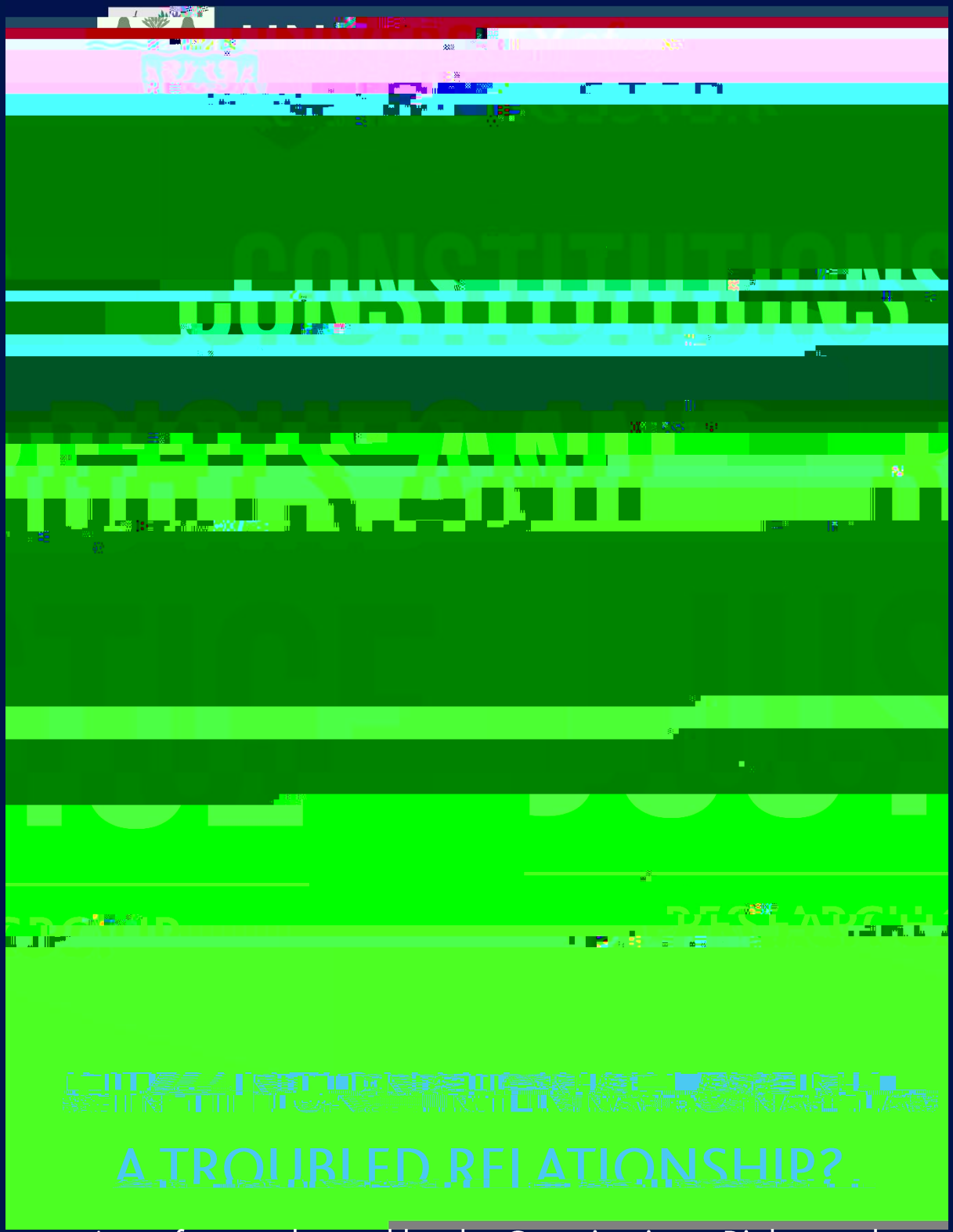

A TROUBLED RELATIONSHIP?

A conference hosted by the Constitutions, Rights and [illegible]

[illegible] Constitutional Law Association

8 [illegible]

Outline

12:30	[illegible] **chaired by Dr Nkem Adeleye, Senior Lecturer in Law, University of Worcester** **Paper 7:** *[illegible] Compliance with International Law: Stuck [illegible] Unilateral Sanctions [illegible] Developing UK Approach?'* [illegible] King's College London. [illegible] **Paper 9:** [illegible] by Dr Stuart Wallace, University of Leeds.
13:30	[illegible]
14:30	**Panel 4 (JL1005) chaired by Felicity Miles** [illegible] **Worcester** **Paper 10:** [illegible] *Law'* [illegible] **Paper 11:** *[illegible]* by Sara Moran, Senedd Cymru / Welsh Parliament [illegible] *Question of Competence'* by Dr Erin Ferguson, University of Aberdeen.
15:30	**Panel 5 (JL1005)** [illegible] **Jones, Lecturer in Law, University of Worcester** [illegible] *'The ECHR: A Barrier to Parliamentary Sovereignty or a Protective Layer for our Rights?'* [illegible] [illegible] **4:** [illegible] by Dr Chris [illegible] [illegible] **5:** *'The Law of Treaty Withdrawal and its application in the United Kingdom: In Search of a Synthesis'* by Dr Frederick Cowell, Birkbeck College, University of London
16:50	**Closing Remarks (JL1005)** Dr Michael Lane, Lecturer in Law, University of [illegible]
17:00	**Conference End**

Papers

1. [illegible] by Nicholson, Durham Law School.

