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MAX PLANCK INSTITUTE

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Rudolf Bernhardt Lecture

Professor Eirik Bjorge

Chair in Public International Law, University of
Bristol Law School

The Contribution of the European Court of Human Rights to General International Law

Friday, 19 October 2018, 17:00 h

Max Planck Institute for Comparative Public Law
and International Law, Heidelberg

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The lecture will be followed by a discussion and a reception at the Max Planck Institute for Comparative Public Law and International Law.

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Funded by alumni, friends and former students of Rudolf Bernhardt on the occasion of his 90th birthday in 2015, the Rudolf Bernhardt Lecture honors the life and work of the institute's director emeritus.

The second lecture brings to Heidelberg an outstanding young scholar who works in research fields that have been shaped by Rudolf Bernhardt during his long and distinguished career, in particular in the area of human rights and fundamental freedoms.

Eirik Bjorge teaches at Bristol University Law School, where he was made a Professor of Law in 2018. He is the author of *The Evolutionary Interpretation of Treaties* (OUP 2014), which won the Gold Medal of the King of Norway, and *Domestic Application of the ECHR: Courts as Faithful Trustees* (OUP 2015). He has recently published a translation and expanded version of Bernard Stirn's *Towards a European Public Law* (OUP 2017).

At Bristol he teaches public international law, comparative public law, and EU law. In the past he has taught at Oxford and Sciences Po, Paris. Eirik was previously the Shaw Foundation Junior Research Fellow at Jesus College, Oxford (2013–2016) and has been a *pensionnaire étranger* at École normale supérieure, a visiting fellow at Sciences Po and at the Max Planck Institute for Comparative Public Law and International Law, Heidelberg. He has clerked at the Conseil d'État and the European Court of Human Rights.

He has acted as counsel in numerous proceedings before the European Court of Human Rights and the UN Human Rights Committee; he is also counsel to Kenya in *Maritime Delimitation in the Indian Ocean (Somalia v Kenya)* and has been counsel in proceedings taking place under the auspices of the International Centre for the Settlement of Investment Disputes (ICSID) and the Permanent Court of Arbitration (PCA).

Abstract:

The jurisdiction of the European Court of Human Rights extends to all matters concerning the interpretation and application of the European Convention on Human Rights and its Protocols. In interpreting and applying the Convention, the Court takes into account other relevant rules of international law; the Convention should so far as possible be interpreted in harmony with these other rules of international law of which it forms part. This means that the Court will rely on rules of general international law such as customary international law and general principles of law. This lecture explores the considerable contribution which the European Court has come to make to that body of law, both as regards rules of a substantive nature and a procedural nature. The thesis is that the contribution of the European Court in this regard has not yet been fully understood.