

Remarks at the welcome reception of the ESIL Annual Conference,

Aula, Utrecht University, 1 September 2022

by Professor Fred Soons

Dear participants, I fully realize that you, like me, have come here for drinks and snacks, and to chat with colleagues and friends, so rest assured: I will be brief!

When I was asked to deliver a few remarks at this welcome reception, I thought I should try to make a connection between the venue of the reception and the theme of the conference, ‘in- and ex-clusiveness’ of international law.

The conference theme, as we have already discussed this afternoon, essentially raises questions as to the openness of international law to the interests and experiences of various people and peoples over time: who have been, are now, or should be, represented in the making of international law, or its application and adjudication? When we look back at the formation of modern international law since the 17th century, it is obvious that most people of the world were excluded from this process, although they were certainly subject to its application. Current international law reflects the enduring effects of this development.

Now, about this venue:

We are here in the 'Aula', the University Hall, of Utrecht University; now mostly used for ceremonial events, like inaugural lectures and awarding of diplomas. This Hall was built in 1462 as the meeting hall for the cathedral 'chapter', the governing board of the cathedral church - the church you may have seen on your left before entering this building.

This Hall was also used for other occasions, and in 1579 it was the venue for a historic meeting of the representatives of the various territories of the so-called 'low countries' (*les pays bas*, the Netherlands) that had risen against their ruler, the then sovereign of this part of the world, the king of Spain. This king Philip II had started a process to centralize administrative power with him and his viceroy, severely restricting the autonomy of the territories, which was generally not appreciated by the local nobility and the towns and cities. In addition, the strong growth of Protestantism in many parts of the region created additional tensions with the roman catholic king and catholic parts of the population. Freedom of religion became an important issue. In 1568 an uprising against the Spanish authorities had started, which in retrospect is called by the Dutch the '80 years war' since it lasted till 1648, at the Peace of Westphalia, when finally Spain recognized the independence of the Republic of the United Netherlands.

The meeting in this Hall in 1579 was an important first step in the coordination of the armed struggles of the seven northernmost territories of the low countries against the king of Spain: their representatives signed an agreement establishing the so-called 'Union of Utrecht', a confederation of the territories allied in their struggle against Spanish authority but formally still recognizing the king of Spain as the sovereign. Only a few years later they renounced their

allegiance to the king of Spain, and again a few years later they established the Republic of the United Netherlands, a confederation of the seven autonomous provinces with a common foreign policy and common army and navy, which eventually developed into a federal state. Only after the occupation of the country by Napoleonic France, which ended in 1813, the Netherlands became a kingdom (but then comprising a much larger territory, including present day Belgium).

Thus, this Hall in 1579 was witness to a momentous step in what one may call the Netherlands' peoples 'war of national liberation', in effect a struggle for self-determination *avant la lettre*. It was an act of rejection of autocratic rule, of despotic authority without the consent of the governed – you might call it a struggle for 'inclusion'.

This all happened at the dawn of modern international law, which is often associated with the Peace of Westphalia with its emphasis on the sovereign equality of States. An exclusive European event.

But in the history of international law Utrecht is mainly associated with the peace treaties concluded here in 1713, the so-called 'Peace of Utrecht'. These treaties brought an end to the War of the Spanish Succession, a twelve-year war that could be regarded as the first world war since it manifested itself all over the world. The treaties concluded here covered an enormous range of issues, apart from settling the issue of the Spanish throne: from security arrangements (creating the 'European balance of power'), to territorial settlements in Europe and north America, and global trade (including the regulation of transatlantic slavery); many with enduring effects.

During those negotiations in Utrecht also this Hall will have been used for some of the many meetings of the representatives of all the States involved in the peace talks. An exclusive European affair, but heavily affecting peoples all over the world.

Finally I should mention that when in 1636 Utrecht University was established, this Hall became the main lecture hall of the university and served in that capacity until the end of the 19th century; thus it must have witnessed many lectures on international law, where, I am afraid, the theme of in- or exclusiveness will not have figured much, if at all – something, I am sure, that is now quite different, and also remedied by our conference.

And now it is time for drinks, snacks and chats; thank you for your attention!