structured around four specific themes. Each of these themes will be introduced by one participant.

Participants are not expected to make any formal presentation and there will be no panels properly speaking. However, participants are strongly invited to prepare by reading the provided materials and reflect upon the four substantive themes indicated below with a view to contributing actively to the discussion.

We hope that, after the workshop, some of the participants will be willing to turn their substantive contribution and thoughts into an *ESIL Reflection* (publication of the European Society of International Law).

Participants:

Jean d'Aspremont (Manchester & Sciences Po Law School, Paris), Samantha Besson (Fribourg), Fernando Lusa Bordin (Cambridge), Catherine Brölmann (Amsterdam), Harlan Cohen (Georgia Law School), Sévrine Knuchel (Fribourg), Maiko Meguro (Amsterdam), Akbar Rasulov (Glasgow).

Materials:

For each of the themes indicated below, some pieces of scholarship, including some relevant chapters of the *Oxford Handbook on the Sources of International Law*, are provided. In addition, we invite participants to read the introduction of the Handbook which will be included in the reading materials.

General reading: Samantha Besson and Jean d'Aspremont, 'The Sources of International Law: An Introduction', in S. Besson and J. d'Aspremont (eds), *Oxford Handbook of the Sources of International Law* (OUP, 2017), 1-43.

1. Which Functions for the Sources of International Law?

Reading: Pierre d'Argent, 'Sources and the Legality and Validity of International Law: What Makes Law 'International'?', in S. Besson and J. d'Aspremont (eds), *Oxford Handbook of the Sources of International Law* (OUP, 2017), 541-561.

2. A Reform of the Sources of International Law?

Reading: Harlan Grant Cohen, 'Finding International Law: Rethinking the Doctrine of Sources', (2007) 93 *Iowa Law Review* 65-129.

3. International Law without Sources?

Reading: Philip Allott, 'The Concept of International Law', (1999) 10 *EJIL* 31-50.

4. The Sources as a Critical Tool?

Reading: David Kennedy, 'The Sources of International Law', (1987) 2 *Am. U. J. Int'l L. & Pol.* 1-96.

Place & Date:

University of Fribourg, Switzerland (see attached maps indicating the workshop location, hotel, restaurant and train station).

Friday 26th January 2018 from 9.00 to 17.30 (with a closing dinner after the workshop on Friday 26th January; recommended arrival on Thursday 25th January and departure on Saturday 27th January).

Reimbursement:

Meals (two breakfasts, one lunch and one dinner) and accommodation (two nights) in Fribourg are covered. Dinner and accommodation have been booked for participants based on the forms they have returned to Mrs Lorna Loup in November.

Travel costs to and from Fribourg (flight & train; Economy or 2nd class) are only covered up to 600 CHF max. If there are funds left after the workshop, they will be used to cover the additional travel costs of those who need it.

Programme

26th January 2018, Room 102, Centre de formation continue, Rue de Rome 6, University of Fribourg

Friday, 26 January 2018	
9.00-9.30 Welcome coffee, Cafeteria, Centre de formation continue	
<i>I. Which Functions for the Sources of International Law?</i> Chair: Jean d'Aspremont	
9.30-11.00	Introduction by Harlan Cohen, followed by general discussion
11.00-11.30 Coffee break, Cafeteria, Centre de formation continue	
<i>II. A Reform of the Sources of International Law?</i> Chair: Jean d'Aspremont	
11.30-13.00	Introduction by Fernando Lusa Bordin, followed by general discussion
13.00-14.00 Lunch break, Cafeteria, Centre de formation continue	
<i>III. International Law Without Sources?</i> Chair: Samantha Besson	
14.00-15.30	Introduction by Jean d'Aspremont, followed by general discussion
15.30-16.00 Coffee break, Cafeteria, Centre de formation continue	
<i>IV. The Sources as a Critical Tool?</i> Chair: Samantha Besson	
16.00-17.30	Introduction by Akbar Rasulov, followed by general discussion
19.00 Dinner, Restaurant <i>Aigle Noir</i> , Rue des Alpes 10	

Directions to venues
(Train station, NH hotel, Centre de formation continue, Aigle Noir restaurant)

