

## **International Legal Studies Colloquium Series**

### **Report on the February 25, 2009 session**

The International Legal Studies Colloquium Series was organized by students with the objective of giving LLM students the chance to present works of research they are undertaking at NYU to their peers, to encourage debate and critical analysis of their work. The sixty-two students on the International Legal Studies LLM program, and several others undertaking "General Studies" who have a particular interest in International Law were invited to take part.

Thanks to the support and encouragement of the IILJ, the first session was organized on Wednesday February 25th 2009, entitled "Hierarchy of Norms in International Law", and had a turnout of roughly 25 students from the ILS program as well as several other students from the General Studies program. The event was mediated by Professor Santiago Villalpando, Adjunct Professor of Law currently teaching a course entitled "Treaties and Responsibility: Selected Topics in the Current Work of the U. N. Intl Law Commission" at NYU in the Spring 2009 semester. Two papers were presented to the students gathered: (1) "The 'internationalization' of international investment law" by Andreas Kulick and (2) "The Lessons of Kadi: Reevaluating international legal ideology in light of 'smart sanctions' imposed on individuals by the Security Council" by Ravi S Mehta.

In the first paper, M. Kulick tracked the historical evolution of international investment law and its increasing emphasis on the importance and primacy of international norms in this domain. Through an analysis of case-law examining Article 42 (1) Second Sentence ICSID he offered a descriptive model for the increasingly hierarchical understanding of the sources of law applicable in investment disputes as opposed to its initial reliance on domestic law. In the second paper, M. Mehta analyzed the system of smart sanctions instituted by the Security Council in light of a reading of the telos of international law and its respect for the "core relationship" between State and individual as evidenced by the system of diplomatic protection. He suggested that the recent Kadi decision of the European Court of Justice neglected to engage with the EU's international legal obligations as its Advocate-General had suggested, but that in light of that teleological interpretation of public international law it should not be the subject of criticism, where individuals are not granted a means by which to represent their interests when they are directly affected by international legal norms.

Following the presentation, Professor Villalpando offered his assessment of the theses presented, underlining that they were inspired by a common concern about the relationship between international and national legal rules. Opening up a debate amongst the students, there was a discussion as to whether fragmenting influences such as the Kadi decision are actually a positive influence on the development of international rules and how the assessment of the substantive results of adjudication should impact structural concerns. The Colloquium concluded as a success, as much interest was expressed in continuing the Series, with many students volunteering to present papers at a future date.