

## Dr LUIGI CREMA, PhD

Professor of International Law  
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### Profile:

Luigi Crema is Professor of International Law at the Law School of the Università degli Studi of Milan and Visiting Professor at the University of Notre Dame Law School (IN, USA). He graduated *cum Laude* from the Università degli Studi of Milan and holds a PhD in Public International Law from the Universities of Geneva and Milan. He did post-doctoral work as a fellow at the Jean Monnet Center of the New York University School of Law and at the Kellogg Institute for International Studies at the University of Notre Dame. He has numerous publications in the field of international law, including a book on the interpretation of treaties, articles in law reviews, including the *European Journal of International Law*, and well as several chapters in books. His work has been cited by the International Law Commission of the United Nations (Nolte's report on subsequent agreements and practice; Woods' report on customary international law) and the US Court of Appeals for the 2<sup>nd</sup> Circuit (*UN Haiti* case), and he has presented his ideas in many venues, including the UN. He has dedicated himself in recent years to a broad project of institution building, helping to establish and implement two new degree programs: an LLM program on Sustainable Development (President of the program) and a PhD on Law, ethics, and economics (member of the Board and of the Executive Board), as well as a website on sustainability ([www.sdwatch.eu](http://www.sdwatch.eu)).

### Current academic positions:

University of Notre Dame Law School (USA), 2022, Spring Semester  
Visiting Professor (International Law 70401, 3 US credit hours, 28 classes of 75 minutes;  
International Environmental Law 70431-01, 2US Credit Hours, 14 classes of 100 minutes)

Associate Professor, Università degli Studi di Milano, Faculty of Law, since 2021 (classes on *Extreme Poverty and Sustainable Development*; *International Investment Law and Sustainable Development*; *Introduction to Law for PhD Students*).

President of the LLM on Law and Sustainable Development (2021-2024);

Member of the Academic Board, and member of the Executive Board (Head of seminars in law), of the PhD Program on Law, Ethics and Economics for Sustainable Development (LEES), since 2019.

### Education:

Universities of Geneva and Milan, 2005-2009  
Ph.D. in Public International Law  
Thesis: «Subsequent Practice to the Treaty: Between Interpretation and Amendment»

Università degli Studi di Milano (Italy), 2000-2005  
4-year BA in Law (*Laurea*), Law School, Università degli Studi of Milan  
110/110, *cum laude*

## Other Positions and Fellowships:

Member of the Support Team to the Italian Counsel in investment arbitrations, 2018-2020

University of Notre Dame Law School (USA), 2016, Spring Semester  
Visiting Professor (International Law 70401, 3 US credit hours, 28 classes of 75 minutes)  
Fellow at the Kellogg Institute for International Studies

New York University (USA), 2011 to 2012  
Emile Noël Fellow at the Jean Monnet Center

Università degli Studi di Milano and Université de Genève (Switzerland), 2008 to 2010  
Grant for a project on the League of Nations

University of Notre Dame Law School (USA), 2007  
Visiting Doctoral Researcher

Université de Neuchâtel (Switzerland), 2006-2007  
Grant of the Italian-Swiss Exchange Program for PhD Students

## Publications:

### *Books:*

LA PRASSI SUCCESSIVA E L'INTERPRETAZIONE DEL DIRITTO INTERNAZIONALE SCRITTO (Giuffrè, 2017)

### *Articles, Peer-reviewed Working Papers, and Chapters in Books:*

*Some Thoughts on the ILC's Recent Turn to the ILC's New Way of Codifying International Law, the Motives Behind It, and the Interpretive Approach Best Suited to It*, forthcoming chapter (Cambridge University Press, 2022).

*Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)*, forthcoming in RIVISTA DI DIRITTO INTERNAZIONALE (2022).

*Il diniego di giustizia visto attraverso il caso Lion c. Messico e i paradossi della vicenda Chevron* forthcoming chapter (Giappichelli, 2022).

