

REPORT OF THE INAUGURAL CONFERENCE OF THE EUROPEAN SOCIETY OF INTERNATIONAL LAW

Venue

The venue of the conference was the fifteenth century Villa La Pietra in the heart of Florence, which is set in magnificent gardens, and provided splendid conference facilities. The conference events were held in three buildings: the Villa Sassetti, the Villa La Pietra itself, and the Limonaia. The plenary sessions took place in the latter which is the building in which the many lemon trees of the estate are sheltered in the winter and had not previously been used for such a grand occasion. A large marquis was erected in order to ensure a superb garden setting for the lunches, dinners and tea breaks during the conference. The Villa is owned by New York University which made an important contribution to the financing of the conference by making the premises available at very favourable rates and provided superb assistance with the planning of the event. The setting was agreed by all to have been a truly magnificent one and to have contributed greatly to the success of the conference.

Participation

The historical nature of the Villa La Pietra imposed a clear limit to the number of participants who could be accommodated at the conference. This was not anticipated in advance, and the result was that registration for the conference had to be closed much sooner than had been expected. The total number of 350 places were booked out very soon after the website announcement of the details of the conference in February 2004.

The conference organizers sought very deliberately to foster and encourage broad-based participation from all parts of Europe, and they largely succeeded. Funding was raised from a diversity of sources (see below) in part with the intention of being able to subsidize the travel and conference participation costs of young scholars in general with a particular emphasis on assisting participants from the countries of eastern and central Europe. The result was that the conference involved participants from 29 different states of Europe, including almost thirty participants from those states which acceded to the EU only two weeks before the Conference such as Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Poland and Slovenia. Others came from Albania, Bulgaria, Belarus, Romania, the Russian Federation, and the former Yugoslavia. Less than 15% of the total number of participants came from outside Europe with the United States, Australia, Canada, Israel, Brazil and Japan sending the largest contingents.

The panelists at the conference also reflected a significant diversity in terms of nationalities. The largest number of speakers came from France (9) and the United Kingdom (6). Countries which were represented by between 2-4 panelists were: Austria, Germany, Belgium, Spain, Finland, Italy, the Netherlands, Hungary, Romania and the United States.

The distinctiveness of the conference

In order to be truly distinctive and innovative the conference faced two major challenges. The first was to design an event which was, in some ways at least, distinctively European. The second was to ensure that what resulted genuinely added value to what is already on offer in the field of international law. These were sizable challenges and victory should not be declared too readily in retrospect. The definition of 'European-ness' is inevitably elusive and it is very often the case that what one person celebrates as 'European', another dismisses as a pale copy of some other cultural

tradition or as a bastardization or distortion of some valued tradition within one or more of the European states.

The issue of adding value is equally complex. There is certainly no shortage of conferences for international lawyers to attend, and this was clearly attested to by the difficulty of scheduling the inaugural conference so as to avoid overlapping with other significant meetings or conferences taking place and attracting the same potential participants. But it was not just a matter of avoiding a clash of timetables. The organizers of the ESIL conference sought to make it different in a variety of ways from any other major conference of its type.

Among the ESIL's distinctive characteristics were: the range of international lawyers participating from all parts of Europe (as noted earlier); the extent of active participation by younger scholars and practitioners; the effective promotion of intellectual interaction and participation; and the building of networks and of cross-cultural understanding.

In addition, particular emphasis was placed upon not only selecting a group of stimulating and diverse speakers but also on ensuring that individuals were able to put themselves forward. In selecting those to make presentations at such conferences there is always a tension between the desire to involve the leading personalities in the field and a wish to open up the conference to as wide an audience as possible. The organizers of the ESIL devoted a considerable amount of time and energy to an effort to find the best possible balance in this regard. The formula chosen was based on dividing the conference into several different types of sessions:

Keynote speeches

The goals set for the keynote sessions included to stimulate discussion, set the tone for some of the debates that followed, to involve some of the leading figures in the field, and to reflect a genuinely diverse range of viewpoints. Keynote addresses to the plenary were delivered by Prof. Christian Tomuschat, of Humboldt University in Berlin, Prof. Joseph Weiler, of New York University Law School and the College of Europe in Bruges, Prof. Alain Pellet, of the Université Paris X- Nanterre, Prof. Michael Reisman, of Yale Law School in New Haven, Prof. Monique Chemillier-Gendreau, of the Université Paris-VII, and Prof. Martti Koskenniemi, of Helsinki University.

