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 Lepard, 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