In Dubio Mitius, MAX PLANCK ENCYCLOPEDIA OF INTERNATIONAL PROCEDURAL LAW (Oxford University Press, 2020)

*The Legal Status of Decisions by Human Rights Treaty Bodies: Authoritative Interpretations or mission éducatrice?* (with Leonardo Borlini), 11 GLOBAL COMMUNITY YEARBOOK OF INTERNATIONAL LAW AND JURISPRUDENCE 129 (2020)

*The Convention on the Rights of the Child Before the UN Treaty Bodies and the ICJ: 'Taking into Account' or Ignoring?*, 14 DIRITTI UMANI E DIRITTO INTERNAZIONALE 79 (2020)

*An Attempt to Disentangle the Crimean impasse*, BETWEEN DEMOCRACY AND LAW 213 (Carlos Closa, Costanza Margiotta, Giuseppe Martinico eds, Routledge, 2020)

*The Common Law (and not Roman) Origins of Amicus Curiae in International Law*, 20 GLOBAL JURIST 1 (2020)

*Il lodo. Requisiti, correzione, lodo aggiuntivo, interpretazione e revisione*, TRATTATO DI DIRITTO DELL'ARBITRATO,

vol. XIII (L'ARBITRATO NEGLI INVESTIMENTI INTERNAZIONALI) 639 (Daniele Mantucci ed., Editoriale Scientifica, 2020)

*L'unità del diritto internazionale nel ragionamento giuridico*, 9 ARS INTERPRETANDI 101 (2020)

*The Interpretive Work of Treaty Bodies: How They Look at Evolutionary Interpretation, and How Other Courts Look at Them*, EVOLUTIONARY INTERPRETATION AND INTERNATIONAL LAW 77 (George Abi-Saab, Kenneth Keith, Gabrielle Marceau, Clément Marquet eds, Hart, 2019)

*The Reference Re Secession of Quebec, the Kosovo Advisory Opinion and the Questions They Leave Open. The Right to decide, the principle of stability, and the duty to negotiate*, THE CANADIAN CONTRIBUTION TO A COMPARATIVE. LAW OF SECESSION: LEGACIES OF THE QUEBEC SECESSION REFERENCE 89 (Giacomo Delledonne and Giuseppe Martinico eds, Palgrave, 2019)

*La Commissione del diritto internazionale al tempo del diritto internazionale debole*, LA CODIFICAZIONE NELL'ORDINAMENTO INTERNAZIONALE ED EUROPEO 369 (Serena Forlati & Francesco Salerno eds, Editoriale Scientifica, 2019)

*Between Illegal Russian Occupation and Western Economic Sanctions, Is It at All Relevant (and Even Possible to Determine) what the Crimean People Want?*, 18 L'IRCO CERVO 66 (2018)

*Le consultazioni popolari in Catalogna e nel Kurdistan iracheno*, 12 DIRITTI UMANI E DIRITTO INTERNAZIONALE 173 (2018)

*The Many Dimensions of the Principle of Solidarity in the European Union*, UNITY IN ADVERSITY 131 (Vit Novotny ed., Martens Center, 2017)

*La secessione nel diritto internazionale: l'opzione filo-statale del diritto internazionale*, 17 L'IRCO CERVO 3 (2017)

*Article 19*, COMMENTAIRE DU PACTE DE LA SOCIÉTÉ DES NATIONS, DU PACTE DE LA S.D.N.A LA CHARTE DES NATIONS UNIES 364 (Robert Kolb ed., Bruylant, 2015)

*Subsequent practice in Hassan v United Kingdom: When things seem to go wrong in the life of a living instrument*, 15 QUESTIONS INT'L L. 3 (2015)

*Is the Intention of the Parties at the Heart of Interpretation? Some News about Subsequent Practice from The Hague*, 1 QUADERNI SIDIBLOG 297 (2014)

*On Solidarity in International Law* (with P. Carozza), Caritas in Veritate Foundation, available at SSRN: <https://ssrn.com/abstract=2949960> (2014)

*Ripensando i diritti dell'uomo come diritti umani. The Last Utopia, di Samuel Moyn*, 12 L'IRCO CERVO 28 (2013)

*Subsequent Agreements and Subsequent Practice within and outside the Vienna Convention*, TREATIES AND SUBSEQUENT PRACTICE 13 (Georg Nolte ed., OUP, 2013)

*Investor Rights and Welfare Society: Remarks on the Interpretation of Investment Treaties in Light of Other Rights*, INTERNATIONAL INVESTMENT LAW AND COMMON CONCERNS 50 (Tullio Treves, Francesco Seatzu & Seline Trevisanut eds., Routledge, 2013)

