



Interpretation of Customary International Law: Methods, Interpretative Choices and the Role of Coherence

2nd TRICI-Law Conference, 25-26 November 2021, The Hague*

This conference addresses the methods international judges from all branches of international law use to interpret rules of customary international law (CIL).

The methods applied to interpret CIL are varied and contested. International courts and tribunals (ICs) have often engaged in interpretation of CIL, using such means as teleological or systemic interpretation. Too little has been done to systematically explore these and other methods.

The conference has three main themes: i) methods of interpretation of customary international law; ii) variation of interpretative choices across international courts and tribunals; and iii) coherence as an approach or goal in the context of interpretation of customary international law. Participants are invited from several legal professions - scholars, judges and lawyers - including senior and junior researchers.

Methods of Interpretation of Customary International Law

How and to what extent do internationally accepted principles of legal interpretation provide general guidance on how to interpret CIL - thus guiding and restricting ICs' discretion? Participants are invited to address such questions as whether different ICs use different interpretative methods, or draw on different principles of interpretation when they apply CIL. How can such differences, if any, be explained, and perhaps justified, in light of the different composition, procedure, subject matters, and place within institutional structures of the different international adjudicative bodies?

- What are the methods of interpretation of CIL that ICs use?
- Are there commonalities and patterns in the ways that ICs belonging to different fields of international law interpret customary rules?

*On the subject of CIL interpretation see TRICI-Law Research Paper Series [here](#), [here](#) and [here](#).

* The COVID pandemic may require on-line or hybrid arrangements

Variation and Legitimacy of Interpretative Choices of CIL across International Courts and Tribunals

The conference also invites studies of the impact of interpretation of CIL for the legitimate authority of ICs: What are the links between courts' interpretative practices and methods regarding CIL, and the sociological and normative legitimacy of ICs?

- How do interpretative choices in CIL interpretation vary across ICs?
- Do different ICs display preferences for different methods of interpretation of CIL?
- Which factors influence the preferences of different ICs for different methods of interpretation of CIL?
- Does such variation strengthen or weaken the legitimacy or authority of ICs?
- Does intra-Court variation in interpretative choices of CIL raise additional legitimacy concerns compared to inter-Court variation?

Interpretation of Customary International Law and Coherence

Participants are also invited to discuss the relationship between interpretation of CIL and coherence. Coherence in interpretation of CIL may be seen, on the one hand, as a result-oriented determination or even goal, guiding interpretation of CIL by ICs to avoid contradictions and secure substantive unity with existing interpretations. On the other hand, coherence also concerns the legal reasoning of ICs, who are expected to build coherent legal argumentation.

- What is the relation between coherence and principles and methods of interpretation of CIL?
- To what extent do ICs regard coherence as a conscious policy in deriving the normative content from CIL, or justifying their interpretative practices?
- Is it necessary or even possible to strive towards coherence in interpretation of CIL?
- What are possible signs of (in)coherent interpretation in law and, in particular, in CIL interpretation?
- How does (in)coherence affect the legitimacy of the ICs and of PIL?

Application Process

- Please submit an abstract of no more than **500 words** in a text file (.docx, .odt etc. – not .pdf) to trici-law@rug.nl. Only one abstract per author (resp. team of co-authors) will be considered.
- Please include the following information in addition to the abstract:
 - The name and affiliation for the author (all co-authors);
 - contact details, including email address and phone number;
 - a brief CV for all co-authors, including a list of relevant publications.
- We look for a wide range of voices and takes on this topic from all corners of international legal scholarship and practice – both established and early career scholars, practitioners and 'stakeholders' – representing a wide range of views, including critical and main-stream, 'conservative' and 'progressive'. In selecting the speakers, we will aim to secure a balance of views, backgrounds and approaches.

- The deadline for the submission of abstracts is **18 April 2021**. Applicants will be informed of the selection committee's decision no later than **10 May 2021**.
- Successful applicants are expected to submit a paper of **5,000 words no later than 24 September 2021** and will be expected to present their topic for no longer than 15 minutes in their respective panels. Participants may also be asked to prepare comments on some other paper. Selected papers will be published in an edited volume.

3. Organisers

The conference is sponsored by the TRICI-law project and by the PluriCourts Centre.

The Conference is co-organised by the ERC project on 'The Rules of Interpretation of Customary International Law' (TRICI-Law project, University of Groningen), the PluriCourts Centre on the legitimacy of the global judiciary, at the University of Oslo and the Department of Transboundary Legal Studies of the University of Groningen. This project has received funding from the European Research Council (ERC) under the European Union's Horizon 2020 Research and Innovation Programme (Grant Agreement No. 759728). PluriCourts is funded by the Research Council of Norway, project number 223274.