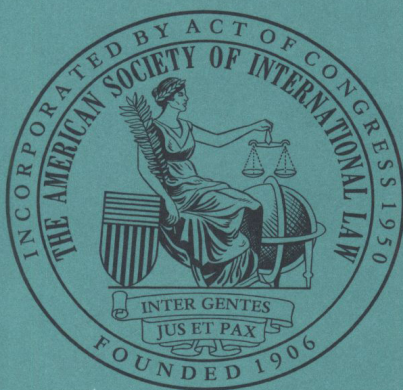


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- Power and Persuasion in Investment Treaty Interpretation: The Dual Role of States
Anthea Roberts



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American Society
of International Law
105th Annual Meeting

Harmony and Dissonance in International Law

March 23–26, 2011
The Ritz-Carlton, Washington, DC

International law, and the world in which it operates, are increasingly both harmonious and dissonant. The Society's Annual Meeting in 2011 will focus on the evolution of international law in the context of this paradox.

On the one hand, international law has become segmented, as specialized international institutions and rule-making have proliferated in a variety of issue areas. Another facet of segmentation has been the proliferation of competing and complementary conceptions of international law. Some view the growing body of specialized international legal rules as creating problems in the unity of international law, ultimately undermining the international legal system's ability to promote peaceful relations among states and other actors. Others view fragmentation as a positive development that reflects the expansion and increased diversity, and hence utility, of international legal norms, particularly in accommodating the diverging interests of international actors.

On the other hand, recent years have witnessed a seemingly opposite trend towards seamlessness, as evidenced by the collapsing of boundaries between public and private international law, between non-state actors and principles of state responsibility, between law and policy, and between the prerogatives of power and the demands of principle. Areas of international law once considered distinct are increasingly—perhaps routinely—borrowing principles, jurisprudence, and practice from one another.

The paradox of simultaneous segmentation and seamlessness raises important questions. Most broadly, when should international law be segmented, and when should it be seamless? What are the mechanisms for deciding this question, and what are the values that inform those decisions? What do these trends say about international law as a coherent system? To what extent are certain groups and their viewpoints excluded or ignored? What does this say about who the influential players within the international legal system are, and how that influence is exercised? What does the existence of competing conceptions of international law itself mean for ASIL's constituents, including judges deciding international issues, practitioners seeking to persuade courts and craft international policy, and scholars seeking to understand and propose solutions to global problems?

Society members are uniquely positioned to tackle these questions with their diverse perspectives, experiences, and areas of expertise, and their unifying commitment to investigating the limits and possibilities of international law. We look forward to an exciting and dynamic meeting that will examine such trends, and their implications for international law and legal institutions in the 21st century.

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