*Are Amnesties Still an Option? A Non-Policy Based Critique of the Inter-American System* (Notre Dame Ctr. for Civil & Human Rights, Working Paper Ser. No. 6, 2013)

- The “Right mix” and “Ambiguities” in particular customs. A Few Remarks on the San Juan River Case*, INTERNATIONAL COURTS AND THE DEVELOPMENT OF INTERNATIONAL LAW. ESSAYS IN HONOUR OF TULLIO TREVES, 65 (Nerina Boschiero, Tullio Scovazzi, Cesare Pitea & Chiara Ragni eds., TMC Asser, 2013)
- Testing Amici Curiae in International Law: Rules and Practice*, 22 ITALIAN Y.B. INT’L L. 91 (2012)
- Tracking the Origins and Testing the Fairness of the Instruments of Fairness: Amici Curiae in International Litigation* (Jean Monnet Working Paper, NYU School of Law, 09/12, 2012)
- Oltre l’oggettivismo, la riscoperta dell’immaginazione. Una presentazione e una critica a From Apology to Utopia, di Martti Koskenniemi*, 9 L’IRCO CERVO 1 (2010).
- Disappearance and New Sightings of Restrictive Interpretation(s)*, 21 EUR. J. INT’L L. 681 (2010)
- Draft Procedures and Operational Mechanisms to Promote Compliance and to Address Issues of Non-Compliance under the 2001 International Treaty on Plant and Genetic Resources for Food and Agriculture*, NON-COMPLIANCE PROCEDURES AND MECHANISMS AND THE EFFECTIVENESS OF INTERNATIONAL ENVIRONMENTAL AGREEMENTS 137 (Tullio Treves, Laura Pineschi, Cesare Pitea, Chiara Ragni & Francesca Romanin Jacur eds., TMC Asser, 2009)
- Il caso WDF: corruzione e ordine pubblico transnazionale innanzi alla giurisdizione ICSID*, 44 RIVISTA DI DIRITTO INTERNAZIONALE PRIVATO E PROCESSUALE 111 (2008)

### **Selected Lectures:**

- Self-determinations*, Kellogg Institute for International Studies, Notre Dame University, 24 March 2022.
- Il diritto costituzionale come speranza*, Stroncature, on-line meeting, 15 December 2021.
- Il precedente nel diritto internazionale e dell’Unione Europea*, Discussant at the XVII Meeting of the young scholars of international law, Università degli Studi di Bologna, 10 December 2021.
- Quale giurisdizione per i diritti sociali, ambientali e degli investitori? Riflessioni sul possibile ruolo di corti internazionali e tribunali arbitrali ad-hoc nel diritto internazionale degli investimenti*, Università degli Studi di Milano, 29 October 2021.
- Europe des valeurs*, Fondazione ISMU, 23 September 2021.
- PhD Roundtables (*The Role of Quasi-Judicial Bodies*, with Cesare Romano, Università degli Studi di Milano, 22 February 2021; *The professionalisation of international law*, with Pierre d’Argent, Università degli Studi di Milano, 15 February 2021; *Sovereignty Today*, with Enzo Cannizzaro, Università degli Studi di Milano, 19 January 2021; *The Turn to History of International Law*, with Martti Koskenniemi, Università degli Studi di Milano, 19 February 2020; *China’s Adaptive Governance along the Belt and Road Initiative*, with Maria Adele Carrai, Università degli Studi di Milano, 17 January 2020).
- The Limits of the Contemporary System of Settlement of Disputes between Private Investors and States*, presentation in a panel with the leaders of UDAPT, the group of native Americans bringing a law suit against Chevron, W. Lucitante, P. Fajardo, Università degli Studi di Milano, 22 October 2019.
- Jean Monnet – 30 years of Excellence in European Studies*, Workshop in Italian, Università degli Studi di Milano, 15 October 2019.

