



University of Cyprus
Department of Law

The **Department of Law** at the **University of Cyprus** kindly invite you to a research seminar on

Third Party Complicity: The Obligation of ‘Non-Recognition as Lawful’ and Non-Assistance to Unlawful Situations and the Role of Third States in the Enforcement of International Law

University of Cyprus, Wednesday, 26 February 2020 at 16:00-18:00

By Dr. Valentina Azarova

Abstract

The seminar will discuss an ongoing research project that interrogates international law’s response to cases of wrongful assistance, or complicity in a principal violation of international law. In a range of both interstate and private dealings such as arms sales and defense cooperation, foreign aid and development cooperation, and transnational trade and business, the violative effects of state assistance by third party state or non-state actors to serious wrongs by the partner country (or actors under its control) occur without consequence – and thus appear to remain outside the reach of the law. We thus begin by interrogating the indeterminacies of the law of complicity – including state complicity under Article 16 ARSIWA and due diligence under Common Article 1 to the Geneva Conventions – and explicating the policy implications of their consequent remedial limits. With a view to account for situational and structural complicity, we draw on the special regime of aggravated responsibility for ‘serious breaches of peremptory norms’ found in Articles 40-41 of the ILC’s Articles on State responsibility, and specifically, the unique conceptions of harm and proximity, and distinct regulatory form of the obligation of third states to ensure the non-recognition as lawful. We explore its actual and potential scope of application as a form of what we call ‘third party complicity’, through four types of interstate and private dealings: arms transfers and technical assistance-based complicity in the Yemen conflict; EU and Italian aid to Libyan authorities in the migration context; trade in goods produced in conditions of structural illegality eg forced labour; business in illicit economies in occupied territory in Palestine and Western Sahara; and law enforcement and intelligence cooperation by European countries with the US in the context of the latter’s global drone warfare. We conclude with reflections on the conditions of possibility for (re)framing complicity and shoring up a parallel law informed by a distinct regulatory form that relies on a transnational legal process and a set of cognate norms that draw on the regulatory coherence of domestic laws.

Speaker Bio

Dr. Valentina Azarova is an international law practitioner and scholar. She has fifteen years of experience in international legal advocacy and litigation with a focus on transnational exploitation, and is a founding member and senior legal advisor to the innovative litigation collective, Global Legal Action Network. She has taught across the Middle East and held posts in universities in Palestine (where she co-founded and directed the first human rights bachelors programme in the region), Lebanon, and Turkey. She is currently involved in research and teaching at the Manchester International Law Centre, University of Manchester, the Institute for International Law of Peace and Armed Conflict, Ruhr University in Bochum, and at Swansea University. Her research and practice focus on complicity and its regulation in international and transnational law. She has published widely on the operation of international law in the Israel/Palestine context.

Practical Details

Venue: University of Cyprus, XΩΔ 02, B208.

Registration: Participation is free and no registration is needed.

Language: The seminar will be conducted in English.