

# The Aggravating Duty of Non-Aggravation in International Law

Co-organised by



7 March 2019, Thursday, 5pm–6.30pm  
NUS Bukit Timah Campus, 469 Bukit Timah Road  
Singapore 259756, Block B, Seminar Room 5-4, Level 5

**Admission is free, but registration is required.**

To register, please click [here](#).

**SPEAKER** Steven Ratner is the Bruno Simma Collegiate Professor of Law at the University of Michigan Law School. His research addresses a range of public international law issues, including the normative orders concerning armed conflict, regulation of foreign investment, individual and corporate accountability for human rights violations, and the intersection of international law and global justice. He has served on two expert panels of the UN Secretary-General addressing post-conflict justice in Cambodia and in Sri Lanka and is a member of the US Department of State Advisory Committee on International Law. A former member of the Board of Editors of the *American Journal of International Law*, he is also currently a member of the international Working Group on Business and Human Rights Arbitration, which is promoting the development of arbitration as a means to address human rights violations by corporations and those in their supply chain. His most recent book is *The Thin Justice of International Law: A Moral Reckoning of the Law of Nations*, issued by Oxford University Press in 2015. The fifth edition of his casebook, *International Law: Norms, Actors, Process* (Kluwer Law, with Jeffrey Dunoff and Monica Hakimi), will be published next year.



**INTRODUCTION** At a time when key states are taking unilateral actions to respond to long-standing political disputes—Brexit, US withdrawal from the Paris and Iran accords, Chinese actions in the South China Sea—does international law offer guidance on what constitutes reckless behavior? International law includes duty on states not to aggravate their disputes with one another, a duty flowing from the UN Charter’s mandate to settle disputes peacefully. The Security Council has repeatedly reminded states of this obligation; and international courts, including the ICJ, issue orders to litigants not to aggravate their dispute. But what does this duty actually require a state to refrain from doing beyond what is already illegal? This lecture will consider the contemporary understanding of the norm of non-aggravation and consider the advantages and disadvantages of trying to put more meat on its bones. After proposing a set of factors for helping global actors distinguish illegal aggravating acts from permitted non-aggravating ones, it comes up with an indicative list of aggravating acts. Such a list could offer guidance to states on what sorts of actions truly aggravate their ongoing disputes and which acts states should be allowed to pursue.