- The International Legal Reasoning*, presentation in Italian with the Emeritus President of the Supreme Court of Cassation, G. Canzio, and Prof. G. Zaccaria, Università degli Studi di Padova, 5 October 2019
- The Law of Treaties at 50 Years of the Adoption of the Vienna Convention*, Discussant at the XVI Meeting of the young scholars of international law, Università degli Studi di Trieste, Polo di Gorizia, 30 September 2019
- Impact and Legal Value of Human Rights Bodies' Acts*, Global Human Rights at Risk? Challenges, Prospects, and Reforms (6-7 June); Leiden University, The Hague Campus, 7 June 2019
- Once You Get to the Top of a Positivized Legal System, Customary Law Comes Out Again*, presentation with C. Ryngaert; The Theory and Philosophy of Customary International Law and Its Interpretation (24-25 May), University of Groningen, 25 May 2019
- The Legal Effects of the Pronouncements and of the Consolidated Trends of the Treaty Bodies within Domestic Legal Systems: On Some Recent Italian, German, and Spanish Cases*, presentation in Italian with P. De Sena, F. Petri, R. Pisillo Mazzeschi, Università di Parma, 6 May 2019.
- Human Rights Treaty Bodies: Mission Éducatrice, International Supervision or Authoritative Interpretations?* (with L. Borlini), presentation with A. F. Tatham and M. L. Deftou, ESIL Research Forum 2019, The International and Domestic Rule of Law – Synergies and Challenges, University of Goettingen (3-4 April), 3 April 2019
- Third Intervening Parties before the ICJ and the Indispensable Third-Party Principle*, discussant, Angelo Piero Sereni's Lecture, Università degli Studi di Bologna, 11 April 2019
- An Attempt to Disentangle the Crimean Impasse*, lecture, Università degli Studi di Padova, 10 April 2019
- Sovereign Individual*, ICON-S, Italian Chapter, Rome, 24 November 2018
- The Legal Value of the Decisions of the Treaty Bodies for the Interpretation of a Treaty*, Amicus Curiae dell'Università di Ferrara, 19 June 2018
- Self-determination of Peoples and International Law: The Preference for Continuity*, with A. Favaro and A. Tancredi, at the Regional Parliament of the Veneto Region, Venice, 3 November 2017
- Deconstructing Solidarity?*, with Virginia Dandan, Independent Expert for the Human Rights Council of the United Nations, Notre Dame University, South Bend, April 2016
- What Input on the Draft Declaration on Solidarity?*, Presentation at the Side event of the Office of the High Commissioner for Human Rights, Palais des Nations, Geneva, 16 June 2015
- Rights and Obligation Stemming from International Solidarity*, Expert Opinion, Office of the High Commissioner for Human Rights Consultations with East and West European Countries, Palais des Nations, Geneva, 20-21 April 2015
- Giving Legal Bases to the Concept of International Solidarity as Human Right*, Round-table with NGOs on *Solidarity in International Law*, Geneva, 11 June 2014
- How History, Power and Law Are Intertwined?*, Historical and Legal Introduction and Chair in a meeting with Prof. M. Arcari and A. Colombo on Ukraine, Università degli Studi of Milan, 19 May 2014

*International Law as a Project of World Government. Historical and Contemporary Considerations*, Introduction and Chair in the meeting with M. Koskenniemi and T. Treves, Università degli Studi of Milan, 8 May 2014

*The Margin of Appreciation and in Dubio Mitius*, presentation at the conference *A Future for the Margin of Appreciation in International Law?*, Paris, Centre franco-norvégien en sciences sociales et humaines, 11 February 2014

*Treaties and Subsequent Practice*, lecture at a panel with L. Boisson de Chazourne, B. Simma, and J. Crawford, University of Geneva, 24 May 2011

### **Recent Teaching Experience:**

Università degli Studi di Milano (Italy).

Courses for JD and LLM: *Extreme Poverty and International Law*; *International Investment Law and Sustainable Development*; *International Law*.

Courses for PhD Program: *Introduction to Law*.

University of Notre Dame Law School, 2016 (Spring Semester); 2022 (Spring Semester)

*International Law*; *International Law and International Environmental Law*

### **Participation in Law Reviews**

2016 to Present, co-founder and member of the Academic Board of SD Watch, the online platform on sustainable development of the Università degli Studi of Milan (sdwatch.eu)

2012 to present, Associate Editor of the Canadian review *International Law Research*

2010-19, Associate Editor of the Italian review of theory of law, *L'Ircocervo*, ([www.lircocervo.it](http://www.lircocervo.it))

### **Languages**

Italian, maternal tongue. English and French, fluent. Competence of Spanish