[illegible] First we contend that dualism provides [illegible] around the direct effects – [illegible] ailing to account for significant grey spaces between the various divisions – internal/external; justiciable/non-justiciable; effective/non-effective – which it [illegible] distinction betwe[illegible] account for the significant body of hybrid norms in the UK constitution – that is, [illegible] are better understood as co-gen[illegible] domestic and international legal orders. Third, dualism [illegible] does not – for the reason that post-incorporation legitimacy challenges persist – guarantee the constitutional stability that its [illegible] from the reception of international norms into the domestic legal order. [illegible] of the relationship between the UK domestic and international legal orders. At root, it

2. [illegible] by Dr Lewis Graham, University of Cambridge.

[illegible] local enforceability. So much is trite. However, this does not mean that international law has no effect at the domestic level whatsoever, although the [illegible] adopted a position which is, on the whole, resistant to the influence of

current UKSC judges appear to endorse a more rigid and conservative conception of dualism compared to their predecessors.

3. ***'Common law jurisdictional hooks to assess compliance with unincorporated*** **by Mr Gabriel Tan and Mr**

seen as reasserting an uncompromising defence of dualism. The Supreme Court

Government has breached an unincorporated international treaty, when so finding, it was stated that the principle that an unincorporated treaty does not law". Yet, in two high profile decisions following SC – Friends of the Earth v SSIT [2022] EWCA Civ 14 and EOC v SSHD [2022] EWCA Civ 207 – the Court of Appeal has arguably endorsed that using public law principles in common law to

unincorporated international treaties is permissible ("common law jurisdictional hooks"). In EOC, it was specifically considered that such an analysis is not precluded by SC. This paper critically assesses the use of common law jurisdictional hooks for unincorporated international treaties. It argues that the First, an international treaty do incorporated into the law by legislation. Second, the executive has no power to alter domestic law. It argues that both these propositions are breached by the that such an approach is incompatible with the principles of dualism.

4. ***'Distinguishing Permissible from Impermissible Legal Uses of Unincorporated Treaties: Beyond Dualism'*** **by Dr Joanna Bell, University of Oxford.**

question, judges commonly reach for a common set of ideas. The UK legal

convergence with the US) that results in lower compliance? Or the development of a British approach, rooted perhaps in the view that compliance is important, but [illegible] dubious? To evaluate these questions, this paper will use several unilateral sanctions regimes as case studies, including thematic and geographic regimes to [illegible] might be justified.

8. [illegible] by University of Sussex Prof. Christian Henderson, Univers[illegible]

NATO's intervention in Kosovo in 1999. The notion of it being 'unlawful yet legitimate' in certain circumstances has found its way into debates in various disciplines and the question as to how this might be reconciled with the current position of international law, its future impact upon international law, [illegible] emergence of the so-called 'Responsibility to Protect' no state has implicitly or explicitly taken the view that a legal right of unilateral humanitarian intervention exists in international law, that is that a right of forcible intervention exists outside [illegible] exception of the United Kingdom which has claimed its existence both in the [illegible] This paper explores the UK's relationship with the doctrine of humanitarian intervention, including the impact of [illegible] development of UK government policy, its legal strategy and how it might claim that such a right exists lex lata given its seemingly isolated position.

9. [illegible] of Leeds

[illegible] declaration of incompat[illegible] understand how these violations come about and how they are remedied [illegible]

looks at how violations are remedied after a declaration of incompatibility has

10.

those Acts would be inadequate, this paper advances an argument which cuts

Having advanced its argument the paper suggests reasons for confusion in those

13. *'The ECHR: A Barrier to Parliamentary Sovereignty? The Impact of the ECHR on our Rights?'* **by Mrs Kelly Rowney, University of Law.**

It was long considered that the UK's membership of the European Union (EU) limited Parliamentary Sovereignty and that Brexit signified a "return to

EU referendum similar concerns

and result in no need for the ECHR. Although this particular

government, there is still potential for an exit from the Council of Europe in the UK's future because of these sovereignty concerns. Thus, this paper

ECHR in order to comment on whether the limitations caused by the ECHR are of the same magnitude as the those caused by the EU. The focus for critical discussion will be on limitations presented by the enacting UK legislation (the

Court of Human Rights). The paper will conclude by exploring whether there are any changes that could be made to the HRA in order to reduce any interferences with Sovereignty and, ultimately, whether these changes are needed when putting this into the context of protecting human rights.

clear: '[j]ust as we will promote the rule of law domestically, so we will seek to [illegible] will support the Foreign Secretary in all his efforts [illegible] of international law and the rule of law for the security and prosperity of all [illegible] between domestic and international law. But to what extent does the United [illegible] Islands legal dispute is a case-in-point. The United Kingdom government has chosen to ignore the International Court of Justice's Advisory Opinion and the [illegible]

[illegible] criticised the fact that the International Court of Justice gave an advisory opinion [illegible] in international law but that does not change the fact that they are not legally [illegible] Court of [illegible] and of colonisation. This the United Kingdom ignored and could be seen as thumbing its nose at the [illegible] off. Other recent examples include the Rwanda Bill and the original United Kingdom Internal Markets Bill. During a parliamentary debate on the United [illegible] nacted [the Bill], would [illegible]

15. 'The law of Treaty Withdrawal and its application in the United Kingdom: In Search of a Synthesis' by Dr Frederick Cowell, Birkbeck College, University of London

Constitutional law in the United Kingdom has traditionally placed processes [illegible] been considerable political pressure and reform of the process surrounding the [illegible] eaties, until R(Miller) v The Secretary of State for Exiting the European Union the courts were content to leave [illegible] as much attention. This paper analyses the approach in UK constitutional law to treaty withdrawal and assesses how this interacts with the law of treaty [illegible]

assesses how the decision to denounce a treaty on the international plane is

f treaty withdrawal, exploring the implications of possible withdrawal from the European Convention on Human

withdrawal in the UK constitutional context.