Fora

There were nine different Fora or panels organized, each on a different theme. Each forum involved four invited speakers and a Chairperson. The participants in these panels were selected by invitation, based on lengthy discussions among the members of the Conference Committee, the preparation of lists of possible invitees, and a final effort to ensure balance among various factors, including gender, diversity of nationality, age, approach etc.

Agorae

The Conference featured ten Agora sessions, the aim of which was to facilitate the presentation of ongoing research and stimulate an exchange of views. Each Agora focused on a key sector or sub-discipline of international law and involved 6-8 participants. Rather than addressing a specific topic, participants were free to present a paper on a topic of their choice within the theme of the Agora. Participants were particularly encouraged to present work in progress whether it be a book, an article, Ph.D. thesis or any similar research project. The Agorae aimed to provide a unique opportunity to share new ideas with groups of colleagues specialised or particularly interested in the themes.

Participation in the Agorae was based on a competitive process involving the submission of an abstract and a curriculum vitae, open to anyone, regardless of age, background, gender, or standing in the field. A very large number of proposals were received which meant that the selection process was time-consuming and complicated. The resulting diversity of participants and the number of fresh faces was an important achievement of the conference.

Opening panel, closing panel, and dinner address

In addition to the other three types of event, the conference featured opening and closing panels and a dinner address. The latter was given by Judge Luzius Wildhaber, the President of the European Court of Human Rights. Judge Wildhaber delivered a highly informative lecture highlighting some of the principal challenges confronting the Court in the wake of the changes ushered in by Protocol 11 and of the rapid increase in the number of States Parties to the Convention.

The opening panel was designed to ensure that a range of different perspectives were presented in relation to the question of what could or should be distinctive about a 'European' Society of International Law. The three participants themselves reflected the diversity of Europe. Prof. Georges Abi-Saab, a frequent ad hoc judge at the International Court of Justice, the current Chairman of the WTO Appellate Body, and former Judge of the International Criminal Tribunal for the former Yugoslavia, is at the same time one of Europe's best known and respected international lawyers, and an Egyptian national whose work has very often sought to present and promote perspectives from outside Europe. Prof. Pierre-Marie Dupuy, of the European University Institute in Florence, who has frequently appeared as counsel in cases before the International Court of Justice and is the author of one of the best known French international law textbooks, represented the mainstream tradition in European international law. And Prof. Iulia Motoc, from the University of Bucharest, who has been a member of the United Nations Sub-Commission on the Promotion and Protection of Human Rights and also Special Rapporteur of the Commission on Human Rights dealing with the situation in the Democratic Republic of the Congo, added an important perspective from Central Europe.

Another innovation involved inviting a range of distinguished international lawyers to participate in the closing conference, without deciding until very late in the day what the focus of the panel would be. The idea was to ensure that the conference would be able to address itself adequately to any 'breaking developments' in the field of international law which might have occurred immediately before the conference and not otherwise be dealt with adequately on the conference agenda. In the event, it proved unnecessary to schedule an entirely new topic and so the Chairperson of the panel, Prof Vaughan Lowe, of Oxford, after consulting with those involved chose the topic 'Between Peace and War: Does International Law Need New Concepts to Cope with Modern Threats to International Peace and Security?'

Intellectual contribution

All of the panelists were encouraged to present papers and were given the opportunity to circulate written texts in advance. Many of the resulting papers are subsequently being published in various contexts. In addition, the ESIL has decided to prepare a volume of selected essays coming out of the conference presentations. While the time available for many of the contributions was limited, especially in the context of the Agorae, it was generally agreed that the opportunity to make a presentation was an important one and that the time which was ensured for discussion was very valuable.

