

## Policy Guidance on the Organization and Support by ESIL of Events Subject to Specific Concerns

### 1. Purpose of this Guidance

- (1) This Guidance is meant to assist the Board in its deliberations as to whether an event subject to one or more of the concerns set out below can be held or supported. They provide a framework and criteria which the Board should take into account.
- (2) This Guidance supplements ESIL's [existing policy documents](#) on the organization and support of ESIL events.
- (3) This Guidance is an internal policy document of the Board. The Board may decide, however, to publicly explain its decisions to hold or not hold particular events on the basis of the criteria set out in the Guidance, as the case may be.
- (4) This Guidance applies to events subject to three specific concerns: (i) the safety and security of the participants; (ii) threats to the academic freedoms of the participants; (iii) situations in which the organization or support of an ESIL event is proposed in a state which is engaging in an ongoing gross and systematic violation of international law, or which engaged in such a violation in the recent past.
- (5) All decisions pursuant to this Guidance shall be made on an individual basis, judging each application to organize or support an event on its merits.

### 2. Concerns about the safety and security of participants

- (1) An event may not be organized or supported by ESIL in situations of demonstrably high risk for the safety and security of participants.
- (2) In other situations, an event may be organized or supported by ESIL subject to conditions and/or mitigating measures.
- (3) Since safety and security concerns can evolve over time, an event which was previously approved by the Board may become subject to an elevated level of risk. The Executive Committee of the Board shall continuously monitor risks to ESIL events, and will bring significant developments to the attention of the Board.
- (4) Events which become subject to demonstrably high risks (for example, the eruption of active hostilities in the area in which the event is organized) will be cancelled, rescheduled, or relocated to a different country or area, if it is likely that the risk is not merely temporary.
- (5) Events which become subject to other risks may continue to be held with mitigating measures (for example, a change of venue in the city or country concerned).
- (6) The Board shall consider using ESIL funds in case an event needs to be rescheduled, relocated or held subject to costly mitigating measures.
- (7) All measures taken under this section are at the discretion of the Board (for ESIL organized events) or the Executive Committee (for ESIL-supported events).

### 3. Concerns about the academic freedoms of participants

- (1) Participants in any ESIL event must be able to express themselves freely, without fear of punishment.
- (2) An event may not be organized or supported by ESIL in situations of demonstrably high risk for the academic freedoms of participants.
- (3) An event may be organized or supported by ESIL in other situations of risk for the academic freedoms of participants, subject to conditions and/or mitigating measures.

- (4) The provisions of s. 2 above on the evolution and monitoring of risks shall apply *mutatis mutandis* to risks under this section.
- (5) Every feasible effort shall be made, in particular by local organizers, to secure the participation of any speaker or other participant at an ESIL event, without discrimination.
- (6) If a speaker is not able to attend the event because they are denied a visa or because of other similar travel restrictions, every feasible effort shall be made to secure their participation via video conferencing or other similar methods.
- (7) If the academic freedoms of participants at a specific ESIL event can be secured, but there is a real risk that the organization or support of the event may be seen as an endorsement of other violations of academic freedoms in the state concerned, the event may be subject to s. 4 below if the conditions of that section are met.

#### **4. Concerns about gross and systematic violations of international law**

- (1) ESIL should avoid organizing or participating in events in situations in which its involvement could reasonably be seen as endorsing gross and systematic violations of international law.
- (2) A violation of international law exists for the purpose of this Guidance if the state concerned grossly and systematically violates fundamental rules of international law, such as the prohibition on the use of force and basic human rights.
- (3) The assessment of whether a state has engaged in a gross and systematic violation of international law for the purpose of this Guidance shall exclusively be on the Board (for ESIL-organized events) and on the Executive Committee (for ESIL-supported events).
- (4) In making its assessment, the Board or the Executive Committee shall take into account the views of authoritative international institutions, such as international courts and quasi-judicial bodies, and the views of relevant organs of multilateral organizations such as the United Nations, the Council of Europe and the European Union.
- (5) This assessment is relevant only for the purpose of organizing or supporting ESIL events, and may not be used for any other purpose.
- (6) There is no categorical bar to holding events in states which engages in gross and systematic violations of international law. However, an event in such a state can only be organized, co-organized or supported if it does not give rise to an endorsement by ESIL of the violations of international law question.
- (7) The factors to be taken into account in assessing the possibility of such an endorsement include, but are not limited to: (i) whether the authorities of the state, especially political officials, are involved in organizing the event; (ii) the strength of the ties between the local organizers and the government; (iii) any direct links between the event, its proposed theme, participants, funding and venue, and the violation of international law in question.
- (8) The fact that the local organizer is generally funded by the state (as many universities and academic institutions are all over the world) does not, ipso facto, create an endorsement in the sense of this section.

#### **5. Procedure**

- (1) Any Board member may initiate the assessment procedure for any of the specific concerns covered by this Guidance.
- (2) Decisions on whether an event proposed to be organized or co-organized by ESIL will be held in the relevant state shall be made by the full Board, at a regular meeting or electronically.

- (3) Decisions on whether an event in the relevant state should be supported by ESIL shall be made by the Board's Executive Committee.
  - (4) The Board or Executive Committee may, at their discretion, set conditions under which an event will be held. They may also delegate the functions of specifying the exact conditions for approval to a programme committee, which would work together with the local organizers to ensure that the broader conditions set by the Board or the Executive Committee are met.
  - (5) Decisions made pursuant to this Guidance will remain confidential to the Board and the local organizers, unless the Board or the Executive Committee decide otherwise.
  - (6) Non-compliance with the conditions set by the Board, the Executive Committee or the Programme Committee may result in the revocation of the decision on the venue of an ESIL organized or ESIL-supported event.
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