

**Custom in Crisis:
International Law in a Changing World**

Duke Law School

October 31, 2014

Law School Room 3000

8:30 am – 9:15 am

Continental Breakfast

9:15 am – 10:30 am

What is Customary International Law?

Curtis Bradley, *A State Preferences Account of Customary International Law Adjudication*

Emily Kadens, *The Thousand-Year Crisis of Custom*

Brian Leppard, *Customary International Law as a Dynamic Process*

John Tasioulas, *Custom and Consent*

Commentator: Larry Helfer

10:30 am – 10:45 am

Coffee Break

10:45 am – 12:00 pm

How is Customary International Law Ascertained?

Mitu Gulati, *Customary International Law: How Do Courts Do It?*

Monica Hakimi, *Custom's Process and Method: Lessons from Humanitarian Law*

Larissa van den Herik, *The Unsuitability of Custom as a Source of International Criminal Law*

Commentator: Niels Peterson

12:00 pm – 1:15 pm

Lunch on the Third Floor Star Commons Mezzanine
Remarks by Sir Michael Wood, Special Rapporteur for ILC Project on the Identification of Customary International Law

1:15 pm – 2:30 pm

How Does Customary International Law Relate to Other Forms of International Lawmaking?

Tomer Broude, *Nothing to Declare: The Silence of Custom in International Trade Law*

Laurence Helfer & Tim Meyer, *The Evolution of Codification*

Jan Wouters, *Custom and Informal International Lawmaking*

Commentator: Monica Hakimi

2:30 pm – 2:45 pm

Coffee Break

2:45 pm – 4:00 pm

Is Customary International Law Still Useful?

Chin Lim, *The Strange Vitality of Customary International Law in the International Protection of Property, Contracts, and Commerce*

Niels Petersen, *Customary International Law and Public Goods*

Joel Trachtman, *The Obsolescence of Customary International Law*

Ingrid Wuerth, *Customary International Law as Constitution*

Commentator: Brian Lepard

6:15 pm

Shuttle pickup from entrance of the Washington Duke Hotel

6:30 pm

Cocktails and Dinner
[Nana's](#) Restaurant