Linguistic diversity

As set out in the Constitution of the ESIL, any participant in a Society event is free to use either of the two official languages of the Society, English and French. During the conference, all sessions held in the Limonaia (all plenary, 3 Fora and 2 Agorae) benefited from simultaneous interpretation. In all other sessions participants spoke, according to their personal preference, in either English or French. The published volume resulting from the conference will reflect this linguistic diversity.

Funding

The most significant contribution to the funding of the conference, apart from the fees paid by the participants themselves, came from the Fritz Thyssen Stiftung. This grant made it possible to greatly expand the range of participants involved through the provision of travel and subsistence grants made to many of the younger participants and those from eastern and central Europe. Another major contribution came from the Academy of European Law of the European University Institute which made it possible for all of the administrative work in relation to the organization of the conference to be supported. Other major sponsors included New York University, the Agence universitaire de la Francophonie, and the law firm of Amsterdam and Peroff, in Toronto. Leading publishers in the field of international law also contributed generously to the success of the conference. The major donor was Oxford University Press and contributions were also made by Editions juridiques Bruylant, Ashgate Publishing Ltd, Cambridge University Press, Hart Publishing, and Martinus Nijhoff Publishers.

National Societies

When the ESIL was established the organizers sought to emphasize that they did not wish to duplicate any of the activities that were already being undertaken in the field of international law in Europe. In addition, the Society indicated from the outset its wish to collaborate closely with the existing national societies within Europe. In that spirit the Conference was preceded by an important meeting to which the Presidents or other office-holders of all of the main national societies were invited. A significant number attended and the discussions at the meeting indicated strong support from the national societies for the initiative to establish the ESIL and a commitment to work co-operatively together in any ways that might be useful and appropriate. For that purpose the ESIL agreed to establish a Standing Committee of National Societies to work closely with it in the future.

Launching of the ESIL

One of the most important functions of the conference was the official endorsement given by the participants to the establishment of the ESIL. In addition to confirming the constitutional arrangements and providing an opportunity to discuss the future directions and activities of the Society, the conference provided the occasion for the election of a new Executive Board for the Society. Nominations were called for from any interested members of the Society and an open ballot took place in which 17 candidates were elected from a significantly larger number of nominees. The members are

- Mariano Aznar Gomez (Spain)
- Andrea Bianchi (Italy/Switzerland)*
- Pierre-Marie Dupuy (France)*
- Vera Gowlland Debbas (Switzerland/UK)*
- Florian Hoffmann (Germany/Brazil)*
- Vaughan Lowe (UK)*

- Frédéric Mégret (France/Canada)
- Iulia Motoc (Romania)
- Boldizsár Nagy (Hungary)*
- Hanspeter Neuhold (Austria)*
- Anne Peters (Germany/Switzerland)
- Jarna Petman (Finland)
- Hélène Ruiz Fabri (France)*
- Nico Schrijver (The Netherlands)
- Bruno Simma (Germany)*
- Thomas Skouteris (Greece/The Netherlands)
- Ineta Ziemele (Latvia/Sweden)

* means that the term expires after two years, while the others were elected for 4 years.

Subsequently, Bruno Simma was unanimously elected as President of the Society, Hélène Ruiz Fabri was elected Vice-President, and Francesco Francioni was co-opted to the Board and appointed as Vice-President.

The new Board wishes to express its deep gratitude to Professor Philip Alston who has played a very significant role, both in the founding of the European Society of International Law, and in the superb organization of a very successful inaugural conference.

Next steps

The founding conference was only the first step towards the building of not only a European Society of International Law but also an authentically diverse European network of international lawyers. The Executive Board has been charged with the responsibility of deciding the timing of the next conference, as well as the range of activities which the Society will undertake in the years ahead. It warmly welcomes ideas and those willing to help turn those ideas into reality.